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THE BLOG

Unaccompanied Children Face Battling Immigration Legal Cases Alone

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The government must re-instate legal aid for unaccompanied and separated migrant children who are cut off from justice.

Trying to navigate the immigration system in a new country alone is something any adult would find difficult. But in the UK right now, thousands of children who are alone and separated from their families - are in this situation without the support and access to legal advice that they badly need.

In the worst cases, this puts children at risk of exploitation as they try to raise the funds they need to access expert help and to pay for legal fees. Without

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any money, some are attempting to solve their complex cases on their own, making their chances of success far less likely. Our report, [Cut off from justice](#), details the problems migrant children are facing and why.

In 2012, the government made sweeping cuts to legal aid. These changes meant that legal aid is denied to unaccompanied children in non-asylum cases.

This has presented a particularly worrying situation for children trying to process their immigration cases while separated from their families.

Our research, produced with the University of Bedfordshire, shows that those affected include unidentified victims of trafficking, children who are in local authority care after becoming separated from their families and, in some cases, children born in the UK who may be able to claim British citizenship.

The legislation had a dramatic impact: the number of free legal services available for children's immigration cases has halved in four years. Meanwhile, Home Office administration fees have more than doubled and can be as high as £2,300 for each application.

You can imagine how eye-watering these costs would seem to a child on their own, putting any opportunity to tackle their legal situation completely out of reach.

A potential source of support comes in the form of funding for exceptional cases. But this Exceptional Case Funding also requires a complex application process in order to access it - meaning there are potentially many eligible young people are not even able to apply for it without the appropriate legal guidance to complete the forms.

We have found that, sadly, this 'safety net' funding is simply not working for vulnerable children.

During 2015-2016, only 15 applications were made for children needing legal support for immigration cases, out of thousands expected when compared to the application rate before the changes. In fact, this tiny number of applications represents less than 1% of the 2,490 children who relied on legal aid during the final year before it was cut.

Given these failings, The Children's Society is calling on the government to reinstate legal aid for all unaccompanied and separated migrant children, and to waive their application fees as well as the costly immigration health surcharge they must pay.

It is difficult to know exactly how many separated and unaccompanied children are in the UK but we estimate it's approximately 13,500 to 16,600 - an alarming number to be at risk.

If these children cannot fund their legal costs, they risk being deported to

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countries that are unsafe for them to return to, or which they have never lived in, once they turn 18.

We need urgent change before any more children are left in this desperate situation where they are cut off from justice.

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