GREC's Response to the "Family Returns" Consultation

In June, we submitted our response to the Home Office's consultation 'Family Returns: Reforming Asylum Support and Enforcing Family Returns' (referred to as the 'Family Returns' consultation'). The consultation document can be found here. This consultation was split into two parts: the first asked questions about the UK government's plans to bring into effect some provisions of the Immigration Act 2016, and the second asked about the plans to allow immigration officers to use force against children in the course of enforcing returns. This document contains our responses to the first part of the consultation. Our responses to the multiple choice questions have been highlighted, with our open response answers written in bold. Our answers are informed by our experience supporting people with their journey through the asylum system, our involvement as facilitating partners of the No Recourse North East partnership, and information sessions delivered by Asylum Matters and the Asylum Support Appeals Project.

The Immigration Act 2016 contains provisions which have not yet been enacted by the government that would change what kind of support people at various stages of the asylum process have access to. These changes would particularly impact families seeking asylum who are appeals rights exhausted and young people leaving care without regularised immigration status. For an overview of the changes, we recommend reading through the write-ups produced by Asylum Support Appeals Project and Greater Manchester Immigration Aid Unit, linked in the 'Further Reading' section below.

We are opposed to these changes on ethical and operational grounds. The changes will put more people at risk of destitution, including children and young people. This is, in the first case, not justifiable. However, the intent behind this this move is also flawed: similar policy decisions in the past, such as the pilot of section 9 in 2004-2005, have demonstrated that forcing people into destitution does not make them more likely to leave the UK, either through voluntary or enforced return. Some of the proposed changes around the support local authorities give to children and young care leavers would only apply to England; however, the Home Secretary has the power to apply them to Scotland as well. If they were brought into effect in Scotland, they would introduce significant contradictions in the policies and principles that local authorities and social workers are held to. The ambiguity in duties would put local authorities, social workers, and rights holders at risk.

One of the most concerning changes is the removal of appeal rights for decisions in the new support system. The Home Office regularly gets decisions wrong: according to the most recent quarterly tribunal statistics, 40% of asylum appeals and 44% of human rights appeals are granted, even as the case backlog has risen to record levels. Appeal rights are vital to ensure people have recourse against wrong decisions.

We did not respond to Part 2 of the consultation, 'Changes to the Use of Force Policy'. Framing the use of force against children as 'strik[ing] the right balance between ensuring the effective functioning of the immigration system and meeting the particular needs of children' is, in our opinion, misleading and disingenuous. The overriding principle should be Article 3 of the UNCRC, prioritising the best interests of the child in all actions and decisions affecting them. Restraint should only ever be used as a last resort in order to prevent immediate physical harm, using the least restrictive means possible. Employing force when alternatives exist, such as de-escalation, co-regulation, or not intervening at all, risks violating the rights of children as well as undermining the policy direction Scotland has followed through the UNCRC (Incorporation) (Scotland) Act 2024 and the guidance on physical intervention in schools. The UK government has not demonstrated any reason to ignore the research evidencing how harmful and ineffective using force against children can be.

For further information on any of these topics, please see this list:

FURTHER READING

- The proposed changes:
    - Asylum Support Appeals Project 'Overview of the changes to asylum support in the Immigration Act 2016 March 2026' (https://www.asaproject.org/uploads/Overview_of_IA16_changes_to_asylum_support%2C_March_2026_clean.pdf)
    - Greater Manchester Immigration Aid Unit 'Guide to the Family Returns Consultation' (https://gmiau.org/guide-to-the-family-returns-consultation/)
- Children's rights in Scotland:
    - GIRFEC principles and values (https://www.gov.scot/policies/girfec/principles-and-values/)
    - UNCRC (Incorporation) (Scotland) Act 2024 – statutory guidance (https://www.gov.scot/publications/statutory-guidance-part-2-uncrc-incorporation-scotland-act-2024-2/)
    - UNCRC clarification of inherent obligations (https://www.gov.scot/publications/clarification-inherent-obligations-united-nations-convention-rights-child-uncrc/)
    - National Guidance for Child Protection in Scotland (https://www.gov.scot/publications/national-guidance-child-protection-scotland-2021-updated-2023/)
- Support for care leavers:

