



NO WAY OUT, NO WAY IN

Irregular migrant children and families in the UK

EXECUTIVE SUMMARY

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An estimated 120,000 irregular migrant children live in the UK. A large majority of these are either born in the country or migrated here at an early age. These children were brought up in the UK, educated in British schools and many speak English as their main language.

Successive British governments have provided irregular migrant children with some entitlement to public services. However, contradictory and frequently changing rules and regulations, cuts to public spending, and broader reforms in the provision of public services mean that even when legal provisions still exist, access to public services has become limited in practice, which can lead to destitution and social exclusion.

The risk of producing a generation of disenfranchised youth, non-deportable and yet excluded from citizenship, should not be underestimated and demands sensible and pragmatic solutions.

In the last 20 years international migration has had profound effects on the political and social landscape of the UK and the EU. In the UK, immigration and asylum Acts have followed each other in rapid succession since the early 1990s with the aim of managing increasingly diverse migration flows, such that legal entry, particularly for some categories of migrants, has become increasingly difficult. As a consequence, some migrants have been led into overstaying temporary visas or taking ever more difficult, dangerous and costly journeys and using irregular means of entry into the UK.

According to accepted estimates, 618,000 migrants live in the UK

without authorisation. Individuals under 18 make up a significant portion of this population. Children have always been part of migration flows but data on migrant children, particularly if irregular, is extremely limited and little is known about their lives and livelihoods in the UK.

Research aims and methodology

The aims of this study were four-fold:

- To draw a profile of the population of children without legal immigration status in the UK; look at their rights and entitlements, especially in relation to education and healthcare; and explore in particular the relationship between immigration and child welfare legislation, including how it affects the statutory duties of public service providers.
- To contribute to a better understanding of the everyday lives of irregular migrant children and families and investigate the factors that shape how legal status impacts on their lives and the strategies they put in place to cope with it.
- To contrast migrants' experiences of accessing education and healthcare with those of the healthcare and education professionals working with them, and explore how the tension between the commitments to protecting children and controlling irregular migration is addressed, if not resolved, in practice at a time of economic downturn and reform of public services.
- To contribute to the policy debate on how to reconcile and balance the implications of two policy objectives affecting irregular migrant children: these being the protection of all children and immigration enforcement.

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“ I try to move around and not to become a burden on one group of people. I live with people because I don't have any documents. They are helping me as I don't have any means to support myself. ”

Javid, 16, Afghan independent migrant

Given the hidden nature of this migrant population and the limited knowledge on their profile and situation in the UK, this study is exploratory in nature and relies on the analysis of in-depth qualitative interviews with migrant children and families and stakeholders to address the research aims. The study draws on a review of existing evidence and on two sets of in-depth semi-structured interviews: 53 interviews with irregular migrant children and parents, distributed in 49 households; and 30 interviews with stakeholders. Interviews were conducted in London and Birmingham.

Migrant interviewees were originally from Afghanistan, Brazil, China, Jamaica, Nigeria and Kurds from Turkey, Iran and Iraq. The countries of origin selected for inclusion in the study provided variation in terms of economic development, historical and colonial ties to the UK, and histories and motivations for migration to Britain. Seventeen out of the 53 migrant interviewees were minors – nine independent migrants and eight dependent migrants – all were born abroad and most were male. The 49 households included in total 88 minors, almost equally divided between males and females. Of the 88 minors, 50 were born in the UK, sometimes in households with siblings born abroad.

Stakeholders interviewed for this study included healthcare and education professionals with experience of working with irregular migrant children, social workers, local authority officials, local MPs and non-statutory support agencies.

Key findings

Mapping a hidden population

Irregular migrant children are a diverse population mostly below the radar of current political debate. Of an estimated population of 120,000 irregular migrant children (0.9 per cent of the UK's population under 18), over half of them (65,000) were born in the UK to irregular migrant parents. The latter are British citizens *in becoming* as current legislation entitles them to apply for British citizenship on grounds of residence after 10 years in the UK.

While current policy and public debates focus mainly on separated and unaccompanied children in their late teens, the study estimates that most irregular migrant children are under 12 and live with their parents or close relatives.

