

The Road to Children's Migrant Justice: A Call for Compassion and Protection



This contribution is by Evgenia Apostolou, a 2nd year PhD Criminology researcher at Lancaster University, exploring Restorative Justice and Intercultural Mediation within Migration and the Criminal Justice System in Greece. She holds an MA in Criminology and Criminal Justice from Lancaster University and has published in F-I Psychology e-magazine. In this month's blog, Evgenia examines the challenges faced by migrant children in the justice system, calling for more compassionate approaches.

The importance of Protecting Migrant Children

Beyond legal principles, the treatment of migrant children is a test of a society's moral and ethical commitments. True justice is not just about laws—it is about safeguarding childhoods from the trauma of displacement, uncertainty, and exclusion.

Children are at the heart of a just and functioning society, yet migrant children—among the most vulnerable—face significant legal and structural barriers to integration. Their well-being, development, and ability to contribute meaningfully to their new communities depend on robust legal protections, stable access to essential resources, and the presence of strong social networks. However, systemic obstacles continue to prevent them from securing these fundamental rights.

Barriers to Integration: Legal and Social Challenges

When children are denied housing or healthcare due to legal barriers, the consequences are devastating - families are forced into destitution, children's education is disrupted, and mental health suffers, leaving scars that last far beyond childhood.

The process of integrating into a new community extends beyond physical relocation or access to basic services; it requires profound social and emotional adaptation. While access to essential resources and the ability to build social networks are both critical, many migrant children remain systematically excluded from these lifelines. **Austerity policies and the UK's "hostile environment" framework have severely restricted access to institutional and social support, creating barriers that impede long-term stability and [legal security](#).**

For migrant children to integrate meaningfully, they must secure fundamental rights to **housing, healthcare, education, and social care**—rights enshrined in both **domestic and international legal frameworks, including the UN Convention on the Rights of the Child (UNCRC) and [the Children Act 1989](#)**. However, access alone does not equate to sustainable integration. The ability to establish strong social networks is equally crucial, influencing **legal outcomes, educational attainment, and overall well-being**. Without these connections, migrant children face prolonged exclusion, limiting not only their personal security but also their ability to navigate legal and institutional systems effectively. Notably, in **ZH (Tanzania) v Secretary of State for the Home Department [2011] UKSC 4**, the UK Supreme Court reinforced that the **best interests of the child must be a primary consideration in immigration decisions**, aligning with **Article 3 of the UNCRC**. Yet, many legal rulings continue to prioritize immigration control over child welfare, leaving thousands of migrant children in limbo.

The Role of Social Capital in Legal and Educational Outcomes

A substantial body of research underscores the significance of **social capital** in the integration of migrant children. According to an [OECD study \(2020\)](#), children who have close social ties within their communities are more likely to **engage with society, perform better academically, and experience lower levels of stress**. A study by the [German Institute for Economic Research \(DIW\)](#) in 2018 examined the role of social capital in the integration of migrant children. The research showed that migrant children who had access to supportive networks—whether through family, local community groups, or peers—fared better in terms of educational achievement, social inclusion, and mental well-being. These findings highlight the need for legal professionals to **recognize the intersection between legal representation and social support mechanisms**.

Despite these well-documented benefits, many migrant children **lack access to the networks that are essential for their protection and legal security**. In the UK, restrictive immigration policies, including the **No Recourse to Public Funds (NRPF) rule**—limit access to social services, leaving children in precarious situations. In **R (Project 17) v Secretary of State for the Home Department [2020] EWHC 3186 (Admin)**, the High Court found that NRPF policies **can violate the rights of destitute children under Article 3 of the European Convention on Human Rights (ECHR)** due to their inhuman and degrading effects. **Legal professionals must consider the broader social context in which migrant children navigate the legal [system](#)**

The Legal Profession's Role in Supporting Migrant Children

Lawyers are not just legal representatives; they are frontline defenders of vulnerable children's futures. Advocacy for migrant children should go beyond procedural compliance—it must reflect a commitment to protection, dignity, and compassionate justice.

Lawyers often focus on procedural aspects—**residency permits, asylum claims, and visa applications**—without fully addressing the role of social capital in legal outcomes. However, integration is not merely about legal status; it is about ensuring that migrant children have the necessary social and emotional stability to thrive. Without adequate support, they are more likely to **experience difficulties engaging with the legal process, suffer from mental health challenges, or struggle academically**.

A more **holistic legal approach** could lead to **improved legal and social outcomes for migrant children**. For instance, lawyers and legal aid providers can work [collaboratively](#) with **social workers, educators, and community organizations** to bridge the gap between legal representation and social support. Strengthening these networks would not only improve **case outcomes** but also help children build a foundation for long-term success

To effectively support the rights and well-being of migrant children, legal practitioners must adopt a more holistic approach that goes beyond traditional legal advocacy. Below are key recommendations to enhance the impact of legal representation and ensure better outcomes for migrant children.

Recommendations for Legal Practitioners

- **Expand legal aid frameworks** to include collaboration with **social services and community organizations**.
- **Advocate for policy reforms** to remove barriers such as the **NRPF rule** and increase protections for migrant children under the Children Act 1989.
- **Recognize the role of social capital** in legal casework—providing not just procedural guidance but support in accessing **educational, psychological, and housing resources**.
- **Challenge the use of child detention and restrictions on public funds** by leveraging **domestic and international human rights frameworks**.

Conclusion: A Call to Action

Migrant children are not just subjects of legal debate; they are individuals with hopes, dreams, and untapped potential. A system that prioritizes both legal justice and human dignity will not only protect children but enrich the communities they become part of.

Policymakers, social workers, and legal professionals must acknowledge the **critical role of social networks in legal and social integration**. Without these interventions, migrant children remain at risk of **institutional neglect and legal disadvantage**. Addressing this requires a **multi-sectoral approach that prioritizes not only legal protections but also social and emotional well-being**.

Only by making these comprehensive efforts can migrant children fully integrate into their new communities and build stable, secure futures.

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