- Supporting young people leaving care in Scotland: regulations and guidance (https://www.gov.scot/publications/supporting-young-people-leaving-care-scotland-regulations-guidance-services-young/)
- Migration Scotland 'Unaccompanied Children & Young People Leaving Care' (https://staging.migrationscotland.org.uk/migrants-rights-and-entitlements/unaccompanied-children-young-people-leaving-care/)
- National Social Work Agency 'Social work values and ethics' (https://www.socialwork.gov.scot/social-work-values-ethics)

- Destitution and Section 9:
  - Migration Yorkshire 'Family asylum policy: the Section 9 implementation project' (https://www.migrationyorkshire.org.uk/research-entry/family-asylum-policy-section-9-implementation-project)
  - House of Commons Early Day Motion 'Failed Asylum Seekers and Section 9 of the Asylum and Immigration Act 2004' (https://edm.parliament.uk/early-day-motion/30058/failed-asylum-seekers-and-section-9-of-the-asylum-and-immigration-act-2004)
- Use of force against children:
  - Asylum Matters 'Use of Force Against Children: A principle we cannot accept' (https://asylummatters.org/2026/05/08/use-of-force-against-children-a-principle-we-cannot-accept/)
  - Children and Young People's Commissioner Scotland 'Restraint and Seclusion in Schools (Scotland) Bill' (https://www.cypcs.org.uk/resources/restraint-and-seclusion-in-schools-scotland-bill/)
  - Scottish Government 'Physical intervention in schools - a relationships and rights based approach: guidance' (https://www.gov.scot/publications/included-engaged-involved-part-3-relationships-rights-based-approach-physical-intervention-schools/)

Section A: Reforms to the support provided by the Home Office under Schedule 11 to the Immigration Act 2016 (the 2016 Act)

Q9. To help manage the transition for those currently receiving section 4 support and failed asylum-seeker families currently receiving section 95 support, how can the Home Office best communicate the changes to those affected?

- Guidance on GOV.UK
- Fact sheets and FAQs for organisations who support those affected
- Email updates to organisations who support those affected
- Other communication channels (please specify)

We do not believe that those currently receiving section 4 support and families whose claims have been refused should have their support changed. Such changes, in addition to introducing significant administrative burden, will increase levels of destitution, including the number of children and families living in destitution. Applying these changes retroactively will make future planning even more difficult for those living in already precarious situations.

If these changes are applied retroactively to people receiving section 4 support and refused families receiving section 95 support, it is vital that the Home Office direct communications to those people directly in addition to organisations supporting those people. Without direct, individual contact, delivered in accessible language and translated where necessary, there is a greater risk of people not receiving information relevant to their case and falling through the gaps.

Those services who do support refused individuals and families should receive funding to deliver that information, rather than being expected to absorb those costs. Many of these organisations are already stretched and expected to deliver services beyond their capacity. It is unfair for the Home Office to offload their expenses onto these organisations, and doing so again increases the risk that some people may not receive the information they need.

Information about these changes should be communicated to all who might be affected, not just those on the immediate transitional pathway (individuals receiving section 4 support and refused families receiving section 95 support). All people who are currently awaiting a decision on their claim or appeal should be told about the new support pathways so that they can make more informed decisions and be more prepared for the short grace period.

Q10. Are there any other measures the Home Office should consider to help manage the transition for these cases?

- Yes (please specify)
- No (please specify)

Retroactive implementation is unfair to the people who would be affected, who either have already demonstrated a genuine inability to leave the country, or who have planned around section 95 support in order to best support the wellbeing of their children.

If these changes are applied retroactively, people currently on support must be involved in the design and planning of the transition process. Principles of lived experience should inform the Home Office's working in this area. This means people affected by these changes should be involved from the ground up as co-designers, not just key stakeholders. This will make the transition process more workable and relevant to the experiences of people who would be receiving section 95A support. It would also help make the transition process easier for the people who would be affected, which is important, as friction in the transition would risk people who would qualify disengaging and not receiving support to which they are entitled.

Co-designed processes take time, which must be respected, and which would allow for people to understand the changes and make decisions accordingly. A long lead-in time would be necessary irrespective of co-design work.

