

'What's going to happen tomorrow?'

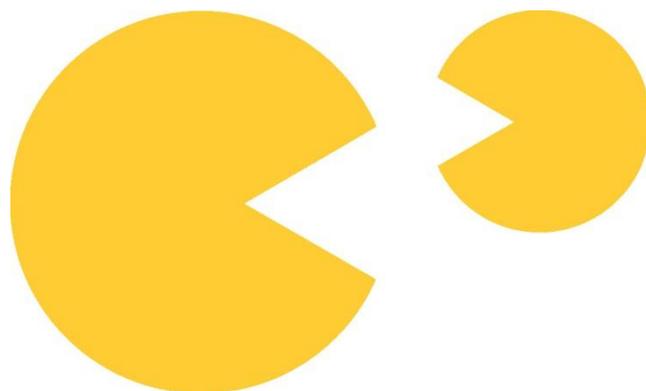
Unaccompanied children refused asylum



What is the Office of the Children's Commissioner?

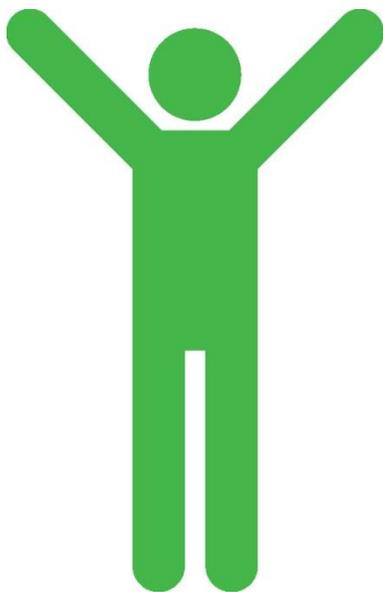
The Children's Commissioner is Maggie Atkinson. She leads the Office of the Children's Commissioner (OCC), a national organisation set up in 2004 because England needed to listen more to the views of children and young people. We tell people who make decisions about their lives what children and young people think. This includes the Government and a lot of other organisations as well.

We are here to **promote and protect the rights of children and young people**. We have special responsibilities to those living away from home or receiving social care services.



What is this report?

Every year thousands of unaccompanied children cross countries' borders to reach a safe place to live. Sometimes they do this in European countries, including the UK. An **unaccompanied child** has been separated from family, and is not being cared for by an adult. With nobody to look after them, children are taken into local authority care. In 2012, 1,125 unaccompanied children came to the UK.

