



## NO WAY OUT, NO WAY IN

*Irregular migrant children and families in the UK*

**RESEARCH REPORT**

Nando Sigona and Vanessa Hughes

# What future for undocumented migrant children in the UK?

Dr Nando Sigona, University of Oxford

Twitter: @nandosigona

Email: [nando.sigona@qeh.ox.ac.uk](mailto:nando.sigona@qeh.ox.ac.uk)

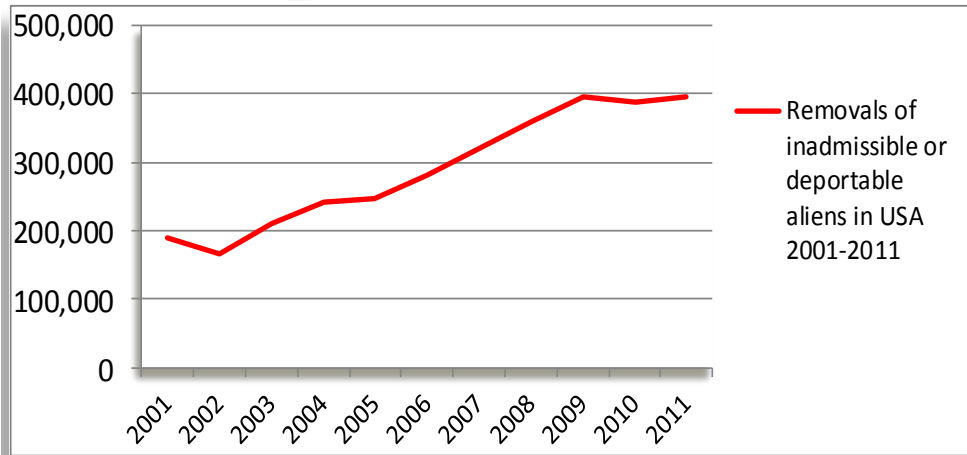
- Definitions
- Profile of population
- Context
- Everyday experiences of undocumentedness
- Access to healthcare and education
- Conclusions and policy implications

# Definitions

- Undocumented migrants: visa overstayers, 'failed' asylum seekers, illegal entrants who never presented themselves to the authorities, ex-foreign national prisoners
- Undocumented migrant children: independent, dependent and UK born
- Deportations, deportability & non-deportability (*de jure* and *de facto*)

