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# Behind Closed Doors:

A Storytelling Legal and Empirical Analysis of Human Trafficking Risks in Home Office Hotels Compared to Other Accommodation for Unaccompanied Children and Young People Seeking Asylum in the UK

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Every Child Protected  
Against Trafficking





*This image is a stock photo used for illustrative purposes only. No child victim is depicted in this report.*

## UCL

University College London (UCL) is a leading multidisciplinary university known for its research excellence and routinely ranking within the top ten academic institutions worldwide. The multidisciplinary team on this project came from the Department of Risk and Disaster Reduction's Everyday Disasters and Violences Research Group, and the Department of Security and Crime Science.

## ECPAT UK

ECPAT UK is a leading children's rights organisation campaigning to ensure children can enjoy their rights to be protected and to live free from trafficking and exploitation. We promote and uphold children's rights to protection, provision, and participation in the UK and outside of the UK through an integrated model involving research, policy, training, and direct practice.

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## Abbreviations

BAILII – British and Irish Legal Information Institute  
BETR – Before, Early, Threat and Prevention Re-Trafficking  
CRC – UN Convention on the Rights of the Child  
CCE – Child Criminal Exploitation  
CSE – Child Sexual Exploitation  
DBS – Disclosure and Baring Service  
ECAT – European Convention on Action against Trafficking in Human Beings  
ECtHR – European Court of Human Rights  
ECHR – European Convention on Human Rights  
HO – Home Office  
KCC – Kent County Council  
KEI – Key Expert Interview  
KIs – Key Informants  
NRM – National Referral Mechanism  
NTS – National Transfer Scheme  
P. – Paragraph  
PP. – Page  
PI – Principal Investigator  
SSHHD – Secretary of State for the Home Office  
UCL – University College London  
UK – United Kingdom  
UNHCR – United Nations High Commissioner for Human Rights  
VAC – Violence Against Children

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## Executive Summary

A recent and controversial practice development is the use of Home Office commissioned hotels to house unaccompanied children claiming asylum in the UK. From July 2021 to January 2024, seven Home Office hotels were established and finally decommissioned after the High Court in 2023 deemed their regular operation (rather than acting as 'emergency' accommodation) unlawful. There were concerning indications that the establishment of Home Office hotels for unaccompanied children may exacerbate risks of trafficking and various forms of exploitation. This was strengthened by media reporting over 440 missing episodes (some as young as 12 years old) among the 5,400 unaccompanied children housed from July 2021 to June 2023.

It is from this background that our study explored the lived experiences and perceptions surrounding the trafficking and exploitation risks among unaccompanied children placed in Home Office hotels while seeking asylum in the UK. The legal and empirical storytelling research provides a comparative analysis of risk and protective factors for children seeking asylum between Home Office hotels and local authority care settings. The research findings guide us toward what measures can be taken to prevent trafficking and exploitation, how we can mitigate trafficking and exploitation risks associated with these children's accommodation environments, and how to improve early intervention for unaccompanied children seeking asylum in the UK.

### Key Findings

1. The empirical storytelling interviews and legal analysis showed that the use of Home Office hotel accommodation for unaccompanied children seeking asylum increased the risks of both trafficking and exploitation as well as re-trafficking risk for those children having been trafficked into the country.
2. The research findings link adultification and children being placed in adult accommodation for people seeking asylum, which remains a risk after the child hotels have closed. The empirical data revealed that children seeking asylum were not only placed in and trafficked from the children's hotels, but an increasing number of children were reportedly incorrectly deemed as adults by the Home Office and thereby face similar and other associated risks (such as trauma, abuse, and exploitation by other adults) in adult hotels.
3. The research raised particular concerns about young unaccompanied Albanian people and trafficking. Our legal and empirical analysis drawing from professional experiences repeatedly indicated that Albanian children accommodated, and in particular Albanian boys, are especially vulnerable to trafficking and exploitation, as well as experiencing an increasingly precarious situation because of the relabelling of Albania as a 'safe country' for removal and Albanian boys as 'criminals' and 'scapegoats' in media as in the political discourse.



## Key Recommendations

**We propose the following recommendations to better safeguard unaccompanied children and young people seeking asylum in the UK:**

1. The UK government must commit to an independent inquiry into the disappearance of children from Home Office hotels and an extensive plan of how to find and support those children and young adults who remain missing.
2. The UK government must ensure local authorities children's services have sufficient funding to provide quality care and support to all unaccompanied children seeking asylum and commit to only determine someone is an adult in exceptional circumstances.
3. The Home Office must not commence the provision to accommodate unaccompanied children in the Illegal Migration Act 2023.
4. The UK government and relevant ministries and departments must work together to ensure appropriate safeguarding measures are implemented in the accommodation of children and young people identified as being at risk of trafficking including sufficient resourced and specialist trained accommodation and support staff (social workers, health workers and teachers).
5. Police forces must investigate the disappearance of all missing children equally (whether British or an unaccompanied child seeking asylum) as well as potential incidents of human trafficking and exploitation.



1.0

# Foreword



## Foreword by the Independent Anti-Slavery Commissioner

No child should be housed in unsafe accommodation, ever.

The UK is seeing record numbers of children and young people referred into the National Referral Mechanism (NRM) the framework used to identify potential victims of modern slavery. Last year, 44% of people referred to the NRM reported being exploited when they were children. Concerningly, this has increased by 138% in the five years between 2018 and 2023. Criminals are exploiting vulnerable children forcing them to transport drugs in 'county lines', using them to hold money in their bank accounts to avoid money laundering detection, and forcing them to carry out acts of violence. The perpetrators of these crimes must be held to account.

All children should be in safe and caring homes. Children in care should be in stable and loving environments with joined-up statutory services around them that are tailored to their needs to wrap care around them. Without this they are sitting ducks for those who would wish to exploit them.

The three core recommendations in this report provide the Government with crucial and practical suggestions about how to ensure that children and young people who do not have the protection of a loving family stay are kept safe from those who prey on the vulnerable.

In 2020, one in three children with insecure immigration status went missing from local authority care and between July 2021 to June 2023 there were 447 missing child episodes from hotels. This is clearly unacceptable and, while it is no longer lawful to house children in hotels, the circumstances surrounding how children were able to disappear from accommodation remains

unclear. This paper rightly recommends a full and independent review into how children went missing from hotels, so that the Government can put in place robust protections to make sure this never happens again.

Children deserve the best start in life. This report highlights the importance of this and why there must be outstanding children's services in every area across the country. Whilst these services come at a cost, they are critical in providing services for children who need and deserve the best support possible. Now, as criminals increasingly prey on vulnerable boys and girls, we must increase our investment and efforts to protect them from exploitation. We must act to protect children with early intervention and prevent the cycle of exploitation and forced criminality before it starts.

Finally, in the past few years, we have seen an increasingly damaging rhetoric that has conflated illegal migration and human trafficking. The High Court ruling to make housing unaccompanied migrant children in hotels illegal was a positive step. This report rightly calls for the power of the Home Secretary to directly provide or arrange the provision of accommodation for unaccompanied children as allowed by the Illegal Migration Act 2023 (IMA) to be revoked. This provision in the IMA would allow the Home Secretary to bring back the housing of children in unsafe accommodation, which has the potential to further undermine human rights. This must never happen again. Everything must be done to make sure children are in safe and caring environments which are free from exploitation.

*Eleanor Hyams.*



# 2.0

# Introduction

According to the most recent data reported by the UNHCR (2024), as of November 2022 the UK was home to nearly 330,000 refugees (of whom 55.4% were Ukrainians) and 167,289 people seeking asylum (under 1% of whom were Ukrainians).<sup>1</sup> In November 2022, the five most common nationalities among those with outstanding asylum decisions were Albanian (14.8%), Iranian (11.1%), Iraqi (9.5%), Afghan (7.8%) and Syrian (4.4%) (UNHCR 2024). The UK has instituted various governmental resettlement schemes and houses an established refugee diaspora (Trueba et al., 2023; Sanctuary on Sea, 2022). Nevertheless, it is estimated that only 0.6% of the UK's total population (and 5% of its foreign-born population) came to the UK to seek asylum (Walsh, 2022). Moreover, the UK has relatively few asylum applications per capita, ranking 19th on this metric among EU+ countries in 2021 (Walsh, 2022; Collyer & Shahani, 2023). A shortage of local authority accommodation in the UK, and particularly in popular cities such as London and Brighton, for unaccompanied children seeking asylum remains a significant problem where housing refugees and people seeking asylum remains a legal obligation (B&H City Council 2017; Stevens & Sivasathiseelan, 2022).

Foundational UK research focused on adult asylum seekers and refugees in the UK (Lewis et al. 2014, 2015) has previously concluded that their 'hyper-precarity' renders them vulnerable to labour exploitation (e.g. due to

a combination of meagre support payments, denial of the 'right to work' despite long asylum processing times, criminalising working without permission etc.). Previous research on safeguarding children seeking asylum in the UK also highlighted the risks of unsupportive care, child trafficking and child sexual exploitation (Rigby, 2011; Newbigging & Thomas, 2011; Hek et al., 2012; ECPAT UK, 2021; Hynes et al., 2022; Durán, 2022; Celiksoy et al., 2024). There are a variety of interconnected reasons why unaccompanied children are thought to be at particular risk of trafficking and exploitation once in the UK, including the inherent precarity of their situation, histories of trauma, insufficient support and safeguards, inappropriate accommodation, the targeting of their accommodation for recruitment into exploitation, and pre-existing links they may have to traffickers who then seek to pick them up once in the UK. Recent media coverage also documents criminal exploitation of missing unaccompanied children from Home Office hotels in the UK (e.g. Townsend, 2023a). However, there is still little academic research into the situations and mechanisms producing trafficking and other exploitation risks for children seeking asylum from these hotels, particularly within an increasingly hostile political climate around immigration.

For the past few decades, there has been a tightening of legislation around immigration and asylum in the UK that has resulted in an environment described as increasingly

<sup>1</sup> Even though counted as refugees by UNHCR, Ukrainians have largely been processed outside of the formal asylum system, through a range of bespoke visa schemes (Tomlinson, 2022).

hostile (Clayton & Firth, 2021; Hynes, 2022). Increasingly, the trajectory of asylum legislation has led to growing concerns around destitution, enforced dispersal, and the use of inappropriate and unsafe forms of housing and care as policy tools (Bloch, 2020; Clayton & Firth, 2021; Haynes, 2022). Not only are the deterrent effects highly contested, but these changes are widely thought to have led to heightened vulnerability and increased risks of exploitation, including the extremes of trafficking/'modern slavery' (see, e.g., Hodkinson et al., 2021). Concurrently, within the UK and internationally, there has been a growing and persistent concern regarding the trafficking and exploitation of children and young people in general and particular risks to those in especially marginalised positions (ECPAT UK, 2022; Grant et al., 2023). It is well recognised in the UK, and internationally that children in the care system are particularly vulnerable to abuse and exploitation – both within care settings and from their deliberate targeting by outsiders (e.g. Karsna & Kelly, 2021; Shaw & Greenhaw, 2020).

