

## What Makes The Difference? TOOLS and RESOURCES

**Name of tool/resource:** Planning better outcomes and support for Unaccompanied Asylum Seeking Children

**Name and region of agency/organisation that developed this tool/resource:**  
Response from the Mayor of London

**Purpose and brief description of tool/resource:**

This report discusses the views on unaccompanied asylum seeking children (UASC) from Ken Livingston and his belief that all UASC are young people first and need to be supported. The report discusses geographical distribution; sponsoring key messages in the countries of origin; age assessments and support provided post 18.

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**Evidence for the effectiveness/ impact of this tool/resource**

**Positive impact of this tool/resource:**

1. Not known
2. Not known
3. Not known



## ***Planning Better Outcomes and Support for Unaccompanied Asylum Seeking Children***

### **Response from the Mayor of London May 2007**

#### **Introduction**

1. Unaccompanied asylum seeking children were forced to leave their homes and the support of their families and communities; many have experienced extreme hardship and suffering prior to fleeing their homes and upon arrival and settlement in the UK. Whatever the decision on the asylum claim, they remain young people in our care and this should not be forgotten. They should be invested in, cared for and treated with respect, so that they are confident and skilled young adults with good life chances.
2. Mayor of London Ken Livingstone sees unaccompanied asylum seeker children as children first. Their immigration status, while clearly a major factor in their lives, should not, in the Mayor's view, result in inequality of support from any of the children's services designed to protect all children living in the UK. The Mayor believes that the diversity of London's children is one of the city's greatest strengths and the source of much of its creativity and energy.
3. The Mayor feels that we should invest in young Londoners, whatever their status, for the benefit of the young people themselves but also for London. Unaccompanied asylum seeking children form their first impressions of the UK from their experiences when they arrive. Their reception and care can develop into a relationship of trust and belief in UK systems and 'authorities' if a carefully considered care package has been implemented on their arrival and continues into adulthood. In contrast, if they are alienated from other young people and society as a whole, this will have a negative impact upon their position in society and their ability to contribute to London's development.
4. The Mayor therefore welcomes the opportunity to comment on the Home Office consultation document, *Planning better Outcomes and Support for Unaccompanied Asylum Seeking Children*.
5. This paper will set out the Mayor's response to the consultation document, first looking at the positive features of the proposals before moving on to express concern with some of the recommendations.

#### **Positive Features**

6. The Mayor welcomes the Home Office's recognition that unaccompanied asylum seeking children have specific needs, which need to be addressed by people with specialist training to work with this group of children. He therefore welcomes the

recommendation within the consultation paper that all people working with unaccompanied asylum seeking children should be given the appropriate training to enable them to do the job.

7. Children who are victims of traffickers are particularly at risk, and the Mayor welcomes the paper's recommendation to build on existing work to protect victims of traffickers, through joint working between the agencies concerned and increased awareness raising.
8. The Mayor agrees that there needs to be more consistency in approaches to supporting unaccompanied asylum seeking children and there is a need to avoid placing children in areas where they may be isolated or unable to access appropriate services, such as legal advice. He welcomes the reference to *Every Child Matters* and *Care Matters: Transforming the Lives of Children and Young People in Care* in chapter 1 of the document and believes that the two documents should form the backbone of any service planning for unaccompanied asylum seeking children.
9. The Mayor also welcomes the document's proposal to develop roles for specialist foster parents for unaccompanied asylum seeking children, in line with the expansion and improvement of fostering placements generally. He would urge the Government to increase partnership working with refugee communities in the development of this work. Foster placements should meet the needs of the young people according to their culture and ethnicity, with parents appropriately trained to understand and support the children in their care.
10. The Mayor also welcomes the recognition that the process of determining asylum applications from unaccompanied asylum seeking children needs to be improved, although several concerns about how to improve this situation are given below.

## **Concerns**

11. While keen to encourage joint working and a more co-ordinated approach to meeting the needs of unaccompanied asylum seeking children, the Mayor has concern with several points raised within the document, which are explained in more detail below.

### Geographical distribution

12. The argument for geographical distribution made within the paper appear to be cost-driven, rather than focusing primarily on the best interests of asylum seeking children, and this is a worrying starting point. As mentioned in the paper, some local authorities have developed good quality specialist services, while others have not. The good work of these local authorities should be built on, wherever their geographical location, and replicated elsewhere wherever possible.
13. Whether in the South East or not, the placement of unaccompanied asylum seeking children should first consider their ability to settle in an area where they are able to access appropriate services (including language support, legal advice and health services), make friends, be supported in education and meet people from a similar background should they wish to. Children should also be given the opportunity to participate in the choice of placement and decisions that are made about them, in line with Article 12 of the UNCRC.

### Sponsoring key messages in countries of origin

14. While encouraging partnership with other countries to warn against trafficking and other forms of exploitation of children, the Mayor questions the proposal to dissuade children from travelling to the UK by promoting messages in countries of origin which explain the 'rigorous asylum application process' they will encounter when they arrive. There is a serious risk that this will discourage children, who urgently need to flee and request the support of another country, from leaving the danger they are in. The money used to promote such messages in countries of origin would be better spent in improving the decision-making processes for asylum claims of children who are in the UK.

