

Children in the
asylum process



The
Children's
Society



Going it alone

Going it alone: children in the asylum process

3,000 children come to the UK every year and claim asylum. Many more arrive with their families. This report provides an overview of the asylum process that children go through, as they experience it. It focuses particularly on children's experiences of making their own claim for asylum, but reflects a little of the experience of children who come here with their families and are so often invisible throughout the process.

The term “*refugee*” is much misunderstood. To prove their claim for asylum, children must be able to demonstrate that they have a well-founded fear of persecution on grounds of race, religion, nationality, membership of a social group or political opinion, and that the state cannot or will not protect them.

Children have to go to the Home Office to claim asylum. They fill in a form, called a Statement of Evidence form, which explains why they feel they need international protection. After they have filled in this form they are interviewed in more detail. The Home Office considers the evidence and issues the child with a decision. 94% of children who seek asylum alone in the UK are refused, but there is little evidence why this is so high. The Home Office believes that most applicants are not “genuine” refugees but many critics feel the system does not support children enough to allow them to make their case for protection.

This report considers the process from the child's perspective, and those working with them.



Claiming asylum

Children who do not claim asylum at a port have to go to an asylum screening unit. There are two units – in Croydon and Liverpool. Children find the experience very frightening. They have to wait a long time to be seen, sometimes all day, and the waiting room does not have any bright colours, toys, books or comfy chairs. Younger children find it hard to sit still on the hard chairs with no food or water for a long time. Older children find the experience scary. There are posters which say you must tell the truth or you may go to prison. Sometimes there are no interpreters available so they are not sure they have answered the questions properly. All children are fingerprinted and some older children say they do not like this. Many children say they are not sure if they have claimed asylum or not when they have finished because nobody has explained to them what has just happened.

Support through the process

Claiming asylum is a very complicated process and most children know that if their claim is refused they will have to go back to the country they left behind. Most children are very afraid of that and want to get their claim right. They also miss their family, friends and home. Many children find it hard to adjust to life in a strange country, where they do not always speak English. Like any child who has experienced abuse, loss, or trauma, they need support to help them to be able to talk about what has happened to them.

Children who come to the UK alone are the responsibility of Social Services. They may live in foster care but they should always have their own social worker to help them. Not all children have a social worker. Unaccompanied children are often supported under Section 17 of the Children Act 1989 which means they are not entitled to a care plan, a named social worker, or support when they leave care. Children in foster families have more support than that, but foster carers do not get any training about the asylum process, so it is hard for them to support children and explain what may happen to them.

Many children struggle to get into school because they often arrive mid-year so face long delays. This means many children do not have any friends to help them either. Many children are scared and lonely, and do not have anyone they can turn to for help. Some children get help from charities like the Refugee Council or The Children's Society, but their staff cannot always get Social Services, schools or lawyers to talk to them. In other countries, children have statutory guardians who help them through the process. Because they are statutory they are allowed to act on the child's behalf and people have to talk to them. Children say they would like someone to turn to who is independent of the state. Older children can be wary or even frightened of people connected to the state because they have been threatened or persecuted by the state before.



Age disputes

Before some children can claim asylum they have to prove they are really a child. This is because the Home Office believes they are an adult. The Home Office says lots of adults claim to be children, but they do not know how many because they have never counted. They dispute nearly half of the young people claiming to be children on this basis. Those young people then have to have an interview with a social worker. Sometimes they also have medical tests like x-rays. This causes young people worry and it makes some of them angry or depressed. At The Children's Society, over 125 years of working with children has taught us how fundamentally important it is for a child to feel they are believed. For too many children, their first experience in the UK is of being told they are lying, and having a fundamental aspect of their identity questioned. This can have a long-term impact and make them scared about what will happen next.

While they are waiting to be assessed they are treated as adults and can be locked up with adults in detention centres so they do not have any support. Sometimes children are so traumatised by detention that they become mute.

Legal advice

To go through the asylum process children need a lawyer to help them make their case for protection. They must show how they fit the very narrow grounds for protection and put forward as much evidence as possible to support their claim.

