Immigration Act 2016

2016 CHAPTER 19

PART 5

SUPPORT ETC FOR CERTAIN CATEGORIES OF MIGRANT

Support

VALID FROM 15/01/2018

66 Support for certain categories of migrant

Schedule 11 (support for certain categories of migrant) has effect.

67 Unaccompanied refugee children: relocation and support

(1) The Secretary of State must, as soon as possible after the passing of this Act, make arrangements to relocate to the United Kingdom and support a specified number of unaccompanied refugee children from other countries in Europe.

(2) The number of children to be resettled under subsection (1) shall be determined by the Government in consultation with local authorities.

(3) The relocation of children under subsection (1) shall be in addition to the resettlement of children under the Vulnerable Persons Relocation Scheme.

Commencement Information

I1 S. 67 in force at 31.5.2016 by S.I. 2016/603, **reg. 2(a)**

Status: *Point in time view as at 31/05/2016. This version of this part contains provisions that are not valid for this point in time.*
Changes to legislation: *Immigration Act 2016, PART 5 is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

PROSPECTIVE

68 Availability of local authority support

Schedule 12 (availability of local authority support) has effect.

Transfer of responsibility for relevant children

69 Transfer of responsibility for relevant children

(1) This section applies in relation to a local authority in England ("the first authority") if—

(a) the authority has functions under any of the provisions of or made under Part 3, 4 or 5 of the Children Act 1989 (support for children and families and care, supervision and protection of children) ("the relevant provisions") in relation to a relevant child, or

(b) functions under any of the relevant provisions may be conferred on the authority in relation to a relevant child.

(2) The first authority may make arrangements with another local authority in England ("the second authority") under which—

(a) if this section applies to the authority by virtue of paragraph (a) of subsection (1), the functions mentioned in that paragraph become functions of the second authority in relation to the relevant child, and

(b) if this section applies to the authority by virtue of paragraph (b) of subsection (1), the functions mentioned in that paragraph become functions that may be conferred on the second authority in relation to the relevant child.

(3) The effect of arrangements under this section is that, from the time at which the arrangements have effect in accordance with their terms—

(a) functions under the relevant provisions cease to be functions of, and may not be conferred on, the first authority in relation to the relevant child ("C"),

(b) any of the relevant provisions which immediately before that time applied in relation to C as a result of C's connection with the first authority or the area of the first authority have effect as if C had that connection with the second authority or the area of the second authority (if that would not otherwise be the case), and

(c) C is to be treated for the purposes of the relevant provisions as if C were not and had never been ordinarily resident in the area of the first authority (if that would otherwise be the case).

(4) Subsection (3)(b) is subject to any change in C's circumstances after the time at which the arrangements have effect.

(5) Nothing in subsection (3) affects any liability of the first authority in relation to C for any act or omission of the first authority before the time at which the arrangements have effect.

(6) The Secretary of State may by regulations make further provision about the effect of arrangements under this section.

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(7) Arrangements under this section may not be brought to an end by the first or second authority once they have come into effect.

(8) In this section "local authority" means a local authority within the meaning of the Children Act 1989 (see section 105(1) of that Act).

(9) In this section "relevant child" means—
- (a) a person under the age of 18 who is unaccompanied and has made a protection claim which has not been determined,
- (b) a person under the age of 18 who is unaccompanied and who—
  - (i) requires leave to enter or remain in the United Kingdom but does not have it, and
  - (ii) is a person of a kind specified in regulations made by the Secretary of State, or
- (c) a person under the age of 18 who is unaccompanied and who—
  - (i) has leave to enter or remain in the United Kingdom, and
  - (ii) is a person of a kind specified in regulations made by the Secretary of State.

(10) The Secretary of State may by regulations make provision about the meaning of "unaccompanied" for the purposes of subsection (9).

(11) In subsection (9)—
- (a) "protection claim" has the meaning given by section 82(2) of the Nationality, Immigration and Asylum Act 2002, and
- (b) the reference to a protection claim having been determined is to be construed in accordance with section 94(3) of the Immigration and Asylum Act 1999.

Commencement Information

I2 S. 69 in force at 31.5.2016 by S.I. 2016/603, **reg. 2(b)**

70 Duty to provide information for the purposes of transfers of responsibility

(1) The Secretary of State may direct a local authority in England to provide information of the kind specified in subsection (2) to the Secretary of State for the purposes of enabling—
- (a) arrangements to be made under section 69, or
- (b) the Secretary of State to exercise functions under section 72.