Unaccompanied children who have been trafficked have long gone missing from local authority care at higher rates than other children in care (Bokhari, 2008; Hunter & Durán, 2022). Research has demonstrated a connection between local authority accommodation more generally and child trafficking and exploitation (Connolly, 2014; Landers et al., 2017). A recent – and controversial – practice development is the use of Home Office commissioned hotels to house unaccompanied children claiming asylum. From July 2021 to January 2024, seven Home Office hotels were

established and finally decommissioned, with two located in Kent, two in East Sussex, one in Brighton and Hove, one in Oxfordshire and in Warwickshire. Management of these hotels was sub-contracted and staffing provided through employment agencies with some staff not receiving appropriate training, having basic security checks (DBS) in place needed to work with vulnerable children (Syal & Dugan, 2022; Stevens & Uthayakumar-Cumarasamy, 2022; Neal, 2022).

There were concerning indications that this measure of establishing Home Office hotels for unaccompanied children may exacerbate risks of trafficking and various forms of exploitation across the 'continuum of exploitation' (Skrivankova, 2010). From July 2021 to June 2023, some 5,400 unaccompanied children were housed in Home Office commissioned hotels, some as young as 10 years old (ECPAT UK v KCC and SSHD, Refugee Council, 2023c). Figures from 2022 suggested that over a quarter of unaccompanied children housed in these hotels were under the age of 16 (Ebrahimi, 2022). In March 2023, it was reported that there had been over 440 missing episodes reported from the hotels but the total number of children still missing, and missing episodes, remain unclear, but the most recent estimate was that 144 children and one boy as young as 12 years old remain missing (Tahir, 2023). There were particular trafficking and exploitation concerns around the missing children from Brighton and Hove in this context (Summers, 2023). It is generally recognised that a significant number of unaccompanied children go missing within the first 72 hours of arriving at the hotels (Rhees-Cooper, 2023).

Access to these Home Office hotels was controlled and highly restricted, and only specific delegates were allowed entry into the hotels for inspection (Stevens & Uthayakumar-Cumarasamy 2022). However, whistle blowers shared information with the media, which provided some preliminary insight into the occurrences within the hotels. Initial accounts brought attention to abuses of power, racist and xenophobic actions by staff, which included threats to revoke asylum claims if the children misbehaved, labelling children ‘terrorists’, and telling them to go back to their place of origin (Townsend, 2023a). Additionally, the whistle blowers reported that children were being abducted from the street outside the hotel and bundled into cars by traffickers. Investigative journalists found that children who went missing from the Home Office hotel in East Sussex were subsequently found in 18 other police forces, with evidence of criminal exploitation (Townsend, 2023b).

In June 2023, Every Child Protected Against Trafficking (ECPAT UK) brought legal action against Kent County Council and the Home Office over the practice of housing unaccompanied children in hotels, claiming the practice was unlawful. Kent County Council also brought claims against the Home Office on the operation of the National Transfer Scheme (NTS). In July 2023, Mr. Justice Chamberlain of the High Court in London ruled that the routine use of hotels for children had become unlawful, as the power to place children in hotels was only intended to “be used on very short periods in true emergency situations” and cannot be used as a substitute for local authority care (ECPAT UK v KCC and SSHD, Taylor, 2023: paragraph

4 and 5). The court also found Kent County Council to have acted in breach of its Children Act 1989 duties by failing to accommodate and look after all unaccompanied children seeking asylum when notified of their arrival. Following the ruling, the hotels were slowly shutdown with the final remaining hotel closing at the end of January 2024. However, the latest reports still indicate that children remain missing (Tahir, 2023), and it is unclear what steps are being taken to find them.

Human trafficking is a complex criminal process (as opposed to a one-off criminal event), involving multiple intersecting events, actors and locations that can be distributed in space and time (Cockbain et al., 2022). Prior research into other contexts of child trafficking show how abuse can be spread and sustained through victims’ social network structures (e.g., victim peer recruitment and peer-on-peer grooming) (e.g., Cockbain, 2018; Olver & Cockbain, 2021; Firmin, 2017). There are also longstanding concerns about the criminalisation of child victims of trafficking, including victims of child sexual exploitation (CSE) and child criminal exploitation (CCE), who may not conform to ‘ideal victim’ stereotypes and can be more readily dismissed as ‘complicit’ in their own abuse (e.g. Shaw, 2023; Cockbain & Brayley, 2012). While approaches to child safeguarding in the UK have traditionally been very focused on *individualised* risk and intrafamilial harm, interest continues to grow in contextual safeguarding (Firmin, 2020) as a means of responding more effectively to risky *settings* (locations, peer groups etc), particularly in relation to extrafamilial harm.

Our project is premised on the proposition that traffickers of vulnerable unaccompanied children may use two main recruitment settings or use them as ‘holding’ accommodation for on-wards re-trafficking: Home Office hotels and local authority accommodation settings. Reports suggest children here are used as indirect recruiters to target friends and relatives (Children’s Commissioner for England, 2021). These young people are believed to maintain contact with traffickers who may have also facilitated their smuggling<sup>2</sup> across the Channel or other migration journeys (Hodal, 2017).

The present study explores how unaccompanied children seeking asylum in the UK experience trafficking and exploitation risks and exposure in accommodation. Additionally, the study also provides a comparative analysis of risk and protective factors for children seeking asylum between Home Office hotels and local authority care settings. Finally, the report highlights what measures can be taken to prevent trafficking and exploitation, mitigate risks, and improve early intervention for unaccompanied children seeking asylum in the UK.

### **Aims of the Research Study:**

- Increase understanding of exposure, risk and protective factors for trafficking and exploitation of unaccompanied children seeking asylum in statutory provided accommodation within the UK.
- Explore the wellbeing and developmental outcomes for unaccompanied children seeking asylum who are living with the risk of being trafficked after their arrival in the UK.
- Provide evidence-based recommendations to improve prevention, early intervention, safeguarding and support of unaccompanied children at risk of exploitation, focusing on both practices and policy pathways.

The report begins by outlining the methods used in the study. We then provide a legal analysis focusing on the increasingly hostile political environment around (irregular) migration, such as the UK government’s agreement with Rwanda and ‘The Illegal Migration Bill’, which became ‘The Illegal Migration Act’ during our project, and the subsequent impact on unaccompanied children. We then go on to discuss the main empirical research findings from the project. The report concludes with examples of emerging avenues for future research, as well as a discussion of the findings related to policy recommendations.

<sup>2</sup> Smuggling refers to facilitating for material gain the irregular entry of someone into a country where they are not a resident or national. Smuggling and trafficking are not mutually exclusive, however, and the boundaries can rapidly blur in practice: for example, someone could consent to be smuggled but end up in a trafficking situation, or vice versa (see Bish et al., 2024).



# 3.0

# Methods and Theoretical Framework

To achieve the study's aims, the research approach combines a legal analysis of secondary data, with participatory storytelling and life history research techniques, which the PI carefully designed and has used in various research contexts, often involving participants from vulnerable populations, including victim-survivors of violence. The choice of methodology was informed by its potential to foster empowerment and healing mechanisms among the informants. As in any qualitative research, the aim is to understand complex issues in depth and nuance rather than make generalisations to all children seeking asylum in the UK. The combination of these research approaches allowed for detailed data collection while also providing agency for participants to guide the narrative while sharing their stories.

### 3.1 Legal Study and Analysis

From June to September 2023, while awaiting ethical approval to commence the empirical research, a smaller legal analysis and literature review was undertaken to trace and explain ongoing legal action by children's rights charities against the Home Office and the adoption of the 'Illegal Migration Bill' (now Act). The analysis comprised three aspects: 1) UK Parliament debates/committee meetings open to the public; 2) textual analysis of reported judgments in England and Wales and UK Parliament transcripts; and 3) an examination of relevant literature. The analysis is problematized in the context of the current domestic legislation (Children Act 1989 and Modern Slavery Act 2015) and international law, specifically the Convention on the Rights of the Child and the UN Trafficking Protocol.

Integrating empirical research with legal analysis provides an in-depth study of how the quality-of-care arrangements affect the risk of being trafficked for unaccompanied children seeking asylum.

This analysis aligns with the storytelling methodologies that are central to the project. It draws on the extensive analysis of legal judgments and grey literature that was undertaken to ascertain the current legal and policy landscape. The legal analysis generated a coding matrix of relevant legal precedence in relation to trafficking risks and legal protections for unaccompanied children in the context of the recent Illegal Migration Act 2023. The analysis adopted a doctrinal approach to analyse current international law applicable to these issues and relevant domestic legislation with a focus on international human rights law. Domestic non-devolved primary legislation relevant to the United Kingdom as a whole and relevant devolved legislation in England and Wales was also included within the scope. Other primary sources reviewed under the scope of this study are regulations, Parliamentary debates and statutory instruments in England and non-devolved for the United Kingdom in the areas of immigration, modern slavery, and child welfare. International and domestic case law was reviewed through targeted searches in two databases, Westlaw and British and Irish Legal Information Institute (BAILII), using a combination of search teams ("Modern Slavery", "Unaccompanied Asylum Seekers", "Children", "Trafficking", "Children Act"). A total of 67 legal judgements were identified, which were subsequently compiled into an Excel database for thematic analysis.

### 3.2 Empirical Study and Analysis

Once ethical approval was obtained from the University College London Research Ethics Committee (**ID Number: 26017/001**), we began recruitment through purposive sampling and controlled snowball sampling. As the research team has extensive experience involving unaccompanied children in the UK and in researching human trafficking and exploitation, we began by reaching out through personal networks and established gatekeepers.

We began by recruiting and interviewing key informants (KIs), comprising academics, legal aid practitioners, social workers, NGO practitioners, representatives of international organisations, and representatives of non-

government organisations and charities.

Subsequent to these interviews, we sought referrals to additional key informants, as well as unaccompanied children connected to KEIs. The recruitment of young people participants primarily took place with NGOs and charities actively involved in programmes for unaccompanied children in the UK. The research involved in-depth life history narrative interviews with 17 key informants and subject-matter experts and four with young people participants between the ages of 16 and 25 who came to the UK as unaccompanied children seeking asylum and self-identify as (current or previous) refugees. Interviews were conducted online, in English, and lasted between 60 and 90 minutes (see Table 1 and 2).

