

Rt. Hon Dominic Raab MP
Secretary of State for Foreign and Commonwealth Office

Rt. Hon Priti Patel MP
Home Secretary

5th November 2019

Dear Home Secretary and Foreign Secretary,

Thank you for your letter of the 4th November, in response to my letter to your predecessors of the 11th March 2019. As you will appreciate, I am frustrated that it took more than six months to receive a response to my original letter but I appreciate you responding on behalf of your predecessors and for the information contained in your letter.

When considering this issue I think it is vital that we remember that first and foremost these are British children. They are extremely young (most I understand are under 5), incredibly vulnerable, living in desperate conditions and facing a security situation that could worsen dramatically and quickly. Unfortunately, based on your letter, there remain some significant differences of opinion between us as to the British state's moral and legal obligations to these children. I do not agree that it is ever appropriate to remove British citizenship from a child. I would urge you to reconsider this policy and I would be grateful if you could let me know how many children – to date – have had their citizenship removed.

I also disagree with your assertion that the British state does not have a duty of care towards British children abroad and therefore consular assistance can be exercised on discretion. On principle, I want every British child to know that - at home or abroad - the British Government will do what it can to keep them safe. This is the long established principle of "*parens patriae*", which has repeatedly upheld by the courts¹. Moreover, this duty has been specifically upheld in relation to children abroad who have been caught up in the Syrian conflict. In the matter of M (Children), the High Court found "*that the Crown's protective duty, as parens patriae, in relation to children extends, in the case of a child who is a British subject, to protect the child wherever he may be, whether in this country or abroad*"². I hope it will not require court action for you to reconsider your position towards these children.

At present, I am particularly concerned about the estimated 60 British children in camps within Kurdish-controlled areas of Northern Syria. Some of these children are there alone, some with their mums. All are young and living in a desperate situation. While in camps in areas controlled by the Kurds, I understand it is possible to extract these children – most of whom are very young – via Iraq. But the window within which this is possible may be short-lived. If these areas are taken over by the Syrian regime extraction would not be possible, moreover in this situation it is possible these children could become a target for violence based on their British nationality; the very thing that should be now giving them protection.

Therefore I welcome your commitment to consider what consular assistance, including repatriation, can be offered to these children. But I am concerned that progress on this appears to be slow, and the onus appears to be on children to make the case for their repatriation. I would press you to go further and commit publically to an ambition to repatriate all of these children. A number of our international allies, including the US and France, have now begun repatriation. I am confident that Britain is equally capable of

¹ *Joyce v Director of Public Prosecutions* [1946] AC 347

² <https://www.bailii.org/ew/cases/EWHC/Fam/2015/1433.html>

saving these children, and successfully integrating them back into British society. A small child who is a British subject should not be treated as a security threat.

I was pleased to read in your letter that you do not believe there to be any British children in camps in neighbouring countries, including Iraq. I hope this is correct, but I would be grateful if you would let me know what you have done to work with the authorities in these camps to ensure British children are not present.

Best wishes,



Anne Longfield
Children's Commissioner for England