Vitally, right of appeal must be instated. As the Refugee Council articulate, 'Support decisions determine whether families have food and shelter. Removing appeal rights in such cases creates a serious risk where wrongful refusals will lead to immediate destitution.' Wrongful decisions will be made, and appeal rights are the most effective way to redress them. Forcing people to resort to judicial review with no alternative will be costly and burdensome to the affected person, the Home Office, and the courts system, and will lead to more people living in destitution who should be entitled to support.

Q11. Do you agree with the proposed length of the grace period being set at 90 days for families with children in their household?

- Yes (please specify)
- No (please specify)

90 days is an arbitrary limit on the ability to apply for section 95A support. Many families are likely to encounter so-called 'genuine obstacles' after the grace period. Misfortune leading to illness or injury preventing departure has no regard for bureaucratic time limitations. Other families may find a travel document they expected to receive is not available, but by the time this is realised, the grace period is ended. This issue is exacerbated by the lack of accessible immigration advice in North East Scotland, meaning families may not be aware of how to appropriately apply for section 95A support. Given the unpredictable nature of obstacles, we do not believe a limited grace period is appropriate. If one were to be implemented, it should have a floor of at least 90 days with broad scope for late applications dependent on each individual's and family's specific circumstances.

It is our understanding that the intended purpose of the grace period is to act as an incentive for prompt returns by using the threat of destitution should such arrangements fail to be made quickly. However, previous initiatives by the UK government in this vein have empirically demonstrated that the threat of destitution is ineffective in encouraging voluntary returns. As the House of Commons noted following the 2004/05 pilot of section 9 of the Asylum and Immigration Act 2004, 'the threat of economic destitution and removal of the children of failed asylum seekers who refuse to leave the UK… has driven failed asylum seekers further underground', and 'out of 116 failed asylum-seeking families targeted in a 12 month pilot scheme only one family has left the country… section 9 has failed to achieve its intended purpose'. These declarations were corroborated by findings from Migration Yorkshire, which stated 'there was no significant increase in the number of voluntary returns or removals of unsuccessful asylum seeking families; the pilot did not influence behaviour in favour of cooperating with removal.'

The failure of destitution-based threats to facilitate returns leaves its purpose unclear. In the consultation document, the Home Office claims, 'The purpose of [the grace period] is to give these individuals the time to make arrangements to leave the UK or to make an application for section 95A support.' However, a grace period is not necessary to achieve this: as with the current process for section 4 support, applications should be accepted at any time. This would be less likely to deter those whose claims are refused from engaging with the immigration system or drive them underground.

Q12. If late applications (outside of the grace period) for section 95A support were to be considered, what circumstances should be taken into account? (Select all that apply)

• None – late applications should not be considered

• Health reasons e.g. hospitalisation or documented illness preventing an application

• Being detained by the police or other law enforcement agencies

• Evidence that the individual had not been notified about applying for section 95A support

• Other (please specify)

As stated in the previous question, obstacles may arise after 90 days for families, and are even more likely to arise after 21 days in the case of individuals. The time-limited grace period is unnecessary and counter-productive.

If a grace period is brought into effect, evidence should be assessed on a flexible, case-by-case basis. Negative evidence, such as failure on the part of the Home Office to send or reply to correspondence, is significant barrier but difficult to prove, and so should be interpreted broadly.

Forcing more people into destitution by arbitrarily restricting asylum support will displace costs onto local authorities. This point will be further elaborated in the responses to later questions. However, it is important to note that if the Home Office is rigid with accepted types of evidence, local authorities will bear the costs of supporting people in destitution, which is likely to be more expensive than central support provided by the UK government.

Q13. If an asylum caseworker is satisfied that there is already evidence that a family on section 95 support meets the eligibility criteria for section 95A support, do you agree that the family should be automatically transitioned to section 95A support (i.e. once the regulations come into force, the family will not need to make a new application for section 95A support themselves)?

• Yes (please specify)

• No (please specify)

If families who meet the eligibility criteria are not automatically transitioned onto section 95A support, there will be families who fall through the gaps and are forced into destitution despite qualifying for support. We have worked with vulnerable people in the asylum system who were entitled to support, but because of delayed and missing communication from the Home Office, they have disengaged from all forms of support and disappeared off-grid. The risk of disengagement with hostile

processes is high, so if section 4 support is replaced with section 95A support, mitigations such as automatic transition should be enacted.