The Government cut legal aid funding in 2004 and now it is very difficult to get an asylum lawyer. The Government limits the amount of help given so lawyers can usually only see children once to talk to them about their asylum claim before they are interviewed by the Home Office. The child is usually very scared and does not want to talk about experiences of rape, torture and killings to a stranger. There is a big shortage of lawyers who are skilled in both immigration and children's law and can talk to children sensitively. Lawyers who do not make children reassured cannot usually get them to talk about their experiences. If they do not, the child's asylum claim may be rejected for lack of evidence because the onus is on them to prove their claim.

Because of the restrictions on funding, children can be dropped by their lawyers because their case is too complicated, or asked for several thousand pounds to continue. We are worried by reports that some children are begging, selling sex and engaging in other forms of illegal work to pay for legal representation.

Some children we work with have had 5 lawyers or more. Sometimes their case is dropped and their lawyer doesn't even tell them. This is very bad practice but happens often, and is not taken into account when the decision is made on their asylum claim. Other children do not have lawyers at all and have to represent themselves through the process. This is very difficult and very stressful, particularly when children do not speak English.

"I met my solicitor two times. She told me my case is hard but I don't understand why. Then she wouldn't work for free. I don't know if it's my fault, or something else... I live here alone. I have no family. I need someone to help me. I know I can't do it on my own" - Jason, 17.

Explaining the process

The Home Office recently introduced changes to the asylum process. Now, every applicant is supposed to have a case owner, who works on their claim all the way through and acts as the child's point of contact when they or their solicitor need an update. It is much better than before because there is a simple way of finding out what is happening, and the case owner becomes an expert on that case.

Children meet their case owner at a meeting called the First Reporting Event. The First Reporting Event is to start the relationship with the case owner who will also explain the asylum process to the child. But because the First Reporting Event happens so quickly, just 10 days after a child arrives, the child is too dazed and confused to understand what is happening. Children say to us that they do not know they have a case owner and they still do not understand the asylum process. Many children have endured long journeys over land to get to the UK. They need time to stabilise before they can begin to take in formal processes and procedures. Hardly any children have had a needs assessment or a named social worker by the time they are asked to go and meet their case owner, so they feel very frightened and unsupported.

Filling in a Statement of Evidence Form

The next stage is for children to fill in a Statement of Evidence form. If they have a lawyer their lawyer should do this. It is very hard for children to get down all the evidence about their case because they may not know all the details. For example they may not know which political party or activities their parents were involved in, or what the political situation is in their country of origin, even though that may be critical to their claim.

Being interviewed

Many children find being interviewed very difficult as it forces them to relive the traumatic experiences they have been through. In addition some children say in their cultures it is dishonourable or shameful to talk about things like rape, particularly to a stranger. The interviews can be long and children get tired easily. Sometimes when they are telling their stories through an interpreter the details become confused. The way children tell their stories is often not chronological, or they may forget details, or say what they think the interviewer wants to hear.

The asylum process in the UK is adversarial rather than inquisitorial in nature which makes it very hard for confused, often abused children. The Home Office's starting point is to look for reasons not to believe the child's claim, and they expect the child to be persuasive enough to change their mind. It is very different to the system for investigating UK cases of child abuse, where a child's allegation is dealt with sensitively, and the state investigates it on their behalf. When they are challenged about whether what they are saying is true, children can get very upset, and feel disbelieved or angry. They may not want to talk any more.

"They made me feel like I didn't have any rights" - Frankie, 16.

Children in families are not interviewed about their asylum claim, but because there are no crèche facilities they are sometimes present when their parents have to recount details of torture, rape, loss and fear. This can be very upsetting for children and their parents.

Decision

Most children get a negative decision but are given leave to stay here until they are 18 (or 17.5 from April 2007) because they cannot go home safely. This used to be communicated by letter but now they are told the decision in person, which can be better because the letters are very technical and most adults and children do not understand the language. Most children do not understand why they have been refused because they do not understand the process. Children typically think they have done something wrong to be turned down, or that the Home Office thinks they are a bad person, which is why they don't want them in the UK.

"They turned me away because they thought I was bad, but I am a good person. My social worker, she told them I am in college and I work hard, but they didn't listen. Now I don't know what will happen" - Raoul, 19.

