**Strategic Litigation Researcher**

**Background**

Hackney Law Centre (HLC) and Hackney Migrant Centre (HMC) are seeking a researcher to carry out Strategic Litigation Research.

Hackney Law Centre provides free advice and representation to people who face barriers in getting access to legal services. Hackney Migrant Centre is a charity offering a free drop-in advice service to migrants.

The research project will focus on the impact on migrant children decision making by social services in relation to Section 17 of the Children’s Act 1989 cases, and on the extent to which the children are placed in inadequate accommodation. There are a large number of children from migrant families who are destitute or are becoming destitute and need to rely on social services support because their parents’ immigration status does not allow them to access welfare benefits or statutory housing.

The children in these families are usually living in poverty and are very vulnerable. They are often living with their families in unsuitable accommodation e.g. overcrowded spare rooms or friends of the family, shop floors, sofas, small rooms provided by churches etc. This support is often coming to an end and families are thrown out or relationships breakdown so the family has to leave and face becoming street homeless. In extreme cases, families often have to stay in exploitative situations because they have no alternative (sex work, domestic servitude, general emotional humiliation).

Although social services’ legal duty is to assess the needs of children, and provide services to meet those needs (section.17(1)), we find that in practice the needs of these children are often overlooked by social services departments as the focus rests more on the immigration status of the parent/s when decisions for support are being made. Additionally, the impact on the children on the current situation (e.g. living in poverty with a depressed parent) or the implications of the refusal are not considered appropriately.

Often, the intervention of solicitors will achieve emergency accommodation and support whilst social services carry out an assessment of need, and a lawful assessment that concentrates on the children’s needs. However, the adequacy of the accommodation provided and the gatekeeping practices exercised by social services departments often have a detrimental effect on the wellbeing of the migrant children.

Our work is seeking to place the best interests of the child at the forefront of thinking by children and family services, and to provide evidence to argue that the standard and location of accommodation offered (together with the rates offered for subsistence) has a detriment impact on children. Our legal team will then identify potential test cases to take forward to challenge systematic failures and poor policy implementation. We will also contribute to the ongoing strategic legal work ongoing for support rates in Section 17 and domestic violence cases. Additionally, where there is a lack of awareness or training needs identified within social services departments or front line staff, we would endeavor to produce information leaflets to improve this situation. We hope that the research project’s findings could be used in strategic litigation around the efficacy of s.17 support, either directly or as a body of research relied upon by intervenors in litigation.

Section 55 Borders Citizenship and Immigration Act 2009 requires that the Secretary of State for the Home Department in exercising her functions relating to immigration has regard to a child's welfare, and mustt treat the child's best interests as a primary consideration (ZH (Tanzania)). In the context of deciding the level of "adequate" maintenance the Tribunal has recognised that it is wrong to expect that immigration families might live on lower levels of income as the poorest British families and concluded that "[t]he purpose of the requirement of adequacy is to ensure that a proper standard, appropriate to a family living in a not inexpensive western society, is available to those who seek to live here". (KA and Others (Adequacy of maintenance) Pakistan [2006] UKAIT 00065). The same point applies to children’s services.

It is thus arguable that it can never be child's best interests to put their family in a position where they may have to survive in unsuitable accomodation or accomodation that is in an unsuitable location. Additionally, the effects of gatekeeping and the uncertainty this creates for desitute migrants families could also arguably be against the best interestes of the child .

The project will provide important evidence to support a potential challenge to Section 17 decision making, because it will be important to demonstrate the impact (both long and short-term) on child welfare considerations of decisions not to provide access to public funds, and on the impact when accommodatoin and subsisdence is provided at very low rates or standards

The intention of this project is to focus on families who are trying to access or have accessed Section 17 support because they are destitute. Usually they will have obtained help from HLC, HMC and Project 17 in accessing the s.17 support.

This is a joint project with HLC and HMC and will also include partner organisations such as Project 17, who focus on assisting families to access social services support. There will also be an advisory panel, which includes representatives working on other projects working on this area who will provide guidance, share findings and help to shape the project.

The researcher will be required to:

* Liaise with other projects working on Section 17 projects and attend advisory group meetings
* Assist in devising a questionnaire to interview parents regarding the effect of the adequacy and gatekeeping by social services on their children i.e. are they living in overcrowded accommodation, can they feed and clothe their children adequately.
* Ask the parents if they will be prepared to challenge the policy and assess eligibility for legal aid.
* collate data to argue that to impose such a restriction on families and children is in breach of s55 of the Borders, Citizenship and Immigration Act 2009, and/or s.17 Children Act 1989, and discriminatory.
* gather evidence to take a test case or preferably test cases which demonstrates the adverse effect on children.

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**Pay: £125 per day – total 25 days over period of 6 months to start within one month.**