**Table 1: Overview of Expert Interviews**

Alias	Age range	Gender	Profession	Research Method	Date	Professional link to the Home Office hotels
Jade	40-50	F	Academic expert on Migration and Law	Key expert interview (KEI) Storytelling	11/06/2023	An academic who supported on legal cases for unaccompanied asylum-seeking children and victims of human trafficking and now researches asylum-seeker's access to legal aid.
Aaron	50-60	M	Police Inspector specialising in missing children	KEI Storytelling	11/21/2023	Missing people specialist assisting in developing and coordinating a national policing response for the missing children from the hotels.
Marlene	40-50	F	UN and policy stakeholder related to refugee child detention	KEI Storytelling	11/08/2023	Stakeholder who is an expert on child detention developing support and protections for child refugees needs within the UK law.
Korneliya	40-50	F	NGO worker who campaigns for ASR children	KEI Storytelling	11/08/2023	NGO Worker who is an asylum-seeking and Refugee children's rights expert who actively campaigned against the children's Home Office hotels.
Rose	40-50	F	Social Worker who works with ASR young people	KEI Storytelling	11/16/2023	A social worker who offers welfare support to asylum seeking young person and runs an age dispute programme for ASR children.
Lily	30-40	F	Social Worker who works with ASR young people	KEI Storytelling	12/20/2023	A social worker who has worked with children who were placed in the children's Home Office hotels and shared first-hand experiences of life inside the hotels.

Alias	Age range	Gender	Profession	Research Method	Date	Professional link to the Home Office hotels
Eden	30-40	F	NGO worker providing services for ASR young person and campaigning for their legal rights	KEI Storytelling	11/08/2023	NGO worker who worked directly with asylum-seeking and refugee young person and was able to provide second hand accounts of life inside the children's Home Office hotels.
Stefania	30-40	F	Policing researcher working on improving coordination efforts to find missing ASR young people	KEI Storytelling	12/01/2023	Policing researcher who discussed the police response to missing asylum-seeking children and how better to coordinate efforts to find missing asylum-seeking and refugee young people in the UK.
Jenevieve	40-50	F	UN and policy stakeholder related to ASR young people safety engaging with the Home Office	KEI Storytelling	10/25/2023	Stakeholder who was inside one of the children's Home Office hotels while in operation. They were able to give an account of what they saw inside.
Lena	30-40	F	Social Worker supporting ASR young people.	KEI Storytelling	01/30/2024	A social worker who works with children who have been placed in the children hotels and was able to provide accounts of life inside the hotels.
Silas	30-40	M	Legal representative and expert on child migrant and asylum law.	KEI Storytelling	12/11/2023	Legal representative that works directly with asylum seeking young people, provided second hand accounts of life inside the children's Home Office hotels.
Ronia	50-60	F	NGO Staff supporting unaccompanied children seeking asylum.	KEI Storytelling	01/10/2024	NGO staff member that provides educational and mentorship programming for asylum seeking and refugee young person and can speak directly to the challenges they face in the UK.
Melwin	40-50	M	NGO Staff supporting unaccompanied children seeking asylum with educational programs.	KEI Storytelling	01/05/2024	NGO staff member that provides training, mentoring, and educational programming for asylum seeking and refugee young person and provided second hand experiences of children who were placed in the hotels.
Justice	40-50	F	NGO Staff member working on how to better responses for missing ASR young people.	KEI Storytelling	10/12/2023	NGO worker providing insights on how to improve multi-agency responses to missing people, including child asylum seekers and refugees.
Kayla	30-40	F	Legal representative supporting ASR children.	KEI Storytelling	10/16/2023	Legal representative who has worked with previous missing children and discussed the challenges of accessing legal aid for children seeking asylum in the UK.
Kesha	40-50	F	NGO Staff member providing a range of support services for ASR children.	KEI Storytelling	10/23/2023	NGO staff member who provides a range of support for unaccompanied children seeking asylum in the UK and has heard directly from children who have stayed inside the hotels.

**Table 2: Overview of Young People and Adult Experts by Experience**

Alias	Age range	Gender	Nationality	Research Method	Date	Relevant experience related to hotels
Libena	20-25	F	Eritrean	Storytelling	17/01/2024	Shared their journey to the UK, talked about their experience in foster care, and discussed the responsibilities of the Home Office for protecting young people ASR.
Senai	20-25	M	Eritrean	Storytelling	17/01/2024	Talked about the difference between foster care and hotels, discussed trafficking risks for children, and talked about friends who have been placed in hotels.
Gadiel	20-25	M	Syrian	Storytelling	23/01/2024	Shared accounts of the hotels from the perspectives of his friends and discussed children trafficked from the hotels.
Floreste	15-20	M	Albanian	Storytelling	08/02/2024	A young person who was placed in a hotel and provided first-hand experience of life inside.
Rain	30-40	M	British+	Storytelling	18/01/2024	Staff member who worked inside a children's hotel and shared first-hand experience of life inside the hotels.

We employed a storytelling method within our qualitative narrative interviewing technique. The open-ended questions allowed opportunities for the participants to fully explore their perceptions, life experiences, opinions, and values, with empirical insights guiding the narrative (Ayeb-Karlsson et al., 2023). By following this approach, more agency is awarded to the participants, with the researcher's understandings, viewpoints, and biases being reduced, while social and cultural values can be shared in between sentences or throughout storylines (Overcash, 2003; Pfahl & Wiessner, 2007; Ayeb-Karlsson 2020, 2021). We used this approach because it has been widely praised for empowering vulnerable and marginalised people to speak their truth and tell their authentic stories (Hodge et al., 2002; Rodriguez, 2010; Ali, 2013; Ash, 2023). This method also allows for collecting deep data on sensitive topics, values, and behaviours when direct and prescriptive interviews feel inappropriate or extractive.

The expert interviews explored narratives around migration to and within the UK, unaccompanied children's accommodation and Home Office hotels, human trafficking risks and impacts, legal protections, and future policy developments in relation to children and trafficking and exploitation. The interviews with the young people participants explored living conditions and sense of belonging, overall well-being in the UK, support systems and social networks, accommodations and Home Office hotels, and human trafficking risks. The interviews were recorded, transcribed verbatim, and then anonymized. The data was coded and ordered within a thematic matrix, which we developed iteratively both from reviewing extant literature (deductive) and the interview data itself (inductive). Key themes were identified in the respondents' narratives, around which the report is structured.

Young people participants were compensated with young people vouchers for their participation. We used a comprehensive information and consent process to ensure young people had several opportunities to ask questions and time to make an informed decision about participating. Depending on appropriateness, we secured either written or oral consent before conducting interviews. In instances of oral consent, the researcher carefully reviewed the consent form and information letter with the participant before proceeding. Young people participants were offered the option to choose or were allocated an alias both before the interview and as part of the consent process aimed at safeguarding the identities of the young people informants. This project has been approved by the UCL Research Ethics Committee (**ID Number: 26017/001**)

### 3.3 Conceptualisations and Frameworks

The research and proposed recommendations operate under the definition of ‘modern slavery’ prevention as “*an ongoing process of avoiding and minimising exploitation and harm. This can be achieved by intervening before exploitation, and harm occurs, by intervening early and by*

*treating harm. It also includes action to prevent re-exploitation/ re-trafficking*” (Such et al., 2022: 7).

Our research framework is guided by the principles identified by the Modern Slavery PEC funded report (Such et al., 2022: 8) “Prevention of adult sexual and labour exploitation in the UK and the considerations within the report on prevention of modern slavery. Our framework prioritises community-based and survivor-led initiatives, sharing knowledge and lived experiences. We promote deep literacy through narrative-style interviews and data collection, allowing for an in-depth understanding of exploitation. We also consider pathways of power and control, which focus on resiliency and a deeper understanding of possible pathways for change in affected communities. Additionally, we focus on considering a coordinated systems response involving local partnerships and strategic system-level action plans for deterrence and prevention. Our recommendations will focus on the prevention of trafficking and exploitation and consider the BETR continuum (Before, Early, Treat and Preventing Re-trafficking) in how they are framed and presented (see **Fig. 1**).

**Figure 1: BETR Prevention Continuum**



Figure shows the ‘Before, Early, Treat and Preventing Re-trafficking’ framework and its relations between prevention, intervention and treatment (Such et al., 2022: 8).

# 4.0

# Legal Analysis

## 4.1 Introduction

Unaccompanied children are considered some of the most vulnerable children in the UK, many are at risk of going missing from care or being trafficked within the first 72 hours, while others are at risk of repeated episodes of going missing (ECPAT UK et al., 2022, 2018, 2016). In an increasingly hostile political climate around migration, there remains a pressing conflict between the legal frameworks and duties that are owed to children and hostile migration policy. This analysis extends our understanding of how unaccompanied children are rendered precarious despite their entitlement to legal protections under UK law. In doing so, it attends to the hitherto underexplored area of the risk and protective factors for trafficking and related exploitation of unaccompanied children in the UK.

## 4.2 Lawfare

Additionally, the legal analysis and our case law review are grounded in the concept of lawfare. Lawfare refers to the use and manipulation of laws by states and other powerful actors to subvert or distort the rule of law and to silence critical voices (Dunlap, 2001; Handmaker & Taekema, 2023). It involves leveraging legal mechanisms, such as litigation, international law, and administrative procedures, to achieve strategic goals (Matthews, 2023). The practice of lawfare can be used to delegitimise an opponent, deter an individual's usage of their legal rights, and undermine existing procedural rights or safeguards to better serve desired interests (Handmaker & Taekema, 2023). In some contexts, lawfare can be viewed as a legitimate tactic to pursue justice or hold



powerful entities accountable. However, it can also be used to manipulate the legal system to achieve objectives that may not align with the principles of fairness or justice or to counter existing laws or international agreements (Kittrie, 2016).

Lawfare, therefore, can be weaponised to delegitimise, de-emphasise, and oppress the legal entitlements owed to specific communities such as children, people claiming asylum and refugees (Handmaker, 2019). The strategic instrumentalisation of lawfare by states can serve as a mechanism to circumvent international law and discredit their human rights obligations (Bisharat et al., 2018). Utilizing lawfare as a concept can offer insights into the political objectives that powerful actors seek to achieve, informing a more strategic

response by state and civil society groups to counter these efforts (Kearney, 2010). Our legal analysis evidences how a process of ‘lawfare’ is occurring in the context of the UK, where the procedural rights owed to unaccompanied children seeking asylum are being undermined. We begin the analysis with an overview of the relevant legal frameworks and duties owed to unaccompanied children seeking asylum.

### 4.3 Domestic Application of the International Legal Framework

The international legal framework focusing specifically on the rights of children in international human rights law is found in the most widely ratified treaty, the United Nations Convention on the Rights of the Child 1989 (‘CRC’). The United Kingdom ratified this Convention on 16 December 1991 but it remains unincorporated into domestic legislation. Scotland is the only devolved administration in the United Kingdom that has incorporated the Convention. Despite this domestic legal status, courts in the UK have considered the provisions of the Convention (*ZH (Tanzania) v Secretary of State for the Home Department* [2011] UKSC 4), and they have also been included in the jurisprudence of the European Court of Human Rights (‘ECtHR’). The CRC enshrines specific obligations for states to take measures to prevent violence against children (‘VAC’), not solely to prohibit it. These rights create a positive obligation for member states to prevent these offenses from taking place rather than solely reacting, such as the duty to adopt operational measures to protect both potential victims initially and those conclusively found to

have been victims of trafficking [*V.C.L. and A.N. v. the United Kingdom* App no 74603/12 and 77587/12].