(2) The information mentioned in subsection (1) is—
- (a) information about the support or accommodation provided to children who are looked after by the local authority within the meaning of the Children Act 1989;
- (b) such other information as may be specified in regulations made by the Secretary of State.

(3) A local authority which is directed to provide information under this section must provide it—
- (a) in such form and manner as the Secretary of State may direct, and

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(b) before such time or before the end of such period as the Secretary of State may direct.

(4) In this section "local authority" has the same meaning as in section 69.

Commencement Information
I3 S. 70 in force at 31.5.2016 by S.I. 2016/603, **reg. 2(b)**

71 Request for transfer of responsibility for relevant children

(1) Subsection (2) applies if—
(a) a local authority in England ("the first authority") requests another local authority in England ("the second authority") to enter into arrangements under section 69, and
(b) the second authority does not comply with the first authority's request.

(2) The Secretary of State may direct the second authority to provide the first authority and the Secretary of State with written reasons for its failure to comply with the request.

(3) In this section "local authority" has the same meaning as in section 69.

Commencement Information
I4 S. 71 in force at 31.5.2016 by S.I. 2016/603, **reg. 2(b)**

72 Scheme for transfer of responsibility for relevant children

(1) The Secretary of State may prepare a scheme for functions of, or which may be conferred on, a local authority in England ("the transferring authority") to become functions of, or functions which may be conferred on, one or more other local authorities in England (a "receiving authority") in accordance with arrangements under section 69.

(2) A scheme under this section—
(a) must specify the local authorities to which it relates, and
(b) unless it relates to all relevant children who may be the subject of arrangements under section 69 between the transferring authority and each receiving authority, must specify the relevant child or children, or descriptions of relevant children, to which it relates.

(3) The Secretary of State may direct the transferring authority and each receiving authority under a scheme under this section to comply with the scheme.

(4) A direction may not be given under subsection (3) unless the Secretary of State is satisfied that compliance with the direction will not unduly prejudice the discharge by each receiving authority of any of its functions.

(5) Before giving a direction under subsection (3) to a local authority, the Secretary of State must give the authority notice in writing of the proposed direction.

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(6) The Secretary of State may not give a direction to a local authority before the end of the period of 14 days beginning with the day on which notice under subsection (5) was given to it.

(7) The local authority may make written representations to the Secretary of State about the proposed direction within that period.

(8) The Secretary of State may modify or withdraw a direction under subsection (3) by notice in writing to the local authorities to which it was given.

(9) A modification or withdrawal of a direction does not affect any arrangements made under section 69 pursuant to the direction before it was modified or withdrawn.

(10) Subsections (5) to (7) apply to the modification or withdrawal of a direction as they apply to the giving of a direction, but as if—
- (a) the reference to the proposed direction were to the proposed modification or proposal to withdraw the direction, and
- (b) subsection (6) permitted the Secretary of State to withdraw the direction before the end of the 14 day period with the agreement of the local authorities to which it applies.

(11) In this section "local authority" and "relevant child" have the same meanings as in section 69.

Commencement Information

I5 S. 72 in force at 31.5.2016 by S.I. 2016/603, **reg. 2(b)**

VALID FROM 01/01/2018

73 Extension to Wales, Scotland and Northern Ireland

(1) The Secretary of State may by regulations make such provision as the Secretary of State considers appropriate for enabling any of the provisions of sections 69 to 72 to apply in relation to Wales, Scotland or Northern Ireland.

(2) The Secretary of State may by regulations make provision which—
- (a) has a similar effect to—
  - (i) any of the provisions mentioned in subsection (1), or
  - (ii) provision which may be made under section 69(6) or (10), and
- (b) applies in relation to Wales, Scotland or Northern Ireland.

(3) Regulations under subsection (1) may amend, repeal or revoke any enactment (including an enactment contained in this Act).

(4) Regulations under subsection (1) or (2) may not confer functions on—
- (a) the Welsh Ministers,
- (b) the Scottish Ministers,
- (c) the First Minister and deputy First Minister in Northern Ireland,
- (d) a Northern Ireland Minister, or
- (e) a Northern Ireland department.

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(5) In this section "enactment" includes—

(a) an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978;

(b) an enactment contained in, or in an instrument made under, an Act or Measure of the National Assembly for Wales;

(c) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament;

(d) an enactment contained in, or in an instrument made under, Northern Ireland legislation.

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