### Initial Assessment, including Age Determination

15. While recognising that every system is subject to exploitation, the Mayor feels that it is important that people claiming to be minors on arrival in the country should be given the benefit of the doubt until a full assessment by trained professionals can be carried out. The Mayor welcomes the acknowledgement within the document that no method of age assessment is 100% accurate and that a holistic approach, drawing on a number of methods of assessment, sometimes over a period of time, may be necessary in order to achieve an accurate assessment.
16. The Mayor would argue strongly against the reintroduction of use of x-rays to determine age. As well as re-examining the reasons why their use was ended in the 1980's, the Mayor would also urge the Home Office to take into consideration the possible experiences of children in the countries they are fleeing from, where medical examination may have been used as a form of persecution.

### Assessment of Need and Placement

17. As already mentioned, the Mayor agrees that the development of more specialist fostering placements would be welcome, particularly if joint working with refugee communities forms a major part of this initiative, as well as work with non-refugee foster parents.
18. From his own consultation and discussion with young refugees, the Mayor has learned that many highly value the support of foster parents or other forms of support beyond the age of 16 and those who have experienced an abrupt move from foster care to 'independent living' without an appropriate level of support or prior consultation have been shocked and disturbed by the experience. Few young people are ready for independence at this age and achieve poor education and economic outcomes if they are not appropriately supported. While not every child wants to remain with foster parents when they reach 16, nearly all children have an opinion about what they feel is best for them and benefit from specialist pre-18 work around independence and optimising life chances. It is important that the child's individual needs are assessed, taking into consideration the views of the child, the experiences that caused them to flee their home countries plus their experience of settlement in the UK.

### The Asylum Application

19. As mentioned in section B above, the Mayor welcomes the recognition that the process of determining asylum applications for unaccompanied asylum seeking children needs to be improved. However, he is concerned that the proposals for improvement focus on speed of decision-making and what to do with young people who are refused asylum,

rather than taking the opportunity to identify concrete actions which could enhance the quality of asylum decisions.

20. The Mayor is concerned about the reduction of legal aid available to asylum seekers. While the document acknowledges the time, specialist knowledge and skills needed when assessing a young asylum-seeker's case, it misses the opportunity to propose increased investment in specialised legal support for young asylum seekers, which is something the Mayor would recommend.
21. While recognising the importance of being open and honest with young people and not unnecessarily raising expectations, the Mayor is concerned about the document's emphasis on continually reminding young asylum seeking children, whose asylum claim has been refused, that they will be returned to their home country as soon as possible after their 18<sup>th</sup> birthday. He believes that this approach could be deeply damaging, for the following reasons
22. Firstly, the Mayor's consultation with young refugees revealed the fear that many of them have about turning 18 and being forced to return home or being detained. The document's proposals are likely to enhance this fear in more asylum seeking children, condemning them to a disturbed childhood where they see little hope in the future. This goes against the objectives of Every Child Matters, which seeks to enhance children's opportunities to develop and contribute to society.
23. Secondly, fear of return may drive many children 'underground' with consequent risk of exploitation. If limited leave expires at an earlier age, seventeen and a half being proposed in the document, this will simply drive down the age whereby a child may start to consider seeking alternative means to remain in the UK.
24. Finally, the Mayor does not believe that giving social workers more explicit responsibility for applying immigration rules will reduce the likelihood of children going underground. Instead, it is likely to severely impair their relationship with unaccompanied asylum seeking children, sometimes leaving these children with no adult that they feel they can rely on or trust. Children would be better prepared for the future, whatever the outcome of their case, if they are given opportunities to mix with people from their community and culture, they are given a good education and their life skills and ability to live independently are nurtured.

#### Return to the Country of Origin

25. The Mayor would urge further analysis by the Government to analyse *why* so few asylum seeking children take advantage of existing voluntary return packages. The Government should then work with the findings of that research to develop improved systems or alternative measures. The Mayor does not support the proposal to reduce the level of re-settlement support over a period of time if a young person refuses to return voluntarily, as he is concerned that this could result in young people returning to dangerous circumstances out of fear of losing everything, should they delay their return.
26. It appears that the Government is willing to invest heavily in the return of young people to their home countries, either voluntarily or under compulsion. The Mayor believes greater benefits to them, to London and the UK might be gained by investment in
  - legal support to unaccompanied asylum seeking children to ensure better decisions, offering a stable basis on which to build their future and
  - education and support for them while they in the UK so they may contribute more fully to society, wherever they end up living.

27. The Mayor would urge the Government to adopt policies which enable unaccompanied asylum seeking children, who have settled and established a life in the UK, to stay indefinitely. He believes that they should not be returned under the age of 18 in any circumstances. For unaccompanied asylum seeking children reaching their 18<sup>th</sup> birthday who have their case rejected, he urges the Home Office in liaison with key stakeholders to establish a procedure which
- provides for all such cases to be reviewed, before a removal order is made, jointly by its officials with independent assessors who have professional knowledge of the Every Child Matters framework
  - will consider what conditions the young person may face on return to country of origin, and what support will be available to help them re-settle there
  - considers the case for offering indefinite leave to remain on grounds of their welfare and development needs
  - takes the young person's views fully into account
  - establishes the outcome which would be in their best interest.

#### Support beyond age 18

28. The Mayor urges the Government to treat unaccompanied asylum seeking children in the same way as other children in its care. There are very good reasons, based upon the best interests of the child, why a young person leaving care is recognised as needing ongoing support beyond the age of 18. This is no different for young asylum seekers and in many cases their care needs are higher.

#### **For further information please contact**

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