

Unaccompanied Asylum Seeking Children (Legal Advice and Appeals) Bill [HL]

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Make provision for unaccompanied asylum seeking children to receive legal advice and for extending the deadline for an unaccompanied asylum seeking child to appeal an asylum decision.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Legal advice for unaccompanied asylum seeking children

- (1) The Immigration and Asylum Act 1999 is amended as follows.
- (2) After section 96 (ways in which support may be provided), insert—

“96A Legal advice for unaccompanied asylum seeking children

- (1) The Secretary of State has a duty to ensure the provision of legal advice for unaccompanied asylum seeking children as soon as possible after a child is first encountered by any public authority. 5
- (2) The legal advice under subsection (1) must consist of, but is not restricted to, the provision of level 3 immigration advisors for unaccompanied asylum seeking children. 10
- (3) The Secretary of State must make provision to meet the fees and costs associated with legal advice provided under subsection (1).
- (4) In this section—
 - “level 3 immigration advisor” means an individual who is registered with the Office of the Immigration Services Commissioner and who provides advice on claims for asylum and may appear on behalf of their clients at a First-Tier Immigration Tribunal; 15
 - “public authority” means any public authority within the meaning of section 6 of the Human Rights Act 1998, other than a court or tribunal; 20
 - “unaccompanied asylum seeking child” has the meaning given in paragraph 352ZD of the Immigration Rules.”

2 Extending the deadline for appeals

- (1) The Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014 (S.I. 2014/2604) are amended as follows.
- (2) In paragraph (4) of rule 1, after “tribunal” insert –
 ““unaccompanied asylum seeking child” has the meaning given in paragraph 352ZD of the Immigration Rules;” 5
- (3) In rule 19, after paragraph (3) insert –
 “(3A) Irrespective of whether the person is in or outside of the United Kingdom, the notice of appeal for an unaccompanied asylum seeking child must be received not later than 12 months after they are sent the notice of the decision against which the appeal is brought.” 10

3 Extent, commencement and short title

- (1) This Act extends to England and Wales, Scotland and Northern Ireland.
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act may be cited as the Unaccompanied Asylum Seeking Children (Legal Advice and Appeals) Act 2020. 15

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To make provision for unaccompanied asylum seeking children to receive legal advice and for extending the deadline for an unaccompanied asylum seeking child to appeal an asylum decision.

Lord Roberts of Llandudno

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