



17 Sept 2024

Briefing on children seeking international protection, temporary accommodation and the right to education

On 29 August 2024, a number of families seeking international protection, who had been placed in hotel accommodation by the Home Office contractor Mears Group, contacted PPR to say that they had had a meeting with Education Authority staff around children's enrolment for the upcoming school year. They reported that at that meeting, EA staff had made them understand that they would not be able to enrol their children in schools as long as they were residing in the hotel.

Parents were understandably perplexed. In previous years, many children residing in hotels had obtained school places and regularly attended school, with transport, uniform and meals assistance from EA. In fact several children enrolled last year and living in the same hotel as this particular group of parents, continue to do so.

Parents did not understand on what basis their children were being treated differently. Under international law, primary education is "compulsory and available free to all" ([Convention on the Rights of the Child](#) art. 28.1(a), [International Covenant on Economic, Social and Cultural Rights](#) (art. 13.2(a))). All children are guaranteed access to their rights free from any form of discrimination on the basis of their or their parents' or guardians' "national, ethnic or social origin, property, disability, birth or other status" (inter alia, [Convention on the Rights of the Child](#) art. 2.1).

Moreover, under the [Convention on the Rights of the Child](#) (art. 27) and the [International Covenant on Economic, Social and Cultural Rights](#) (art. 11.1) children also have the right to adequate housing. Under the international system, rights are understood to be inter-related and inter-connected; making a child's access to education contingent on their access to adequate housing is contrary to international law. As [UNICEF](#) explains,

Human rights are indivisible. Whether civil, political, economic, social or cultural in nature, they are all inherent to the dignity of every human person. Consequently, they all have equal status as rights. There is no such thing as a 'small' right. There is no hierarchy of human rights.

In light of all of these considerations, on 30 August 2024 PPR emailed EA staff to request clarification. EA staff called PPR upon receipt of the email and sent copies of two documents, which they described as new 'internal working arrangements' rather than policy. These documents are described below.

1. "New Arrangements for Asylum Seeker Children Housed In MEARS IA Hotels"

This document opens, "MEARS have indicated that the average stay for families in IA hotel accommodation has fallen significantly to approx. 4-5weeks." PPR and Anaka have understood from numerous of the individual families affected that **this 'average' does not in any way describe their own experience, which already far exceeds the '4-5 week' hotel stay reportedly described by Mears.**

The document explains the EA's rationale for its change of practice:

Given the resource implications and the disruption for children and schools it has been agreed with DE that IES will not seek immediate school placements based on hotel addresses as we have previously done but instead will follow the steps outlined below.

There is no explanation of why the EA and / or the Department felt the need to make this change now, when [official figures](#) (see table ASY_D09) of people placed by the Home Office in contingency asylum accommodation in NI hotels are **declining and have reached by far their lowest point in over two and a half years.** There were only 301 people in asylum hotels here at end June 2024 (the most recent data set available), down from over 1,000 throughout end 2022 and much of 2023. The much-reduced 'resource implications' for the EA of the relatively tiny number of children in contingency asylum accommodation in hotels today make it difficult to understand this as a valid rationale for the change.

According to the EA's proposed steps, EA staff "will inform families that *it is better* [emphasis added] to wait to make an application for school when in their MEARS dispersal housing as this is likely to be a longer-term school for their child." The EA paper does not stipulate for whom 'it is better'; it would be difficult to see how the change imposed by the EA and the Department is based on any evaluation of the **best interest of the child** as required by international law (CRC art. 3.1). This is particularly true at a time when families have just undergone the extreme trauma of recent race hate incidents and attacks – including on the hotel where this set of parents currently live. **In the current climate of fear, these newcomer children need the reassurance, stability and normality of a school routine now more than ever before.**

As education authorities are well aware, these families' housing placement is wholly outside their control; while in the asylum system, Mears places and moves them as it sees fit. In this situation, children have absolutely no control over their housing; even in the potential event of an eventual offer to the family of alternative housing from Mears, the offer is not made to them but to their parents. Similarly, decision making on the family's asylum claim rests with the Home Office; in the event that it eventually decides to grant the family leave to remain,

their housing will then be in the hands of the Housing Executive (given that, denied the right to work while in the asylum system, they have nothing to rent privately with). **In this position of enforced dependency, parents feel that they and their children are being punished for a temporary housing situation they did not choose and have no power to change.**

The document stipulates that “for families who Fail To Travel (FTT), discussions can take place with MEARS re the potential expected length of stay. If MEARS expect the family to exceed the 5/6-week period applications to schools based on the hotel address may be made.” **As stated above, most if not all of the families affected have already exceeded this timeframe.**

The document states, “we are not withholding the right to education from any child rather we are considering the trauma multiple school moves add to children who have often already experienced more than most”. The families that PPR and Anaka Women’s Centre are in contact with are more concerned **about the trauma caused by being forced to remain out of school, at a time when other children – including other children resident in the same hotel – are being allowed to attend.** Children understandably question why they are being excluded, and seem to feel their isolation more acutely in the wake of the racist violence they witnessed – in some cases at first hand – in August.

