SECTION 9 OF THE ASYLUM AND IMMIGRATION ACT 2004

A STATEMENT FROM THE NATIONAL UNION OF TEACHERS

The National Union of Teachers (NUT) notes with concern that under the amendments to asylum law made by Section 9 of the Asylum and Immigration Act (Treatment of Claimants etc) 2004, families who have reached the end of the asylum process and exhausted all their appeal rights can have their financial support and accommodation removed if they ‘fail to take reasonable steps’ to leave the UK. In the event that families are made destitute, they can face having their children removed and taken into the care of social services.

The NUT also notes that in December 2004, the Home Office started piloting Section 9 with 116 families in Leeds, London and Manchester.


During the passage of the Bill in 2003, the NUT expressed grave concern over the impact on children of the proposals to remove support from failed asylum seekers with dependent children.

The NUT notes evidence from a joint Refugee Council and Refugee Action report\(^1\) on the Section 9 pilot based on their casework experience which shows that Section 9:

- has caused immense distress and panic among families who face destitution, homelessness and having their children taken into care;
- is incompatible with human rights standards; and
- fails to achieve the Government’s stated objective of encouraging families to return voluntarily to their home countries.

The NUT believes that:

- the educational and other needs of children should have overriding priority in any implementation of the section 9 amendments;
- children’s right to education and family life should not be compromised under any circumstances, regardless of immigration status;

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\(^1\) Inhumane and Ineffective – Section 9 in Practice, Refugee Council, January 2006
The NUT supports the view of the British Association of Social Workers (BASW) which said that “the possibility of children’s social services removing children from their families as a result of Section 9 is incompatible with UK childcare legislation which upholds the fundamental right of all children to live with and be cared for by their parents.” The BASW went on to say that the policy was incompatible with the 1989 Children Act and the UN Convention on the Rights of the Child.

The NUT also whole-heartedly agrees with the Children’s Commissioner for England, Professor Al Aynsley-Green’s view when he said in August 2005 that “It is vital to ensure that the State should only ever use its powers to take children away from their families where it is clear that it is the best thing to do for the child and not simply to be ‘tough’ on failed asylum applicants.”

The NUT believes that the policy behind the section 9 amendments needs radical rethinking in the light of its devastating impact on children and their education. The Government’s policy of Every Child Matters needs to fully apply to children of asylum seekers too.