Successive British governments have ensured that,

irrespective of their lack of immigration status and of the circumstances that led to it, as children they are holders of certain rights. Provisions in the international and British legal systems guarantee, for example, their access to compulsory school education and to primary and emergency healthcare free of charge. They also place a duty on public authorities to act in the children's best interests and in the case of local authorities to look after those in need.

Yet, as migrants, children, and irregulars they stand at the intersection of diverging and to some extent contradictory policy agendas, namely the protection of children and children's rights, and the enforcement of immigration control. The unresolved tension between these two policy objectives can be detected in the dialectics between different levels of government (i.e. local, national and supranational) and is one of the main factors that determines the relationship of irregular migrant children with the state and public services. This tension fundamentally shapes the everyday lives of irregular migrant children in Britain and the experiences of front-line service providers in the fulfilment of their duties.

This study argues that 'irregularity' for migrant children is not a single, homogeneous and fixed (non-) status. There are multiple pathways into irregularity for adults and children, such as refusal of asylum applications, visa overstaying, bureaucratic failures in processing immigration applications and, to a lesser extent, unauthorised entry. The child's status is largely determined by that of the parents, as starkly illustrated by the case of UK-born children who are born 'irregular migrants'.

The impact of immigration status on the everyday lives of irregular migrant children and families

Irregular status can be portrayed as a dynamic constellation of positions vis-à-vis the state that are the product of conflicting objectives embedded in the policy and legal framework (i.e. the protection of all children versus the control of irregular immigration) and migrants' plans, expectations and histories. The intersection of endogenous factors (e.g. expectations and reasons for migration, entry routes to the UK, gender, age and social class) and exogenous factors (e.g. policy and legal framework, practices of local authorities and service providers) ultimately determines how the absence of legal status impacts on children's lives.

UK-born children to irregular migrant parents are de facto non-deportable. They are British citizens in becoming as current legislation entitles them to apply for British citizenship on grounds of residence after 10 years in the UK.



Among the households in this study, most irregular migrant families live in privately-rented and overcrowded houses. They experience high housing mobility, either to avoid detection from the authorities or as a result of the informality of housing arrangements. With significant local variations, we found that some form of social housing and income support from local authorities is available for vulnerable single parents with children and independent child migrants.

Family income is often insecure and destitution is an everyday reality for many. Lack of legal immigration status affects access to the job market and the capacity of migrants to react to exploitative working conditions.

The ways in which immigration status becomes visible to children vary according to their age, their migration pathway and their circumstances in the UK. For older children, both dependent and independent, becoming an adult brings the full weight of irregular status, marking a critical transition from a relatively protected status as a child to one of loss of control over one's own future.

Accessing education and healthcare: irregular migrant children encountering public service providers

The study found that irregular migrant children tend to feel protected at school, and going to school helps them to maintain a sense of stability in their everyday lives. Once in school, lack of status has a limited impact on children's experience of schooling. However, wide-spread destitution and no entitlements to free school meals may single out irregular migrant children from the others and this impacts on their educational achievements.

Parents reported some initial difficulties with enrolment in primary and secondary school mostly due to lack of places and language barriers. Ensuring children's school attendance is important to parents both for its educational value and because failing to attend may lead to the involvement of local authority social services that have a duty to report their case to the UK Border Agency (UKBA). In contrast, access to pre- and post-compulsory education is very difficult. Lack of affordable places in nurseries and visa requirements for enrolling in further and higher education were the main obstacles mentioned by interviewees.

The combination of precarious immigration status, limited access to healthcare and financial hardship produces negative effects on migrants' physical and mental health. Parents' anxiety and frustration resulting from the precariousness of their legal status trickle down to the children and affect their mental health and general wellbeing.

In relation to access to healthcare, the study found that most interviewees were registered with a GP. However, in several instances registration took place when the migrant was regularly resident, and was retained after immigration status was lost. As it was felt that GP registration was becoming more difficult, many preferred to stay with their initial GP even if they moved to a different catchment area.

Migrants' concerns about GP registration were echoed in the interviews with healthcare professionals who lamented what they described as the UKBA's 'invasion' of public services. For the interviewees, this is a cause of concern because it undermines the trust between public service providers and users, a particularly important relationship given the precariousness of migrants' legal status and their fear of detection. In turn, this may result in a sizeable population of UK residents being without access to primary healthcare and in higher costs to the NHS due to lack of prevention, with potentially significant implications for public health.