The prohibition on slavery is also recognized as part of *jus cogens* or a peremptory norm of international law, a fundamental principle of the international community with no possibility of derogation. Regionally, the European Convention on Human Rights (‘ECHR’) incorporated via the Human Rights Act 1998 sets out in Article 4 the prohibition of slavery and forced labour, also a non-derogable absolute right. The primary source of obligations for signatory States related to human trafficking arises from the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (‘Palermo Protocol’), ratified by the United Kingdom on 9 February 2006. In addition, the most significant regional instrument, ratified on 17 December 2008 by the UK, is the Council of Europe Convention on Action against Trafficking in Human Beings (‘ECAT’). The Convention sets out measures to protect and promote the rights of victims of trafficking and led to the UK implementation of the National Referral Mechanism (‘NRM’), the procedure for identifying victims of trafficking and providing support. ECAT also includes a provision to ensure signatories take specific measures to reduce children’s vulnerability by creating a ‘protective environment’, a broad concept that ensures children’s rights [ECAT art 5(3) and (5)].

The National Referral Mechanism (NRM) is a framework which enables potential victims of modern slavery to be formally identified and receive support. The procedure was

implemented for the UK to meet its obligations under ECAT, which requires that victims be assisted in their 'physical, psychological and social recovery' (Article 12). The NRM sets out the parameters decision-makers use to determine whether or not the person is a potential victim and a confirmed victim by the government. The identification of a child as a potential victim relies on a referral to the NRM by an authorised 'first responder', a term that includes specified statutory and non-governmental organisations (Home Office, 2022). Local authorities first responders referred the largest share of potential child victims from 2015-2023, representing 47% of all referrals across this period (Celiksoy et al. 2024). Unaccompanied children accommodated in Home Office hotels were not in the care of Local Authorities during that period, reducing their contact with the most prevalent child first responder which likely impacted their identification as victims and access to support, including preventing re-trafficking. Research into the trafficking of children show of children the importance of establishing trusting relationships to facilitate the effective engagement and delivery of trafficking protections for victims, aims that have been evidenced to be undermined by a broader systemic mistrust of people seeking asylum in immigration responses (Hynes, 2015; Hynes et al. 2022; Celiksoy et al. 2024).

#### 4.4 Child Welfare National Law in England and Wales

Domestically, England and Wales' statutory child welfare regime is set out by the Children Act 1989, and the Children Act 2004

amendment, which assigns responsibility to local authorities for child protection and safeguarding. Part 3 of the 1989 Act contains duties and powers to look after unaccompanied children. Section 17 imposes a general duty on the local authority to "*safeguard and promote the welfare of children within their area who are in need*" by "*providing a range and level of services appropriate to those children's needs.*" (Children Act 1989). An unaccompanied child will inevitably be "in need" because they are without an adult who holds parental responsibility and without accommodation or support [R (G) v Barnet LBC [2004] 2 AC 208 A child who is homeless or destitute is "in need"].

The Working Together to Safeguard Children statutory guidance requires that local authorities decide the next steps and the type of response required within one working day of a referral of a child in their area being received (Working Together, 2023). This response must consider whether the child requires immediate protection and whether there is reasonable cause to suspect that the child is suffering or likely to suffer significant harm. The specific duty to accommodate arises under Section 20 (Children Act 1989), which imposes specific duties for local authorities to provide accommodation for children who are in need, a de facto criterion met by all unaccompanied children. Once accommodated for 24 hours, the child becomes 'looked after' under Section 22 (1) Children Act 1989, and the local authority becomes the 'corporate parent' under Section 1 of the Children and Social Work Act 2017. These duties are essential for unaccompanied children, given that they are alone in the country with no adult to care for them. These

duties apply irrespective of the local authority's resources or lack of them: *R (JL) v Islington London Borough Council* [2009] EWHC 458 (Admin), [2009] 2 FLR 515, [70]-[71] (Black J).

The 'Care of unaccompanied migrant children and child victims of modern slavery: Statutory guidance for local authorities 2017' explicitly sets out that they '*are at increased risk of going missing, often leaving the care of those who would protect them from returning to traffickers who will continue their exploitation*' and that many '*are at risk of going missing from care, often within the first 72 hours, whilst others may be at risk of repeated missing episodes*'. Specific duties to look after children are set out in the Care Planning, Placement and Case Review Regulations 2010, including protection and placement planning with a 2014 amendment expressly directing local authorities to consider whether the child may be a victim of trafficking or an unaccompanied child, and the specific needs they may have arising from either or both of those statuses [The Care Planning and Care Leavers (Amendment) Regulations 2014 (SI 2014/1971)].

#### 4.5 Children in Home Office Hotels

The practice of accommodating unaccompanied children in Home Office managed hotels was highlighted in a communication to the United Kingdom by various UN Special Rapporteurs<sup>3</sup> as the practice may fail to comply with the State's obligations arising under international law to

prevent the trafficking of children and to ensure effective assistance and protection of children at risk of trafficking. It was also detailed in 2022 by ECPAT UK as presenting a significant protection risk for children and depriving them of their rights (ECPAT UK, 2022).

Following no commitment to end the practice, ECPAT UK issued judicial review proceedings against Kent County Council (KCC) and the Secretary of State for the Home Office (SSHD). The judicial review focused on the unlawful failure of KCC to perform its Children Act 1989 duties to take newly arrived unaccompanied children into its care, an unlawful breach of the Home Office of Section 72 of the Immigration Act 2016, which sets out the power conferred to the SSHD to prepare the National Transfer Scheme which must be confined within the Children Act 1989 *between* local authorities and a claim against both defendants that the protocol they agreed to transfer children into hotels was unlawful.

The High Court, in its decision on 27 July 2023, found that KCC acted unlawfully in breach of its Children Act 1989 duties, which violated a fundamental aspect of the statutory scheme, that these duties apply to all children, irrespective of immigration status, based on need alone [ECPAT UK v Kent County Council and Secretary of State For The Home Department [2023] EWHC 1953 (Admin) Case]. The judge also found the Secretary of State for the Home Department to have acted unlawfully in routinely and systematically

<sup>3</sup> See [UK: Protect unaccompanied children seeking asylum say UN experts](#) and the UNSRVAWG's 21.02.2024 [statement](#) for further details.

accommodating newly arrived unaccompanied children in hotels, denying them the protection of a local authority corporate parent. The High Court ordered an end to this practice with a suspended quashing order to ensure a safe exit for all the children who remained in the hotels. The last child hotel closed in January 2024 and at the writing of the report the court has maintained oversight of joint plans of the defendants to ensure the unlawfulness does not reoccur. The fourth and final judgement of these proceedings issued on the 5 June 2024 further emphasises that the duty under section 20 of the CA 1989 for local authorities to accommodate unaccompanied children applies regardless of the local authority's resources (ECPAT UK, 2024).

#### 4.6 The Illegal Migration Act

The passage of the Illegal Migration Act 2023, which received royal assent on 20 July 2023, for the first time confers powers to the Secretary of State for the Home Department to accommodate unaccompanied children under Section 16 of the act. Previously, Section 95 of the Immigration and Asylum Act 1999 explicitly excluded unaccompanied children in the provision of accommodation for destitute asylum seekers. These provisions of the Illegal Migration Act are not yet in force (as of February 2024), and significant questions remain regarding the conflict between these new powers of the Home Office to accommodate children and the duties of local authorities under the child welfare

framework. Additionally, other provisions such as the powers to detain children, the new provisions to deem unaccompanied children's asylum claims inadmissible, the extended provisions on age determinations and the limitations on leave have raised significant concerns regarding the increased risk to this population because of these provisions, including missing and exploitation (Refugee and Migrant Children's Consortium, 2023 and Children's Commissioner for England, 2023). Under the Illegal Migration Act, unaccompanied children will also be excluded from protections as victims of modern slavery under the NRM once they transition into adulthood or if the Secretary of State wishes to use his power to remove them before they turn 18 if they are to be reunited with their parents, if they are from a 'safe country'<sup>4</sup> or any other circumstances specified in regulations once these provisions are enacted.

#### 4.7 Legal Case Study Analysis

Through an analysis of case law, we have highlighted three notable instances of legal implementation in the protection, or failure thereof, of children and young people seeking asylum. These examples underscore the evolving landscape of prevention measures concerning trafficking and re-trafficking. Specifically, we have examined three cases, each shedding light on the complex interplay between law, protection, and the vulnerabilities faced by young people claiming asylum. As we navigate these legal frameworks, it becomes

<sup>4</sup> A country listed in section 80AA(1) of the Nationality, Immigration and Asylum Act 2002.

increasingly evident the use of Lawfare against unaccompanied children and young people seeking asylum and that proactive measures must be taken to safeguard the rights and wellbeing of vulnerable young people in the asylum process.

**a. Legal Case Analysis 1: Protection Duty Owed to Potential Child Victims of Human Trafficking**

Chim\* [2019 EWCA 1395] is a young man from Vietnam who arrived in the UK on 8 September 2015. When he arrived, he was found by police in the back of a lorry along with 15 other men, six of whom were also Vietnamese. Immigration authorities who assessed Chim's\* age assessed him as over 18. He was then detained in the Dover Immigration Removal Centre and then Brook House in Sussex, with a view to him being returned to Vietnam as soon as emergency travel documents were issued. After meeting with a solicitor, he was referred by an NGO first responder to the NRM as a potential child victim of trafficking. His solicitor wrote a letter to the Home Office evidencing that Chim\* had been trafficked from Vietnam. The letter asked that he be released from detention as he had been improperly age assessed. In addition, his solicitor argued that he was also at serious risk of re-trafficking unless his release included provisions which minimised those risks from occurring. She stated that Chim\* *"may still be under the control of his traffickers and will be vulnerable to their threats and coercion when he is released from immigration detention"* (p. 20). In particular, it was highlighted that "he should be released into safe and secure accommodation, to be provided by the local authority, West Sussex

County Council ("the Council"), for assessment and services under sections 17 and 20 of the Children Act 1989; that a multi-agency meeting should be arranged; and that his case should be referred to the Kent police and the Human Trafficking Team of the Metropolitan Police." (p. 2).

Chim\* was granted temporary admission on the condition that he reside at a specific address in south London. No protective orders were put into place in advance of his release. Immediately upon release, Chim\* went missing and has not been seen by anyone or been in contact with his lawyers since. The police investigated his whereabouts but without success. It is believed that Chim\* was re-trafficked. As a result of Chim's\* case, a domestic court found, for the first time, a breach of the duty to protect potential victims of trafficking under Article 4 of the European Convention on Human Rights. The claim centred on the breaches of the Secretary of State for failing to take reasonable steps to protect Chim\* in circumstances where she knew, or ought to have known, that there was a credible suspicion that he was a trafficking victim at risk of being re-trafficked. This ruling is significant as it establishes domestically the duty owed to potential child victims of human trafficking. However, just a year after Chim's\* case, another prominent case involving another Vietnamese boy occurred. Shropshire Child C arrived in the UK in 2016, was indicated by his lawyer of being at heightened risk of trafficking. When he was placed in foster care, he did not receive adequate protections from re-trafficking, immediately went missing, and was found dead in 2016. These cases highlight the lack of respect for the positive obligations of the state to protect children from being re-trafficked when they knew or should have known they were potential victims

at risk of further exploitation. Given these obligations, it can reasonably be argued that the government failed to meet these obligations for unaccompanied children accommodated in the child hotels who went missing if they were re-trafficked, particularly those identified as potential victims.

