

# A Case for Change

How refugee children in England are missing out

First findings from the Monitoring Project of the Refugee Children's Consortium



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By Judith Dennis, Refugee Council



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*Judith Dennis  
April 2002*

## About the author

The author is the Policy Adviser for Unaccompanied Children at the Refugee Council. She previously worked with unaccompanied children in the social services departments of two London boroughs.

# Introduction

Over the period October 2001 to March 2002, three major charities, The Children's Society, the Refugee Council and Save the Children, systematically collected and monitored information about refugee children and young people in England. These three organisations have been working with refugee children and young people for some time and have previously used individual cases to support their campaigns for change. For the first time, the systematic collection of data will enable the organisations to develop a body of evidence to highlight some of the key issues affecting many young refugees.

The aim of the monitoring project was to find out where children and young people live, in what type of accommodation, and also to record the difficulties they encounter in accessing services such as education and social services. This report highlights the key findings of the project, and also makes recommendations for improving the experience of refugee children and young people. It is hoped that funding will be continued, enabling more organisations to join the project to collect data and many more young people will learn about the project and give their permission to use the personal information they have shared with project workers.

All three organisations work with many refugee children and young people who are experiencing a wide range of difficulties. They have all fled their homes and are living in a new, sometimes strange country. This report will refer to 'refugee children and young people' to describe those who were under 18 when they arrived in this country to seek asylum. Except where relevant, the text does not distinguish between children whose asylum claims have been determined and those whose claims have not.

# Background

One of the difficulties in working with refugee children is that there are no official figures of how many there are. Some information is available relating to numbers of unaccompanied children,<sup>1</sup> and estimates have been made of the number of refugee children in school.<sup>2</sup>

Refugee children have settled in this country, with or without their families, for centuries. People come here from many different countries to flee persecution in their home country. Significant economic and cultural contributions have been made by people who first arrived in the UK seeking refuge.<sup>3</sup> In the past decade the number of asylum applicants has risen<sup>4</sup> and policies have changed regularly, including three Acts focusing particularly on asylum and immigration matters. Research has shown that these may have led to young refugees experiencing difficulties in accessing services.<sup>5</sup>

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<sup>1</sup> British Agency for Adoption and Fostering/the Refugee Council, *Where Are The Children*, June 2001. This report presents various statistics on unaccompanied minors collected by different agencies and the different systems used to collect this information.

<sup>2</sup> It is estimated that there are 69,000 refugee children in school. Jill Rutter, *Supporting Refugee Children in 21<sup>st</sup> Century Britain*, 2001 it is estimated that there are 69,000 refugee children in school.

<sup>3</sup> Refugee Council, *Credit to the Nation*, 1997

<sup>4</sup> Refugee Council, *Asylum by numbers 1985-2000: Analysis of available asylum data from 1986 to 2000*, 2002

<sup>5</sup> Audit Commission, *Another Country*, 2000 and Save the Children *Cold Comfort: Young separated refugees in England*, 2001

# Methodology

This project is the first time these three organisations have worked together to collect information about issues affecting young refugees. The project steering group designed a monitoring form for each agency to use to collect information (see Appendix 1 for more detail about the monitoring form).

The findings presented in this report focus on key problems encountered by the majority of refugee children and young people whose information we used. Findings are presented quantitatively and supported by more detailed information and case examples where appropriate.

The children and young people surveyed were living in various parts of England. They had all claimed asylum in this country and were in touch with one of the three charities. Staff already working with the young people were asked to pass on information about them and the specific difficulties they had encountered. The children and young people were asked to give their consent to some of their personal information being used for our report. Names have been changed to protect individuals' identity. The following are brief details of the children and young people:

- 118 children and young people allowed us to use their information
- 43 were female and 75 male
- 90 were unaccompanied; 20 were living with their parents or usual caregiver; eight were accompanied by family members but not living with the person who usually cares for them
- the children and young people were aged between 11 and 19
- they were from more than 28 different countries (see Appendix 5).

# Key Findings

## Education

The UN Convention on the Rights of the Child (UNCRC) states that children have a right to education. The 1996 Education Act places a duty on local education authorities in England to provide a school place for all children of compulsory school age (5–16 years) in their area. Government policy, as indicated by one of the aims of the Department for Education and Skills (DfES), includes enabling '*all young people to develop and equip themselves with the skills, knowledge and personal qualities needed for life and work*'.

Furthermore, guidance from the Department for Education and Employment (DfEE) and the Department of Health (DH), issued in May 2000, places duties on local authorities regarding the education of children in public care: *Delay and drift is damaging and causes social exclusion. The government expects local authorities to set a maximum time limit of twenty school days within which they must secure an education placement for any pupil in care.*' While this guidance would not be applicable to all the children in our study, it was the only measurement we had to distinguish between a very short initial delay and one that in other circumstances would be seen as detrimental.

The experience of exile causes upheaval and distress to refugee children. Mainstream school is the ideal starting point to enable these children to rebuild their lives, while also enhancing the genuine inclusion of all children and their families into the local community and mainstream society. The structure and routine of a normal school day can help to provide a sense of normality and security in a child's life and is therefore a vital component in promoting their emotional, physical, educational and social development and well-being.

### The findings

Sixty two of the children and young people were accessing some form of education, fifty six were not in education at all.

The children and young people in education were in a variety of educational placements:

- 27 were in further education college
- 19 were in mainstream school
- 8 attended ESOL or EAL classes
- 8 were in 'alternative' educational placements, including classes in community centres specific to asylum seekers or separate classes provided by the local educational authority, instead of a place in school.