Even for those families who did submit an application in the absence of automatic transition, filling out such a submission would be a needless stressor. Having caseworkers familiar with the eligibility criteria and support system conduct transfers would be more efficient and less distressing for all parties.

Automatic transition should be available for all people who meet the section 95A eligibility criteria, not just families. Each of the above reasons for extending automatic transition to families also apply to individuals, for whom quick processing time would be especially necessary if they only had a 21-day grace period.

People should be told, in writing and by their caseworker, about the decision to either move forward with automatic transition or not, and be given justification, so that further support and advice can be sought. Because of the dearth of immigration solicitors and legal aid support in the North East, people should be given clear, consistent information about their case and given ample time to find advice and support.

Q14. Do you agree that an application process for section 95A support should be implemented for all new cases not currently in receipt of asylum support?

- Yes (please specify)
- No (please specify)

We do not believe the proposed changes to asylum support are beneficial or necessary. However, if they were implemented, having applications processed in advance would speed up the overall process and ensure fewer people miss the grace period.

Q15. What actions do you agree that caseworkers should take to ensure children's welfare when considering discontinuation of support for failed asylum-seeker families? (Select all that apply)

- Referral to children's services
- Safeguarding assessment
- Provision of information on alternative support

• Continued provision of information on family voluntary returns and assistance available

• Other (please specify)

Section 95 support for families whose claims are refused should not be discontinued. Following a human rights-based approach, Article 3 of the UNCRC declares that all decisions affecting a child must prioritise the child's best interests. Discontinuing their support on the basis of their parents' immigration status undermines the ability of children to enjoy a stable, secure upbringing.

If section 95 support is discontinued for those families, they should stay connected with their caseworker as a consistent point of contact. Those caseworkers should liaise with local authorities and other providers of 'alternative support' to ensure the needs of children are being met before asylum support is discontinued. Communication with families must be clear, consistent, and documented. Communication between caseworkers and local authorities or other support providers about their case should be available to families upon request.

Q16. Do you agree with the proposal to transition failed asylum-seeker families, who have remained on section 95 support, onto section 95A support?

• Yes (please specify)

• No (please specify)

Not all refused families currently on section 95 support will qualify for section 95A support. The support they receive is vital for the wellbeing of the children in those families.

The transition from section 95 to section 95A support will also displace the costs of support from the Home Office to local authorities and third sector service providers. Removing support will push more families into deprivation. An unfunded rise in demands on council and voluntary services will have significant impacts on the ability of those services to provide support. These changes will not save money: they merely push costs onto services already stretched beyond capacity.

Q17. In addition to the examples proposed at paragraph 19, is there anything else that could be considered a genuine obstacle that might temporarily prevent a family from leaving the UK?

• Yes (please specify)

- No (please specify)

Any circumstance in which a person's human rights would be breached without access to section 4 support should be considered a genuine obstacle to leaving the UK. Following R (Secretary of State for the Home Department) v First-tier Tribunal (Social Entitlement Chamber) [2021], these circumstances cannot be rigidly defined in policy and must be assessed on a case-by-case basis. Regulation 3(2)(e) of the Immigration and Asylum (Provision of Accommodation to Failed Asylum-Seekers) Regulations 2005 explicitly states that section 4 support must be provided 'for the purpose of avoiding a breach of a person's Convention rights', a clarification which must be retained in any implementation of section 95A. This regulation is not specific about which rights are of relevance: articles 3, 5, 6, and 8 are all necessary to uphold.

Being unable to make further submissions for reasons outside one's control, such as being unable to travel to a Service and Support Centre, should be considered a genuine obstacle for the purposes of section 95A support.

People who have begun the judicial review process but have not yet received permission to proceed yet should be granted continued support until the end of the review process. Those in this situation should not be punished for any delays on the part of the courts system, especially given they are on the way to a position recognised to be deserving of support.

People with outstanding National Referral Mechanism applications or who are in the process of submitting one should be granted continued support in the same way that those in the judicial review process are.

Failure on the part of the Home Office to engage with the returns process should be recognised as a genuine obstacle to leaving the UK. We have supported people who have tried to engage with the Home Office for a voluntary return, but received no response and no answer to their calls, even when lawyers attempted to contact the Home Office. People in this situation may be unable to leave the country without support.

