

**All Wales Child Protection Procedures
Review Group**

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Plant Cymru Gyfan



ALL WALES PROTOCOL

Safeguarding and Promoting the Welfare of Unaccompanied Asylum Seeking and Refugee Children

Final Draft Version:	01.11.10
Author:	
Consultation period with LSCBs	01.11.10 to 31.12.10
Implementation:	
Review :	

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Acknowledgments

The task and finish group would like to thank; attendees of the consultations held in Cardiff and Colwyn Bay, the All Wales UASC Practitioners' Network for their help in producing this guidance and others who were asked to or who wanted to contribute. We would also like to thank Louise Kalicinski (Displaced People in Action) and Delyth Byrne (Young People Speak Out Project) and the young people in Cardiff, Swansea and Newport for their invaluable contribution about their own experiences of being asylum seeking and refugee children looked after in Wales.

1. Introduction

This Protocol is issued under [Safeguarding Children: Working Together under the Children Act 2004](#) and sits within Part 5 of the [All Wales Child Protection procedures](#). This Protocol is to be used in conjunction with the '[Framework for Assessment of Children in Need and their families](#)'. Where relevant, colleagues should also refer to protocols for safeguarding children in specific circumstances including:

All Wales protocols and guidance:

- Child Trafficking Protocol (in development)
- [Safeguarding and Promoting the Welfare of Children who are at risk of Abuse through Sexual Exploitation](#)
- [Female Genital Mutilation](#)
- [Safeguarding Children Who may have been Trafficked \(Welsh Assembly Government, April 2008\)](#)
- Children Missing from Care Procedures

2. Aim and Definition

The aim of this protocol is to safeguard and promote the welfare of Unaccompanied Asylum Seeking/Refugee Children and Young People looked after in Wales. **These should be regarded as children first and are entitled to assessment, support and protection in the same way as any other child.**

An Unaccompanied Asylum Seeking child is a child who is:

*“applying for asylum in their own right; and is separated from both parents and is not being cared for by an adult who by law has responsibility to do so. A child may move between the unaccompanied and accompanied categories whilst their asylum applications are under consideration, e.g. where a child arrives alone but is later united with other family members in the UK, or a child arrives with their parents or close relatives but is later abandoned, or a trafficked child, or one brought in on false papers with an adult claiming to be a relative”.*¹

Other definitions include **separated child, unaccompanied minor** and the abbreviation; **UASC**. For the purpose of this document, the term; **unaccompanied children and young people** will be used.

¹<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumprocessguidance/specialcases/>

3. Purpose

The purpose of this Protocol is to:

1. Inform multi disciplinary professionals of particular action to take when working with unaccompanied children and young people
2. Provide guidance and support for multi disciplinary professionals who are working with unaccompanied children and young people in Wales
3. Understand the issues which can make unaccompanied children and young people from abroad particularly vulnerable, including those who may need protection

4. Working in Partnership and Information Sharing

4.1 There are a myriad of factors that professionals need to be aware of and these require a multi agency, multi disciplinary approach in order to provide appropriate care and protection. Working together with the best interests of the child in mind, professionals should share information, (adhering to local information sharing protocols). This is particularly important in relation to changes in the child's circumstances that are likely to impact upon the child's situation. For example, age assessments, accommodation, family arrangements, missing children, trafficking concerns and health and well-being.

4.2 Information sharing carries with it responsibilities and reflection on balancing the need for information with the need for maintaining confidentiality. Information sharing protocols are a good means of establishing multi-agency agreements on the extent and circumstances of sharing confidential information.

4.3 Chapter 14 of [Safeguarding Children: Working Together under the Children Act 2004](#) provides overarching guidance on the principles of information sharing specifically for the purpose of safeguarding and promoting the welfare of Children and Young People. It also outlines how these principles fit within the context of legislation and discusses the decision making process when sharing information. **Anyone** who works with children and young people should be aware of the aspects outlined in this section and apply the principles during whilst working or volunteering.

4.4 Some organisations, particularly statutory agencies like Social Services and Health, will have information sharing arrangements in place and these should be underpinned by the principles in Working Together. In some areas Local Safeguarding Children's Boards may have developed multi agency protocols for Information sharing which statutory agencies will have agreed to operate to.

Action:

- ✓ Make sure that you are aware of the overarching principles of information sharing
Familiarise and work to your agency's information sharing arrangements

5. Legal Context

5.1 Provision of the majority of services that asylum-seeking and refugee children receive is the responsibility of Welsh Assembly Government, local authorities and other public bodies in Wales. However, immigration legislation and policy are non-devolved matters. Such legislation has been fast paced and child welfare advocates argue it is incongruent with principles of child first, migrant second, i.e. refugee, asylum seeking and trafficked children should be protected by policy and legislation that places their best interests as children as a priority consideration before their immigration status.