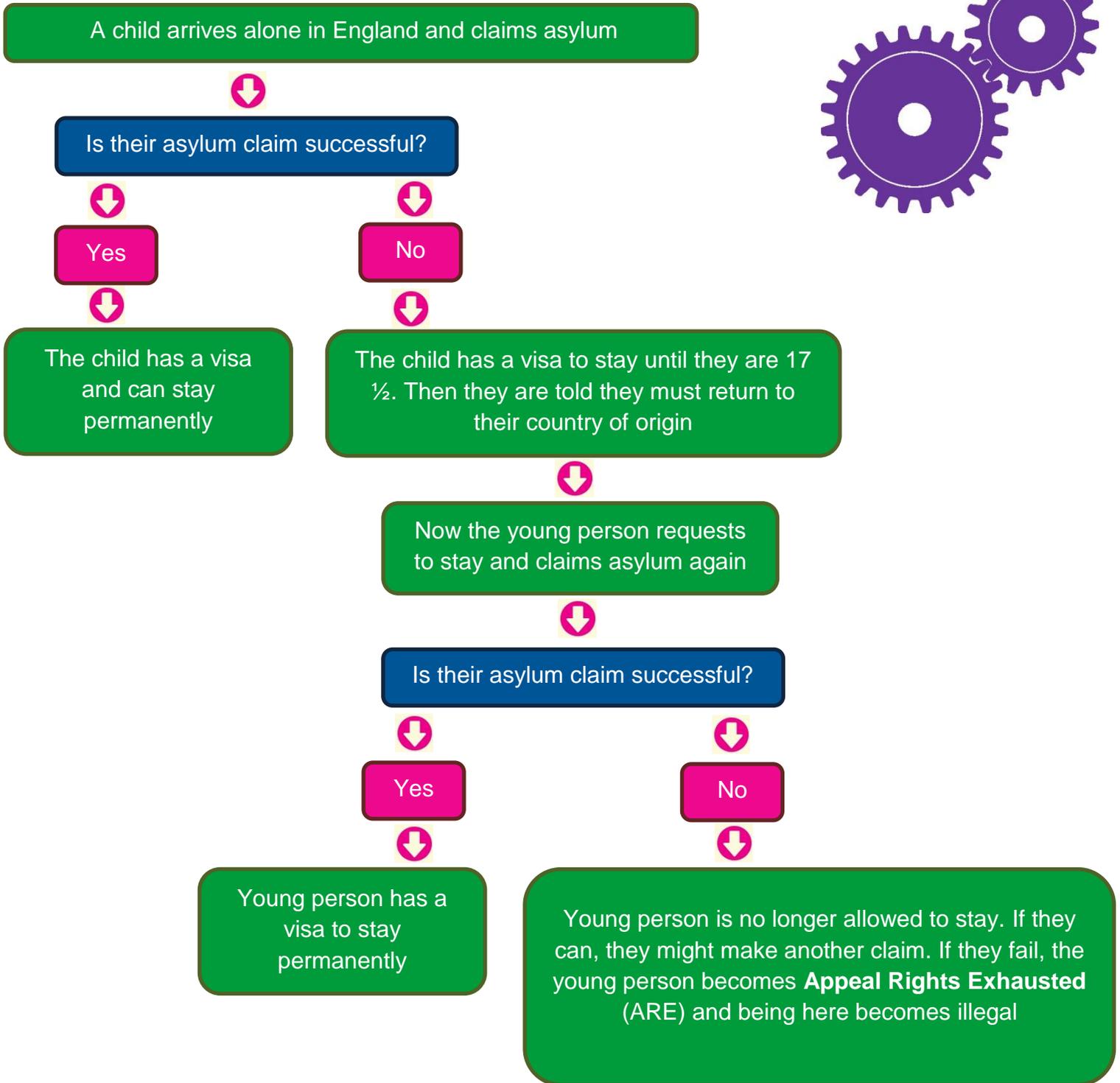
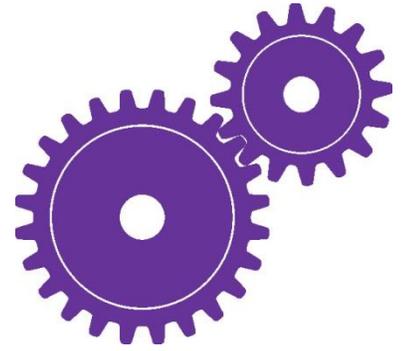


This report focuses on unaccompanied children and young people arriving in the UK and seeking asylum. **Asylum seekers** are people who come here to find protection and safety.

Many asylum-seeking children are allowed to stay whilst they are children, but don't get permission to stay when they become adults. At age 17 ½ their case is looked at again. They are often told to go back to the country they came from, which can be dangerous and troubled countries. A lot of young people don't return. The evidence suggests they stay here illegally.

This report looks at young people who had been, or who are about to be, unsuccessful in their asylum claims when they turn 17 ½. It looks at whether the current system protects their rights, and suggests where changes should be made.

The asylum system in the UK



What happens if a young person becomes ARE?

Becoming ARE affects care leaver support given to young people aged over 18. Immigration law says local authorities can no longer give them money, support, or somewhere to live. This means either that the local authority must pay to provide support, or the support is taken away.

It is common for a young person who is ARE to stop being in touch with the local authority because they are afraid of what will happen to them and do not want to be forced to go back to a country where they would not feel safe.

What did we do?

We ran four workshops where we spoke to 32 children and young people from three local authorities. They were aged 16-23 and were all asylum seekers.

We listened to their experiences of seeking asylum in England. We did this through a story teller so the young people didn't have to share their personal experiences with us if they didn't want to.

Once upon a time there was a boy, he grew up in a dangerous land and was afraid for his life. One day he left to find somewhere safe to live.