Q18. What evidence should be required from applicants to demonstrate a 'genuine obstacle'? (select all that apply)

- Medical reports
- Police reports
- Documentation of ongoing legal proceedings

- Evidence which demonstrates they are trying to obtain travel documentation
- Other (please specify)

Similarly to evidence for late applications, evidence of 'genuine obstacles' should be interpreted broadly and flexibly. The types of obstacles any family or individual face are likely to be specific to their circumstances and therefore evidence of those obstacles should be considered on a case-by-case basis, rather than assessed by how well they fit a predefined list.

Some evidence, like medical records, take time to be processed. Delays in the production of evidence should be foreseen and not held against applicants.

The expense of translating documents should be funded by the Home Office. It would be paradoxical to expect those who are applying for financial support to pay what can be significant costs to evidence those applications. The simplest way to implement this would be to accept evidence in languages other than English and have funds available for the procurement of translation services.

Q19. Are there any other conditions that you think should be required for the continued provision of section 95A support?

- Yes (please specify)
- No (please specify)

The conditions for section 95A support are already overly restrictive and poorly communicated. The differences in qualifying criteria between section 4 and section 95A support are subtle and unclear, meaning people who would meet the established conditions for section 4 support may not understand the differences.

Mandating taking continued steps to leave the UK when a 'genuine obstacle' has been identified is paradoxical. If, for example, someone has a medical inability to leave the country or has demonstrated inability to obtain travel documents, it is unclear how they can be expected to continue taking steps to leave.

Section B: Reforms to the support provided by Local Authorities under Schedule 12 to the Immigration Act 2016 (the 2016 Act)

Q20. For those without immigration status, do you agree that an application for leave to remain in the UK must be on the basis of Article 8 ECHR as set out in paragraphs 28?

- Yes (please specify)

• No (please specify)

Although the current proposals are only applicable to English local authorities, given the Home Secretary's power under section 42 of the Immigration Act 2016 to extend these changes to devolved nations, we are concerned with the wellbeing of refused children locally. Furthermore, it should not be the case that children's welfare is left to a postcode lottery to the UK: all children in need or at risk of destitution should have the same access to support. We will respond to this and following questions as though the proposed changes would take effect in North East Scotland.

Support for children should be based on their needs and best interests, not on their immigration status. Local authorities should continue having the ability to provide support for children at risk of destitution, regardless of their other circumstances.

Other types of application for leave to remain, such as section 3C of the Immigration Act 1971 or discretionary Leave Outside The Rules, should qualify a family for continued support from their local authority. These claims are not inherently more 'vexatious' than Article 8 claims and should not obstruct a local authority from providing support when it is needed.

Q21. For those without immigration status, do you agree with the proposed factors that the local authority must and must not take into account when considering if condition E is satisfied as set out in paragraph 29?

• Yes (please specify)

• No (please specify)

Forcing local authorities to not consider factors such as whether a child would be in need were they not provided support or the medical unavailability of medical treatment in the country to which they are proposed to return violates the principles of GIRFEC and the UNCRC.

In the case of the former, the principles of 'providing support for children, young people and families when they need it, until things get better, to help them to reach their full potential' and 'valuing difference and ensuring everyone is treated fairly' would suggest the importance of a rights-based approach to assessing the safeguarding needs of a child.

In the case of the latter, Article 2 of the UNCRC requires states to respect and ensure children's rights regardless of any status of the child or their parents, while Article 3 declares that, 'The best interests of the child must be a top priority in all

decisions and actions that affect children', reiterating the need to consider how a decision to provide or deny support to a child would affect their wellbeing. This point is further compounded by the UNCRC Incorporation (Scotland) Act, section 6(1) of which requires public authorities to not act incompatibly with the UNCRC, including through failure to act. If the proposed changes were brought into effect, local authorities in Scotland would have to navigate complex and conflicting legal duties, placing the welfare of children in their authority at risk.