5.2 Up until recently, discrepancies between immigration legislation and child welfare and protection legislation were prominent. This was particularly notable in relation to children's rights under the UNCRC (1989) wherein a general reservation at Article 22 was incongruent with children's rights and devolved governance's commitment to the principles of the UNCRC for all children and young people resident in Wales. A plethora of research suggests this has had detrimental impact on children's wellbeing². Of promise the reservation was lifted in 2008 along with other safeguarding policy developments outlined in the *Immigration and Citizenship Act* (2009) wherein Section 55, places a duty on **the UK Border Agency to make arrangements to safeguard and promote the welfare of children in discharging its immigration, nationality and general customs functions.**

5.3 Section 55 of the Borders, Citizenship and Immigration Act 2009 came into force on 2 November 2009. **It requires the UK Border Agency to make arrangements to safeguard and promote the welfare of children in discharging its immigration, nationality and general customs functions.** This statutory guidance has been issued jointly by the Home Office and the Department for Children, Schools and Families under Section 55 (3) and 55 (5) of the Act to accompany this duty.

These are cautiously welcome policy shifts which will take some time to take effect. Essentially professionals should adhere to the principles of 'best interests of the child' in carrying out their duties.

5.4 UK Border Agency

Immigration Legislation is complex and constantly evolving. The two most recent Acts are:

- UK Borders Act 2007
- The Borders, Citizenship and Immigration Act 2009

Action:

For immigration legislation and policy go to;

- ✓ <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/legislation/bci-act1/>
- ✓ <http://www.ukba.homeoffice.gov.uk/policyandlaw/immigrationlaw/>
- ✓ www.refugeecouncil.org.uk
- ✓ <http://www.childrenslegalcentre.com/Migrant+Childrens+Project>

² Refer to Practice Guidance and Further Reading in Appendix 4

6. Background context: Unaccompanied Children and Young People in Wales

6.1 Unaccompanied children and young people are separated from their country of origin and are without the care and protection of their parents or legal guardian. Their status, age and circumstances may well be uncertain in addition to their having witnessed or experienced traumatic events, and they may be suffering the most extreme forms of loss. There are many reasons why children and young people may leave their home country. Some of the reasons include;

- fear of persecution, due to their religion, nationality, ethnicity, political opinion or social group;
- parents have been killed, imprisoned or disappeared;
- in danger of being forced to fight or become a child soldier;
- war, conflict;
- poverty, deprivation;
- sent abroad by parents/family.

6.2 The majority of unaccompanied children are aged between 15-17 years, although a small proportion is younger. Most children will make a claim for asylum in-country (as opposed to at the immigration port upon entering the UK³). Unaccompanied children and young people may arrive in Wales via a number of routes and modes of travel and typically present themselves to local authority social service departments or the immigration service. Many are also ‘picked up’ by the immigration and police service.

6.3 The majority of children and young people reside in local authorities of England⁴, although Wales is home to a relatively small number. The majority of children reside in the larger South Wales’ local authorities but several local authorities support small numbers of children and young people in Wales and essentially professionals from all multi disciplinary backgrounds need to be mindful of the possibility that children may, and do, arrive in *any* local authority of Wales. Whilst there are no exact figures of the numbers of unaccompanied children residing in Wales, there are approximately 90 unaccompanied children in Wales as of September 2010. (UK Border Agency)

7. Immediate Action: Safeguarding and Support

Children and Young People may arrive at any time of the day and without any identity documentation. There are a number of considerations and actions for multi-disciplinary professionals and agencies required immediately upon initial contact with an unaccompanied child/young person.

Action:

³ In 2009, 255 unaccompanied asylum seeking children applied for asylum at port, compared to 2915 in-country (UKBA 2010).

⁴ As of May 31st 2009 there were 3100 unaccompanied children in local authority care in England (DCSF 2010[online]).

- ✓ Refer to Appendix 1 Actions Checklist
- ✓ Refer to part 11 Child Protection: Specific risks

8. Accommodation and Support

8.1 Unaccompanied children remain the responsibility of the local authority in whose geographical area they seek help⁵. Section 20 of the Children Act requires Local Authorities to provide accommodation for children in need within their area whose assessed needs require this intervention. If a child is accommodated under Section 20 she/he becomes a 'Looked After Child'. There is a statutory duty placed on local authorities under the Children Act 1989 to assist "children in need" and provide accommodation for certain groups of "children in need".

8.2 Following the Hillingdon Judgement (2003)⁶ guidance provided by the Department of Health (DoH) (2003) and the National Assembly for Wales (NAW) (2005), stipulates that support should be based on the same assessment procedures for citizen children, as set out in the "Framework for the Assessment of Children in Need and their Families" (NAW and the Home Office 2001). In following post-Hillingdon guidance, LAC 29 circular (NAW 2005) stipulates "the assessment of whether the child requires accommodation should first determine whether the child meets one or more of the criteria set out in section 20(1) the *Children Act* (1989). Those criteria are:

- (a) there being no person who has parental responsibility for him;
- (b) his being lost or abandoned; or
- (c) the person who has been caring for him being prevented (whether or not permanently, and for whatever reason) from providing him with suitable accommodation and or care."