A significant number of young people were not in education at all. These were categorised as:

- 21 were waiting for a school or college place.
- 8 were living in detention and were therefore unable to apply for an educational place
- 7 were attending training schemes
- 4 were employed
- 16 did not give us this information

A key problem was the length of time refugee children and young people had to wait for an appropriate place in school or college.

- 25 had experienced delays of more than 20 days. Of those still waiting, there were reports of children waiting six months or more.
- Young people who wanted to go to college also had to wait and many were on part-time courses when they would have preferred to be studying for more hours.
- Those in alternative education were happy to be getting some time to study, but often the only option offered was to study part-time and separately from local young people, with whom they would like to integrate.

Peter was 14 when he arrived as an unaccompanied child from Sierra Leone. He was already fluent in English. After waiting seven months for a place in school, Peter had to take the only place he was offered, which was in a project for children whose behaviour had led to them being educated outside of the usual classroom setting. Peter receives one and a half days' education in key skills and has no prospect of getting qualifications.

The results of this study reveal a wide range of education-related issues, including five reports of bullying in school and a lack of adequate language support, including five children who were not offered any language support at all.

Financial and administrative factors led to the following experiences:

- no money for school uniform
- no money to pay for travel to school
- delays in joining the course because of administrative procedures at colleges (eg, requesting additional paperwork, confusion over entitlements).

One young person reported being the only student in his class not given £20 to buy a workshop uniform, because of being an asylum seeker.

## The future

The inclusion of refugee children into mainstream schools can present a substantial challenge to individual schools, teachers and LEAs and as this report highlights the difficulties for pupils and prospective pupils can be wide ranging. However, many schools have risen to the challenge and developed excellent provision for refugee children and young people. The benefits of developing inclusive practice and policy are enormous to all within the school community, as noted by the Head Teacher of Oxford School:<sup>6</sup>

*I am proud to lead Oxfordshire's most racially diverse secondary school. I am proud of the sense of hope that we have been able to bring. I am increasingly proud of the achievements of our refugee students. They have given us as much as we have given them.'*

In order to build upon the good and innovative practice developed in some schools and local education authorities, the following is recommended so that all refugee children can benefit:

- All refugee and asylum-seeking children should be provided with a place in mainstream school within 20 days of them requesting one.
- The DfES should give clear information to all stakeholders, eg, children, teachers and parents, to ensure that everyone is aware of the rights and entitlements of young asylum seekers and refugees.
- Each school with responsibility for the education of refugee and asylum-seeking children should have a policy relating to their support. It should promote the sharing of good practice as well as adhering to existing legal requirements. Particular attention should be given to the level of language support given to pupils.
- School policies on admissions, induction and bullying should address the additional or specific issues relating to pupils who are refugees or asylum seekers.
- Local education authorities with significant numbers of refugee and asylum-seeking children should seek to appoint a co-ordinator to support their education. The co-ordinator's role would include helping schools to develop their policies on the education of refugee and asylum-seeking children.<sup>7</sup>

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<sup>6</sup> Oxford School is a city comprehensive. Of the 550 students currently enrolled, 125 are non-native speakers of English, 50 are supported with extra English help, 28 are asylum seekers who have arrived within the last 2-3 years and 19 are unaccompanied children seeking asylum.

<sup>7</sup> Jill Rutter, *Supporting Refugee Children in 21<sup>st</sup> Century Britain*, 2001, provides other examples of good practice and recommendations to help improve the education of refugee children.

## **Social services support and placement**

The Children Act 1989 applies to all children in England. A child who is referred to social services must have his or her needs assessed by the local authority social services department, which has a duty to provide the appropriate services to meet these needs. This report looks at what support the children and young people were receiving from social services departments and what problems were identified.

### **The duty**

Section 17 of the Act defines a child in need as one who is '*unlikely to achieve or maintain, or have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him of services by a local authority*'. This section also places the duty on the local authority to provide a service '*appropriate to the child's needs*'.

The Children Act was amended in 1999 to remove the duty of local authorities towards the children of asylum seekers whose needs arise solely out of destitution. This means children and their families must access other systems to meet their financial and housing needs (usually NASS for destitute asylum seekers). However, they are still equally entitled to all other services under the Children Act, regardless of their immigration status.

Guidance issued by the Department of Health in 2000 requires local authorities to conduct a comprehensive assessment of a child's needs, stating that unaccompanied children seeking asylum '*require particular care and attention during assessment*'. The *Framework for Assessment of Children in Need and their Families* describes assessment as a process necessarily involving direct work and highlights good practice.

Section 20 of the Children Act places a duty on a local authority to 'look after' a child if they appear to need it by providing them with services and accommodation. The decision to give this more protective level of care should be based on the outcome of the assessment process. Current practice is that most children under 16 will be accommodated (ie, 'looked after') under section 20, while most children aged 16 and 17 will not.

### **THE FINDINGS**

The 90 **unaccompanied children** were provided for in different ways:

- 21 were supported under section 20 of the Children Act and were therefore 'looked after' children. All of these were in residential or foster placements

- 31 were supported under section 17 of the Children Act. Ten of these were in semi-independent or hostel accommodation (one of these was 15 years old) and 12 were in unsupported housing
- 13 received no support from social services at all. This is *in addition to* those young people whose age had been disputed and were therefore deemed to be the responsibility of another agency. These 13 young people were all homeless
- 25 others were supported under the Children Act; section not known.<sup>8</sup>

#### DIFFICULTIES WITH SOCIAL SERVICES

The 13 young people who were not receiving any social services support had all been referred for assessment. Although their status meant they were entitled to financial help from other sources, their other needs were never assessed and they were not assisted in any way to find somewhere to live. This resulted in them living with, and being financially supported by, friends or voluntary agencies while their claims for benefits were processed. In addition to this, some of the issues these young people were struggling to deal with were complex and they needed substantial help from voluntary agencies. This would suggest that the decision not to be involved with an unaccompanied child is made on financial grounds rather than on an assessment of whether the young person is able to cope alone.