Children at risk who are denied support because of condition E regulations will not have their safeguarding and welfare needs disappear: they will re-present to other teams, such as schools and healthcare. By limiting the capacity of local authorities to act, the Home Office will make co-ordinated multi-agency working more difficult. The Scottish Government's National Guidance for Child Protection makes clear that 'Child protection procedures should promote consistency and co-ordinated action'. Children presenting to teams without the capacity to address fundamental issues such as accommodation will result in siloed working and poorer outcomes for those children. Unmet preventative needs will also escalate to child protection pathways, incurring greater expenses for local authorities reacting to crises instead of taking preventative action.

Q22. For adult care leavers with no legal status, do you agree with the proposed factors that the local authority must and must not take into account when considering if condition D is satisfied as set out in paragraphs 29 and 33?

- Yes (please specify)
- No (please specify)

Like children at risk, young care leavers at risk who are denied local authority support on the basis of condition D regulations will re-present to other teams such as healthcare and adult social care. These teams, without the ability to work in a co-ordinated, multi-agency manner, will be less equipped to respond to the needs of young care leavers.

Implicating social work with immigration enforcement, especially in the context of a hostile environment, will erode trust in the social work system and promote disengagement. As young people approach their 18th birthday, disapplication of the Children Act 1989 safeguards could push children and young people to abscond from the care system, leaving them acutely vulnerable to exploitation.

Q23. For adult care leavers with no legal status, do you agree with the proposed proposals set out in paragraphs 32-36?

- Yes (please specify)
- No (please specify)

Like children at risk, young care leavers at risk who are denied local authority support on the basis of condition D regulations will re-present to other teams such as healthcare and adult social care. These teams, without the ability to work in a co-ordinated, multi-agency manner, will be less equipped to respond to the needs of young care leavers.

Implicating social work with immigration enforcement, especially in the context of a hostile environment, will erode trust in the social work system and promote disengagement. As young people approach their 18th birthday, disapplication of the Children Act 1989 safeguards could push children and young people to abscond from the care system, leaving them acutely vulnerable to exploitation.

Q24. Do you agree with the proposed principles that local authorities must follow when making arrangements for adult care leavers with no legal status, as set out in paragraph 37?

- Yes (please specify)
- No (please specify)

As stated previously, support for children and young people should be based on need, not contingent on immigration status. Narrowing the kinds of valid applications to only Article 8 claims risks pushing vulnerable young people into exploitation and unsafe environments.

Furthermore, our position that the threat of destitution is ineffective in motivating voluntary return, supported by evidence from the 2004/05 pilot of section 9, is even more strongly asserted in the case of young care leavers. Children and young people in this position are unlikely to have the means to leave the UK or a strong connection to another country. Disapplying Children Act safeguards and preventing local authorities from supporting them would be both cruel and ineffective.

Q25. Are there other principles that should be considered in addition to those set out in paragraph 36?

• Yes (please specify)

• No (please specify)

The GIRFEC principles articulate an established approach to advancing the welfare of children and young people:

- **placing the child or young person and their family at the heart, and promoting choice, with full participation in decisions that affect them**
- **working together with families to enable a rights respecting, strengths based, inclusive approach**
- **understanding wellbeing as being about all areas of life including family, community and society**
- **valuing difference and ensuring everyone is treated fairly**
- **considering and addressing inequalities**
- **providing support for children, young people and families when they need it, until things get better, to help them to reach their full potential**
- **everyone working together in local areas and across Scotland to improve outcomes for children, young people and their families**

These principles could easily be adapted for a UK-wide context.

The UNCRC should also be used as a minimum requirement when assessing policies affecting children.

Q26. Do you agree with the proposals set out in paragraph 38?

• Yes (please specify)

• No (please specify)

The involvement of local authority child safeguarding in immigration returns represents a conflict of interest. The teams responsible for child and young care leaver safeguarding should, in accordance with the UNCRC, prioritise the best interests of the child. Local authorities have a duty as corporate parents to care leavers which does not end at adulthood. Furthermore, as Scottish Government guidance on supporting young care leavers states, 'The role of corporate parent is not restricted to the social work department of the local authority but applies to all departments and agencies'. As corporate parents, local authorities should not be required to undermine the wellbeing of young people in their care by facilitating their involvement with immigration processes.