Likewise, some education professionals and social workers expressed unease at what they described as increasing demands from the UKBA on them to perform immigration control-like tasks. Service providers suggested that control of access to public services for immigration enforcement purposes is pushing some irregular migrant children and families away from public services, making them in turn more destitute, vulnerable and isolated.

The study found that while irregular migrant children are given some degree of protection in the UK, nonetheless there are significant variations in access to public services among and within research locations. Conflicting rules and regulations, frequent change of policies which result in service providers being in constant need of retraining, cuts to public spending and broader reform in the provision of public services mean that even when legal provisions still exist, access to public services for irregular migrant children can be limited and varied in its quality.

“ I just started throwing all the tablets down my throat, they were just sliding down. Up to today, my son, it affects him. If he sees me taking the tablets, he says “mum, please, can you just take one or two, not many”. ”

Laurene, Jamaican mother of Michael (7) and Marsha (1) born in the UK

“ 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

The mission of COMPAS is to conduct high quality research in order to develop theory and knowledge, inform policy-making and public debate, and engage users of research within the field of migration.

“ When you don't have children the situation let's say it's easier but when you have children you need plan B C D E F. So it's a bit stressful. It's the thing that worries me most nowadays [...] When this situation is solved and we don't have to live with this any longer... wow it will be another life. ”

Jose, Brazilian father of two daughters (4 and 5) born in the UK

Implications for public policy

Securing children's effective access to public services is essential to address the specific vulnerabilities of irregular migrant children. This study found that, while current legislation provides this population of children with a limited entitlement to public services, in practice, even this limited access may be hindered. This study highlighted that the increasing cooperation between public service providers and the UKBA can undermine the ability of social workers, teachers and health professionals to carry out their statutory obligations, resulting in the *de facto* exclusion of a considerable number of children from public services.

Our estimate regarding the high proportion of irregular migrant children who are either born or have spent most of their childhood in the UK invites a refocus of public understanding of this population. More attention should be paid to the impact of current policy and practice on the early years of irregular migrant children in the UK, starting even before birth with antenatal care. Two areas should be afforded particular consideration: firstly the impact of NHS charging policy for overseas visitors on mothers and babies without legal immigration status, and secondly how existing levels of support are affecting children's overall development in the foundation years.

The study also shows the extent to which the immigration system contributes to the destitution of irregular migrant children, which in turn negatively

impacts on their health status and educational achievements. The government should therefore consider if, in addition to the legal provisions already in place to protect access to education and primary and emergency healthcare, there are further measures that could be taken to address the specific causes of irregular migrant child destitution in line with its Child Poverty, Social Justice and Social Mobility strategies and the recent Supreme Court's judgement in *ZH (Tanzania) v Secretary of State for the Home Department* (2011) which reaffirmed the priority of the best interests of the child over immigration status considerations.

The study has also highlighted the centrality of families in the experience of migrant children and argues that an analysis of the impact of irregular status on children cannot isolate the children from their families and circumstances. It has shown in particular the negative impacts of income insecurity and parents' precarious working conditions on the family as a whole. The promotion of secure, strong and stable families, in line with the government's own policies, should therefore be at the centre of policies aimed at promoting the best interests of migrant children.

Finally, given the *de facto* non-deportability of children who were born or spent most of their childhood in the UK and the potential negative impacts on society of a long term excluded population, proposals should be developed to provide effective pathways for irregular migrant children to regularise their legal status.



The study was carried out by a research team at the ESRC Centre on Migration, Policy and Society (COMPAS) at the University of Oxford led by Dr Nando Sigona. It was funded by the Barrow Cadbury Trust and was part of a comparative research project coordinated by the Institute for the Study of International Migration (ISIM) at Georgetown University (USA).

The full report is available as a PDF at <http://www.compas.ox.ac.uk/research/welfare/undocumented-migrant-children-in-the-uk/> and can be requested in hard copy by email: communications@compas.ox.ac.uk. For further information, view the project's blog: <http://irregularvoices.wordpress.com>

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