Ahmed was 15 when he arrived in the UK. He was placed in a young person's assessment centre and subsequently placed with a foster family. When Ahmed's uncle appeared, social services said they could live together, even though Ahmed's uncle did not have permission from his landlord. Ahmed had to sleep on the floor in his uncle's room. A year later, Ahmed has indefinite leave to remain (ILR) and his uncle has left the country. The landlord told Ahmed he couldn't stay in his uncle's house so he returned to social services for help.

Social services would not help, even though Ahmed requested assistance several times. One of the voluntary organisations involved in this project discovered Ahmed after he had been sleeping in a car.

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<sup>8</sup> Many project workers were unable to complete this section of the monitoring form, as they were not aware of the category of social services support. It is very unusual for voluntary agencies to be given copies of young people's need assessments and many young people would not be aware of the distinction between sections 17 and 20. While for most young people this information is irrelevant, it may become an issue when agencies or individuals are advocating on behalf of young people or assessing their entitlements, eg, to Children (Leaving Care) Act provision.

The unaccompanied children who were supported by social services experienced a range of problems. Those supported under sections 17 or 20 commonly reported difficulties in relationships with social services staff and/or with the quality of the service, including:

- 'Does not know who the named social worker is'
- 'Plans have been changed without speaking to the young person'
- 'Problems contacting the social worker'.

Those young people reporting that they 'only see a social worker to collect money/vouchers' or 'have no allocated social worker', were more likely to be supported under section 17.

Children who are **accompanied** by family members, including those who do not live with their parents or usual carer, will not necessarily be involved with social services. The problem identified by this group was the difficulty in accessing social services.

This was a particular problem for children living with a carer who was not their parent or customary carer. Half of these children or their carers (4 out of 8) had approached social services for help and/or an assessment of need, but had not received any help or been assessed. However, it was positive to see that this was not universal: social services were involved with the other four children and young people, although some difficulties had been reported.

Some families are supported financially by social services under the Interim Arrangements<sup>9</sup>. Some of their difficulties are noted in the financial support section.

### **Placements (Unaccompanied Children Only)**

There were 90 unaccompanied children in the study. They are living here with no family member as their carer and are entitled to services under the Children Act 1989. Under this Act a local authority has a duty to assess children within its boundary who may be 'children in need'. This duty has been outlined in the section 'Social services support'.

There is no consistent description of a type of placement. Housing is clearly a major element of a placement but it also includes support and other services provided to the young person by the caring agency, eg, a social services department. Therefore, finding the right placement for a child is not merely about where that child lives but who is responsible for their day-to-day care and the plans for their future. No two placements are identical; they are as individual

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<sup>9</sup> See Appendix 4 – Glossary of terms for explanation of Interim Arrangements.

as the children are. However, it has been necessary to categorise them for the purposes of this report to show patterns and common issues where they exist.

### **THE FINDINGS**

Of the 90 unaccompanied children in the study, 17 lived in foster care, 14 in a young people's hostel or semi-independent unit and 21 in unsupported housing. The others lived in children's residential units, shared housing, adult hostels or friends' houses.

Those living in **foster care** reported the fewest problems with their placements. The most common difficulties experienced by these children and young people were not being near to a place of worship or other members of their community.

The most common complaint by those in **young people's hostels** was lack of privacy. Some felt they were in overcrowded accommodation or that they had to move out when they didn't feel ready.

Young people living in **unsupported housing** reported more problems than others. The most common complaint was living with adults unknown to them (indeed this was the highest reported complaint about placements). Lack of support was the next highest reported problem, followed by overcrowding and not living near to community members. They also said their accommodation was noisy or that they lacked privacy.

What is quite clear from this study is that young people experiencing the most problems are those whose placements provide the least support. Those children placed in unsupported housing are experiencing a higher level of problems than those in other, more supportive types of placement. The high level of problems experienced by those young people placed in unsupported housing indicates that their needs are not being addressed by their placements. This is particularly true for young people of 16 and 17, who are less likely to be 'looked after' under section 20 and therefore have their care plans reviewed on a regular basis.

Those who were not receiving help from social services had a range of problems, not least persuading social services that they have needs over and above financial support.

Farhad was granted exceptional leave to remain (ELR) for four years when he was 16. He therefore became entitled to claim benefits. Social services did not help him to claim benefits or financially support him until he received them. Farhad could not afford to pay for his accommodation and was homeless. The Homeless Persons' Unit found him somewhere to live but it did not have the support that Farhad needed in order to learn the skills necessary for adult life.

## **The future**

The Department of Health should ensure that local authorities fully implement statutory requirements and guidance in relation to children. This report particularly highlights the importance of the following.

- Social services departments should continue to assume responsibility for the assessment of all children in need in their area, regardless of status.
- Unaccompanied children and young people should be assessed by a childcare professional in line with the *Framework for the Assessment of Children in Need and their Families*.
- Assessments should, in line with the Children Act, pay particular attention to the child's cultural, linguistic and racial background and the child's wishes and feelings should also be ascertained.
- A placement should be provided based on the assessed need. The young person should be given a copy of their assessment in their first language.
- No child should live with adults they do not know unless the social services department is satisfied that the adult has received the appropriate checks and is properly supported to care for the young person.
- Assessments of unaccompanied young people should include, but not be restricted to, an assessment of their financial status.
- Young people who have no parent or carer to look after them should be provided with a named social worker.