***b. Legal Case Analysis 2: Local Authority Accommodation Responsibilities for Unaccompanied Asylum Seekers Pending Age Assessments Under Section 20 of the Children Act 1989***

Yassin\* [2021 EWHC 2843] was an unaccompanied child from Afghanistan when he arrived in the UK on 27 September 2020. He was immediately placed in the Holiday Inn, Empire Way, in London on the same date of his arrival. The hotel Yassin\* was placed into was being used to house adults in the asylum system. The local authority received a referral related to Yassin\* on 30 October 2020 and carried out an initial visit with Yassin\* on 2 November 2020. Yassin\*'s case was referred by solicitors to the local authority for Children Act support on 4 December 2020. Yassin\*'s case experienced further delays, with the local authority scheduling an age assessment process for 17 December 2020 but also notified solicitors that the process "requires time to complete the report and this can take up to in the region of 14 days and go through the local authority's approval process. We must also allow for the upcoming Christmas period" (p. 4). Yassin\* had been living in the Adult Hotel for 85 days before a claim for judicial review was issued on 21 December 2020. The following day a High Court Judge granted interim relief ordering the local authority to "treat the

Claimant as a child pending a completed age assessment" and to secure that the Claimant "is accommodated under s. 20 Children Act 1989...until 14 days after notification to the Claimant's solicitor of the completion of an age assessment" (p. 4). Following the grant of initial relief Yassin\* was placed in a foster family setting and told the court that "*I feel stable and secure and for the first time [since coming to the UK] I am feeling happy*" (p. 4). While with foster carers Yassin\* had access to certain social, educational, and professional services that he did not have access to while in adult accommodation. He was taught basic living skills and started learning English. On 6 May 2021, Yassin\*'s age assessment was completed (236 after arriving in the UK) and concluded that he was born on 7 April 2004 and was 16 when placed in adult accommodation in the Holiday Inn, Empire Way.

In Yassin\*'s case, it was ruled that the local authority's decision to deny the provision under section 20 of the Children Act 1989 was an unlawful breach of statutory duties and/or violations of the policy and guidance applicable to the treatment of putative children pending age assessment. Placing Yassin\* in adult accommodation was an unstable and temporary measure that could have resulted in him being dispersed into detention at any time without notice. Additionally, despite having Home Office security within the hotel, there was no evidence that children like Yassin\* were safeguarded from the risk of living in close quarters with adults (including those of exploitation and sexual abuse). During the proceedings, the local authority accepted that placing Yassin\* in an adult hotel was not "suitable" accommodation for a child. Yassin\*'s case is a clear example

of the negative impacts of improper processes around age assessments and the impact of adultification on children seeking asylum. Having happened in 2020, it provides insight into the rulings that potentially impacted the decision to open hotels for children. Notably, the case highlights how lawfare, manifested through improper age assessments leading to the denial of entitlements to services as a child seeking asylum, influenced the outcome of Yassin\*'s legal proceedings and protection.

***c. Legal Case Analysis 3: Increased Hostility and Mistrust of Albanian Young Women as Trafficking and Sexual Exploitation Victim-Survivors Seeking Asylum in the UK with the Illegal Migration Act***

The UK Government often argues that its contemporary policy developments place women and girls at the centre of working to eliminate gender-based violence. This policy progress extends from a proud history starting with ratifying the Council of Europe Convention on Action Against Trafficking in Human Beings in 2008, followed by the 2015 Modern Slavery Act, which protects vulnerable victims of human trafficking and exploitation, and the 2022 ratification of the Istanbul Convention. However, as the country joined the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence while the then Illegal Migration Bill was gaining ground within parliamentary debates, migrant women were left out of many of the protections from violence that were promised to British nationals. In the growing hostile political

environment (Trueba et al., 2023; Collyer & Shahani, 2023), migrants were increasingly framed as 'flooding' the country in 'small boats' where certain nationalities became particularly targeted by its racial discourse, such as Albanian citizens (Ypi, 2022; Ibrahim, 2022). A stubborn media and political discourse framed Albanians claiming asylum as being part of organised 'criminal gangs' (Topping, 2023) who had come to realise that the UK's so-called welcoming and inclusive asylum policies were easy to take advantage of by simply claiming to be a victim of trafficking and exploitation who must be protected under the 2015 Modern Slavery Act.<sup>5</sup>

We argue that the increasingly hostile attitude that came with the rise and Parliamentary passage of the Illegal Migration Act in 2023, left young women from Albania seeking protection as victims of trafficking and sexual exploitation vulnerable and unprotected. Many faced a legal system and lawfare of increased mistrust, victim blaming and legal punishment. We build this argument around the case law including six judgements handed down between the years of 2019 and 2022 involving six Albanian young women who were referred to the NRM as being victims of trafficking and sexual exploitation around the age of 20 to 28 on their way to or in the UK. Two out of the six women describe trafficking and sexual exploitation experiences in Brighton. The women were often deemed to have provided false witness statements and saw their protection rights declined or revoked and in the most extreme case they even punished with imprisonment for misleading the police.

<sup>5</sup> For further elaborations, see <https://modernslaverypec.org/resources/migration-act-explainer>.

It is of note that the court found that four of the six women had indeed been treated unfairly and allowed their appeals and right to protection as victims of trafficking and sexual exploitation. Beata\* and Janet\* jointly challenged [2019 EWHC 3346] the lawfulness of the Secretary of State's policy of not determining a trafficking victim's application for a residence permit under Article 14(1) of ECAT before making a decision on the asylum application. The judge agreed that the scheduling rule was incompatible with the UK's obligation under ECAT as well as with Article 14 of the ECHR in relation to both Janet\*'s and Beata\*'s cases. Marielle\*'s [2020 EWCA Civ 1746] appeal contesting a 2013 conclusive grounds decision which determined that \*Marielle was not a victim of trafficking was allowed on three grounds out of four, namely ground two (anxious scrutiny), three (credibility) and four (expert evidence) but not ground one (CA standard of proof). Fatima\* also won her appeal [2022 UKAITUR PA35202020] related to the refusal of protection as a vulnerable victim of trafficking in 2022 and particularly the guidance outlined in [2010 UKUT 80 (IAC) AM and BM (Trafficked women) Albania CG] and [2016 UKUT 92] TD and AD (Trafficked women) CG Albania].

Perhaps more upsetting are the references made to the two out of six young women who had their appeals dismissed. Dina's\* appeal [2019 UKUT 351] was declined on both human rights and protection grounds. Her child was deemed better off in Albania despite potentially being a British citizen: "*There is...nothing to show that his best interests would be served by anything other than being where his mother*

*will be. In the light of our findings, that would be in Albania"* (p.110). Despite medical evidence of the experienced violence associated with the sexual exploitation, including scars on her body, CA's conclusive grounds decision was that she is not a victim of trafficking. She is also deemed an untrustworthy witness: "*appellant is not a witness of truth, and there is not a reasonable likelihood of any material part of her account being true. (p. 89)...It is wholly unbelievable...We conclude that it is a blatant lie. (p. 90)...it beggars belief that the appellant's activities would not have come to the attention of the uncle and his family that the appellant was regularly engaged in prostitution, rather than attending to her education."* (p. 92).

Linda\*'s appeal [2022 EWCA Civ 977] to quash the negative conclusive grounds decision is dismissed "*on the grounds of her admitted dishonesty...[and that] there was not sufficient evidence to show that she had been a victim of trafficking...for example: being with her sister's boyfriend when travelling to the UK ... and not being controlled in the UK, when her case was that she was forced to travel to the UK"* (p. 56). This is despite the fact that "*a member of the public called police to report that they had seen a female...in a distressed state standing on a traffic island in Brighton. Her hands were bound with duct tape. She was wearing torn fishnet stockings and was covered in bruises and scratches"* (p. 14); Linda\* is pressured into admitting to having given false witness testimony by the police. She maintains being a victim of trafficking but pleads guilty to perverting the course of justice, lying to the police, and misrepresenting her experiences. She was sentenced to 19



months of imprisonment and was only released in February 2019. Her reasonable grounds decision turned negative soon after in October 2019.

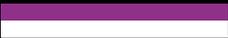
We argue that there has been a legal shift with the 2023 Illegal Migration Act, which goes against the previous legal guidance on the risk of return to Albania of victims of trafficking<sup>6</sup> and particularly those having experienced sexual exploitation. The after-effects of these judgments and the current juridical attitude will likely put other Albanian victims of sexual exploitation, girls, young women, as well as boys, at increased risk of harm, missing and re-trafficking episodes, while reducing their willingness to seek help and support.

#### 4.8 Conclusion of Legal Analysis

In conclusion, our analysis of the existing case law has highlighted three significant instances illustrating the lack of respect for the positive

obligations the UK is bound under regarding protecting people from slavery and the lack thereof in safeguarding children seeking asylum from the risk of trafficking through existing legal frameworks and duties. These examples not only highlight the measures regarding trafficking and re-trafficking but also demonstrate the dynamic balance between legal frameworks, protection mechanisms, and the unique vulnerabilities experienced by young people claiming asylum. Furthermore, they demonstrate an evolving social and political atmosphere in the UK, leading to greater hostility toward young people claiming asylum and refugees. The analysis also demonstrates that the use of Lawfare from state actors, particularly against unaccompanied children claiming asylum, is a pressing concern, especially evident in the examples of Albanians seeking asylum and trafficking protections in the UK.

<sup>6</sup> [1] See [2016 TD and AD (Trafficked Women) CG UKUT 00092 (IAC)], and [2010 AM and BM (Trafficked Women) Albania CG UKUT 80].



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# 5.0

# Empirical Analysis and Results



<sup>7</sup> The key findings presented in this chapter has been submitted as a journal article and so should be cited as; Ayeb-Karlsson, S., Valiquette, T., Cockbain, E. and Duran, L. (2024). “Dumped in a hotel by the sea”: The risks and harms of human trafficking and exploitation associated with placing unaccompanied children in Home Office Hotels while seeking asylum in the UK. Under Review, Working Paper.

The empirical evidence gathered through storytelling and narrative analysis revealed three key themes. We will examine the use of hotel accommodations for children seeking asylum, highlighting how this practice increases the risks of human trafficking and re-trafficking, followed by the links between the adultification of children seeking asylum and being placed in adult accommodation, and finally, the particular concerns surrounding Albanian young people, who face heightened precarity in a polarized media climate and hostile political system.