9 . Age Assessment

9.1 While unaccompanied asylum seeking children who arrive in the UK without a parent or guardian are the responsibility of Local Authorities under the Children Act 1989, Part III, Section 20. However, many of these children arrive with falsified documents or

⁵ There have been cases of children and young people presenting at more than one local authority. Irrespective of any dispute over the 'responsible authority', immediate support should be provided to the UASC until such a time as the dispute over responsibility is resolved. (citation)

⁶ Hillingdon Judgement refers to the judicial review of *Berhe v London Borough of Hillingdon* [2003] EWHC 2075 (admin). The Hillingdon Judgement, 2003 established that Section 17 of the Children Act should not routinely be used to meet the accommodation and support needs of UASC's- in particular the 16+ age group. And that such support should normally be always met through Section 20 provision.

without documents evidencing their identity and/or date of birth; as a consequence they may find their age disputed by the UK Border Agency or Social Services. It is then for the Local Authority to decide whether the person is a child and allocate an age.

9.2 This is a difficult and challenging area for age disputed children and professionals alike, particularly when there is no statutory guidance or set way of conducting an age assessment. However, there have been substantial case law developments. This guidance is designed to ensure that children are safeguarded and protected. While providing local authorities with an outline of what is required to give a fair and lawful assessment in an area that has become increasingly open to the cost and stress of a Judicial Review.

9.3 Why are children age disputed?

Unaccompanied children are subject to asylum screening on arrival at port by the UK Border Agency. While the UK Border Agency has a duty to safeguard and promote the welfare of children, (Section 55, Borders, Citizenship and Immigration Act, 2009), where there is no evidence to support the child's claimed age as is often the case on arrival. UKBA policy states that 'applicants should be treated as an adult if their physical appearance/demeanour very strongly suggests that they are over 18 years of age'. This decision is then recorded by UKBA and will be considered by the Case Owner when assessing the 'credibility of an individual's asylum claim'⁷.

9.4 However, in terms of Local Authorities' safeguarding duties it is important to understand that this decision-by the UKBA -was taken via a 'cursory visual assessment' (Crawley, 2007) and does not constitute a 'lawful and fair age assessment from a Local Authority' (Children's Legal Centre, 2009). Furthermore, Crawley states that where Immigration Officers have referred age-disputed children to co-located social workers, children have reported that they were too tired, disorientated and unaware to realise that they were talking to social workers, or even that their age was in question. While many Local Authorities will receive referrals from age disputed children in the asylum process, others will receive referrals from the police about children they have picked up from the back of a lorry, street or restaurant. **In all cases the Local Authority has an obligation to conduct their own assessment and cannot simply adopt the Home Office's / UKBA's decision. This must be based on adequate information (Merton).**

9.5 It is recognised that age assessment is not an exact science (Immigration Law Practitioners Association, 2009, Children's Legal Centre 2009, Royal College of Paediatrics and Child Health, 2009), but one that is best suited to a holistic multi-agency assessment overtime-lead by social workers with input from health, education, advocates and foster

⁷ UK BA (2010) Assessing Age guidance for case owners, available [online]<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumprocessguidance/specilacases/guidance/assessing-age?>

carers in the child's life. ⁸However, failure to communicate with other agencies should never place a child at risk:

- **Where there is any suspicion that an age disputed child may have or is being trafficked- immediate safeguarding actions must be taken. And the child must be considered and treated as a child, until decisive evidence to the contrary is established.** (Article 10, [Council of Europe Convention on Action against Trafficking](#))
- **Furthermore, where there is any uncertainty as to a child's age, that child should be given the benefit of the doubt as standard practice.** (Age Assessment: Joint working protocol between the Immigration and Nationality Directorate-now UKBA- and the Association of Directors of Social Services, 2005).

9.6 The All Wales Child Protection Procedures state that Child protection and safeguarding risks should always form part of an age assessment. Social Workers will need to assess and evaluate risks to a highly vulnerable and mobile group of 'children.' who may be at risk of trafficking, exploitation, and/or disappearance. (Safeguarding Children who may have been trafficked, Welsh Assembly, 2010)

9.7 The risk to age disputed children who are accommodated with unknown adults in Asylum Support accommodation should not be underestimated. While housing providers are contracted to monitor asylum seekers in terms of ensuring their continued residence at Asylum Support accommodation, there are no safeguards in existence for age disputed children. Many of whom are forced to share a room with an unknown male, under the UK BA's 'no choice' accommodation policy. Often this unknown stranger will be of a different nationality, ethnic background, or even tribe. The potential for abuse, and violation, by older adults subject to immigration control should not be viewed as an over-exaggeration. It is unlikely that there will be records of adults' previous criminality (including sex offences), mental health difficulties, and drug or alcohol dependencies. The additional stress of the asylum process and isolation of the age disputed child create conditions where abuse, bullying and harassment have been reported (Welsh Refugee Council⁹). Social Workers should therefore endeavor to examine the current living conditions of age disputed children when making any decision on age or support.

9.8 All Wales Child Protection Procedures state that Local Authorities should complete an initial assessment regarding child protection referrals within 2 working days, followed by a core assessment within 35 working days. In line with this procedure, and the fact that this is a particularly high risk and mobile group, where child protection concerns are stated- in the referral of an 'age disputed minor'-an initial and core assessment is recommended. Referrals should be responded to within 24 hours and the child seen within 2 days. All referrals should be treated the same way, and regardless of the source of the referral.

