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## **FROM PIPE DREAM TO PIPELINE: ESTABLISHING A SPECIALIST COURT FOR UNACCOMPANIED AND SEPARATED MIGRANT CHILDREN IN THE UK**

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### **Abstract**

This article will explain why the need for a specialist court for unaccompanied and separated migrant children remains as urgent as ever. It will offer detailed recommendations for establishing a holistic, multidisciplinary judicial procedure based on model principles developed by First Rights and informed by the UN Convention on the Rights of the Child to explain how the specialist court will provide better-quality decisions and better outcomes for children. It makes a call for action from statutory stakeholders to commit to transforming child-friendly justice in the UK as early as possible, mindful that as time progresses, there will be ever more demands on time and resources and negative consequences to exceptionally vulnerable migrant children.

### **Introduction**

The First Rights project of Methoria shared its vision to establish a specialist court for unaccompanied and separated migrant children with *Seen and Heard* in 2019. In that article, we asked: is such a court a complete pipe dream? The 2019 article put forward the reasons why the UK government should be creating a specialist court for migrant children and reflected on the detailed history of the project. At the end of that piece, we attempted to plot out the course for change and the path for a different approach to decision-making: one that will guarantee better-quality decisions and better outcomes for unaccompanied and separated children, with the goal that one day a specialist court for all children could be established. At the very least, we recognised how important it was to keep alive the discussion of a specialist court for unaccompanied and separated migrant children.

Current decision-making processes for unaccompanied and separated children are not effective and do not encompass all the child's needs. The asylum process, in particular, is lengthy and children routinely face multiple delays and repeated proceedings where it is unclear whether the best interests of the child have been considered substantively and procedurally at all stages. Decision-makers, including statutory authorities, courts and tribunals, often reach conflicting decisions and outcomes. These factors undoubtedly impact both the lives of children subject to these processes and create unnecessary costs to public services.

Over the last five years, First Rights has continued to advocate for this initiative by engaging with a range of stakeholders; hosting expert round-table

discussions; and researching the challenges and obstacles to establishing such a specialist court. In March 2024, Methoria published its research and recommendations in its report, *Equal Justice for Migrant Children: Towards a Specialist Court for Unaccompanied and Separated Migrant Children* (Knox, Trevena & Cantor, 2024) at a meeting in the House of Lords. The meeting was chaired by First Rights patron, Baroness Kennedy of The Shaws, and the keynote speaker was Professor Ann Skelton, Chair of the UN Committee on the Rights of the Child, who have both been vocal supporters of this pilot court.

The report makes detailed recommendations for establishing a holistic, multidisciplinary judicial procedure within a specialist court in the UK legal context, based on model principles developed by First Rights and informed by the 1989 UN Convention on the Rights of the Child. The recommendations are made following numerous online consultations, literature reviews and interviews with groups including legal representatives, judicial and state institutions and actors with responsibilities towards children, child-rights specialists, civil society and, perhaps most importantly, the views of young people who have experienced the administrative and justice system as unaccompanied children and young adults.

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