

Rt Hon Joanna Cherry KC MP  
Chair  
Joint Committee on Human Rights  
Houses of Parliament  
London  
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**CC:** All Members of the Joint Committee on Human Rights

3 March 2023

Dear Ms Cherry KC

**URGENT Inquiry needed in relation to the use of hotel accommodation for unaccompanied asylum-seeking children**

We write in relation to a matter of pressing national concern — namely, the Home Office accommodating thousands of unaccompanied asylum-seeking children in hotel and B&B type accommodation for a period of 19 months, during which time hundreds of children have gone missing.

Our view is that there is no legal basis for the Home Office to accommodate children in this way. The effect of this action has been to systematically exclude from the protection of the Children Act 1989 and associated secondary legislation and guidance a cohort of highly vulnerable children, on the basis of where they were born and how they entered a local authority area. They are now treated as being outside the usual established standards for providing suitable accommodation, care, and support to children in need.

We consider that these Home Office arrangements breach the human rights of children in multiple ways, both under domestic and international law. This includes their rights under the European Convention on Human Rights and the Human Rights Act 1998, and the United Nations Convention on the Rights of the Child.

Since July 2021, the Home Office has accommodated over 4,600 unaccompanied asylum-seeking children in this manner.<sup>1</sup> We understand that the Home Secretary took a decision in July 2021, with endorsement from the Secretary of State for Education, to accommodate unaccompanied asylum-seeking children in hotels outside of the children’s care system, and that the first hotel came into operation on 16 July 2021. However, you may recall that this July 2021 decision was not publicly communicated and there was a lengthy period of uncertainty regarding what decision had been made, by whom, and the (purported) basis for it.

On 21 July 2021, the Home Office sent an email to members of the National Asylum Stakeholder Forum Children’s Subgroup confirming that *“we have needed to put in place measures to ensure the immediate safeguarding and welfare needs of young people can be met whilst we are finding them more appropriate long term care*

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<sup>1</sup><https://hansard.parliament.uk/lords/2023-01-23/debates/2BEF91B6-389B-46E4-86EF-C93331267E9C/ChildrenSeekingAsylumSafeguarding>.

*placements under the voluntary [National Transfer Scheme]<sup>2</sup> and that “[w]ith the best interests of children forefront in our minds the difficult decision was taken to accommodate children in hotels whilst this placement process is underway”.*

On 3 August 2021, The Times reported that Home Office officials had “*privately warned ministers that the decision to put unaccompanied child refugees in hotels risks exposing them to sex offenders*”.<sup>3</sup>

Since 15 February 2022, all local authorities with children’s services in the UK have been directed to participate in the National Transfer Scheme (“NTS”).<sup>4</sup> The Home Secretary stated her hope that the mandated NTS would ensure hotel accommodation for unaccompanied asylum-seeking children “*will only need to be in place for the shortest period possible*”.<sup>5</sup>

The situation has continued for more than 19 months. In this time hundreds of children have gone missing. This was a predictable result of the approach adopted by the Home Secretary. For many years child protection experts and practitioners working in this field have been acutely aware of the unsuitability of hotel and B&B type accommodation for any child, let alone a child who is absent of any parental care and protection and is seeking sanctuary in the UK.

The numbers are stark and extremely concerning. The latest information provided by the Home Office confirms 440 instances of children going missing (“*missing episodes*”) and that 200 children have not been found.<sup>6</sup> There are clear indications that these children have been trafficked.<sup>7</sup>

In July 2022, the Home Office Affairs Select Committee observed that the ongoing use of hotel accommodation was “*not acceptable*” and that “[*t]he Government must provide a clear timeline for ending the accommodation of unaccompanied children in hotels*”.<sup>8</sup> In October 2022, the Independent Chief Inspector of Borders and Immigration similarly stated that “[*t]his is clearly not a space the Home Office ... should be operating in*” and recommended that the Home Office “[*w]ithin 6 months, develop, and begin delivering, a viable and sustainable exit strategy from the use of hotels*”.<sup>9</sup>

Far from ending this unlawful and harmful practice, the Home Secretary has persisted with these arrangements. Indeed, recent media reports suggest she may seek to regularise her Department’s role by introducing urgent legislation to enable it to act as a “corporate parent”. If such legislation was to be passed by Parliament,

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<sup>2</sup> The system designed to enable the safe transfer of unaccompanied asylum-seeking children in the UK from one local authority to another local authority. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1102578/National\\_Transfer\\_Scheme\\_NTS\\_Protocol\\_for\\_unaccompanied\\_asylum\\_seeking\\_children\\_UASC.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1102578/National_Transfer_Scheme_NTS_Protocol_for_unaccompanied_asylum_seeking_children_UASC.pdf).

<sup>3</sup> <https://www.thetimes.co.uk/article/officials-warn-home-office-of-risk-to-child-refugees-in-hotels-279z0c2cz>.

<sup>4</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1102578/National\\_Transfer\\_Scheme\\_NTS\\_Protocol\\_for\\_unaccompanied\\_asylum\\_seeking\\_children\\_UASC.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1102578/National_Transfer_Scheme_NTS_Protocol_for_unaccompanied_asylum_seeking_children_UASC.pdf).

<sup>5</sup> <https://committees.parliament.uk/publications/7160/documents/75646/default/>.

<sup>6</sup> The Home Office uses the term “*missing episodes*” because “*the same young person may go missing on more than one occasion*”: <https://questions-statements.parliament.uk/written-questions/detail/2022-10-18/65898>.