The Department of Health Social Services Inspectorate should pay particular attention to the services provided for refugee and asylum seeking children and monitor any incidents of assessments being denied to these children.

## **Racial harassment**

The Race Relations (Amendment) Act 2000 places a duty on all public authorities to promote race equality. The new statutory Code of Practice on the Duty to Promote Race Equality sets out how this duty should be exercised in relation to the specific functions under the Act, which are to eliminate unlawful racial discrimination, promote equal opportunities and promote good relations between people from different racial and ethnic groups.

Under the Crime and Disorder Act 1998 local authorities have a duty to establish crime and disorder partnerships in their area to include the specific aim of reducing and combating racial crime.

### **The findings**

Sixteen young people said they had experienced racial harassment since arriving in the UK. There were many different forms of harassment, including name-calling, bullying at school and physical attacks. The perpetrators included fellow students, adult men and local children. There were several incidents of people's homes being attacked (eg, fires and broken windows).

The vast majority of young people affected lived outside of London. Some areas have a particularly high reported level of violence to asylum seekers, even taking into account the different ways in which such incidents are reported and recorded. Workers in the three charities indicated that particular geographical locations within an area were also significant in terms of racial incidents, eg, certain housing estates.

A family dispersed to Newcastle were housed in what became known as 'number 44'. They experienced such horrendous abuse, day and night, that they decided this was no better than being persecuted at home. After living in fear of attacks that prevented them from going outside their front door, the family returned to their home country. Shortly afterwards, a family with a different ethnic background was living at 'number 44'. This family was also subjected to racist abuse and intimidation and even had a petrol bomb put through their letterbox before they were moved by the local authority.

### **The future**

- Agencies with responsibility for offering accommodation to destitute asylum seekers (NASS and local authorities) should consider the suitability of an area before any accommodation is procured. This consideration must be done in consultation with local agencies, eg, race equality councils, police, voluntary agencies.
- All agencies under a statutory duty to 'combat racial crime' must ensure that their work incorporates the particular issues faced by asylum seekers and refugees, eg, through crime and disorder partnerships.
- School bullying policies should address the additional or specific issues relating to pupils who are refugees or asylum seekers.

- Agencies should work together to ensure that those who experience racial harassment are able to report incidents to the police safely, are given support to use complaints procedures where appropriate, and are provided with information to enable them to make full use of victim support schemes.
- Communities need to be prepared by being given general information on asylum seekers, particularly in areas where the local media coverage has been negative.

## Concerns about turning 18

For many young people, their 18th birthday is particularly significant. It often symbolises the arrival of adulthood, with its legal rights and responsibilities. However, those working with young people are generally aware that the step from childhood to adulthood is a gradual process.

For unaccompanied refugee and asylum-seeking children, particularly those whose immigration status has yet to be decided, this threshold to adulthood may be something to fear more than to celebrate. Many of the workers in the three charities found that young people expressed a dread or anxiety about the consequences for themselves of turning 18.

### The findings

In all, 35 young people expressed concern. Many of them were anxious about more than one thing. The table below shows their most common worries.

Concerns about turning 18	Numbers concerned
Being returned to country of origin	14
Refusal of leave to stay after 18	14
Changing systems of support	13
Having to find their own accommodation	11
Worried about dispersal	11

The issues in the above table reflect the dramatic changes that can occur when refugee or asylum-seeking young people turn 18. These fall into two categories, those of protection and support. Other worries concerned possible changes in education, financial status and work. The concerns were raised by those who were waiting for a decision as well as those who had received one.

Unaccompanied children whose claim for asylum is not accepted are allowed to stay in the UK while they are children, but they may be removed after they turn 18. Similarly, the system of supporting those who arrive as unaccompanied children, or are subsequently separated from family members, may change dramatically when the child turns 18. If they have to move from social services to NASS support they are very likely to receive a lower level of support and assistance, as well as suddenly being forced to move away from where they have been living. Appendix 6 explains more about this.

The prospect of such change can cause difficulties in making relationships with peers and adults, and often discourages young people from seeking educational and training facilities. As a result, these young people feel insecure and can become increasingly isolated. Some young people are so scared at the prospect of having to start all over again that they take drastic action.

Hassan was placed in Birmingham two months before his 18th birthday. Social services discontinued support when he reached 18. Hassan was homeless and destitute and had to be housed in emergency accommodation while awaiting a decision on his NASS application. He received a decision almost five months later: NASS were planning to disperse him to the north east of England. Having spent seven months settling in Birmingham, Hassan did not want to leave and has chosen to 'disappear' rather than be sent away from his friends, college and support networks.

There is some particularly bad practice around preparation for having to move. There are instances of young people being informed of changes by letter or by a landlord, rather than through discussions with those responsible for their care. It is not uncommon for young people to receive this information, with no notice, on or around their 18th birthday.

Artur arrived as an unaccompanied minor and was placed by social services with an accommodation provider in the Midlands. Although Artur began to settle in, social services did not discuss the future with him and did not visit him after he'd been housed. The rent payments to his landlord by social services ended on Artur's 18th birthday. As a result Artur was evicted on the same day.

## **The future**

This issue is complex and requires action by many agencies. This report's main recommendations are:

- Plans for children and young people should be made at the earliest opportunity, should take account of all possible options and be flexible,

but should also be concerned with the care of the child before and after he or she reaches adulthood. This applies equally to those children who are to be protected in this country only until the age of 18.

- No young person should be placed in one area and be subject to dispersal at a later date. Social services and NASS should work together to minimise the disruption to a young person's life on turning 18.
- Children who are not 'looked after' should receive practical assistance in planning for independent living and be enabled to stay in existing accommodation wherever possible.
- The Home Office should provide information about the implications of turning 18 to all unaccompanied children and those concerned with their welfare.

