

Response to the Government Consultation ‘Family Returns: Reforming Asylum Support and Enforcing Returns’

June 2026

1. This is a joint submission from the Greater Manchester Migrant Destitution Fund (MDF), Equal Education Chances (EEC), Women Asylum Seekers Together (WAST), Growing Together Levenshulme (GTL), and Support and Action Women’s Network (SAWN).

About us

2. **The Greater Manchester Migrant Destitution Fund (MDF)** (www.migrantdestitution.co.uk, info@migrantdestitution.co.uk) runs a grants programme open to people experiencing destitution. The fund was established in 2020 in recognition that, for the many people living in our communities in destitution, the policy of enforced destitution was not meeting its goal of incentivising people to return to their country of origin, but instead was driving them underground and exposing them to risk of exploitation. By providing cash grants and signposting to advice, our experience has shown that people who would otherwise have been struggling to survive from day to day can often engage in support to prove their right to be in the UK.
3. In addition to the grants programme, we conduct community consultations with people experiencing destitution. These have covered destitute families’ access to local authority support, and access to legal advice.
4. We work closely with our referral partners and build partnerships across our network, deploying expertise from different partners to address gaps. We listen to the experiences of our partners and amplify their voices. The co-signatories to this response are MDF referral partners.
5. **Equal Education Chances (EEC)** (<http://equaleducationchances.org/>, equaleducationchances@gmail.com), established in 2018, is a grassroots educational charity in Manchester which works with marginalised communities and children with disabilities, and supports them to learn and develop skills academically, socially and vocationally. EEC works with many families experiencing destitution due to their immigration status.
6. **Women Asylum Seekers Together (WAST)** (www.wastmanchester.com, contact@wastmanchester.com) is a peer-led organisation in Manchester supporting women seeking asylum through community, advocacy, peer support, and campaigning. WAST works to amplify the voices and lived experiences of women affected by the asylum system, creating safe spaces where women can build confidence, access support, and campaign for change. Many of the women WAST supports are mothers with children facing significant hardship, including destitution, extreme poverty and a lack of access to legal representation.
7. **Growing Together Levenshulme (GTL)** (<https://growingtogetherlevenshulme.org.uk/>, growingtogetherproject@gmail.com), established in 2010, is a community garden in Manchester open to refugees and people seeking asylum, which provides emotional and practical support to its participants. GTL’s participants include people in the asylum system with children, as well as adults facing destitution – often long-term – following an asylum refusal.

8. **Support & Action Women’s Network (SAWN)** (<https://sawn.org.uk/>, sawn.org@gmail.com) is a registered charity in Oldham that has been running for nineteen years supporting primarily but not exclusively Black African women and their families, many of whom are refugees and asylum seekers. Support offered to women has been developed from listening to women’s lived experiences and what women have told us they need. This includes our safe space, culturally appropriate counselling and confidence building, advocacy and skill development through a range of vocational and educational opportunities, immigration advice in partnership with qualified professionals, housing support, access to clothing, food and furniture, healthy life, positive parenting and child development. Many are destitute and living in poverty, with language barriers and cultural differences they are learning to understand.

Overview

9. We have read the consultation document and understand the proposed changes. We understand that the policy intention in Part 1 of restricting access to Home Office and local authority support is to incentivise people to return to their country of origin. Our experience working with people already experiencing destitution, including families, suggests that destitution does not incentivise people to return. Instead, it traps people in our communities, including children, in intense poverty and homelessness. Implementing the proposed changes will dramatically increase the levels of destitution among families with children.
10. We oppose the use of force on children for the purposes of immigration enforcement, as proposed in Part 2. The rights and wellbeing of children cannot be subordinated to immigration control. We believe that the threat of these policies will exacerbate already high levels of fear in migrant communities, risking families disengaging from services and going underground.
11. Taken together, these proposals will lead to poverty, homelessness, harms to physical and mental health, and risk of exploitation among families with children.
12. The legal aid crisis and complexity of the immigration system mean that parents often face impossible choices, and may fall out of status or be refused for reasons beyond their control. **Children have no say in the decisions made by their parents.** The harms these proposals will bring will therefore punish children for reasons far beyond their control.
13. We believe every child deserves safety, dignity, support, and equal opportunities regardless of immigration status. Policies should always put the best interests of the child first, as is enshrined in the UK’s international obligations under article 3 of the UN Convention on the Rights of the Child, and embedded in domestic law under the Children Act 1989 and section 55 of the Borders, Citizenship and Immigration Act 2009.
14. Instead, the proposals, causing direct harms to children, would **weaponise children’s wellbeing** for the purposes of immigration control.
15. These changes will undermine key government priorities:
 - a. They will directly increase homelessness, undermining the 2025 National Plan to End Homelessness, which recognised the importance of tackling migrant homelessness.
 - b. They will increase child poverty, in direct contradiction to the 2026 Child Poverty Strategy which states “We are committed to ensuring that vulnerable

migrant children receive the support that they require, regardless of their immigration status.”