For many children it compounds the sense of rejection they already feel because they think they were not wanted in their home country either. Some young people think it is a lottery, or that there is a quota. One young man said to us, without a trace of irony, “I think they pull names out of a hat”. A few children think because they have leave to stay to until they are 18 that means they have not been refused, and they feel very betrayed when they finally learn this. Those children who have good lawyers tend to understand the process better.

Delays and appeals

Most children who are given discretionary leave to remain in the UK until they are 18 do not usually appeal the decision to refuse asylum straight away. Instead their lawyer will ask for their leave to be extended when they are 18. The wait is very difficult for children. It overshadows their lives and prevents them from making plans for the future because they do not know what the future will hold. If they are refused an extension of leave to stay here they can appeal, but it is hard to do this when they reach 18 because they do not have automatic access to legal aid funding. They have to prove that their case has sufficient merit before being able to get legal help. It is also very difficult for many children to recollect events that happened a long time ago for their appeal. For example a child who experienced persecution or flight at 12 may struggle to remember the details by the time they are 19.

Reporting, removal and detention

Young people are subject to very tight immigration controls. They may be asked to report to Immigration Officers from the age of 17 – and the Government plans to make all children report on a regular basis for many years in the future. Children tell us they are very afraid of this because they know that they may be picked up with no notice when they go to sign, and be taken away, and never come back.

“Is it true they can put you in a van with no windows when you go to sign, and then they take you to a centre and you don't get to come back, even to get your stuff? One of my friends went to sign and he didn't come back.” - Naz, 17.



The distances they have to travel are also very long – up to 25 miles – and make no concessions for school or college activities. Travel costs are only reimbursed for young people when the distance is more than 3 miles, so many have to walk long distances just to report.

Many young people are terrified of turning 18 because they may be detained. Often children live in shared accommodation with one another so when a young person is picked up and detained it has a strong impact on them all. Young people, like adults, can be subject to repeated periods of detention whilst never being removed from the UK. This also happens to whole families. They are released and placed into a new area, losing contact with any support networks, including school and friends. Young people who have been detained describe their fear at being locked up, not knowing where they are in the country or what will happen to them. Successive inspections of detention centres have said that detention is a frightening and often unsafe environment for children, in which staff carry paddles to restrain detainees, and people can be locked up for much of the day.

It is a very damaging system, and one from which many detainees - 40% of cases in 2005 - are eventually released. They may be given leave to remain here, or even granted refugee status. It is then very hard for them to readjust to life in the UK after such harsh treatment.

Conclusion

Children in the asylum process struggle to make their case and do not get the legal, emotional or practical support they need. They lack a trusted adult who has the power, knowledge, time and authority to guide them through an incredibly complex process and as a result they are very confused and scared about what will happen to them. They come to us seeking safety, only to find a bewildering, suspicious and damaging system they are expected to negotiate alone. In short, they are denied a childhood.



We are grateful to all of the children and young people who took the time to share their stories with us.

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The Children's Society is a leading national charity, driven by the belief that every child deserves a good childhood. We provide vital help and understanding for those children who face the greatest danger, discrimination or disadvantage in their daily lives; children who are unable to find the support they need anywhere else. Our network of projects helps over 50,000 children and their families each year. Through our pioneering research and influential campaigning, we defend, safeguard and protect the childhood of all children.

References

3000 children claim asylum each year (p2). Source: Home Office Asylum Statistics.

94% of children who seek asylum alone in the UK are refused (p2).
Source: Bhabha and Finch, Seeking Asylum Alone, 2006.

The Home Office believes that most applicants are not "genuine" refugees (p2).
Source: Home Office, Controlling Our Borders: Making Migration Work For Britain, 2004.

They dispute nearly half of the young people claiming to be children (p4).
Source: Immigration Law Practitioners' Association, When is a child not a child?", Crawley, 2007.

The Government plans to make all children report on a regular basis for many years in the future (p6). Source: UK Borders Bill Debates, Official Report, 2007.

Many detainees - 40% of cases in 2005 - are eventually released (p7).
Source Home Office Asylum Statistics 2005.