## Age disputes

For different reasons, many refugees and asylum seekers do not have documentary proof of their age when they arrive in this country. Refugees are often forced to travel on false papers, and unaccompanied children might have to use an adult's passport to avoid undue attention. In addition, millions of births around the world are not registered, so children may not have documentary proof of their age or even know their exact date of birth. Without documentary evidence there is no proof that a child is in fact a child. Those providing protection or services based on age face particular difficulties if they doubt that the person is the age they claim to be. The Home Office has different policies for dealing with claims from unaccompanied children and therefore may wish to challenge a person's age (for information on the asylum process see Appendix 3). Many young people are treated as adults on the basis of the initial contact with the Home Office, which consists of a short visual inspection.

Local authorities providing services under the Children Act may wish to decide, as part of an assessment, whether or not the child is the age they claim to be. Some services are, by law, only accessible for children and young people of a certain age, so having one's age disputed can affect whether or not you go to school and in which year you will be placed. It also has effects on discounts available to those of a certain age, eg, travel passes or entry charges.

Many social services departments provide services according to age rather than the assessed needs of a young person, which is contrary to government policy.<sup>10</sup> It says more about resources than need, and can have a very detrimental effect on

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<sup>10</sup> Save the Children *Cold Comfort: Young separated refugees in England*, 2001

a young person. Some local authorities deny access to children's services to anyone they believe to be 16 or over. Despite being nominally supported under section 17 of the Children Act, many young people in this age range are never assessed by someone experienced in working with children and are subject to the same policies and practice as those adults dealt with under the Interim Arrangements scheme.

## **The findings**

Seven females and 18 males were age disputed, by either IND (Home Office) or social services. One young man was age disputed by both agencies.

### **Individuals (25) who have been age disputed**

<b>Gender</b>	<b>Age disputed by</b>		
	<b>Home Office (IND)</b>	<b>Social services</b>	<b>Both IND and social services</b>
Male	10	7	1
Female	4	3	0

The implications of disputing age varied. The most common implication of being age disputed by IND was detention. For those lucky enough to have obtained the services of an advocate, their time locked up with adults was short. For some it was weeks or months. Eight of those whose age was disputed by the Home Office spent some time in detention. Other young people were given adult forms or were interviewed, a practice currently reserved for adult asylum seekers.

Eleven young people were age disputed by social services. Seven of these were refused a service under the Children Act 1989 because social services had decided that they were not genuinely children. These young people were forced to apply to NASS for support. For many other young people, the dispute didn't mean they were treated as an adult but rather, the dispute concerned whether the child was 14 or 16. The practice of disputing a young person's age was fairly widespread across local authorities.

There was a very distinct relationship between a young person's country of origin and the likelihood of being age disputed. To protect the identity of those young people, however, this report does not contain those details. The agencies involved in this study will continue to monitor this link.

## **The future**

- Childcare professionals who are required to make judgements on a person's age need to be given the tools to do so. Guidance on useful indicators and training in how to perform such a sensitive task are urgently needed.

- Where it is not possible for a professional to decide whether or not someone is a child or an adult, the applicant should be treated as a child.
- The government should introduce guidance on age assessment and ensure that a single assessment is conducted to which all statutory agencies adhere.
- Young people should not be detained simply because their age is disputed.

## **Health – access to a GP**

Refugees and asylum seekers have full and equal entitlements to health services regardless of status. The need for health services will vary between individuals but it is generally expected that everyone should be registered with a GP. This was, therefore, the indicator used for this report.

### **The findings**

By far the biggest problem with GP services was lack of access. Out of 118 children surveyed, 36 of them were not registered with a GP. It is interesting to note that all 36 were unaccompanied. However, previous reports have highlighted the lack of information in this area, ie, there is no consistent monitoring of how many people are registered with a GP.<sup>11</sup>

There were some difficulties once people had registered with a GP. Sometimes children have to travel a long way to reach the only GP whose practice will allow them to register. Some families and children alone have difficulties with the relationship, such as feeling that their GP hasn't got time for them or does not always book an interpreter for appointments.

### **The future**

- All refugee and asylum-seeking children and young people should be registered with a local GP.
- Primary health care trusts should ensure that GPs providing a service to refugees are able to provide equal access, and in particular should use an interpreter when necessary.

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<sup>11</sup> The Health of Londoners Project, *Refugee Health in London*, 1999

- In areas where registration is particularly problematic, flexible options should be employed to improve the situation. The Audit Commission<sup>12</sup> and the Refugee Council<sup>13</sup> offer examples of good practice.

## Financial support

This section concentrates on general problems with financial support provided to refugees and asylum seekers, rather than the amount of support.

### The findings

The overriding concerns of the children and young people were associated with vouchers. At the time of this study, NASS and local authorities were issuing vouchers as the primary system of financial support. It is clear that those living on vouchers experienced more financial problems. There were many reports of vouchers not arriving on time and difficulties associated with their use, such as harassment while using vouchers and limited use depending on the scheme.

A number of the unaccompanied children supported by social services were being given local authority vouchers as part or all of their support.

Delays in the benefits system were the cause of some young people's financial problems. This is not always due to a change in immigration status but when it is, the local authority will often take the decision to lower the level of practical support given, at a time when it is very much needed.

The biggest problem for refugee children and young people is lack of money for leisure and transport. Young people in poor communities regularly identify this as a problem for them,<sup>14</sup> but the very low level of financial support given to many refugee children and young people meant that they had no money *at all* to spend on leisure or transport. The consequence of this is that some young people were very isolated and totally excluded from joining in activities with their peers.