- c. By increasing fear and pushing people underground, they will undermine the recent social cohesion paper “Protecting What Matters: Towards a more confident, cohesive, and resilient United Kingdom”, which promises to tackle “the root causes of the climate of suspicion and hostility that makes so many feel unwelcome in their own communities”.

Part 1, Section A: Changes to Home Office support

16. The proposed changes to Home Office support will force families with children into destitution, punishing them for reasons beyond their control. We outline the impact on children, families and our wider communities in paragraphs 33-44.
17. The consultation assumes that people who are appeal rights exhausted have no valid asylum claim to make. Our experience challenges this assumption, as we regularly see people win refugee status after further submissions. In our experience, people in the asylum system wrongly end up appeal rights exhausted for a range of reasons:
 - a. There is a drastic shortage of legal aid lawyers in our region, as nationally, which makes it impossible for many to access legal representation through the process (this 2025 report by Jo Wilding maps the legal aid crisis <https://justice-together.org.uk/wp-content/uploads/2025/06/No-Access-to-Justice-Report-2025.pdf>). Given the complexity of the asylum process, it is very difficult for people to navigate the system by themselves, leaving them at risk of a refusal. Further, as legal aid providers are inadequately funded for their work, many may fail to properly advise people through the asylum process and/or may drop the case at refusal;
 - b. Mistakes in Home Office decision making can lead to people being wrongly refused;
 - c. Many miss the deadline to appeal because they do not have a solicitor, and if they do manage to appeal, they may have to go through the appeals process unrepresented, increasing the risks of the appeal being dismissed.
18. All the organisations contributing to this response are working with high numbers of people unable to access a solicitor during critical stages of the asylum process, directly contributing to ongoing insecurity and hardship. Among people accessing MDF in 2024-5 following an asylum refusal, just under half had not appealed their refusal, which may have happened because they had no solicitor or because they were let down by their solicitor. Of those whose case had gone to appeal and been dismissed, just 32% had a legal aid solicitor.
19. Those with a valid asylum claim to make, but who have been unable to prove their case, remain in the UK not out of choice, but out of necessity: it is unsafe for them to return. The consultation assumes that the ongoing provision of section 95 support to families with children incentivises them to stay in the UK. Our experience challenges this. While on section 95, people have no right to work, and the support they receive is less than half the rate of Universal Credit. Families living on section 95 support tell us that they are bringing up their children in poverty, struggling to meet basic needs. They have no choice as to where they live, and parents and children alike feel cut off from friendships and wider community.
20. Once people are appeal rights exhausted (ARE), their only option is to make further submissions. At present, single adults who are ARE and have their section 95 support

discontinued face significant barriers to making further submissions: the struggle of getting by while destitute makes it very difficult to engage in the challenging process of gathering evidence and finding a lawyer for further submissions. These barriers to making further submissions would be even more significant for families who would have the additional challenges of bringing up their children while destitute.

21. We are particularly concerned about the restriction of the proposed section 95A support to a 90-day grace period. People with a valid application to make may miss making an application in time, especially if they do not understand the system, face language barriers, or are unable to access advice. Further, many of the reasons for which people would currently be eligible for section 4 support emerge later, such as a new health condition. To deny people support because the reason emerged after the grace period would be a breach of their human rights under art. 3 ECHR, harming individuals and inevitably leading to costly litigation.
22. We are also concerned about the proposal to limit refused asylum seekers' eligibility for asylum support to those with protection-based further submissions. While we understand that families submitting human rights-based applications will be eligible for local authority support, this route would not be open to single adults making human rights-based further submissions. This would leave them trapped in destitution despite their pending application, breaching their human rights under art. 3 ECHR.

Part 1, Section B: Changes to local authority support

23. We oppose the proposed restrictions on local authority support, as they too will trap children in destitution, punishing them for reasons beyond their control. This will make it significantly harder for local authorities to fulfil their duty under section 17 of the Children Act 1989 "to safeguard and promote the welfare of children within their area who are in need".