If this conflict of interest were put into effect, the relationship between local authority social workers and care-experienced young people would be damaged. The National Social Work Agency lists relationship-based practice as one of its core values, 'recognising that trust and understanding are central to effective support.' If that trust and understanding were to be damaged by even the perception that social work services represent a threat to the security of young people without regularised immigration status, the ability of social workers to address the needs of young people would be impaired.

Q27. Do you agree with the proposed changes to the availability of higher education tuition grants for the categories of adult care leavers set out in paragraph 39?

- Yes (please specify)
- No (please specify)

Care-experienced young people face significant and complex problems accessing further and higher education, which is why initiatives like the Care-Experienced Bursary are so vital for promoting equality. These issues are compounded by factors such as immigration insecurity and discrimination based on national origin or racial and ethnic identity. Support for people in these circumstances must be protected.

As well as improved life opportunities as a result of education, engagement with higher education constitutes continued engagement with safeguarding, meaning that support for young care leavers to continue their education reduces their risk of exploitation. Tuition support, student bursaries, and accommodation grants are all vital ways that care-experienced young people can stay engaged with systems that address their needs.

Finally, education is a key element of integration. While many care-experienced young people will know the UK as their only home, for those who are newer to the country, further and higher education are sites of social and cultural connection and knowledge-sharing. If the government wishes to promote integration, the rational course of action would be to facilitate increased engagement with those sites, not restrict them.

Q28. Is there anything else you would like to add regarding the proposed reforms to asylum support?

Incorporating social work into the sphere of immigration control will drive exclusion both by design and by misunderstanding. The proposed changes to asylum support, on their face, will increase destitution, insecurity, and exposure to risk among individuals, families, and care-experienced young people. However, where local authorities and social workers internalise the government's hostile stance towards migrants without a complete understanding of the complex asylum and immigration system, some people who should qualify for support will face exclusion. At GREC, we have encountered public authorities who are confused by no recourse to public funds conditions – to whom they are applied, what restrictions they entail, and what people with NRPF conditions can still be entitled to. The No Recourse North East partnership, of which we are a facilitating member, puts in extensive effort delivering training and resources for public authorities to understand this slice of the immigration system. From our experience, it is clear that mistakes will be made when attempting to restrict certain kinds of support from people based on the specifics of their immigration status. This issue is likely to have a racialised bias, whereby people of colour may be more likely to face exclusion from support by local authorities because of misinterpretation of the rules around local authority support.

There is also no evidence to suggest that these changes will result in the outcomes desired by the UK government. The threat of destitution will not motivate voluntary returns or compliance with enforced returns. The barriers to return people face are complex, systemic, and require honest, in-depth review of Home Office policy and practice. These changes will make life in the UK more difficult and less safe with no clear purpose. Because of the lack of impact assessment or even rough estimates of the number of people thought to be affected, it is hard to state with precision how damaging these changes will be. These analyses must be done before any changes are made.

In 2023, the acting Children and Young People's Commissioner said that the Illegal Migration Bill would 'create a two-tier approach which seeks to deny [children seeking asylum] access to protection and support under the Scottish trafficking, welfare and child protection systems.' The parallels between that bill and the proposals in this consultation are clear. It is vital that the human rights of all children, including those seeking asylum or without regularised status, are respected, upheld, and progressively realised. There can be no justification for removing support for children facing destitution, whether provided by the Home Office or local authorities, on the basis of their immigration status over which they have no control.

Regardless of which changes are made, the right of appeal must be upheld in all cases. Appeal is the mechanism by which inevitable wrongful decisions can be redressed. Depending on judicial review for all remedial action would be costly, difficult to access, and place a huge burden on the courts system. Without the right of appeal, the UK risks violating the human rights of some people denied asylum support.

Q29. Are there any comments you would like to add concerning the impacts on protected characteristics under the Equality Act 2010 or on children and/or vulnerable people as a result of the proposed support changes?

The changes will put children and care-experienced young people at higher risk of destitution because of the removal of support as well as the deterioration of safeguarding referral pathways and co-ordinated working between agencies.

As a population more likely to be primary caregivers for children, women will be disproportionately affected by the changes to support.

People from minoritised racial and ethnic backgrounds and those with non-British national origins, regardless of immigration status, will be more likely to face discrimination and exclusion from local authorities and social work practitioners working in the context of anti-migrant government policy.