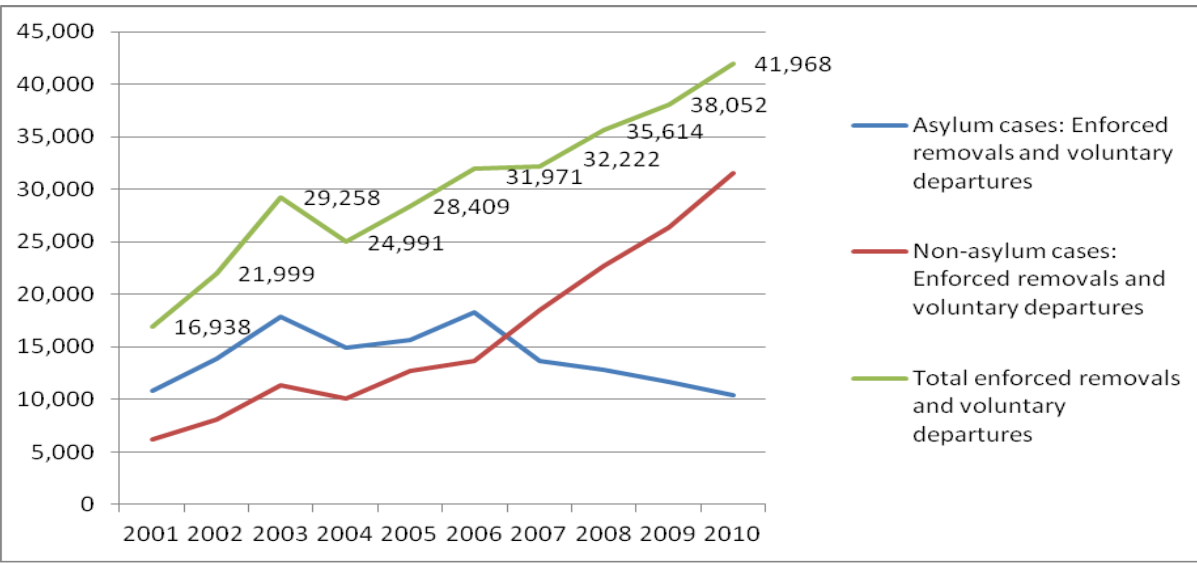
# Deportation turn

Sources:  
Department  
of Homeland  
Security; Pew  
Research  
Centre



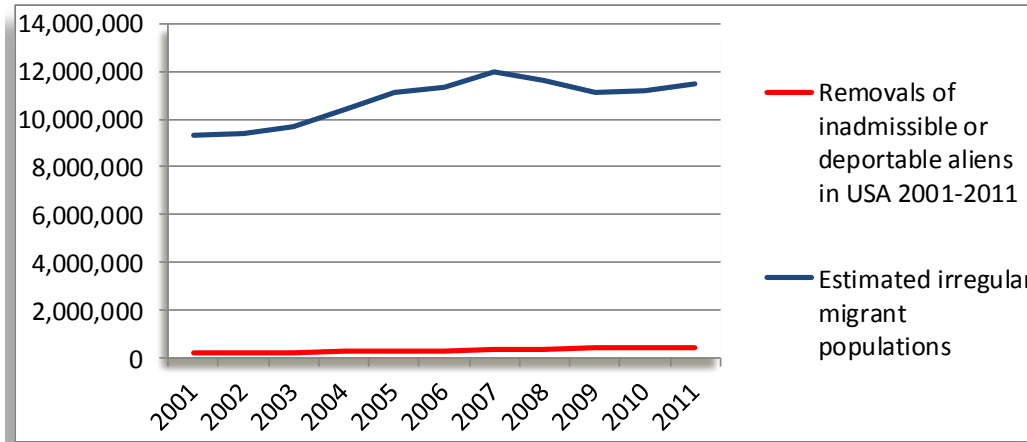
## deportation and sovereignty

Elaboration based  
on Home Office  
Control of  
Immigration  
Statistics 2011,  
Table rv.01



- Economic cost of removal
- Potential impact on a highly international and interconnected labour market and economy
- Public opposition to the deportation of specific categories of migrants (e.g. children)
- Human rights constraints
- Geopolitical considerations
- Unwillingness of the country of origin to accept returnees