**a. *The Use of Hotels Accommodation for Children Seeking Asylum was Seen to Increase the Risks of Both Trafficking and Re-Trafficking***

We were able to speak with four young people who had arrived in the UK as unaccompanied children seeking asylum. Two of them emphasized the connections between being smuggled into the UK and their experiences of trafficking or other exploitation before arriving in the UK. Libena and Floreste also emphasise the sheer trauma of their journeys to the UK. Having endured these situations prior to their arrival, young people felt that children were at a heightened risk of trafficking or re-trafficking when placed in Home Office accommodation for unaccompanied children:

*It's a long journey and so from Eritrea /.../ to the UK. That took me 7 months /.../ There is so many deserts, so many mountains, there is so many, and human traffic[king], and there is so many people that you see even dying. My friends. /.../ It was really challenging to get here.*

Libena, F:+/-20, 17.01.2024, Refugee Young person who shared foster care experiences

*We got out in the sea, we got like in the night time like we stayed like about 8 or 9 hours in the sea /.../ I think we passed the border, then the like English Marines/.../ they came and get us with the bigger boat. Like they send us to like the army /.../ And like under underage children, they just send us to the hotels, you know, like and the and the other people, like, I didn't know what happened to them, you know.*

Floreste, M:+/-20, 08.02.2024, Young Person Seeking Asylum placed in Home Office hotel



The professionals seconded these attitudes and drew attention to the organised smuggling operations surrounding the borders of the UK, notably at Calais. They felt it obvious that if vulnerable children with potential trafficking ties are crammed into a publicly announced, easily identifiable hotel upon arrival in the UK, it provides an easy target for traffickers seeking to find and exploit these children:

*If you did want to find children to work in your dodgy business and not pay them, that is where you go [to the hotels], isn't it? /.../ You have concentrated a load of vulnerable children in one place and it makes them an easy target. Then I think the second thing is they are just not being looked after. /.../ There is nothing stopping someone saying, you know, come with me or just grabbing them.*

Jade, F:+/-40, 11.06.2023, Academic researching migration and law

*If we kind of acknowledge that this is the kind of activities that go on borders and these are the young people that are going to be trafficked coming over to the UK, we already know that pretty much all of them have a trafficking risk or you know, kind of risk from some gang member in Calais. Those operations do not exist just on one side of the border. They happen on both sides of the border. /.../ So, for me, if a young person who has been through Calais is at risk of trafficking and exploitation because of that, I put in particular if they are then placed in a really public place where the address is accessible.*

Eden, F:+/-30, 11.08.2023, NGO worker providing services for ASR young person

Actual incidents of children being tricked into trafficking and exploitation from the children's hotels were identified by Rain, the Home Office hotel staff worker, confirmed that he had at least on at least three occasions heard of trafficking incidents from the hotels:

*I think what happened a few times is/.../I think they then contact them via like a fake account or Facebook or something like that and then say I think a lot of them have done that where I heard them a lot of the gangs would say: 'We are sending a friend or a girl that wants to be their friend'. Who says, 'Come? I have got place for you.' /.../ [It] is not that they are naive but when in such a bad situation, I think they think, 'OK, it's the risk but this place is also bad'. So then they just get up and they leave and they meet that person. Who, then is the traffic[er] or who broke them in, or someone who knows them. I have heard that happened three times, yeah.*

Rain, M: +/-30, 18.01.2024, Former Home Office Hotel Staff

Young people and professionals agreed that children placed in hotels were at higher risk for trafficking and exploitation than children placed in actual homes with foster parents. There was a strong consensus, 19 of the 21 interviewees, felt that the trafficking and exploitation risk increased with the hotels if compared to other accommodations. The professionals explained

that semi-independent accommodation is likely to pose less risk than hotels, with foster care offering the lowest risk. At the same time, however, they still emphasised that even in foster care unaccompanied children can be and are still recruited by traffickers for exploitation. Gadiel aligned the way the Government's Rwanda scheme created dangerous incentives for young people to disappear once in the UK and reduced oversight and powers to intervene within hotel contexts. In this way, new 'hostile' policies are seen to make an already vulnerablised population even more at risk of harms in the UK:

*So in in my opinion it [living in hotels] 100% does [increase the trafficking risk], so if you are a young person living in a hotel thinking about uh, ok, so in the next week maybe I will be like,*

*Local authorities have procedures they can put in place when a child is identified as a flight risk. /.../ One of the issues may be the hotel is not able to respond in the same way that a local authority might be able to respond, so the local authority might be able to restrict the child's movements, the Home Office and the children's staff working in the children's hotels cannot really do that.*

Jenevieve, F: +/-40, 10.25.2023, UN and policy stakeholder related to ASR young person safety

Our interviews with both young people and professionals underscored the compounded risks of placing vulnerable unaccompanied children in hotels. Besides the vulnerabilities that came with placing children together in public, poorly unmanaged, and badly supervised housing, a lack of activities (including educational), the inability to communicate and establish trust with staff, boredom and feeling imprisoned were seen to heighten the risks of children going missing, being lured into exploitation and trafficked.

Additionally, we were told that children placed in emergency hotels often exceeded the 10-day target to be moved on through the National Transfer Scheme. Even though Jenevieve indicated that these time frames were generally adhered to, most interviews highlighted examples of children staying for several months. We are confident, based on the many observations and second-hand reports by professionals and young people, as well as the High Court judgment that some children were left in these 'emergency' hotels for months. The detrimental impacts in terms of feeling trapped and imprisoned in the hotels were described by Gadiel, Senai and Lily among others. Those prolonged stays in turn were widely seen to significantly increase the risk of children going missing. It seems that missing episodes can both be an indicator of having disappeared into exploitation and a mechanism by which subsequent vulnerability to exploitation is increased:

*I had some young people who /.../ were from the hotels and they were just waiting for the decision /.../ like three to four, five months? /.../ So that was too difficult for them and for their mental health /.../ I believe like not the whole hotel ideas like idea is like, you know so bad.*

Gadiel, M: +/-20, 23.01.2024, Refugee  
Young person who shared friends  
experiences in hotels

*There's people who cannot go back to It is confusing for children and young people when they first arrive for obvious reasons. /.../ One young person who was not in a hotel but spent time in a reception centre in Kent recently told me that it was like being in jail because there is so many security guards and they really kind of dictate when you can and cannot leave.*

Lily, F: +/-30, 12.20.2023, Social Worker  
who works with ASR young person

Rain, a former hotel staff member, clarified how missing episodes particularly increased with the new safety protocol which was put in place against specific 'nationalities' that were reported with missing incidents, such as Albanian children. One of these safety protocols involved an hourly safety check on the children throughout the night, where a staff member would knock on the doors of each child's room and wake them up to ensure they were still in their room. Rain emphasized that due to these practices and the poor conditions of the hotels, most children did not cope for more than a week before leaving and never returning. Ironically, they explained, this mechanism created conditions that themselves were so unbearable that children were then more likely to go missing:

*It [the safety protocol] became a problem at night when we had to go and knock on their doors every night and all night. We have to knock on their doors and say /.../ I just checked that this person is here. /.../ It wasn't to stop him from leaving. It was just so that if they left, they could say /.../we had last seen them an hour ago. So we can tell the police as fast as possible, and ironically, that thing is /.../ the reason that most kids went missing.*

Rain, M: +/-30, 18.01.2024, Former Home Office Hotel Staff

Libena expressed deep disappointment and sadness regarding the conditions faced by children and young people seeking asylum in the UK. She emphasized the lack of duty of care and legal obligations provided by the UK government and Home Office for children, contrasting her and her social networks expectations with reality:

*They have duty [the government and Home Office]/.../ It really like concerns me [that children are going missing from hotels]. It [the UK] should be the safest place in the life in for people. Yeah, because they didn't feel safe for many reasons, they came here and then been here and been missing. I don't know. It's really concerning. I hope they are ok.*

Libena, F: +/-20, 17.01.2024, Refugee Young person who shared foster care experiences

In one of our interviews with police-associated professional Stefania, we learned about the particular challenges police face in tracking down missing children from this cohort and ensuring their safety. Kayla and Justice, among others, highlighted the lack of information collected about asylum-seeking and refugee children and young people, as well as poor coordination between various service providers, which apparently create greater barriers in locating these children. Kayla also connected the lack of information collected from children in hotels and the lack of identification as potential victims to re-trafficking risks:

*What we tend to see anyway is that trafficking indicators are not picked up and I suppose in the hotels I don't think there was any suggestion that they had any particular training around identifying trafficking [risks] /.../So I would expect that there were a lot of young children who were going through that process who were not being properly recognized as potential victims of trafficking, were not getting referred.*

Kayla, F:+/-30, 10.16.2023, Legal representative supporting ASR children

*It is really hard because, as I say, those missing investigations are really difficult, like especially if a child is being trafficked into the country and there was a pre-intended plan for them to be re-trafficked once they've been placed/.../ if they're picked up by someone and there is no cctv /.../ every line of inquiry we would normally explore would be shut down to us because it is not a normal missing incident.*

Justice, F:+/-40, 10.12.2023, NGO Staff member working on bettering responses for missing ASR young person

***b. Acknowledging the Links Between Adultification and Children Being Placed in Adult Accommodation for People Seeking Asylum***

As we began the research project, we had originally thought that we would be focussing on the experiences in, and trafficking and exploitation risks from, the children's hotels. It however soon became clear to us through the interviews that children seeking asylum were not only placed in and trafficked from the children's hotels, but an increasing number of children were reportedly incorrectly deemed as adults by the Home Office and thereby facing similar risk in adult hotels. Rose described how racial undertones and culturally inappropriate statements were often seen to have determined the conclusion that a child was in fact an adult:

*Many younger refugees or asylum seekers, were like, you know, under 16 or 15 because they messed up their age, they are like no, they thought that maybe they are 18 and over and put them in the hotels and they are just young like, you know, young people, they do not know what to do. So yeah, like this, the whole hotels idea is just terrible.*

Gadiel, M:+/-20, 23.01.2024, Refugee  
Young person who shared friends experiences in hotels

*I have seen a trend of children who are very, very obviously children who have been assessed as adults and put into adult hotels. I have seen that happen a lot.*

Lena, F:+/-30, 01.30.2024, Social Worker supporting ASR young person

*It will say things like 'they are all so tall, therefore they must be an adult' and you are like, well, boys from Sudan just are much taller than British white born kids. So how is that evidence /.../ they can be really culturally inappropriate as well. /.../ 'Ohh, this young person has tattoos' but a quick Google search will show you that it/.../ is not the cultural norm to have a tattoo from this country, so therefore he must be an adult.*

Rose, F:+/-40, 11.16.2023, Social Worker who works with ASR young person

Kesha among others explained how children being placed in adult hotels related to the lack of national planning surrounding placement for children. That meant that children were not being provided with the additional legal safeguarding and support measures that should be guaranteed to them under the 1989 Children's Act:

*There is not enough placements because there is not a good national strategy on childcare and placements nationally, not just for our children. There are issues happening with age disputes, which means many local authorities are picking children for adult accommodation.*