He travelled far and was very scared. When he arrived the boy didn't know where he was and was taken by the police and asked lots of questions. He didn't understand or know what to say.

The boy also met with the Home Office and was told he could stay in England. So he went to school, made friends and started living his life.

Then one day the Home Office told him he was going to turn 18 so he had to leave. He applied to stay longer. The boy waited a long time for a decision, during which time he couldn't concentrate on anything else.

Finally he found out he had to return to his country. The boy could try again but that would cost him money and he didn't have any. He didn't have anywhere to stay, couldn't carry on his education and started to get ill. The boy wished he had known what would happen earlier and maybe he would have left sooner.

(Representation of stories from the workshops)



What did we find?

Everybody has a different story and experience to tell. However here are some common themes about the dangers and uncertainties these children and young people face:



The journey to Europe and arrival

“My mum gave some money to some people to take me here. It was basically me with other people I didn't know”

“Even there is no water to drink, and about seven days without a drink or anything, it was horrible”



Asylum claim and legal representation

When a child arrives in England they are interviewed about why they are here, first by immigration services and then somebody from the Home Office. The child may be confused or not understand what is happening and may not have support from a solicitor, even though this is needed.

“When I come I didn't know what they were talking about. They don't explain. So you should give us time to adjust”

“At the first time when I came in there, I went to Home Office who ask me “Do you need a solicitor? I said “I don't know?””



The refusal of asylum and grant of discretionary Leave

The asylum process is complicated. It is often not understood by children and young people:

“Sometimes the solicitor doesn't let you know. They do send a letter to you but how do you know about the letter if you don't know any English.”

“I thought it was visa, the same as you were saying, I got visa, that's it”



Becoming ARE

When a child applies for asylum again at 17 ½ there are long waits to hear if the claim is successful. This is made harder by the Home Office not providing identity documents for the young person who is waiting for the application to be decided on.

“It's the same problem for all of us. We don't know what's going to happen to tomorrow. You can't plan your future”

“I have nothing right now. I couldn't get money and I had to apply on internet for ID card and pay £40 for it. It's very bad when you don't have ID to show who I am and why I'm here”



Things that stop young people returning

Fear of going back because it isn't safe. This is made worse by frightening stories which young people see on YouTube and in the media

The young person has learned a new language, and a new way of life in England. This includes getting an education, having freedom of expression and religious beliefs

There is no country the Home Office can return the young person to because the country they set out from won't accept them back, or it is not safe there

"If things got better, obviously, all of us would go back, 'cos there's nothing like home. Even the smell of it, you know it's beauty there's a beauty of it."

(Girl aged 22)

What does all this work mean?

Based on this work we have made **eleven recommendations** to the Government, local authorities and the Legal Aid Agency. The full list is in the report. Here is a summary of our key recommendations:

Care leave arrangements for young people seeking asylum should be the same as for other care leavers in England. Those who have not been given asylum at 18 should still get support here up to the age of 21, or to 25 if they are in higher education. This allows young people to get the skills they need to be independent and finish their education. This idea is known as their '**Life Project**'.

Children and young people should have the **right to take part in the decision made about their asylum claim**. They should be provided with a good lawyer, who spends time with them, understands their situation and clearly explains everything

Unaccompanied children should have a **guardian** to take responsibility for them. They should be the guardian until the child turns 18. The guardian needs to be kept informed about the child's situation and any changes to their asylum status.

The Department for Education and local authorities should look into ways that unaccompanied children can maintain and develop their **first language** while they are in the UK

What happens now?

The Government will look at our eleven recommendations. They may or may not do what we suggest but they must tell us what they are doing. If they don't agree with our recommendations, they must tell us in writing why not.

We will follow these recommendations up with them and we will continue working to promote and protect the rights of vulnerable children and young people, both in the asylum system and more widely.

Contact us

If you have any questions about anything you have read in this report please get in touch with us at info.request@childrenscommissioner.gsi.gov.uk or phone us on 020 7783 8330.

You can also visit our website: <http://www.childrenscommissioner.gov.uk/> where you can view the other reports we have done.

To see the full version of this report please go to:
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