

Unaccompanied Young Migrants

Identity, Care and Justice

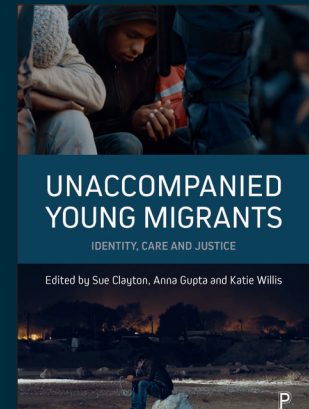
Summary

Thousands of unaccompanied young migrants fleeing violence and insecurity arrive in Europe every year; an estimated 31,395 claimed asylum in an EU country in 2017. As children, they ought to qualify for protection under international conventions and law, but in reality many are not offered or given that security and care.

In a context of increased nationalism and suspicion of migrants, UK government policy has been creating a 'hostile environment' for migrants. For unaccompanied young people, their status as a migrant is often prioritised over their status as a child, going against international conventions to which the UK is a signatory.

Our book provides a multi-disciplinary perspective on the experiences of young people as they seek to negotiate the immigration and care systems. The authors highlight the gap between policy requirements stressing the "best interests" of the child and the actual experiences of young people.

The book also explores the care and support that young people need in the move towards adulthood and a change of legal status which could result in forcible removal from the UK once they have reached the age of 18. This uncertainty, combined with the trauma of past experiences, can have significant impacts on their health and well-being. This requires appropriate support from well-trained and resourced social workers and health professionals. Faster asylum claim and appeal decisions, along with continued care support post 18 will also help.



Unaccompanied young migrants: Identity, care and justice edited by Sue Clayton, Anna Gupta and Katie Willis is published by Policy Press on 30 January 2019, price £21.99.

<https://policy.bristoluniversitypress.co.uk/unaccompanied-young-migrants>

1. There are two clear channels through which unaccompanied asylum-seeking children elsewhere within the European Union can enter the UK legally; firstly, the EU Dublin III regulation which allows unaccompanied minors with close family in another EU country to proceed to the state where they have family to have their asylum claim processed there; and secondly, Section 67c 'Unaccompanied refugee children relocation and support' of the 2016 Immigration Act, often known as the 'Dubs Amendment'. **These should be implemented promptly and effectively to reduce the suffering of vulnerable unaccompanied children.** Court of Appeal judgements in 2018 ruled that there were procedural errors in Home Office decisions which would have otherwise allowed unaccompanied young people to come to the UK legally.
2. Official guidance regarding children within the asylum system has greatly improved in recent years, with sensitive age-appropriate procedures laid out. However, **this guidance must be followed consistently, particularly when evaluating the credibility of a young person's asylum claim.**
3. If an asylum claim is refused on arrival, **unaccompanied children should be advised by their legal representatives to appeal as soon as possible**, rather than waiting until they are nearly 18. While they will be given discretionary/ unaccompanied asylum-seeking child (UASC) leave to stay in the UK until they are adults, it may be more difficult to make a successful appeal when they are older.
4. **Young people's asylum claims should be dealt with within the timeframe laid out in Home Office guidance.** Significant delays are frequent and add to the stress and uncertainty experienced by young people. Delays can also add to the complexity of their cases as they approach 18.
5. Given changes to legal aid provision, it can be difficult in some areas for young people to access good quality legal representation. Once over 18 the availability of legal aid is more limited and there is no legal aid to support young people's arguments about their rights to private and family life. **Immigration legal aid should be made available and accessible to asylum-seeking children prior to and once they reach 18 for both their immigration and human rights claims.**
6. Public reporting on asylum claims and decisions has greatly improved, but there are still significant gaps in data availability, reducing the ability to hold the Home Office to account in relation to its own guidelines and policies. **Data should be published on appeal success rates for UASCs, the number of UASCs removed after 18 and what happens to them.**



7. Local authority budget cuts have dismantled social work teams with specialist knowledge of working with unaccompanied young migrants and foster families. Given the specific needs of this group of young people, we recommend **increased local authority funding to provide support for UASCs and specialist training for social workers**

8. Social workers supporting UASCs often grapple with the fundamental tensions between immigration policy and child welfare. **Social workers must stand alongside young people, promoting their voices, rights and welfare within a social justice framework**, including supporting young people in their engagements with the legal system, and introducing them to organisations that can provide collective support.

9. UASCs should be given access to therapeutic support where needed. This should recognise the potential ongoing nature of trauma, particularly given uncertainty regarding their lives post 18, and the **importance of a collective and relational, rather than just an individual approach to resilience**. Unaccompanied young migrants can gain much from supporting each other and sharing their experiences in a safe environment.

10. **An independent guardian service should be set up in England and Wales** to provide unaccompanied young migrants an independent adult who is not their social worker to ensure that their needs and interests are met. Guardianship services already exist in Scotland and Northern Ireland.

11. Age assessments are carried out when there is reasonable doubt that the individual is the age they claim. These assessments are carried out for local authorities, by qualified and trained social workers. Without documentation, accurate age assessments are very difficult. The reliance on social workers also places them in a potentially conflicted position. We therefore recommend **a holistic, multi-agency approach to age assessments**.

12. It is the UK government's intention (through Part 5 and Schedule 12 of the Immigration Act 2016) to remove young people refused asylum altogether from the leaving care provisions of the Children Act 1989 and prevent those with UASC or discretionary leave from accessing support for higher education. This discriminates between UK and foreign children, creating an even more abrupt transition at 18, with the concomitant impacts on young people's wellbeing. We propose **retaining the leaving care provisions of the Children Act 1989 for young people who arrived as unaccompanied minors regardless of immigration status**.

These proposals require significant resources, but arguably less than the total cost of dealing with the consequences of an increasing number of unsupported young people remaining in the UK with no rights. Beyond the financial dimensions, the UK's responsibilities with regard to international human rights and refugee conventions should also be acknowledged.



About the book

Taking a multi-disciplinary perspective, and one grounded in human rights, *Unaccompanied young migrants* explores in depth the journeys migrants youths take through the UK legal and care systems.

Arriving with little agency, what becomes of these children as they grow and assume new identities, only to risk losing legal protection as they reach eighteen?

Through international studies, and crucially the voices of the young migrants themselves, the book examines the narratives they present, and the frameworks of culture and legislation into which they are placed. Challenging existing policy, it questions, from a social justice perspective, what the treatment of this group tells us about our systems and the cultural presuppositions on which they depend.

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The book draws on contributions to an Economic and Social Research Council (ESRC) funded seminar series: *Uncertain Journeys: Exploring the challenges facing separated children seeking asylum*. Further information can be found at: www.uncertainjourneys.org.uk

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