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<sup>12</sup> *Another Country* (ibid)

<sup>13</sup> Information Service, the Refugee Council.

<sup>14</sup> The Children's Society, Wilkinson, Craig and Alcock, *Involving Young People in Anti-Poverty Work - Full Report* 1999 and Ridge and Davis, *Same Scenery, Different Lifestyle – Rural Children on a Low Income*, 1997

## **The future**

- Local authorities should stop using vouchers to support children.
- Young people should be supported while they transfer to state benefit support. This may mean financially supporting them until they receive their benefits, as well as practical support in meeting requirements, eg, assisting young people to get national insurance numbers when necessary.
- Young people need to be given enough money to meet their assessed needs, and assisted to learn the necessary budgeting skills as part of preparation for adult life.
- Leisure and transport should be looked upon as necessary expenditure to fulfil a socially inclusive life.

## **Closing Comment**

Young people who are already socially excluded by the nature of their status and who recently arrived in a strange country, can ill-afford to be excluded to an even greater extent by the statutory services whose responsibility it is to help them. A government with such a strong commitment to end child poverty and that has taken action to reduce the social exclusion of children should ensure that this commitment and action includes children who are refugees and asylum seekers.

# Appendix 1

## The monitoring form

The monitoring form was designed by the steering group so that the data collected by the three organisations would be consistent.

After providing some brief details about the young person (mainly used to check that we weren't counting individuals more than once), the worker ticked boxes under relevant sections. A multiple-choice format was chosen to make the process as simple as possible for those completing the forms and for those collating the evidence.

Questions were asked on the following issues. Each issue may have included one or two questions, with the aim of recording that individual's experience.

- Type of placement and any problems
- Age disputes
- Registration with a GP
- Type of accommodation and any problems
- Support from social services and problems
- Type of education and any problems with the service
- Legal/immigration problems
- Access to an interpreter
- Financial support
- Racial harassment
- Concerns about turning 18

The form included space for more detailed comments to be written, or for people to add in a category for which a choice hadn't been offered. The steering group will analyse the use of the 'other' category and the use of the notes space before revising the form.

Each young person was required to give his or her written consent before any personal information was entered on the form. An ethical agreement, signed by each organisation, ensured that no information would be published which would identify an individual. The project complies with data protection legislation.

# Appendix 2

## **The work of Save the Children, The Children's Society, the Refugee Council and the Refugee Children's Consortium**

Save the Children, The Children's Society and the Refugee Council all prioritise policy and advocacy work. Work is undertaken at local and national level advocating for the rights of young refugees and asylum seekers and for their particular needs to be met. In addition, they provide the following direct services.

**Save the Children's** core work in England includes:

- carrying out research on the experiences of young refugees. *Cold Comfort: Young separated refugees in England* is Save the Children's most recent research report in this area. It highlights gaps in service provision and areas of good practice and puts forward a series of detailed recommendations on meeting the needs of young separated refugees
- encouraging participation of young refugees in self-advocacy, for example, by supporting the establishment of the Young Refugee Rights Project, a group run by and for young refugees in West London
- setting up innovative pilot initiatives in partnership with voluntary and statutory agencies across the country to meet some of the needs of young separated refugees and promoting good practice.
- producing training materials for practitioners to improve support to young refugees, for example the *In Safe Hands* resource and training pack for teachers on supporting young refugee children in schools.

The Young Separated Refugees Project can be contacted on 020 8741 4054 x124

**The Children's Society** has increased its work with young refugees over the past five years, as part of the development of the organisation's social justice agenda. Initially, most of the work was focused on London, but many projects across England are now working with refugees, following the introduction of the dispersal programme.

Supporting young refugees to settle and thrive in the UK is a key part of the Society's work and includes:

- supporting young refugees who have been dispersed to Newcastle to settle in the area
- giving refugees work experience and volunteering opportunities
- schools inclusion initiatives in Oxford and London
- community development and education initiatives with Polish Roma refugees in Newham, East London
- working with young refugees to help them to voice their concerns and opinions for themselves, eg through the 'Dreams, Struggles and Survivors' event in June 2002
- working with local refugee community organisations to develop their capacity to support their communities working as an organisation towards ensuring that all

project workers understand the issues facing young refugees and are able to welcome and support them.

The Refugee and Homeless Families Team can be contacted on 020 8853 9619

**The Refugee Council** provides services to unaccompanied children through the Children's Panel of Advisers and The Cedars Hostel. Around 30 advisers travel all over the country to support unaccompanied asylum-seeking children. The Children's Panel of Advisers represents many different countries and languages. Advisers work with:

- children and young people who are under 18 years old when they arrive in the UK
- people between 18 and 21 who are the main carers for younger brothers or sisters.

The Refugee Council provides short-term support to children who have claimed or are about to claim asylum in their own right. This includes:

- assisting the child in accessing quality legal representation
- guiding the child through the complexities of the asylum procedure
- building up a support network for the child involving a range of statutory and non-statutory service providers.

The Cedars Hostel in West London is a joint project with the London Borough of Hillingdon. Ten young people live in the supportive environment where they are assisted to learn the skills necessary for adult life. Each young person is placed and supported by social services, working in partnership with the Refugee Council staff team, which manages the hostel.

The Panel of Advisers can be contacted on 020 7582 4947

The Policy Adviser for Unaccompanied Children can be contacted on 020 7820 3101

### **The Refugee Children's Consortium**

The members of the Refugee Children's Consortium include Amnesty International, Barnardos, British Association for Adoption and Fostering, the National Children's Bureau, the Children's Rights Alliance for England, The Children's Society, the Medical Foundation for the Care of Victims of Torture, the NSPCC, the Refugee Council, Save the Children UK, UNICEF UK.