Kesha, F: +/-40, 10.23.2023, NGO Staff member providing a range of support services for ASR children

Melwin, among several other informants, outlined similar safeguarding risks as with the children's hotels, but the adult hotels came with the additional layer of children having to share rooms with highly traumatised and sometimes suicidal adults. That was explained by many as increasing the risk of sexual abuse and exploitation by people sharing room with them but also by staff members. Melwin delicately illustrated how the lack of care and support for children in such conditions was a major concern and source of increased risk of trafficking:

*I think it's like so obvious that somebody who is staying in a home with somebody who is there every day feeding them and looking after them and advocating for them and supporting them, which are foster carer, should do.../ compared to somebody who is put into a room with an adult and shared with other adults and has nobody looking in on them, nobody checking in on them. Other than a hotel /.../ manager or staff /.../ the risk is incredibly higher for anybody in a hotel.*

Melwin, M: +/-40, 01.05.2024, NGO Staff supporting ASR Children with educational programs

Ronia drew attention to situations where traffickers had forced children to claim to be adults by threatening to harm their parents. This way, traffickers had managed to coerce the child into labour exploitation as it was easier for them to disappear from the adult accommodation than it would have been to go missing from more supervised care arrangements:

*So there was one example of a Vietnamese boy /.../the trafficker had said that they had their parents and if they didn't come and say that they were an adult, move out of care, and then disappear, and start working for them, then they would get their parents. So they sent them documentation to prove that they were older. Case workers didn't even question it/.../ they were deemed an adult and sent to London.*

Ronia, F: +/-50-, 01.10.2024, NGO Staff supporting unaccompanied children seeking asylum

Korneliya had sought statistics on how many unaccompanied children seeking asylum had been placed in adult accommodation in 2022. She explained how out of the totaled 1300, two thirds (i.e. almost 900) were children who had then been found to have been incorrectly assessed as adults and were therefore later removed and placed in children's accommodations:

*I did a Freedom of Information request /.../this year for last year to find out how many of those children were/.../ [an FOI identified] how many of those children [in 2022] were/.../ being put in an adult hotel, for example, and then being identified as child in that hotel and referred to the local authority/.../there were like over 1300 referrals from adult accommodation to local authorities and two-thirds of those were subsequently found to be children.*

Korneliya, F: +/-40, 11.08.2023, NGO worker who campaigns for ASR Children

Most interviews focussed on the safeguarding risks as well as increased trafficking and exploitation risks that came with placing children in adult hotels. Aaron, the police affiliated professional, however, was unusual in drawing attention to the associated risk of adults being placed in children hotels in the case of age assessment being wrongly determined in the opposite direction. However, it should be noted that this opinion was a minority:

*It is a concern, but equally is a concern the other way around when adults are placed with children. /.../There has been cases of that as well. So, so age assessments are a very difficult thing, because, unless they have got, you know, documents that are reliable and can indicate their age. It is so hard to actually assess a person's age as such, so are some children placed in with adults? Yes. Are some adults placed with children? Yes.*

Aaron, M: +/-50, 11.21.2023, Police Inspector and missing person specialist

***c. Particular Concerns around Albanian Young People, Following Media Scapegoating and Threats to Removal Through The Illegal Migration Act***

Moving on from how perceived adultification biases were seen routinely to lead to children being wrongly placed in adult hotels, the research findings demonstrate particular concerns around increased risks of trafficking for Albanian children specifically. Our interviews with professionals repeatedly indicated that Albanian children, in particular Albanian boys, were vulnerable to trafficking and exploitation, as well as being especially precarious because of the relabelling of Albania as a 'safe country' for removal. Albanian refugees and asylum seekers have been used by politicians and the media to exemplify how the so-called generous British asylum and modern slavery system have been taken advantage of, and as a result, the human rights and trafficking protections of Albanian boys in particular were reported to have been greatly limited.

These boys faced a specific risk of not being believed to be victims of or at risk of being trafficked and exploited. Many professionals, including Lena, highlighted how the hostile media and political narrative around 'Albanian migrants' had worsened with the Illegal Migration Act. This legislation was explained to have disproportionately impacted Albanian people, especially young boys seeking asylum and protection from traffickers in the UK:

*We are talking about 16- and 17-year old boys and I think there has been a real push to adultify these young people and in particular Albanian children. That has led to real concerns because whilst they have been saying all that publicly, they have also been implementing it in policy, right, so that under the IMA, the Illegal Migration Act, they have designated Albania as a safe country from which its citizens cannot claim asylum or human rights protections in the UK. They are going through a process, they are refusing and certifying all Albanian asylum claims, including those of children. They are launching these campaigns deliberately.*

Lena, F:+/-30, 01.30.2024, Social Worker supporting ASR young person

The professionals described how the use of hotels became caught in the middle of a perfect storm, with the Rwanda relocation plan dominating media coverage and political narratives around migrants and refugees. This situation was explained to have both vilified and terrified vulnerable Albanian boys, who feared deportation to Albania or being sent to Rwanda. Linked to this, Lena among others, explained that these boys increasingly began to go missing:

*The Home Office was opening these hotels at the exact same time as they were really pushing the Rwanda plan at the exact same time as they started a real targeted campaign against Albanian asylum seekers. I think those three things all converged where you had a situation of these very, very frightened, very vulnerable children and an environment that was very neglectful, and where they were not having their needs met and all they were hearing was either you are going to Rwanda or if you are Albanian, you are going home. That was really frightening thing for them to be hearing and was the driver for a lot of children going missing.*

Lena, F: +/-30, 01.30.2024, Social Worker supporting ASR young person

Albanian young people with lived experience of being placed in the hotels, professionals working with Albanian asylum-seeking children and young people, as well as a policing professional all stressed a heightened risk for Albanian boys going missing irrespective of accommodation type. Lena indicated that out of the at the time 154 boys that remained missing from the children's hotels, 135 of them were Albanian boys. Meanwhile, Aaron proposed that the Illegal Migration Act also served to reduce missing episodes by simply reducing the number of Albanian children entering the UK:

*It has been absolutely dangerous the way the government is approaching the issue of Albanian migration to the UK and it has got to be said that at the last count of the 154 children who remained missing, 135 of them are Albanian and that is really relevant to this and also the fact that of those 135, 100% of them are boys and that is seen again and again and again in the government rhetoric.*

Lena, F: +/-30, 01.30.2024, Social Worker supporting ASR young person

*So the Albanian children was a specific challenge /.../the number of Albanian children coming into the UK now is massively reduced and I don't know the final details, but it's been suggested to me that one of the impacts of that [Illegal Migration Act] is that the agreement that the UK has got with Albania now.*

Aaron, M: +/-50, 11.21.2023, Police Inspector and missing person specialist

Legal professionals and policy stakeholders echoed these attitudes. They also expressed concerns about the impact of the Illegal Migration Act on Albanian children seeking asylum. The possibility of immediate return flights to Albania was highlighted by Marelene, which posed an increased risk of trafficking for Albanian people seeking asylum and facing removal from the UK under the new Act. Although unaccompanied children are exempt from the duty to remove until they turn 18 years, the Home Office may take steps to exercise its powers to remove them before they turn 18 as Albania is deemed a 'safe country' and with whom they have a returns agreement in place. These developments can clearly both increase the harms to children who are wrongly age assessed as adults on arrival, and increase the incentives for the state to do so:

*To some extent I think we have already been on the way with Albanian asylum claims for a long while with this [Illegal Migration Act] /.../ if the Home Office do actually work out what they are doing with the Illegal Migration Act /.../ Albanian asylum seekers will be at higher risk of being involved in any schemes, but also they will be prioritized for kind of the removal system under the new Act.*

Silas, M: +/-30, 12.11.2023, Legal representative and professional on child migrant and asylum law

*We also have these concerns now with Albania with the fact that they are doing return flights to Albania and some of those flights are immediate. There is obviously a risk that a young person arriving from Albania, if deemed by the Home Office to be an adult, could be sent back before anyone would be aware.*

Marlene, F: +/-40, 11.21.2023, UN and policy stakeholder related to refugee child detention

Young people participants, as well as legal representatives, social workers, and policing professionals, shared concerns about Albanians experiencing trafficking and exploitation. They highlighted the detrimental impact of the Illegal Migration Act, particularly the increased risk of immediate return flights to Albania, on Albanian children seeking asylum. These factors created an environment that has made Albanian boys one of the most vulnerable groups among children and young people seeking asylum in the UK (Gentleman, 2023). Albanian boys and young men, particularly, have served as a political scapegoat, poses concerns due to the existing networks of trafficking and gangs in Albania, as well as among smugglers and drug networks in the UK. Albanian boys were reported to be left fleeing criminal exploitation in Albania and thereby arriving in the UK already in debt to these traffickers who hold their families' lives in their hands. These boys face multiple precarities, including political scrutiny from the public when they arrive in the UK, coercion and control from their traffickers, risk of removal back to Albania,



and risk of violence and exploitation upon their return.

Our interviews with professionals and young people underscore the risks of the use of hotel accommodations for children seeking asylum linked to human trafficking and re-trafficking. Additionally, there is a concerning trend of adultification among children seeking asylum, leading to their placement in adult

accommodation. Lastly, the use of children's hotels and Albanian young people stand out, as they are particularly vulnerable in a media environment and political landscape that are hostile towards them. These findings underscore the urgent need for policy reforms and greater protections for these vulnerable populations.



# 6.0

## Discussion and Policy Recommendations

The following section provides recommendations based on the findings of our research. The recommendations are targeted toward various actors involved in the protection of unaccompanied children seeking asylum in the UK, including the Home Office, Police professionals, the Department of Education, and policymakers. We also expand on some of the limitations of the study and discuss future research opportunities extending from this project.

### 6.1 Study Limitations, Challenges, and Future Research

This study provides crucial insights into a timely, important, and under-studied area, but its constraints and limitations should also be recognised. Particular constraints included the short project timeline, originally six months, then extended to eight months, and relatively modest budget. Since refugee and asylum-seeking young people constitute a ‘vulnerable population’ in research terms, the research required full high-risk research ethics committee approval before we could start approaching potential participants. We had only three (extended to five) months left by the time we received the approval for the research, which meant we were limited in the amount of outreach and rapport-building we could do in order to gain access to this notoriously hard-to-reach, for researchers, population. Even with a strong team that included a trusted and well-regarded NGO in this area (ECPAT UK) and experienced researchers, the recruitment process was challenging. It is worth recognising that this project took place in a political and media climate of intense hostility towards

asylum-seekers in the UK. Further complicating matters, there was a legal decision that fundamentally altered the research landscape made while: namely, the child-specific hotels were formally closed, which made recruitment particularly difficult as potential participants ended up being more scattered around the country. We therefore ended up changing the research design from originally having planned to interview young people about their current experiences in the Brighton children hotel, to past experiences and we decided to extend our study focus to the UK overall.