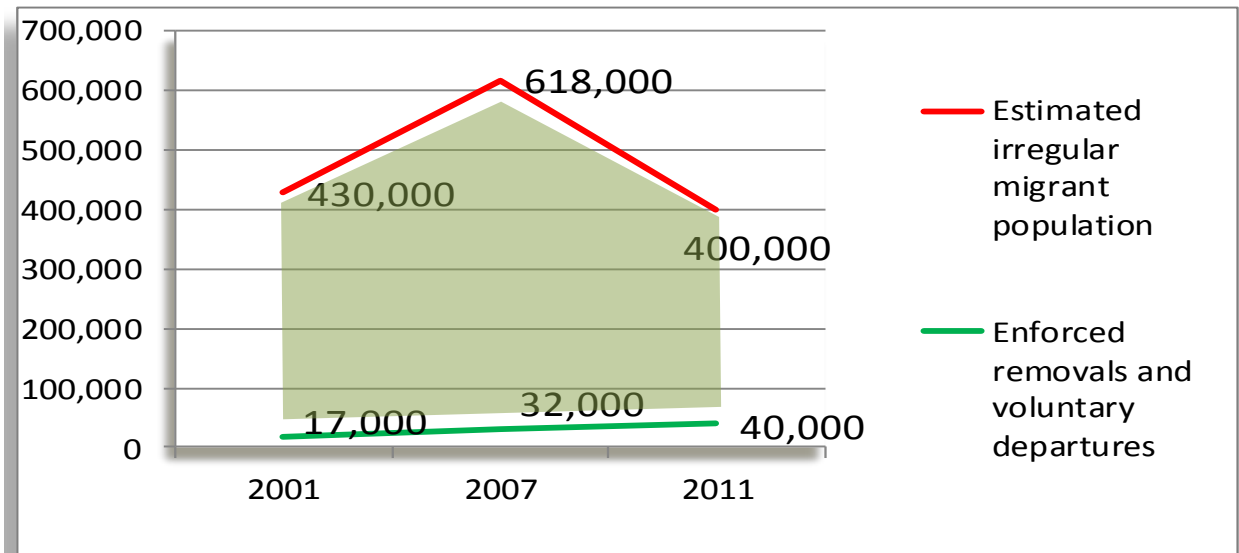
# Deportation gap



Sources: Department of Homeland Security; Pew Research Centre

- Physical removal affects stock of irregular migrants marginally
- Status mobility is main cause of variation of stock of irregular migrants (e.g. EU enlargement; Case Resolution scheme)
- Multiple reasons for the gap (not only Art. 3 & 8)
- **Most stay and for long time**

## deportable and non-deportable

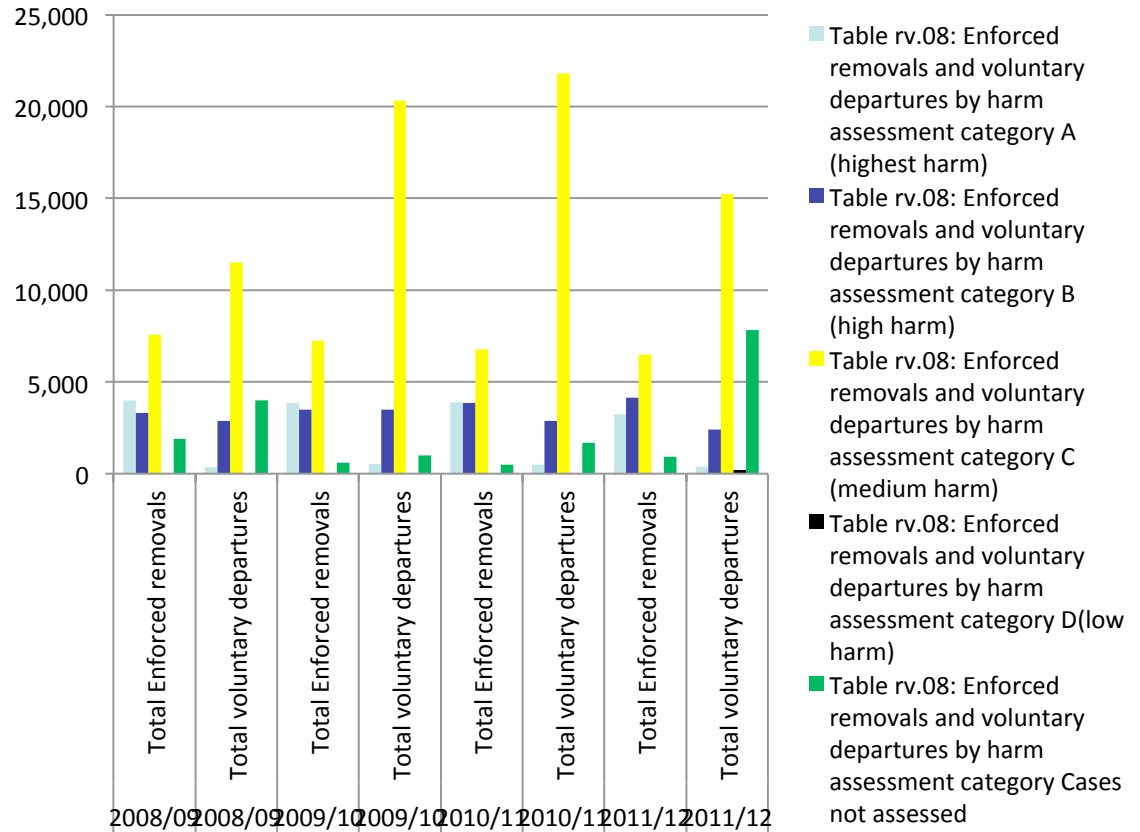
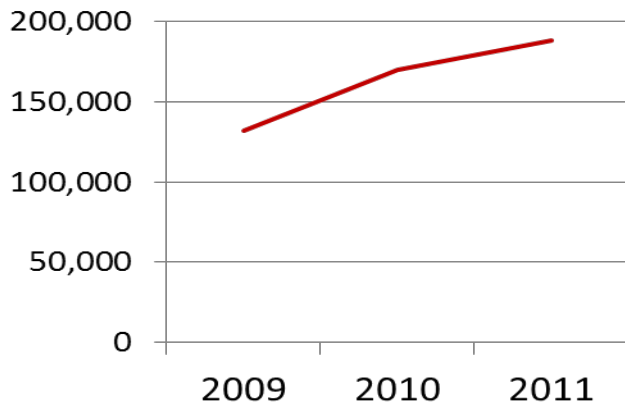