This group of non-governmental organisations works to ensure that the rights of refugee children, whether unaccompanied or with their families, are respected in accordance with the relevant domestic, regional and international standards, in particular the Children Act 1989 (and Children (Scotland) Act 1995), the European Convention on Human Rights, the UN Convention on the Rights of the Child and the 1951 Convention relating to the Status of Refugees.

The Refugee Children's Consortium works to improve policy and practice relating to young refugees and lobbies for change at a parliamentary level. Briefings can be found on members' websites.

# Appendix 3

## The asylum process

For more detailed information on the process please refer to the Refugee Council's Information Service or its briefing 'Claiming Asylum' ([www.refugeecouncil.org.uk](http://www.refugeecouncil.org.uk)).

Refugees who wish to claim asylum in the UK must make their application at a port of entry (seaports, airports and Eurostar terminal) or, after entering the country, at the Home Office (this is usually done in person, although some applications are made by post).

Children may make an application in their own right, although usually children would be listed as dependants of their parents.

Unaccompanied children (those arriving without a close family member) may be assisted by the Refugee Council's Panel of Advisers (see Appendix 2).

### **Stage 1 – screening**

The applicant will be asked a few questions in order to obtain brief details about their journey and to check identity where possible. Applicants will then be issued with an acknowledgement of their claim, which will serve as their only means of identification until a decision is reached. The Application Registration Card (ARC), a small card with SMART technology, was introduced in January 2002 to replace the paper Standard Acknowledgement Letter (SAL), which will be gradually phased out.

### **Stage 2 – the application form**

The majority of applicants are required to complete a Statement of Evidence Form (SEF), which is an application form detailing the reasons for their claim. The SEF must be returned to the Home Office within ten working days. Failure to do so is likely to result in a refusal of the application.

Unaccompanied children are required to complete a Self-Completion Questionnaire (SCQ), which is similar to the SEF. It must be returned to the Home Office within 28 working days.

Legal representation should be sought prior to completing the form.

### **Stage 3 – interview**

Applicants may be called for interview to discuss in more depth the contents of their application form. Applicants called for interview **must** attend. Failure to do so is likely to result in refusal due to non-compliance.

Current practice is not to interview unaccompanied children unless it is unavoidable. The Home Office has indicated that this practice will change soon, but no details are yet available.

#### **Stage 4 – the decision**

It is not possible to say how long an applicant will have to wait for a decision on their claim. The decision may be given in writing to the applicant and/or their legal advisor. It may, in some circumstances, be given in person.

If an applicant is deemed to meet the criteria of the 1951 UN Convention on Refugees, he or she will be recognised as a refugee and usually issued with Indefinite Leave to Remain (ILR) in the UK. People who are considered by the Home Office to be in need of protection but who do not meet the criteria, are usually given Exceptional Leave to Remain (ELR) for a limited period. This period may be extended by applying to the Home Office before the ELR expires. ILR will then usually be granted.

Some asylum applicants are refused because they are considered not to be in need of protection and therefore able to return safely to their own country. Unaccompanied children between the ages of 14 and 17 whose applications are refused and who are not granted Exceptional Leave to Remain in the usual way will be given temporary protection until their 18th birthday. Although they are not prevented from applying for this to be extended, it is important to be aware that these children have been granted protection solely on the basis that they are children and therefore cannot be returned until they are legally adult.

#### **Appeals**

Applicants who have been refused asylum and who wish to appeal against that decision should seek legal advice. This also applies to those who have been granted Exceptional Leave to Remain. Those young people granted ELR until their 18th birthday should discuss this with their legal representative at the earliest opportunity.

An adjudicator can, at appeal, overturn the original decision or recommend that the applicant be granted ELR.

#### **Detention**

The Home Office has the power to detain anyone while their claim is being considered. Current policy is to detain unaccompanied children only in exceptional circumstances. Young people are sometimes detained in circumstances where their ages has been disputed by immigration officers.

Children may be detained with their families. The government is increasing its detention estate, including the provision of many more places to detain children with their families.

# Appendix 4

## Glossary of terms

DfEE	Department for Education and Employment. This department no longer exists. Children's education is now the responsibility of the Department for Education and Skills (DfES).
DH	Department of Health. Its responsibilities include the inspection of social services.
EAL	English as an Additional Language
ELR	Exceptional Leave to Remain. See Appendix 3.
ESOL	English for Speakers of Other Languages
Home Office	The government department responsible for immigration and asylum (under the Immigration and Nationality Directorate).
IND	Immigration and Nationality Directorate (see above)
ILR	Indefinite Leave to Remain. See Appendix 3.
Interim Arrangements	Support arrangements introduced before the implementation of NASS. The 1999 Asylum and Immigration Act transferred the means of support to destitute asylum seekers previously supported under either the Children Act or the National Assistance Act. This did not affect unaccompanied children.
LEA	Local education authority
NASS	National Asylum Support System, part of the Immigration and Nationality Directorate of the Home Office. It was introduced in April 2000 to provide destitute asylum seekers with accommodation and subsistence.
Unaccompanied child	A child seeking asylum is identified by the Home Office as unaccompanied if he or she is 'unaccompanied at the point of arrival and not known to be joining a close relative in this country'. This is the definition used in this report.  The United National High Commission for Refugees (UNHCR) defines a child as unaccompanied if he or she is 'separated from both parents and is not being cared for by an adult who by law or custom has responsibility to do so. This is the definition usually followed by the agencies represented in this report.

