

# Planning Better Outcomes and Support for Unaccompanied Asylum Seeking Children

Consultation paper from the Immigration and Nationality Directorate

**Barnardo's response  
May 2007**

## **Introduction**

1. Barnardo's vision is that the lives of all children should be free from poverty, abuse and discrimination. Our purpose is to help the most vulnerable children transform their lives and fulfil their potential. We work with more than 110,000 children, young people and their families through 383 services UK wide. This includes direct work with unaccompanied asylum seeking children in the following settings: special fostering services; support for young people leaving care; work with sexually exploited young men and women, some of whom are unaccompanied asylum seekers.

2. In 2006, Barnardo's sponsored some research into this unaccompanied asylum seeking children in our services, examining their perspectives on their time in care, preparation for leaving care and after-care support. The research also provided an opportunity for professionals to share their views on practice and policy affecting this group.<sup>1</sup>

## **General comments**

3. It cannot be stressed too often that asylum-seeking children are children first and foremost. The outcomes set out in 'Every Child Matters', the principles behind children's legislation in the UK, and the UN Convention on the Rights of the Child should all underpin policy and practice for every child in this country, including unaccompanied children. There is a welcome statement about this in paragraph 5. In many respects however we believe that the proposals outlined, far from putting these principles into practice, would weaken the protection we give to this group of children.

4. We are concerned that the default position of the consultation document appears to be to return as many of these children as possible to their countries of origin, or failing that to a country deemed 'safe'. Many of these young people will not be given refugee status and will leave this country at some stage, and public planning for them of course has to acknowledge this. But a key dimension appears to be the requirement to save money or to provide services cheaply. There seems to be a greater emphasis on alignment with immigration legislation than our obligations to children and young people under domestic and international law. This is disquieting.

5. Those involved in the public debate on asylum and immigration should do all they can to use responsible language when describing this issue. The children concerned are

among the most vulnerable in the country. They have often lived through years of trauma and arrive profoundly affected by what they have witnessed. By definition they have been separated from their family and home culture. We believe that the paper needs to acknowledge much more than it does the serious difficulties which many children and young people arriving in this country will have experienced. It does no service to them or the wider community to imply that these children are somehow exploiting the system. Equally there should be more recognition of the resilience and motivation which they often display despite everything.

6. Finally, the proposals need to take into account some of the groups with particular needs. For example some of our services work with young women, unaccompanied asylum seekers, who arrive in this country with a child or children or become pregnant while they are here.

### **Specific comments**

#### **Para 17 More rational geographical distribution**

7. The consultation document says that there is an overwhelming case for 'rationalising ... unplanned arrangements, so as to ensure that the young people are only placed in areas where there are sufficient and adequate services available, or capable of being made available'. Specialist support, particularly legal advice from immigration lawyers trained in work with children, is crucial. But from the child's point of view the kind of community is just as important. Every effort should be made to place children in areas where there are others from their country of origin. Without this they may lose their links with their culture and language, making it far more difficult for them to settle again if necessary.

#### **Paras 35 – 37 Assessment of need and placement**

8. Care Matters was an important step in offering more support to looked after children.<sup>2</sup> We believe strongly that unaccompanied children should be entitled to the same level of in care and leaving care support as other looked after children. They are likely to be just as vulnerable – if not more so - than the rest of the leaving care population. It is not acceptable to exclude them from these plans, by proposing a different category of entitlements and arrangements.

9. Over recent months it has become clear that many young people are being placed in semi-independent accommodation on entering the country if they are older than 16. For those young people who are placed in the community straight away this poses many issues for them to do with education, language, integration and social networks.

10. Although the local authorities assure us they are basing their assessments not only on age but on all the needs of the young people, this argument is not always convincing. We have had some referrals of young people who are in semi-independent accommodation who need to be moved back to foster care because local authorities conclude over time that the young people are younger than 16 and so should be in foster care. We have had other referrals of young people who are not coping in

independence and need to be moved back into foster care. It is clear that the initial needs assessment was perhaps not as thorough as it could have been, or that it was more based on age than anything else.

11. We therefore support the proposal in the document that the supply of specialist foster parents for unaccompanied children should be developed. Our view is that the majority should be placed in foster care until they are 18 and then moved into accommodation when they have learnt the wide range of independence skills necessary. For a number of young people foster care will not be suitable and they will be ready and prepared for independence at a younger age. Again, any move into independence should only occur after a thorough needs assessment is undertaken and should not be based on age only. Where young people are in accommodation in the community they should receive a higher level of support than they do at present.

12. The key point is that reaching the age of 16 does not of itself mean that a young person can cope with independence. Many young people from stable families would struggle to manage. B and B should not for example be described as a 'care placement' (as in para 16) Shared housing may not provide an adequate level of support and should not be chosen because it is cheaper.

### **Paras 38 – 42 The asylum application**

13. It is right that young people are given the chance to tell their story to specially trained and sensitive staff, but it needs to be recognised that children may have only a vague idea of why and how they come to be in this country. Families may have worked hard to protect children from the full facts of what has taken place in their home countries and so children may not know why their parents are not with them or what has happened to them.

14. We do not accept the proposal that children given limited leave to remain should have this granted until 17 ½ years of age. We fear that if this becomes the norm a large number of children will at the very least lose motivation in education and at the worst disappear. If this happens they will become extremely vulnerable to forms of exploitation and will be cut off from all official recognition and support.

### **Paras 48 – 52 Voluntary returns**

15. Once again, we stress that it would not be right to make the main driver of the new arrangements the desire to reduce costs and return young people rather than properly attend to their welfare. They are unlikely to want to return voluntarily to a country where they may have experienced violence and abuse. Their fears about returning may well not be allayed by offers of jobs or training. They may have been placed in families of a different cultural background and have lost touch with their own cultural background and language.

16. The paper assumes that over 16's will find it easier to return to their countries of origin than under 16's. We do not support this assumption: rather the key issue is what the young person has experienced and what support is to be provided on their return.

**Para 58 The specialist authority**

17. We have worked with a number of boroughs who have only a few unaccompanied children. It has been clear that they do not have the specialist knowledge required to look after these young people and therefore provision has been poor. So we agree that there could be wisdom in reducing the number of local authorities involved. However the actual number of specialist authorities is of less importance than their capacity to include necessary support, including access to children's own communities.

18. Most local authority areas outside London will need to develop expert support, particularly to deal with the effects of severe trauma and mental health issues. A pool of specialist legal advice will also be essential.

19. Barnardo's currently runs a fostering project for unaccompanied children, in partnership with a local authority. We recruit carers who are knowledgeable about the culture and background of the young people in their care and we help support the placements. We would be happy to consider offering this expertise more widely, by entering into partnerships with specialist authorities to deliver fostering placements and the support services needed to make them work well.

**Other submissions**

20. Barnardo's is also a signatory to the responses submitted by the Refugee Children's Consortium and the Action on AfterCare Consortium.

If you have any questions or need any further details, please contact

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<sup>1</sup> Atlas, B (2006) Looking Forward: unaccompanied asylum seekers leaving care. MSc in Childhood Studies, University of Edinburgh

<sup>2</sup> Care Matters: Transforming the lives of children and young people in care, DfES 2006