Sources: Home Office; Gordon et al 2011; Sigona and Hughes 2012

# Deportation gap (2)

- In theory: assessment of **harm potential** to prioritise removal of individuals with higher HP

**Removal of foreign criminals in USA (drug, traffic and immigration)**



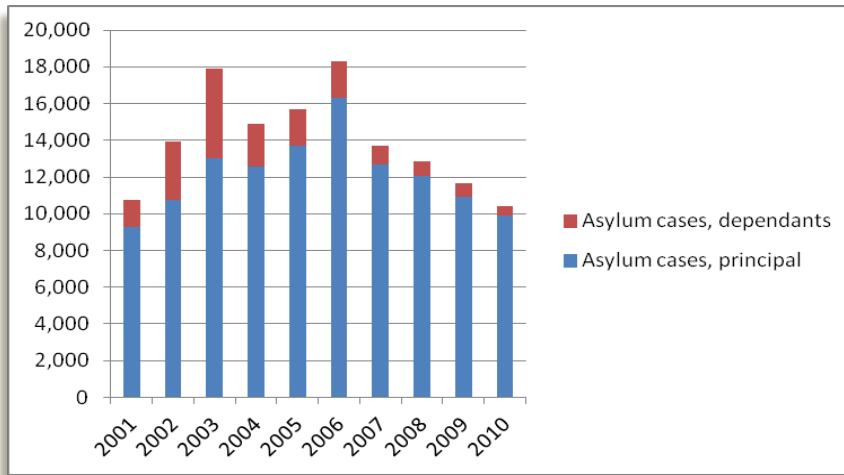
Discourse on harm ( securitisation) overlaps and blends with the one on cost (welfare)



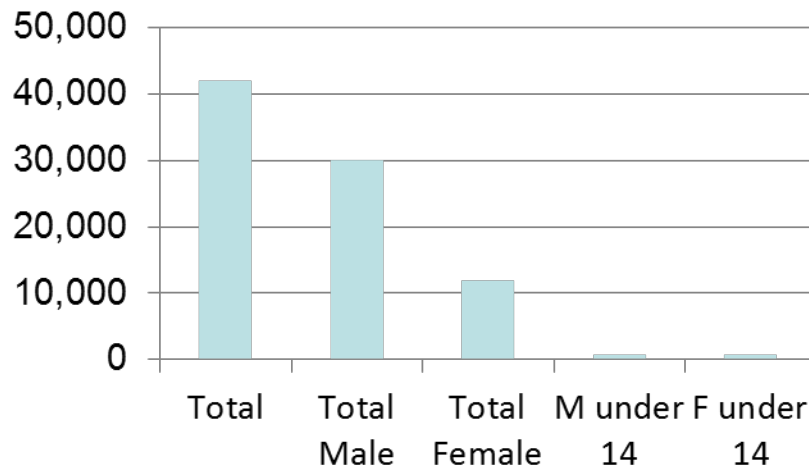
In other words, the Spending Review may, at least to some extent, be impacting on the lives of undocumented migrant children and family more than UKBA.