# Appendix 5

## Tables of data

<b>Countries which the children and young people came from</b>	
Afghanistan	Kenya
Albania	Macedonia
Angola	Moldova
Bolivia	Mongolia
Congo	Nigeria
Czech Republic	Pakistan
Democratic Republic of Congo	Poland
Eritrea	Romania
Ethiopia	Rwanda
Federal Republic of Yugoslavia	Sierra Leone
Iran	Somalia
Iraq	Sri Lanka
Russia	Kurdistan
Turkey	Vietnam

<b>Ages</b>	<b>Number</b>
11	5
12	3
13	4
14	14
15	14
16	24
17	31
18	15
19	4
<b>No response</b>	4

# Appendix 6

## Transition at 18

November 2001



# Briefing

## Support for unaccompanied refugee children turning 18

This briefing explains what happens to individuals who applied for asylum as unaccompanied children and who, on reaching the age of 18, have an outstanding claim for asylum (including those awaiting the outcome of an appeal).

Unaccompanied asylum-seeking children are supported by social services departments under the Children Act (1989) until they reach the age of 18. Refugee Council briefing *Support arrangements for 16 to 17 year old unaccompanied asylum seeking children* (June 2000) explains how this operates.

### What support is available after the age of 18?

As with adult asylum seekers, different systems apply, depending on the date and location of the young person's application for asylum.

Some individuals will be entitled to benefits, some to continued support from social services and some to support from the National Asylum Support Service (NASS). NASS Policy Bulletin 29 explains which system applies to which individuals. This was first issued in October 2000 and was reissued in February 2001 and October 2001. All NASS policy bulletins are online:

[www.ind.homeoffice.gov.uk/default.asp?pageid=2056](http://www.ind.homeoffice.gov.uk/default.asp?pageid=2056)

Those children who were previously looked after under Section 20 of the Children Act are also entitled to leaving care services (see overleaf).

If a young person's asylum claim has been pending for six months, with no Home Office decision, s/he can also apply for the work restriction to be lifted. This is usually granted.

### Who is entitled to benefits?

Anyone who applied for asylum at port before 3 April 2000 and has not yet had a decision on his or her claim. This is regardless of their age at the time of making the claim for asylum. Some unaccompanied children may have been eligible to claim

state benefits (usually income support, housing benefit, council tax benefit) when they reached the age of 16, but their care arrangements would dictate whether they had actually made a claim before they reached 18.

## **Who should apply to NASS?**

Anyone who:

- applied for asylum at port of entry after 3 April 2000;
- applied for asylum at port of entry, had their asylum claim refused after 25 September 2000 and who now has an appeal pending;
- applied for asylum in-country, in Kent, had their asylum claim refused after 17 April 2000 and who now has an appeal pending;
- applied for asylum in-country in the following regions, after the following given date:

Scotland, Northern Ireland:	3 April 2000
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Kent:	17 April 2000
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London:	24 July 2000
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Yorkshire and Humberside, North East, Wales:	31 July 2000
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North West, South West, South Central,	
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Eastern England, East Midlands:	14 August 2000
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West Midlands	29 August 2000
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## **Who will continue to receive social services support\*?**

Anyone who is judged to be destitute and:

- applied for asylum in-country before dates given above (even if s/he is now on appeal);
- applied for asylum at port, received a refusal of their asylum claim before 25 September 2000 and who now has an appeal pending (except Kent, where relevant date is 17 April 2000).

Example: an unaccompanied child applied for asylum in Birmingham on 3rd May 2000 and was supported under the Children Act. S/he was 18 in December 2000. S/he should transfer to the interim arrangements and be supported by the same social services department who provided Children Act support. \* *'Social services support' means support under the interim arrangements of the Immigration and Asylum Act 1999.*

## **How can advice and support workers help the transition?**

Advisers should, where possible, encourage the young person (with the help of their social worker if possible) to apply for their post-18 support before they actually reach 18. NASS may take some weeks to assess the claim and you may need to help a young person ask for the Children Act support to continue until the new system takes over. The case for this is strengthened if the application was made at least two weeks before the young person's 18th birthday.

## **Additional support for 'looked after' children**

Those children who were looked after (on a care order or accommodated under section 20 of the Children Act) are entitled to leaving care support from the local authority that looked after them. Those young people who leave care after 1<sup>st</sup> October 2001 may be entitled to services under the Children (Leaving Care) Act 2000 (other care leavers may be entitled to services under section 24 of the Children Act 1989). The Government's view is that care leavers should have to apply to NASS to meet their basic needs but that they can be given cash for other expenses e.g. travel costs and educational items. See

[www.doh.gov.uk/qualityprotects/work\\_pro/project\\_5.htm](http://www.doh.gov.uk/qualityprotects/work_pro/project_5.htm) for Department of Health guidance.

Children supported under Section 17 of the Children Act are not entitled to leaving care services.

## **Will young people who enter NASS be dispersed?**

NASS policy is to treat these young people as newly arrived asylum seekers. If a young person is in the final year of their school examinations (GCSEs and A levels), NASS will consider deferring their dispersal until the exams are over. They will then usually be dispersed like anyone else. There is currently no provision for young people to remain in the area in which they have settled, regardless of the length of time they have been in the UK already. However, guidance issued for the Children (Leaving Care) Act 2000 states that NASS will not usually seek to disperse those young people to whom this Act applies, and places a duty on the local authority to identify and manage the accommodation, as well as providing continuing support to the young person in the same way as it would for other care leavers.

**For advocacy on individual cases please refer to the Refugee Council Panel of Advisers on 020 7582 4947.**

**For general information contact the Refugee Council Information Line on 020 7820 3085.**