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Protection and the unaccompanied migrant child - the UK experience

Presented by: Mike Gallagher, Immigration and Border Policy Group, UK.
Date: 30 October 2015, Terre d'Asile Conference, Paris.

UK view and application of what is essential

- Process for recording identity of and documenting the unaccompanied child
- Assessment of welfare needs and risk prior to status determination
- Understand that welfare and status involve well-being - but not the same thing
- Care and accommodation but not detention
- Access to asylum application process
- Access to services for children
- A framework for achieving workable or durable solutions
- A competent domestic means of taking account of the “best interests” principle

Arrival process and application process

On Arrival – at a port

“Screening” process to establish identity and claim being made

Age – can be properly supported, accepted as stated, or assessed

Welfare and risk assessment

Refer child to UK children’s services

After arrival – e.g. on a motorway, begging

Individual is detained by police for welfare reasons

Police inform immigration authorities

Immigration staff attend and follow “screening” process

Asylum application process for an unaccompanied child

- In person at main asylum office – child at this stage should also be in care of children's services but some are not
- Accompanied by social worker, legal adviser and a "friend" also allowed
- One of these MUST be present at any interview
- Prior to interview asked to complete a "statement of evidence" (to save time)
- Interviewed only if over 12 years
- Interviewer must be trained and able to work in an age appropriate way
- Determination made later by interviewer
- Right of appeal (from next year may seek to certify)

Outcome of asylum application process – unaccompanied minors

Types of legal status

- Refugee status
- Unaccompanied asylum seeking leave (UASC leave)
- Humanitarian protection
- “Discretionary” leave
- - *(all require further contact with immigration authorities)*

Until recently, UASC leave most frequent:

- Lasts until 17½ years
- Cannot be renewed
- Before 17½ can apply in another category
- Limited return policy, no detention of children

Overview of child protection and welfare system in UK - based on Children Act 1989

- Function of local government not central government
- Law requiring particular services for children is based on presence in that locality

All children entitled to:

- Education to 16 years (soon to be 18 years)
- Health-care
- Accommodation
- Protection from harm – emotional and physical
- Policy is to “mainstream” migrant children within population as a whole

Overview of child protection and welfare system in UK

- based on Children Act 1989

- Key legal obligations (“children in need” / “looked after children”)
- Priority for children whose parents cannot care for them
- Requirement is to provide:
 - Social worker
 - Assessment of needs
 - Accommodation
 - Financial support
 - Access to legal support
- Asylum seeking children also referred to panel of NGO’s – voluntary support
- Local authority does not take on role of parent
- Agencies seek to work together

Protection and the unaccompanied migrant child – possible future issues

- “Safe and adequate reception arrangements” as a condition of return – how can this be assessed?
- Trafficking and “going missing” risks – how can these be managed
- Pressure on resources (welfare and case management) from increasing numbers
- Pressure from complexity of case categories / reasons for migration



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