# Non-deportability

- However, some undocumented migrants are **more deportable** than others.



## Enforced removals and voluntary departures, 2011



# Undocumented migrant children in Britain

120,000 undocumented migrant children in the UK = 0.9 % UK's under 18

Large majority lives with family or close relatives

## visibility and invisibility

65,000 born in the UK to undocumented parents

UK-born children *de facto* non-deportable and are eligible for British citizenship after ten years of continuous residence, **but only 3,727 (3,280) applied in 2000s.**

# Policy context

- A contested territory: protecting children and controlling migrants
- Migrant children are treated primarily as migrants, not as children
- Political debate narrowly focused on victims of trafficking, unaccompanied asylum seekers moving out of care and practices such as age disputing and child detention. It overlooks the majority of children in an undocumented migration situation.
- Broader restructuring of welfare provisions and new policy agenda
- Impact of legal status, particularly lack of, and immigration enforcement are under researched.



# Everyday 'illegality' [1]

- **Life cycle, immigration regime and economic crisis. Migratory projects change and are renegotiated over time in response to personal circumstances and broader societal processes**

*Like everybody, right, [I wanted] to buy a house and go back... but then you buy a house and stay (Miriam, Brazilian mother)*

*Didn't know what to do, cause I come here you know to make a life. And then you find a baby is like... Are you going to go home with a baby? No! (Laurene, Jamaican mother)*

- **Houses are overcrowded; high mobility; flexibility of arrangements**

*This is the 6th time I move in five month, because it is very hard to find accommodation with a child (.) I can't afford to rent a house only for the two of us so I have to share (.) (Marcela, Brazilian mother)*

- **Income insecurity and destitution, low paid employment for parents; different responses of social services to independent migrants**

## Everyday 'illegality' [2]

- **Invading private spaces. Intra-household conflict related to immigration status (particularly in mixed status couples )**

*I don't want to base my case on somebody else, you know, I don't want the fact that he's going to be the one ending up doing the papers. They start treating you badly later on because of that. I just want it to be neutral, so the relationship can be on a neutral level (Linda, Nigerian mother, 17 years in limbo).*

- **Learning to be 'illegal'. No right to future: transition to adulthood as a critical stage**

*I try not to think about the future because then, like, I start thinking negative, so I just try not to think about it most of the time (Kevin, nearly 18, Jamaica).*

# Children encountering public services [1]

- Schools often play a central and stabilising role for irregular migrant children (cf. US – visibility/invisibility of status )
- Despite initial difficulties in enrolment process most children went to school
- Access to pre- and post-compulsory education was significantly more difficult
- Many interviewees commented on increased checks in relation to immigration status by school in recent years.

*Some schools didn't really care back then. The UK Border Agency is tightening up even in schools, whereby all the schools must ask for documents of the parents. So even if the child has the right to education, if the parents do not have the legal status to stay in the country...they might as well say the child does not have the right to education. (Kidi, Nigerian mother)*

## Children encountering public services [2]

- Precarious immigration status, limited access to healthcare and financial hardship produce severe negative effects on migrants' physical and mental health

*I just started throwing all the tablets down my throat, they were just sliding down. Up to today, my son, it affects him, 'cause he sees me taking the tables, he says "mum, please, can you just take one or two, not many". (Laurene, Jamaican mum)*