⁸ R(B) v LB Merton [2003] EWHC 1689 (Admin), R(T) v LB Enfield [2004] EWHC 2297 (Admin)

⁹ Source: Welsh Refugee Council communication 25/09/2010

The outcomes of the initial assessment may be one or more of the following possibilities:

- Offer accommodation and support under the Children Act 1989
- Begin further investigations and complete age assessment overtime along core assessment principles
- The Local Authority continues to dispute the ‘child’s’ age
- Report findings of age assessment to the UK Border Agency

9.9 If the Local Authority age assessment continues to dispute the child’s age she/he has the right to legally challenge the conclusion and should be informed of this by the Social Worker who informs him/her of their decision (Merton). While not all assessments will have the same information to consider, particularly if the assessment has been conducted very soon after arrival, or if it is very clear to the social worker that the person is a child. Later in the process where more information is available Local Authorities will be expected to produce, a fuller ‘expert’ report that may, if necessary, be considered by a judge. This should include an analysis of not only physical factors and developmental indicators, but also emotional and psychological development, cultural and life experiences. (Merton) For these reasons an age assessment process rather than an event is recommended (Merton).

9.10 The Age Assessment Protocol and Local Authority responsibilities:

Under Part III, section 20 of the Children Act 1989 –when an age disputed child is accepted as a child, they are entitled to Local Authority support as a ‘child in need’ as set out in Section 5. However, where a child has been assessed by another Local Authority and there is no new evidence, the referral should be treated as a complaint about the original assessment, and the child should seek to take this up with the original authority. Nevertheless- as the child’s situation changes overtime- the protocol cites exceptions to this, mainly where an age disputed child has submitted fresh evidence in the form of identification documents, a medical report or professional opinion. This places a duty on the new Local Authority to reassess the applicant. While the protocol states that a copy of the previous age assessment should be obtained, delaying initial contact with a potential ‘child in need’ is a safeguarding risk that has to be avoided. All Wales Child Protection Procedures should be followed for all child protection referrals made on behalf of age disputed children.

9.11 Summary of evidence for the UK Border Agency:

While case law requires that a local authority age assessment is as full and comprehensive as possible and conducted in a clear, transparent and fair manner. There is also a responsibility on Local Authorities to provide a summary of the age assessment -to the relevant case owner at the UK Border Agency, in order that they can ascertain that a lawful assessment has been conducted.

The summary of evidence to UK Border Agency should include:

- An outline of the age assessment process – where it was conducted, who was present, e.g. interpreter in person, person assessed informed of reason for assessment.
- Whether or not, other sources of information have been considered, such as: documents, medical, education, mental health professionals, and carers.
- A summary of the social workers analysis and weight given to conflicting information.
- How the decision was communicated to the child/ young person

9.12 There is no legal requirement to provide UK BA with a full ‘Merton compliant age assessment’. (Action on Rights for Children: Unaccompanied Children Seeking Asylum: Privacy, Consent and Data Protection, 2009) Some Local Authorities have refused stating that this compromises Social Work ethics, values, and codes of practice as:

"Unless the child understands that any information provided may also be used in consideration of their asylum claim - and not purely for the purposes of assessing age - and has the opportunity to obtain advice and representation as necessary, the supply of data to UK BA and its subsequent use for purposes other than age assessment do not meet the standards for fair processing under the Data Protection Act."¹⁰

Actions:

- ✓ Refer to Age Assessment Proforma, Practical Guidance and Case-law in Appendix 3

10. Ensuring immediate health needs of unaccompanied children and young people

Children may arrive in the UK with existing health needs and/or health needs arising from their experiences pre- migration and their journeys. Journeys to the UK may have placed children under certain risks. It is important that professionals ensure children and young people are allocated a LAC nurse and/or medical intervention if needed immediately.

*More to add here

¹⁰ http://www.archrights.org.uk/index.php?option=com_content&view=article&id=7:unaccompanied-children-seeking-asylum&catid=6:unaccompanied-asylum-seeking-children&Itemid=15

11. Child Protection: specific risks

The All Wales Child Protection Procedures outline actions to be taken when practitioners suspect a child or young person to be at risk of significant harm of neglect, emotional, physical or sexual abuse and these should be followed irrespective of the child's immigration status. Professionals should be mindful of the risks that unaccompanied children and young people may be subject to. All risks to the child should be considered under the All Wales Child Protection Procedures in conjunction with the Framework for the Assessment of Children in Need and their Families. In particular professionals should be aware of:

11.1 Children at risk of going missing

Unaccompanied Asylum Seeking children are a particularly high risk group in terms of going missing and are vulnerable in these circumstances. Local Authorities should have local multi-agency protocols which must be followed if a child goes missing. The All Wales Child Protection Procedures also provide specific guidance regarding children that go missing that are on the Child Protection Register.

11.2 Sexual Exploitation

Child Sexual Exploitation is described in the ***All Wales Protocol document – Safeguarding and promoting the Welfare of Children who are at risk of abuse through exploitation*** as;

“the coercion or manipulation of children and young people into taking part in sexual activities. It is a form of sexual abuse involving an exchange of some form of payment which can include money, mobile phones and other items, drugs, alcohol, a place to stay, ‘protection’ or affection. The vulnerability of the young person and grooming process employed by perpetrators renders them powerless to recognise the exploitative nature of relationships and unable to give informed consent.”