Finally, the document concludes, “any parent who wishes to go ahead and seek a placement can do so but IES staff will not provide the supports around AP1 completion, meals, transport, uniforms etc.” With regard to the first point, some parents did try to register their children on their own and were initially refused. Some local primary schools now seem to have changed their stance and are once again enrolling children from the hotels. For the second point: as the EA has been made aware since the first families were placed in contingency asylum accommodation in hotels here back in mid 2021, the Home Office bars these parents from working while giving them a minimal amount – currently £8.86 per person per week – to live on. They have no option but poverty. **Uniform, meals and transport are quite simply beyond their means without EA support.** In these circumstances, for the EA to write “we are not withholding the right to education from any child” seems frankly disingenuous.

On 23 August 2024 the Committee on the Eradication of all Forms of Racial Discrimination published its [Concluding Observations](#) on the UK’s implementation of the International Convention on the Eradication of all Forms of Racial Discrimination. In the area of education, it recommended (para. 46) that the UK

- (a) Strengthen its measures to ensure the availability, accessibility and quality of education for children belonging to ethnic minority groups, notably children belonging to Gypsy, Roma and Traveller communities, children of African descent and migrant, asylum-seeking and refugee children.
- (b) Take all measures necessary to reduce the attainment gaps, including by adopting and implementing an action plan to improve education attainment of children belonging to minorities, with specific and tailored measures for pupils

belonging to Gypsy, Roma and Traveller communities, pupils of African descent and migrant, asylum-seeking and refugee pupils, and in close consultation with the families of affected communities.

The EA's new measures clearly fly in the face of these new international recommendations.

2. "IES Support Arrangements for children living in NIHE Non-Standard Accommodation"

This second EA document appears to extend the period of non-enrolment these children are facing even longer. It notes that, in the event these families are ultimately successful in claiming asylum, they "will at the point of being granted refugee status be placed in temporary non-standard accommodation by NIHE". In that event, it says, "there are no predictable time frames as to how long a family will be in this situation or how many moves they will endure into how many diverse localities".

This paper makes no direct mention of the children living in asylum hotels who have been prevented from enrolling in school by the first document; it seems to absolve the EA of responsibility for them almost indefinitely, with their education-less situation apparently continuing until "a family home being secured on a more permanent basis".

For children who had already obtained a primary school place, under this second set of new rules they

will remain enrolled in their school and maintain their place. However unless they are housed in accommodation within walking distance (or a short bus journey) of their original school they are not going to be able to attend school.

For secondary school pupils who have a place, and a bus pass, they may attend provided "there is a sensible route by bus or train back to the base school".

Education authorities will be aware that we are currently facing a housing crisis, with more than [47,000 households](#) on the social housing waiting list across the north. Numbers of families recognised as Full Duty Applicant homeless are steadily rising. [Child homelessness in Belfast](#) has risen by a fifth in under two years, to at least 5,387 children under 18. Some of these children are newcomers; the vast majority are not. An increasing number of them are being housed by the Housing Executive in hotels.

In this context, it is unclear from this second document whether these same limitations on the ability to (a) enrol in school and (b) receive uniform, transport and school meal support hold true for the growing number of children who were born and raised here and who, through no fault of their own or their parents, find themselves placed in this same "temporary non-standard accommodation" in hotels by the Housing Executive. **The EA and the Department may want to clarify whether this 'internal arrangement' will apply equally**

to them and, if not, on what basis it is being applied differently amongst different children in exactly the same housing conditions.

Next steps

On 5 September 2024 some of the families affected by these new EA directives wrote to the Minister for Education, the Education Authority and Mears. They asked to meet with the education authorities “so that you can understand what it is like for us and our children when we are waiting for a decision about our refugee status”, with a view to finding “a more proportionate solution to this issue in conjunction with affected families”. As of this writing they had yet to receive a reply.

On 6 September 2024 PPR and Anaka Women’s Collective wrote to a range of authorities including the NI Commissioner for Children and Young People, the Equality Commission NI, the Executive Office, the NI Assembly’s Committee for Education, the NI Public Services Ombudsman and a number of elected officials to highlight these concerns. They provided information on the affected families’ length of stay (including in one case – contrary to Mears’ 4-5 week timescale, a stay of five months) and also analysis based on Home Office statistics around eventual dispersal accommodation ([Home Office figures](#) indicate that over three quarters of dispersal accommodation is in fact in Belfast, which would cause much less potential disruption and changing of schools than suggested by the EA).

Recommendations

PPR and Anaka Women’s Collective call on the Education Authority and the Department to

- immediately rescind these two ‘internal arrangements’
- resume the positive work previously underway to try to ensure vulnerable children’s access to their right to education
- develop, in consultation with affected parents and children, a more proportionate means of supporting families as they move through the asylum system and beyond.