



# Borders, Citizenship and Immigration Act 2009

## 2009 CHAPTER 11

### PART 4

#### MISCELLANEOUS AND GENERAL

##### *Children*

#### **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—

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**Changes to legislation:** *Borders, Citizenship and Immigration Act 2009, Section 55 is up to date with all changes known to be in force on or before 12 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (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.
- (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.

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**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](#)