Our final sample for the empirical interviews was 17 professional participants and four young people who provided critical insights and the overall dataset is rich and nuanced, enabling novel insights into an important and under-researched area. Even though the professional sample was sizeable, we fully acknowledge that the number of young people is much more modest and in future research it would be helpful to see more inclusion of young people with direct lived experiences rather than secondary observations of their experiences. In future research, we would strongly advise longer time frames enable a more gradual process of outreach, building and maintaining trusted relations and allowing more time for onward snowballing.

As most qualitative research, our aim was to explore a complex issue in depth and nuance. Notably, even with a relatively modest sample, our storytelling analysis revealed important commonalities in views and experiences, and some notable divergences. As with any interview-based study, there is potential for self-report bias, and we certainly noticed that

some participants seemed to present more of a 'party line', whereas others spoke very frankly. We sampled purposively for expertise and experience on a hidden and highly sensitive issue, and our sampling mean the results should not be assumed to be generalisable. We also cannot comment on how prevalent particular practices documented might be, nor attempt to quantify the impacts on affected populations. This is also a rapidly developing area and our work provides insights into one snapshot in time only. Building on this foundational work with larger samples, a broader geographical spread and a longer temporal period, to understand changes better, would likely be useful in future research.

## 6.2 Way Forwards and Upcoming Challenges

It will be imperative that all unaccompanied children and young people seeking asylum in the UK are provided with dedicated caregivers, such as trained foster carers, legally appointed parental figures or, in addition, Independent Child Trafficking Guardians, who can offer consistent support, protection, and guidance. Extending access to Independent Child Trafficking Guardians to all unaccompanied children seeking asylum, even to those who are not known to have been exploited might be wise, given the particular risks of exploitation this group face and their extreme precarity will similarly be important. This will help mitigating the risk of trafficking and exploitation faced by these vulnerable individuals.

It is crucial to adhere to the principles outlined in the Children Act 1989 and the CRC, particularly in light of the 2023 High Court

decision supported by ECPAT UK. This ruling unequivocally states that hotel accommodation is unsuitable for any child (under 18) and constitutes a violation of their rights under both domestic legislation and international law. Therefore, it is imperative to uphold these legal frameworks to ensure the proper care and protection of unaccompanied children seeking asylum.

It is essential that appropriate safeguarding measures are implemented in the accommodation of children and young people identified as being at risk of trafficking. This includes developing and implementing comprehensive safeguarding plans tailored to each child's specific needs. These plans should involve collaboration between relevant authorities, social services, and specialized organizations to provide the necessary support and protection to prevent exploitation and trafficking.

In cases where there is any doubt regarding the age of a child claiming to be under 18, it is imperative that they are not placed in adult accommodation until a comprehensive and fair age assessment has been conducted to ascertain their true age with certainty. It is essential to ensure that no child is subjected to adult accommodation until it has been verified beyond doubt that they are not a minor. Children should never be housed in adult accommodation as a matter of principle.

It is crucial to exercise caution when arranging accommodation for unaccompanied children and young people, particularly regarding the sharing of sleeping spaces. Mixing sleeping arrangements and unsafe access by wider accommodation staff can significantly elevate the risk of child sexual exploitation. Therefore, accommodations should

be carefully planned to ensure that children have separate and secure sleeping spaces and that only authorized, and DBS-screened staff can enter the buildings and bedrooms. Improved reporting mechanisms must also help prevent child (sexual) abuse and exploitation by staff members. This will help minimize opportunities for exploitation and promote their safety and wellbeing. It is important to recognise that children face risks of sexual and other abuse not only from adults, but also from peers.

There is a critical need for heightened awareness regarding the targeting of accommodations housing refugee and asylum-seeking children and young people by individual traffickers and organized crime groups. It is imperative to recognize that these vulnerable populations are prime targets for exploitation and trafficking, including the practice of using other children to groom their peers. By acknowledging these risks, authorities can implement proactive measures to enhance security, surveillance, and support systems within accommodation facilities to prevent such exploitation and protect the wellbeing of children. In doing so, difficult balances must be struck between respecting children and young people's autonomy and right to privacy and ensuring that they are adequately safeguarded. It would help to build formal consultation processes to learn from children and young people what they think would and would not work (how, and under what circumstances) to keep them safer, and to invest in proper monitoring and evaluation of interventions.

It is crucial to ensure that unaccompanied children seeking asylum receive adequate educational activities and social care support. Many of these children face boredom and lack access to essential services, including mental health support, trauma healing, and psychological wellbeing services. The absence of such provisions not only impacts their development but also renders them more vulnerable to grooming and exploitation by traffickers.

It is important to stress the difficult situations for the various actors named in this study. Structural challenges, budget cuts, frequent changes in political leadership, and continued austerity measures have led to challenges in responding to the needs of asylum seekers and refugees coming to the UK. Growing hostility in the media, politics, and society has caused tremendous obstacles in safeguarding unaccompanied asylum-seeking children. Despite this, it is vital to investigate and interrogate the use of specific practices to learn and better protect unaccompanied children from risks of trafficking, re-trafficking, and exploitation.

### 6.3 Policy Recommendations

**We propose the following recommendations to better safeguard unaccompanied children and young people seeking asylum in the UK:**

1. The UK government must commit to an independent inquiry into the disappearance of children from Home Office hotels.
2. The UK government must ensure local authorities children's services have sufficient funding to provide quality care and support to unaccompanied children seeking asylum.
3. The Home Office must not commence the provision to accommodate and transfer unaccompanied children directly as set out in the Illegal Migration Act 2023.
4. The Home Office, Ministry of Justice and the Department for Education must ensure proper functioning of the National Transfer Scheme with legal advice provision and services to transferred children.
5. The Department for Education must encourage recruitment of foster carers provided with specialist training to care for unaccompanied children and child victims of human trafficking.
6. The Home Office should roll out the Independent Child Trafficking Guardians and extend them to all unaccompanied children in line with equivalent provisions in Scotland and Northern Ireland.
7. The Home Office and the Department for Education must develop a new strategy that ensures that appropriate safeguarding measures are implemented in the accommodation of children and young people identified as being at risk of trafficking including specialist training for social workers and sufficient resourcing for appropriate accommodation.
8. Police forces must follow all enquiries to investigate the disappearance of missing unaccompanied children and investigate human trafficking of unaccompanied children when identified as potential victims.
9. The Home Office should only determine someone is an adult in exceptional circumstances by staff with relevant training.
10. The Department for Education must ensure unaccompanied children have prompt access to education and mental health support in line with the statutory guidance.



7.0

# Conclusion



*Please note that no images of victim-survivors of human trafficking and exploitation were used in this report'*

Unaccompanied children are some of the most vulnerable populations in the UK, with mounting political hostility demonising migrants and refugees. Growing structural challenges and pressure from local authorities resulted in the Home Office extending the use of hotels as accommodation to asylum-seeking children in the UK. Our report explores this practice through a storytelling approach that highlights the impacts of placing already vulnerable, unaccompanied asylum-seeking children inside Home Office hotels. Our legal analysis extends

an understanding of how unaccompanied children experience heightened precarity despite specific legal protections under UK law. Our interviews with professionals and young people explore the nuances around risks of exploitation, trafficking, and re-trafficking for the children placed inside these hotels, including stories from former staff members and children who were placed in these hotels. Ultimately, we conclude with a list of policy recommendations to better safeguard and protect unaccompanied children seeking asylum in the UK.



# 8.0

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9.0

Annex

**Table 3: Relevant Legislation for Unaccompanied Children Seeking Asylum**

Legislation	Relevance
Children Act (1989) (particularly Section 17, 20, and 22)	The Act places a general duty on local authorities to promote and safeguard the welfare of children in need in their area by providing a range of services appropriate to those children's needs (Foster, 2023). For UAS children, this includes that the child will be legally recognised as 'looked after' by the local authority, once accommodation has been provided under S. 20 for more than 24 hours.
Children and Social Work Act (2017) Section 1	The Children and Social Work Act (2017) Section 1 requires the local authority to act as the 'corporate parent' of children identified as 'looked after' children, requiring support under S. 20 of the Children Act. This means that the local authority must "act in the best interests, and promote the physical and mental health and well-being, of those children and young people etc. and find relevant services appropriate for children - (f) for those children and young people to be safe, and for stability in their home lives, relationships and education or work.
Modern Slavery Act (2015)	An Act to make provision about human trafficking, slavery, servitude and forced or compulsory labour. The Act includes support provisions for those recognised as 'potential victims' and then 'confirmed' as victims (both via the UK's National Referral Mechanism, or NRM). Section 45 enshrines the non-punishment principle in English & Welsh law, according to which people who have been trafficked should not be punished for crimes they were forced/compelled to commit as part of their trafficking.
Council of Europe Convention on Action against Trafficking in Human Beings (2005).	The convention is a wide-ranging treaty mainly focused on the protection of victims of trafficking and the safeguarding of their rights. It also aims at preventing trafficking as well as prosecuting traffickers. The UK's NRM system came into force in 2009 in the UK as a direct result of this convention.
Nationality and Borders Act, 2022	The Nationality and Borders Act 2022, a proposed legislation in July 2021, and enacted in 2022, by the UK Parliament, focuses on issues pertaining to immigration, asylum, and the UK's response to modern slavery. Additionally, the Act covers matters related to British overseas territories citizenship and the registration of stateless citizens.
The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (known as the UN Trafficking Protocol)	An international approach designed to support more effective action to prevent and combat trafficking in persons, especially women and children. It includes an internationally agreed legal definition of trafficking that has been used to underpin UK law since. It is designed around the so-called three Ps approach: prevention, prosecution and protection (this sometimes extended via the fourth P of partnership to 4Ps).
Illegal Migration Act, 2023	The Illegal Migration Bill became law—and therefore an Act—on 20 July 2023. It opens a new window. The stated aim of the Act is to prevent and deter 'unlawful' migration by those using unsafe routes.



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### About the Modern Slavery and Human Rights Policy and Evidence Centre

The Modern Slavery and Human Rights Policy and Evidence Centre (Modern Slavery and Human Rights PEC) works to enhance understanding of modern slavery and transform the effectiveness of law and policies designed to address it. The Centre funds and co-creates high-quality research with a focus on policy impact, and brings together academics, policymakers, businesses, civil society, survivors and the public on a scale not seen before in the UK to collaborate on solving this global challenge.

The Centre has been hosted by the Humanities Division at the University of Oxford. The Centre is a consortium of three universities consisting of the Wilberforce Institute at the University of Hull, the University of Liverpool, and the Bonavero Institute of Human Rights at the University of Oxford.

Between 2019 and March 2024, the period when this project was awarded funding, the Centre was led by the Bingham Centre for the Rule of Law (part of the British Institute of International and Comparative Law (BIICL)) and was a consortium of six organisations consisting of the Rights Lab at the University of Nottingham, the Wilberforce Institute at the University of Hull, the University of Liverpool, the Bonavero Institute on Human Rights at the University of Oxford and the Alan Turing Institute.

Read more about the Modern Slavery and Human Rights PEC at [www.modernslaverypec.org](http://www.modernslaverypec.org).

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