Child sexual exploitation (CSE), for the purpose of the Protocol, includes:

- Abuse through exchange of sexual activity for some form of payment
- Abuse through the production of indecent images and/or any other indecent material involving children whether photographs, films or other technologies
- Abuse through grooming whether via direct contact or the use of technologies such as mobile phones and the internet
- Abuse through trafficking for sexual purposes

Action:

- ✓ Professionals who may suspect a child has been or is at risk of sexual exploitation should refer to the *All Wales Protocol – Safeguarding and promoting the Welfare of Children who are at risk of abuse through exploitation and the All Wales Child Protection Procedures*
- ✓ Refer to Appendix 4 for Indicators of child trafficking which could be linked to sexual exploitation

11.3 Child Trafficking

Article 3 of the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organised Crime to the UN Convention (2000)¹¹ defines trafficking as:

“the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat of or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation”.

Children and young people can be trafficked for a number of reasons and this includes; domestic servitude, sexual exploitation, benefits fraud, transportation of drugs, begging, criminal activity and forced labour. A child cannot give informed consent to moving countries and being exploited. It can happen internally within borders and across international borders. Given the clandestine nature of trafficking activity, the incidence of child trafficking is reputedly difficult to quantify and recent research in Wales suggests professionals may not always recognize and /or act on suspected cases of child trafficking¹².

There are clear links between Unaccompanied Asylum Seeking Children, children who go missing from Local Authority care and children who are at risk of trafficking. UK Research

¹¹ The Palermo Protocol (ratified by the UK on 6 February 2006) defines trafficking as:

“Trafficking of persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat of or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

- (a) The consent of a victim of trafficking in persons to the intended exploitation set forth in sub-paragraph (a) of this article shall be irrelevant where any of the means set forth in sub-paragraph (a) have been used.
- (b) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in sub-paragraph (a) of this article
- (c) “Child” shall mean any person under eighteen years of age.

¹² Refer to Save the Children (2008). Agenda for Action; ECPAT (2009) *Bordering on Concern*. ECPAT & Children Commissioner’s Office: Swansea.

suggests that many trafficked children will present as being unaccompanied and seeking asylum, and will subsequently go missing from care, usually within 48 hours¹³.

Similarly, it is possible that trafficked children may appear to be in a private fostering arrangement with extended family members. The *Children (Private Arrangements for Fostering) (Wales) Regulations (2006)*¹⁴ apply to children from abroad that are living with extended family.

Action:

- ✓ Refer to Appendix 4 for Indicators of child trafficking
- ✓ Professionals who may suspect trafficking should take further action and refer to the *All Wales Child Trafficking Protocol* (in development)
- ✓ Refer to Child Trafficking in Useful Contacts, Practice Guidance and Further Reading in Appendix 5 & 6.

12. Communication with children and young people: Interpreting

- 12.1 **When communicating with children for the purpose of safeguarding and promoting their welfare if their first language is not English arrangements must be made for an interpreter to be available.** If a decision is made that an interpreter is not required the reasons for this should be clearly recorded on the child's case notes/case file.¹⁵
- 12.2 Children's Social Services should always work under these arrangements as a result of the Victoria Climbié enquiry however this is good practice guidance for all agencies.
- 12.3 Professionals should be mindful that whilst some UASC's may appear to understand and speak English when talking about everyday things if they are not given the opportunity to speak in their native language they may not be able to accurately articulate their life experiences or fully express their feelings.
- 12.4 Children are entitled to request for their interpreter to be changed and it is important that this is discussed with them at an early stage, along with the role of the interpreter. During consultation with some UASC's it was raised that having an interpreter at GP and dentist appointments was particularly important.

¹³ According to Kapoor (2007) of 330 identified trafficked children in the UK, (55%) or 183 children went missing from local authority care within 48 hours of initial placement.

¹⁴ Private fostering is defined under Section 66, *Children Act* (1989) as an arrangement for a child under the age of 16 years (or 18 if disabled) residing for more than 28 days in the care of someone who is not a parent, close relative or someone with parental responsibility (close relatives are defined by the Act as step parents, siblings, siblings of a parent and grand parents).

¹⁵ Recommendation 18, para 6.251, Laming (2003)

- 12.5 Children and Young People that are in receipt of services should also, where appropriate, be provided with age appropriate written information about services and other relevant documents e.g. leaflet about how to make a complaint, copies of LAC reviews. Some agencies may already have certain information published in a range of languages. However arrangements may need to be made for information to be translated.
- 12.6 Many agencies will have their own local arrangements in place to access interpreters and translators and professionals should follow these. Given the nature of the work involved it is important that these arrangements include agreements with interpreters around ethical issues– including independence and confidentiality. It is for these reasons that individuals that know the child personally i.e. family members or friends should not be used as interpreters.
- 12.7 If an agency does not have arrangements in place to provide interpreters or translated information **or** existing arrangements are not suitable i.e. no interpreters are available who speak the child’s first language, alternative arrangements should be made. The Welsh Interpretation and Translation Services (WITS) and Barnardo’s Children’s Translation Services are two of a number of businesses that can provide services in this area of practice. The Welsh Refugee Council also publishes a number of documents in a range of languages which may be useful.