<sup>7</sup> <https://www.theguardian.com/uk-news/2023/jan/21/revealed-scores-of-child-asylum-seekers-kidnapped-from-home-office-hotel>

<sup>8</sup> <https://publications.parliament.uk/pa/cm5803/cmselect/cmhaff/199/report.html>.

<sup>9</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1111982/An\\_inspection\\_of\\_the\\_use\\_of\\_hotels\\_for\\_housing\\_unaccompanied\\_asylum-seeking\\_children\\_UASC\\_March\\_to\\_May\\_2022.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1111982/An_inspection_of_the_use_of_hotels_for_housing_unaccompanied_asylum-seeking_children_UASC_March_to_May_2022.pdf).

this would create a segregated system for the protection of children in need, with unaccompanied children diverted to the Home Office and all other children protected by the Children Act 1989.<sup>10</sup>

Given the gravity of the ongoing situation, we urge the Committee to launch an immediate, urgent inquiry into the accommodation of unaccompanied asylum-seeking children by the Home Office since July 2021. Bearing in mind the Committee's mandate, we are of course conscious that the possibility of imminent legislation may mean that the Committee would consider an aspect of this as part of its role in scrutinising every Government Bill for its compatibility with human rights. Even if legislation was to be introduced, however, we suggest that a human rights-based inquiry is necessary to consider the context and examine what has occurred since July 2021.

We are mindful of the Committee's heavy workload and the number of current inquiries which are underway, including your general inquiry on the human rights of asylum seekers in the UK, but we hope you will agree that the urgency and gravity of this matter, including recent accounts of children being mistreated within the hotels, and trafficked by organised gangs,<sup>11</sup> merit the Committee considering dedicated written and oral evidence and examining the issues closely.

In the alternative, given that the Committee has one open inquiry at present which is in part linked to these issues, concerning "*the rights of asylum seekers in the UK, with a view to identifying human rights concerns*", we ask that you consider (a) permitting further written evidence to be submitted within the ambit of that current inquiry on this specific aspect, despite the deadline for submissions having already passed; and (b) arranging an oral evidence session as a matter of urgency, to address this significant matter of public concern.

We are happy to assist further, and grateful for your consideration of this request.

Yours sincerely

Jo Maugham, Executive Director, Good Law Project

Carolyn Willow, Founder Director, Article39

Enver Solomon, CEO, Refugee Council

Kathy Evans, CEO, Children England

Beth Gardiner-Smith, CEO, Safe Passage International

Yasmine Ahmed, UK Director, Human Rights Watch

Andy Elvin, CEO, TACT

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<sup>10</sup> Or equivalent children's legislation in other parts of the UK.

<sup>11</sup><https://www.theguardian.com/uk-news/2023/jan/29/children-child-asylum-seekers-escape-kidnap-abducted-home-office-hotel-brighton>;  
<https://www.theguardian.com/uk-news/2023/jan/28/child-migrants-racially-abused-home-office-hotel-brighton-crimes>;  
<https://www.theguardian.com/uk-news/2023/jan/21/revealed-scores-of-child-asylum-seekers-kidnapped-from-home-office-hotel>

Nick Watts, Director, Together with Migrant Children

Rita Waters, Group Chief Executive, NYAS

Jane Collins, Director, Foster Support

Brigid Robinson, Managing Director, Coram Voice

John McGowan, General Secretary, Social Workers' Union

Ed Nixon, Chair, Every Child Leaving Care Matters (ECLCM) Campaign

Celia Sands, CEO, South London Refugee Association

Annie A Gibbs, Founder, Amour Destin 

Leo Ratledge and Lianne Minasian, Co-directors, Child Rights International Network (CRIN)

Meena Kumari, Founder, H.O.P.E Training & Consultancy

Elaine Ortiz, Founder and Director, The Hummingbird Refugee Project

Michelle Philips, Head of Innovation, Safe Lives

Louise King, Director, Children's Rights Alliance for England, part of Just for Kids Law

Katharine Sacks-Jones, CEO, Become

Andy Bell, Interim CEO, Centre for Mental Health

Kadra Abdinasir, Strategic lead, Children and Young People's Mental Health Coalition

Dawn Munroe and Marsha Brown, Directors, Team Bambuuu

Sheila Melzak, Director, Baobab Centre for Young Survivors in Exile

Yvonne Wilson, Chair, Nagalro, The Professional Association for Children's Guardians, Family Court Advisers and Independent Social Workers

Jimmy Zachariah, Chief Executive, Baca

Rosalyn Akar Grams, CEO, Coram Children's Legal Centre

Mia Hasenson-Gross, Executive Director, Ren  Cassin

Sile Reynolds, Acting Director of Policy & Advocacy, Freedom from Torture

Dr Razia Shariff, CEO, Kent Refugee Action Network

Peter Sandiford, CEO, The Children's Homes Association

Ellen Broom , Managing Director, CoramBAAF

Maggie Jones, CEO, CVAA

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Clare Moody, Joint CEO, Equally Ours

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Vicki Nash, Associate Director of Policy, Campaigns and Public Affairs, Mind

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James Wilson, Director, Detention Action

Patricia Durr, Chief Executive, ECPAT UK

Dr Ruth Allen, Chief Executive, British Association of Social Workers

Shameem Ahmad, CEO, Public Law Project

Sally Daghlian OBE, CEO, Praxis

Clare MacGillivray, Director, Making Rights Real

Colin Date, Acting Chair, Christian Concern for One World

Quaker Asylum and Refugee Network

Jess McQuail, Director, Just Fair

Saqib Deshmukh, Interim Chief Executive, Alliance for Youth Justice

Terry Galloway, Managing Director, Norman Galloway Homes