Increasing existing child destitution

24. At MDF and our partner organisations, we already see families in Greater Manchester living in destitution and not in receipt of local authority support. In seven months from October 2025-April 2026, MDF was approached for support by 26 families with no leave to remain and not in receipt of local authority support, and we are aware that there are substantially more living in destitution across the city region, who may be fearful of approaching services.
25. Of the 26 families approaching MDF, 17 reported that they were waiting for a decision on an immigration application. As this constitutes a barrier to leaving the UK, they should be able to access section 17 support. However, the fact that these families remained destitute suggests that there are already barriers to accessing section 17 support. This is supported by the experiences of MDF's partner organisations.
26. Barriers to accessing existing local authority destitution support include the following:
 - a. There is a lack of transparency around what people are entitled to, and around process of applying, leading to gatekeeping from local authorities. People may be told that they are not entitled 'because they are NRPF', so getting the support that people are currently entitled to involves expert advocacy.
 - b. There is a widespread lack of awareness within communities of what support is available, as well as fear of applying. People have told us that they would be

afraid of approaching social services for fear of having their children removed, or of facing enforcement action from the Home Office.

27. Given these barriers to accessing support, in line with section 17 of the Children Act 1989, changes are needed to ensure that local authorities are better able to safeguard and promote the welfare of *all* the children within their area in need. Local authorities should be empowered to provide support on the basis of destitution's impact on children's welfare, rather than of having a pending immigration application (or appeal), willingness to leave the UK, or obstacles to leaving the UK.
28. The proposed changes will have the reverse effect. By further closing off routes to support, these changes risk trapping even more families in destitution.
29. The proposed changes are particularly concerning in the suggestion that provision of local authority support be contingent on a non-asylum application which "must not, in the opinion of the Secretary of State, be made on a vexatious basis or be wholly without merit." When families experiencing destitution approach the local authority, the provision of support is urgent, in order to safeguard the welfare of the children. The proposed restrictions suggest that the local authority will first have to consult with the Home Office as to whether the immigration application has merit. This will create a complex process which will introduce further delays, and increase the risk of mistaken refusal of support. Given that any decision to refuse would be spread across the Home Office and local authority, it is unclear how a refusal of support could be challenged.

Why families may fall out of status and barriers to regularisation

30. Our experience challenges the assumption that families without recognised lawful status do not have a right to be in the UK. Families who have been lawfully resident may fall out of status for a number of reasons, including inability to pay high visa fees, making mistakes on applications, changes in family circumstances such as a relationship breakdown, and long routes to settlement with requirement to renew status every 2.5 years.
31. Among the families we work with, there are multiple barriers to preparing an immigration application even where there is a valid claim they can make, including:
 - a. Difficulty of accessing legal advice:
 - i. As stated above, there is a drastic shortage of legal aid providers. In 2024-25, of 272 people accessing the Migrant Destitution Fund without leave to remain who had no pending application with the Home Office, just 10% reported having a solicitor. Even where legal aid is available, it is generally restricted to asylum, and although it is theoretically possible to apply for Exceptional Case Funding, this further hurdle constitutes an additional barrier to accessing legal aid.
 - ii. People may feel forced to turn to private lawyers, but face barriers to access through destitution. Where people do manage to raise funds, this again exposes them to risk of exploitation – and many report that they are then failed by the lawyer. For example, we regularly hear of cases where the lawyer committed to submitting an application but failed to do so;
 - b. Without legal advice, the complexity of immigration law makes it very hard for people to submit applications alone. As one person has told us, "No one is helping you – you're all alone";

- c. Finding a legal advisor and gathering the necessary evidence is significantly harder where people are destitute, lacking the most basic stability of a roof over their heads and access to everyday needs.
32. Where section 17 support currently is available, for example to a parent with a British child, it can provide the stability and headspace to help people prepare their immigration application to establish their legal right to be in the UK. Our experience therefore suggests that barriers to local authority support need to be broken down, to support those with a right to be here to submit an immigration application to regularise themselves and permanently lift the family out of destitution. The proposed changes will have the reverse effect, trapping families in destitution even where there is a valid immigration they could make.