13. Asylum Claim

13.1 If the child made their initial contact with the UK BA, then under these circumstances, they may have already have undertaken the initial Screening Process and have made their initial Asylum application. In all other circumstances, a referral will need to be made to the UK BA (Cardiff) within the first 24 hours that they come to the attention of Children’s Services.

13.2 The importance of the applicant having experienced legal representatives, who are able to support them throughout their Asylum application, and of using good, reliable interpreters and advocates, where necessary, cannot be overemphasised. Children and young people need interpreters who do not misrepresent or misunderstand them which can be distressing.

13.3 It is the responsibility of the Social Worker to appoint solicitors, interpreters and to inform children about advocacy provision. It is also their responsibility to monitor how the child is getting along with these services. Children and young people have a right to change any services that they are entitled to if they have good reason to do so.

13.4 Unaccompanied Asylum Seeking Children often feel stress, anxiety and worry about their asylum claim, including visiting the UK BA offices, talking to the interpreter and staff, the interview itself and of course, eventually the outcome of their asylum application. It is important that professionals working with children have some knowledge of the asylum

process in order to support the child effectively. For example, indication of timescales of the asylum process and what to expect at the substantive interview. This information should be given via an interpreter wherever possible and/or professionals could use the multi-lingual leaflets available from the Refugee Council website. It is recommended that any professional working with Unaccompanied Asylum Seeking Children should attend appropriate training courses.

Action:

- ✓ Young people are often confused about their rights and entitlements. Go to Useful Contacts and Further Reading in Appendix 5 & 6
- ✓ Enquire about quality assured training courses; working with asylum seeking children

14. Asylum process for children
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14.1 Screening

When a child claims asylum they are immediately screened to establish identity, assess basic details such as how he/she entered the UK and will be asked why they entered the UK. The young person is given a 'Statement of Evidence form' and this must be returned within 20 days. The legal representative should assist the young person with this.

14.2 First Reporting Event (FRE)

The purpose of the FRE is for the child his/her Case Owner and be informed of the asylum process and the date of the substantive interview. Professionals and legal representatives should attend the FRE. Professionals should contact the UK BA and the solicitor regarding the FRE.

14.3 Substantive Interview

Social Workers/Advocates should attend the substantive interview as a responsible adult with the aim of supporting the child and assisting the child. The child can request a female or male interpreter. Children over the age of 12 and with a responsible adult present will only be interviewed. The legal representative should also attend the asylum interview and the Legal Services Commission will provide funding for this. Asylum interviews can be lengthy and the child should be prepared for this.

14.4 Asylum Decisions

Possible outcomes of the asylum decisions for children are;

Refugee Status

The Home Office has accepted that a child has a well founded fear of persecution under one or more of the reasons set out in the 1951 Convention relating to refugees. Refugee status or leave to remain is for 5 years, after which the applicant can apply for Indefinite Leave to Remain. Unfortunately, very few unaccompanied children are granted refugee status and should therefore be prepared for this eventuality under triple planning. (See pages 20-21.)

Refused Asylum and granted Discretionary Leave (DL)

The Home Office has refused the child's claim for refugee status and Humanitarian Protection and has granted temporary leave in the form of DL due to the lack of adequate reception arrangements in the applicant's country of origin. The majority of children will receive DL. This decision can be appealed against if a minimum of 12 months leave was granted. DL will be give for a period of three years or until the child is 17.5, whichever is the shorter period of time.

The Home Office could also refuse a child's claim outright and grant no form of leave, but this is more unusual.

Application for Further Leave (Active Review)

Children with DL have a right to apply for an extension of leave. **It is very important that an application for further leave has been applied for at least 6 weeks before the DL expires and could be granted.** Failure to apply for further leave before the current leave expires means that the young person becomes an 'overstayer' and will have no right to appeal the decision in the UK if it is refused. Therefore, if the 'in time' application is refused the child will have a right of appeal.

An applicant can appeal against a negative decision, including the decision to refuse asylum and grant Discretionary Leave and must always be given the opportunity to do.

Agencies such as Education and Employment may request evidence of DL, but the young person may have returned document to the UKBA. In this instance, these agencies can be advised to contact UK BA (using Home Office reference number) to confirm the status verbally or in writing.

Appeal Rights Exhausted

Local Authorities who are supporting young people who become Appeal Rights Exhausted will be issued with a letter from the UK Border Agency. This could happen when a young person reaches age 17.5 and applies for an extension to their discretionary leave. If that extension is refused, the applicant has a right of appeal. If the appeal is dismissed the case will become Appeal Rights Exhausted.

Action:

- ✓ Click on the link below for more information;
<http://www.bia.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumprocessguidance/specialcases/guidance/consideringapplications.pdf?view=Binary>

For more detailed information about the asylum process and the rights and entitlements of Refugee and Asylum Seeking children go to;

Seeking Support, the rights and entitlements of separated refugee and asylum seeking children, Children’s Legal Centre, Third Edition, 2009.

