

Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Illegal Migration Act 2023. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes



Illegal Migration Act 2023

2023 CHAPTER 37

Unaccompanied children

PROSPECTIVE

17 Transfer of children from Secretary of State to local authority and vice versa

- (1) The Secretary of State may decide that a child is to cease residing in accommodation for unaccompanied migrant children on a certain date (the transfer date).
- (2) On making that decision, the Secretary of State must direct a local authority in England to provide accommodation to the child, under section 20 of the Children Act 1989, from the transfer date.
- (3) The transfer date must be a date falling after the end of the period of five working days beginning with the day on which the local authority was given the direction.
- (4) The Secretary of State may decide that an unaccompanied child who is being provided with accommodation by a local authority in England is to cease being provided with that accommodation on a certain date (the transfer date).
- (5) On making that decision, the Secretary of State must direct the local authority to cease providing the child with accommodation from the transfer date.
- (6) The transfer date must be a date falling after the end of the period of five working days beginning with the day on which the local authority was given the direction.
- (7) When a local authority ceases providing a child with accommodation in compliance with a direction under [subsection \(5\)](#), the Secretary of State must arrange for the child to reside in accommodation for unaccompanied migrant children from the transfer date.
- (8) In this section and sections [18](#) and [19](#)—
“accommodation for unaccompanied migrant children” has the same meaning as in [section 16](#);

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“local authority” has the same meaning as in the Children Act 1989 (see section 105(1) of that Act);

“working day” means any day which is not Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971.

Commencement Information

II S. 17 not in force at Royal Assent, see [s. 68\(1\)](#)

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

- Act excluded by [2024 c. 8 s. 2\(5\)\(a\)](#)

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

- s. 39(4A) inserted by [2024 c. 8 s. 7\(2\)](#)