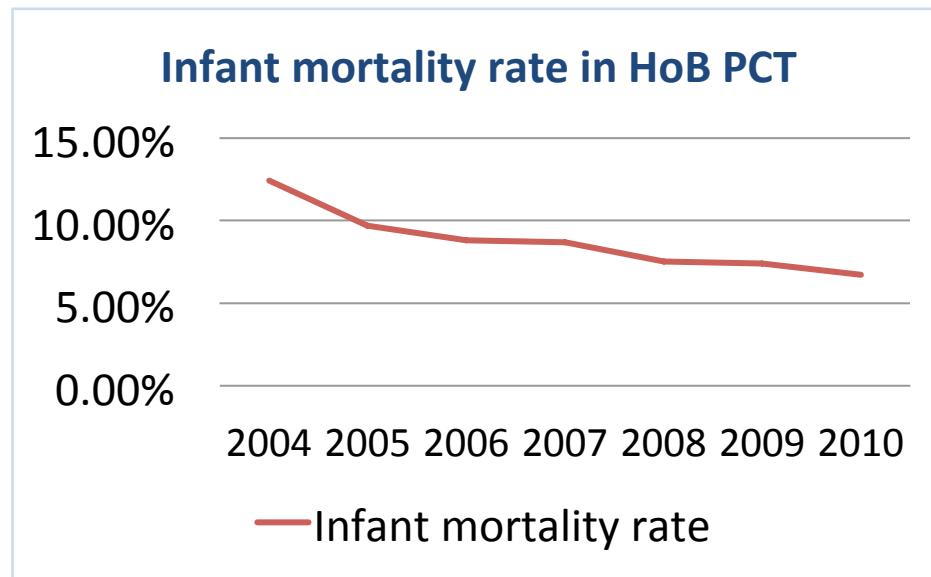
- Most interviewees were registered with a GP, usually by inertia or through signposting, and many felt that access was becoming increasingly difficult
- Access to healthcare: The most common problem referred to was if a language barrier existed and no interpretation service could be accessed (particularly in A&E units).

# Policy in practice [1]

- Times of transition. Waiting for a new vocabulary. Policy directions still unclear  
Broader restructuring of welfare provisions and new policy agenda  
*It's not clear yet to us how many times you need to quote 'the Big Society' to secure some funding for our services. (support group, Birmingham)*
- Lack of funding and restructuring of services . Social services are seen as reprioritising client group – new hierarchies of deservingness and undeservingness are emerging resulting from Spending Review
- Schools: super-diversity, high turnover, 'don't ask, don't tell' policy. Pressured to collaborate with UKBA (echoed by health care professionals and social workers).  
*It is now my duty to check that new students hold valid passports and visas. But I work in a school. I don't work for UKBA. That's not the job I applied for. Senior manager, FE College, London*

# Policy in practice [2]

- Healthcare: Significant local differences. Specialised services under review. Potential risk for public health if people are cut out of the healthcare system (immunisations and vaccinations).
- **Maternity care & high mortality rates: assess the impact of overseas patients' charging policy. The case of Birmingham**
- Irregular migrant children have some degree of protection in the UK, however with significant variations across locations



## To conclude [1]

- Immigration enforcement produces forms and modes of differential inclusion (civic stratification)
- Lack of immigration status alone is not sufficient to understand contemporary removal trends.
- The category 'undocumented migrants' is far from homogeneous and *deportability* should be more nuanced as it varies according to a range of factors.
- there are limits to government' enforcement power -> link to contemporary membership and multiple regimes of rights.
- Children & families are less likely than others to be subject to deportation.
- Children are likely to spend a significant part of their childhood in legal limbo.

## To conclude [2]

- Our research shows that
  - a) Most UMC are outside the radar of current political debate
  - b) UMC are a diverse group (3 main segments)
  - c) UMC as children are bearers of rights and entitlements. 'Tension' is not only between policy and practice and along different scale of governance, also embedded in the legislation.
  - d) Most UMC are in family and are affected by the lack of status of their parents
  - e) UMC have (increasingly difficult) access to public services. Their position is threatened by current immigration policy & practice (e.g. UKBA's 'invasion' of public services) and overall political and economic climate.
  - f) UMC experience of 'illegality' depends on endogenous and exogenous factors



# Policy implications

- Consider impact of **immigration control** on children's access to public services and children's development in the early years
- Consider long term consequences of **protracted legal limbo** and create effective pathways for regularisation
- Consider impact of NHS charging policy on access to **maternity care**
- Ensure that UK-born undocumented migrant children are registered at birth:  
Risk of producing de facto **statelessness**
- Ensure that those entitled apply for citizenship as per **Section 1(4) of the British Nationality Act 1981**



<http://irregularvoices.wordpress.com>