<http://www.childrenslegalcentre.com/Resources/CLC/Documents/PDF%20A-M/Seeking%20Support%20Complete.pdf>

Processing asylum applications from children, UK Border Agency

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumprocessguidance/specialcases/guidance/processingasylumapplication1.pdf?view=Binary>

15. Triple Planning

15.1 The vulnerability of children and young people subject to immigration control is an additional vulnerability to that experienced by all children. Research into the emotional well-being and mental health of unaccompanied children has shown that uncertainty concerning their immigration status causes extreme anxiety and distress for young people, particularly those who are in their late teens and nearing the end of their Discretionary Leave in the UK. It is important, therefore, that professionals are sensitive to these issues, and that appropriate planning is considered throughout the whole care process.

15.2 Social Workers should plan for three possible outcomes for those children turning 17.5. This is known as ‘Triple Planning’ and should be part of their regular statutory planning through the care plan, pathway plan and review process. Triple planning will enable both Children’s Services – and the child – to plan for every eventuality, including a potential decision to return the young person from the UK to his or her country of origin.

15.3 Potential scenarios include;

1. The Asylum application is approved and the applicant is granted Refugee Status and granted limited leave to remain in the UK for 5 years. Any young person who has received refugee status should be assisted to ‘Move On’ and be supported into accessing mainstream housing, benefits, training, employment etc.
2. Further Leave application is refused, and young person should be supported throughout appeal.
3. If a young person becomes Appeal Rights Exhausted they either accept Voluntary Assisted Return to their country of origin, or are Forcibly Removed.

15.4 LAC Plans and Pathway Plans need to realistically consider the possibility of all outcomes and ensure that they are discussed openly and sensitively with the child. Plans should consider what skills, education and training would be most useful, if they have to

return to their country of origin. Professionals should consider how best to protect young people when all their appeals are exhausted, giving the broadest interpretation to the type of support they can be given to avoid a breach of their rights.

15.5 Unaccompanied asylum seeking children who, on reaching the age of 18, have an outstanding application for asylum (including those awaiting the outcome of an appeal) can apply to UKBA for asylum support, in addition to the local authorities continuing responsibilities under the Children (Leaving Care) Act(2000).

15.6 When a young person receives a positive decision on his/her asylum claim (refugee status, humanitarian protection) after turning 18, they are entitled to work and/or apply for mainstream welfare benefits.

15.7 Social workers should be particularly mindful that upon turning 18, children and young people may face difficulties and they should plan for every eventuality in good time, liaising with other organizations such as the UK Border Agency, Welsh Refugee Council and Advocacy services.

15.8 Asylum-seeking children, who were ‘looked after’ for 13 weeks or more, are entitled to leaving care support from the local authority that looked after them, under the Children (Leaving Care) Act (2000). The majority of young people are entitled to leaving care support services, but there has been some confusion over whether local authorities are required to provide support to all separated young people at 18, regardless of immigration status.

15.9 The law on the withdrawal or withholding of local authority support to young people is included in Schedule 3 of the Nationality, Immigration and Asylum Act 2002, which prevents certain categories of migrants from accessing ‘leaving care’ and other types of support. (Seeking Support, Childrens Legal Centre, 2009)

15.10 There is no guidance or consistency between local authorities on Leaving Care Provisions. Some authorities may disregard restrictions to support under s54 Sch 3 NIAA 2002 and pay for services without reimbursement. Some follow the legislation exactly and discharge support after a Human Rights Assessment (and if necessary Child in Need assessment) and make referrals to IOM for voluntary return. For more information go to ([://www.islington.gov.uk/DownloadableDocuments/HealthandSocialCare/Pdf/child_and_family_with_nrpf_guide.pdf](http://www.islington.gov.uk/DownloadableDocuments/HealthandSocialCare/Pdf/child_and_family_with_nrpf_guide.pdf))

Action:

- ✓ For more information about triple planning go to Young People Turning 18 in Practice Guidance and Further reading in Appendix 6.

16. Advocacy and Complaints

Advocacy

16.1 Children and young people can often find expressing their opinions, experiences and emotions difficult, particularly when they are involved with complex processes in an adult dominated environment. Asylum seeking children and young people are no exception to this and may feel further inhibited for a number of reasons including; fear of an unknown country and culture, little or no other support networks in the UK (family or friends), negative experiences with government officials/professionals in their home country.

16.2 Under Section 26 A of the Children Act 1989 and the Leaving Care Act 2000 'Children in need' (S17, Children Act 1989) 'Looked After Children' (as prescribed s22 CA 1989) and care leavers (Leaving Care Act 2000) have a right to be provided with an advocate by Children's Services, if they would like one, for the purpose or representation or complaints.¹⁶ Children and young people are likely to fall into one of these categories and advocacy should be discussed and offered by Children's Social Services as appropriate.

16.3 Children and Young people are also entitled to an advocate if they have a complaint about a service they have received/ing in hospital or from a primary care service i.e. dentist, doctors etc (Section 187 of the Nation Health Service (Wales))

16.4 The Welsh Assembly Government's vision for the future of advocacy for children and young people is that access to advocacy becomes an entitlement for **ALL** children and young people, especially the most vulnerable who will benefit from an effective advocacy service that will ensure they have a say in matters that affect their lives. Social Workers should follow their own procedures when arranging an advocate for a child. If arrangements do not exist or are not appropriate to the circumstances of the case there are a number of advocacy services across Wales that can provide advocates.