Impact on children in our society of enforced destitution

33. Our evidence of existing levels of destitution among families suggests that enforced destitution is already not working as a policy tool to incentivise people to return to their country of origin. Many of the children and families signatories to this submission support are already living in destitution, not allowed to work or access benefits, leading to intense poverty, trauma, and unstable housing.
34. These children include British children being raised by a non-British parent.
35. For the reasons stated above, adults' agency in exiting destitution is already constrained by circumstances beyond their control. Existing restrictions on availability of section 17 mean that children – who have no agency in making decisions about whether to return to their or their parents' country of origin or to submit an immigration application – are already in effect punished for their parents' perceived bad choices. The proposed changes will dramatically increase the number of children being punished for factors beyond their control.
36. In an art workshop MDF and EEC ran in 2022, parents talked about the impact of destitution on bringing up children, including:
- a. "The pain of being destitute. The kids don't understand what it means, they cry and throw tantrums. I have to bear the pain alone."
 - b. "Helpless as a mum, I feel broken at times and stigmatised."
37. While destitute families may not be visibly rough sleeping, they are often housed in highly precarious and unsafe situations that are not conducive to children's wellbeing and development, including sofa surfing in overcrowded situations with friends, family or acquaintances, or in churches or mosques.
38. Destitution has an impact on children's physical and mental health. Inability to meet everyday necessities means there is a risk of malnutrition. Impact on children with disabilities is particularly acute. Health impacts of destitution are damaging to children's development, and also mean increased costs to NHS services.
39. Growing up in destitution cuts children off from key aspects of childhood experience crucial to their development, such as being able to play. It reduces access to education and makes it harder for children to engage with and benefit from their education – if, for example, they are malnourished and have no home with space to study.
40. Destitution also leads to social isolation, making it hard for children to connect and make friends. They may be bullied or stigmatised as a result of the poverty they are growing up with. Being cut off from basic services and access to everyday necessities, children are growing up in segregation, which in turn impacts on wider community cohesion, making it harder for families to integrate.

41. The everyday struggle to get by amidst destitution places pressures on parents, causing family stress and tension, potentially leading to family breakdown, which does not serve children's best interests. In worst case scenarios, destitution can lead to domestic violence. Parents who have escaped an abusive partner may also feel pressured by destitution to return with their children to an unsafe relationship.
42. When parents are pushed to a point where they are unable to provide a safe environment for their children to grow up, there is an increased chance of children being taken into care, which is not in the best interests of the children or their parents. Further, this causes substantial public costs to local authorities whose social care budgets are already stretched.
43. Destitution forces people into dependency on others, which exposes them to risk of exploitation. This includes parents, who may be exploited by someone hosting them or be pushed into cash-in-hand employment in order to survive. It also includes teenagers, who are vulnerable to being caught up in drugs, criminality or sexual exploitation.
44. All these impacts are already happening to children living in destitution in our communities. We need to see destitution among families with children dramatically reduced. The proposals to restrict access to Home Office and local authority support will have the reverse effect, substantially increasing the numbers of children facing these experiences.

Part 2: Changes to the use of force policy

45. We strongly oppose any use of force on children as proposed in Part 2 of the consultation. Enforced removals will require a rise in families being detained from our communities.
46. We are already seeing negative impacts on children's wellbeing and development from parents' insecure immigration status. We are deeply concerned at the long-term traumatic impacts of being detained, handcuffed or physically handled on children. We do not have direct experience of these effects as these practices have, quite rightly, not been applied since 2011. However, we are aware of the body of evidence concerning the significant and long-term harms these practices cause, for example this report on detention from Medical Justice https://medicaljustice.org.uk/wp-content/uploads/2022/02/2010_State-Sponsored-Cruelty_Final.pdf and this from The Helen Bamber Foundation <https://www.helenbamber.org/sites/default/files/2022-09/Impact%20of%20detention%20research%20summary%20Final.pdf>. We are concerned that such practices would make children, who have no agency in their immigration status, feel treated as if they are criminals, with long-term impact on mental health through feelings of shame, anxiety and fear.
47. Detaining families from communities would inevitably be a visible process, which therefore risks undermining community cohesion by fuelling stigma, division and hate within our communities.
48. From our experience, families without status are already living in fear and are often unwilling to engage with statutory, or even sometimes voluntary sector, services. The proposed use of force on children will exacerbate these fears. People will be driven underground and may be fearful of engaging with key agencies necessary for their children's wellbeing and development, including schools and medical services. This leads to further risk of segregation from wider society, with the whole family exposed to risk of exploitation.

Conclusion

49. In accordance with the UK's international obligations and as quite rightly enshrined in domestic law, children must be treated as children first and foremost. They must not be punished for circumstances beyond their control. They must not be turned into weapons of immigration control in order to pressurise their parents.
50. If implemented, these proposals will cause significant and predictable harms to children in our communities, with a deeply negative impact on wider social cohesion. They run directly counter to government priorities to reduce homelessness, tackle child poverty, and improve social cohesion.
51. Our organisations are privileged to work with parents and children who, amidst intense hardships whether living on asylum support or facing destitution, are finding ways to thrive. Our communities are richer for their commitment – despite policies which isolate and segregate – to grow, integrate and contribute to our society. We need to see policies which facilitate such commitment, not obstruct it further.