



NEWCOMER CHILDREN

This briefing outlines key information on the issues impacting on the rights and best interests of 'newcomer children' in Northern Ireland (NI). It calls on the UK Government and the NI Executive to address concerns regarding children of migrant workers, asylum-seeking and refugee children and all other children coming under immigration processes in NI.

This is the fifth in a series of 12 policy briefings published throughout 2010 to mark the 20th anniversary of the United Nations Convention on the Rights of the Child (UNCRC). These briefings draw from the NI Commissioner for Children and Young People (NICCY) report: Children's Rights: Rhetoric or Reality (2008), NICCY's Child Rights Review (2008), and on the UN Committee on the Rights of the Child's Concluding Observations on the UK Government's report (2008). This month's briefing draws particularly from forthcoming research undertaken by the National Children's Bureau (NCB) NI.¹

NICCY is also releasing campaign briefings each month. Their purpose is to support children and young people to campaign for government action to address key child rights violations in NI.

The role of NICCY was established in 2003 in accordance with the provisions of The Commissioner for Children and Young People (NI) Order 2003. The principal aim of the Commissioner, as defined in article 6 of that Order, is to safeguard and promote the rights and best interests of children and young people.

Please note that the use of the term child refers to children and young people that fall within the remit of NICCY (up to 18 years or up to 21 years where they are care experienced or have a disability).

The UN Committee on the Rights of the Child has voiced numerous concerns regarding Government policy towards newcomer children in the UK.

While migrant workers choose to come to NI with their children for employment, the situation of asylum-seekers and refugees is very different. Asylum-seekers come because they claim to have a 'well-founded fear' of persecution in their country of origin, for reasons set out in the 1951 Convention relating to the Status of Refugees.² Their fear of persecution must be such that they are unable or unwilling to return to their country of origin. A refugee is someone who has had a positive decision on their application for asylum.

'Immigration' falls outside the competency of the NI Executive, and matters relating to a child's immigration status are dealt with by the Home Office. However, the task of meeting the needs of both migrant children and children engaged in immigration procedures should be a high priority for the NI Executive and statutory authorities, as they have responsibility for providing services to which these children are entitled.

NICCY calls on Government to address the following:

1. The UK Border Agency must carry out its functions in a way that promotes and safeguards the welfare of children.
2. Education policy and practice must continue to address barriers to newcomer children's school experiences.
3. Accurate, disaggregated data should be recorded and published regarding newcomer children in NI.