



Borders, Citizenship and Immigration Act 2009

2009 CHAPTER 11

PART 4

MISCELLANEOUS AND GENERAL

Children

[^{F1}54A Independent Family Returns Panel

- (1) The Independent Family Returns Panel is established.
- (2) The Secretary of State must consult the Independent Family Returns Panel—
 - (a) in each family returns case, on how best to safeguard and promote the welfare of the children of the family, and
 - (b) in each case where the Secretary of State proposes to detain a family in pre-departure accommodation, on the suitability of so doing, having particular regard to the need to safeguard and promote the welfare of the children of the family.
- (3) A family returns case is a case where—
 - (a) a child who is living in the United Kingdom is to be removed from or required to leave the United Kingdom, and
 - (b) an individual who—
 - (i) is a parent of the child or has care of the child, and
 - (ii) is living in a household in the United Kingdom with the child,is also to be removed from or required to leave the United Kingdom.
- (4) The Secretary of State may by regulations make provision about—
 - (a) additional functions of the Independent Family Returns Panel,
 - (b) its status and constitution,

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- (c) the appointment of its members,
 - (d) the payment of remuneration and allowances to its members, and
 - (e) any other matters in connection with its establishment and operation.
- (5) Regulations under this section must be made by statutory instrument.
- (6) An instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section—
- “child” means a person who is under the age of 18;
 - “pre-departure accommodation” has the same meaning as in Part 8 of the Immigration and Asylum Act 1999;
 - references to a person being removed from or required to leave the United Kingdom are to the person being removed or required to leave in accordance with a provision of the Immigration Acts.]

Textual Amendments

F1 S. 54A inserted (28.7.2014) by [Immigration Act 2014 \(c. 22\)](#), **ss. 3, 75(3)**; S.I. 2014/1820, **art. 3(b)**;
S.I. 2014/1820, **art. 3(b)**

55 Duty regarding the welfare of children

- (1) The Secretary of State must make arrangements for ensuring that—
- (a) the functions mentioned in subsection (2) are discharged having regard to the need to safeguard and promote the welfare of children who are in the United Kingdom, and
 - (b) any services provided by another person pursuant to arrangements which are made by the Secretary of State and relate to the discharge of a function mentioned in subsection (2) are provided having regard to that need.
- (2) The functions referred to in subsection (1) are—
- (a) any function of the Secretary of State in relation to immigration, asylum or nationality;
 - (b) any function conferred by or by virtue of the Immigration Acts on an immigration officer;
 - (c) any general customs function of the Secretary of State;
 - (d) any customs function conferred on a designated customs official.
- (3) A person exercising any of those functions must, in exercising the function, have regard to any guidance given to the person by the Secretary of State for the purpose of subsection (1).
- (4) The Director of Border Revenue must make arrangements for ensuring that—
- (a) the Director's functions are discharged having regard to the need to safeguard and promote the welfare of children who are in the United Kingdom, and
 - (b) any services provided by another person pursuant to arrangements made by the Director in the discharge of such a function are provided having regard to that need.

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- (5) A person exercising a function of the Director of Border Revenue must, in exercising the function, have regard to any guidance given to the person by the Secretary of State for the purpose of subsection (4).
- (6) In this section—
“children” means persons who are under the age of 18;
“customs function”, “designated customs official” and “general customs function” have the meanings given by Part 1.
- (7) A reference in an enactment (other than this Act) to the Immigration Acts includes a reference to this section.
- (8) Section 21 of the UK Borders Act 2007 (c. 30) (children) ceases to have effect.

Commencement Information

II S. 55 in force at 2.11.2009 by [S.I. 2009/2731](#), [art. 2\(a\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 54A(3A)(3B) inserted by [2023 c. 37 s. 14](#)