Action:

Please click on the following links for Advocacy services in your area;

- ✓ <http://www.childreninwales.org.uk/inyourarea/advocacy/index.html>
- ✓ <http://www.welshrefugeecouncil.org/youth/professionals/cild-advocacy-officer/>

Complaints

16.5 Everyone who makes a complaint has a right to be listened to properly and have their concerns resolved quickly and effectively' – Listening and Learning: A guide to Handling Complaints and Representations in Local Authorities in Wales.

¹⁶ Section 26 A, Children Act 1989

16.6 All Local Authorities, the Police and Health are required by Law to have complaints procedures and make them available to members of the public. A number of other agencies are also likely to have complaints procedures.

16.7 Children and young people should be made aware at the earliest possible opportunity that they are entitled, like any other child or young person, to make a complaint and be provided with information about the complaints process. They should also be made aware that they can also seek independent advice regarding their concerns from the Officer of the Children's Commissioner for Wales.

Action:

- ✓ Familiarise yourself with your agency's arrangements to organise interpreters, advocacy and the translation of documents
- ✓ Familiarise yourself with your agency's arrangements regarding complaints
- ✓ Ensure that at the earliest opportunity, children are made aware of their rights and entitlements around complaints, advocacy and interpreters and take action to arrange these as required
- ✓ Ensure that at the earliest opportunity, children are provided with relevant age appropriate written information

17. Education

Unaccompanied children and young people aged 5–16 all have the same entitlement to full-time education as other children in the UK. There is no obligation for local authorities to provide school places for 16 -18 year olds. However, they will be eligible for English Spoken as Other Language (ESOL) funding.

Young people in Wales aged 16-18 who have been granted Refugee Status, Indefinite Leave to Remain, Humanitarian Protection or Discretionary Leave are entitled to Educational Maintenance Allowance.

Action:

- ✓ For more information about Education go to:
http://www.childrenslegalcentre.com/Resources/CLC/Documents/PDF%20A-M/Education_24_6_10.pdf

APPENDIX 1: Actions check-list for Professionals working with unaccompanied children and young people

All professionals:

- ✓ **Child first, migrant second.** Professionals may come into contact with individuals who claim to be a child under 18, **where there is any uncertainty as to a child's age, the child should be given the benefit of the doubt as standard practice** and a referral should be made to social services for further age assessment, support and safeguarding.
- ✓ Consider whether there are any safeguarding issues and if so make a referral under the All Wales Child Protection Procedures.
- ✓ Local Authorities and other agencies should provide regular training for front-line staff that may have contact with unaccompanied children.

Social work professionals:

- ✓ If the referral occurs 'Out of Hours', the Manager must ensure that the Duty Social Worker is contacted at the earliest opportunity next working day to ensure that all urgent tasks are completed.
- ✓ Police, UK Border Agency and Children's Services should liaise at the earliest opportunity to record personal details and biometric data of newly arrived children and young people.
- ✓ Liaise with 'Central point of Contact' for child (if there is one in your local authority) It is good practice for the establishment of an unaccompanied children and Trafficking/Exploitation Central Point of Contact in all Local Authorities.
- ✓ What is the country of origin and language of the child? The Refugee Council's website has multi-lingual pages to assist with this.
<http://www.refugeecouncil.org.uk/practice/multilingual>
- ✓ Arrange an interpreter (the child has the right to change interpreters if he/she has good reason to do so).
- ✓ Are there any obvious physical or emotional needs?
- ✓ Notification made to Safeguarding Manager within the First 24 hours and ensure immediate safeguarding Issues to be considered within the First 24 hours.
- ✓ A Photograph to be taken of the child within the First 24 hours, this must be subject to their consent. This will aid the Police with their investigations, should they subsequently go missing.

- ✓ All unaccompanied children and young people should be offered accommodation under Section 20 pending a full assessment of need. Safeguarding issues to be considered regarding the choice of placement within First 24 Hours If there are other children in the placement, then consideration to be given that there is a possibility that the child could be an adult. Refer to fostering team, consider placement safeguarding & equalities Needs.
- ✓ Make arrangements for health screening with local health professionals and arrangements. This will ensure that any immediate health issues are appropriately considered.
- ✓ Notification made to Education Social Inclusion Officer within the First 24 hours.
- ✓ An appropriate Age Assessment is crucial to both the outcome of the asylum application, and the appropriate provision of services to meet the individual's needs. (Age Assessment and Appendix 2)
- ✓ Arrange a solicitor - If the child has not yet claimed asylum and wishes to do so (the child has demonstrated a fear of return and a desire to stay in the UK) professionals should ensure a solicitor, experienced in asylum supports the child.
- ✓ It is the responsibility of the Social Worker to accompany the child to Home Office asylum interviews, to act as an 'appropriate adult' and to act in the child's best interest during the interview.
- ✓ Professionals should provide support to children regarding their asylum claim and inform them of the asylum process (with the exception of legal advice) and prepare the child for every possible outcome of their asylum claim. (See part 14; Triple planning)
- ✓ Consult with other professionals Police / Health / Schools Inclusion Officer & Other agencies where appropriate and begin LAC Placement & Care Plan.
- ✓ **Consider** the possibility of a Protection Conference to be held within the First 15 Days.
- ✓ **Consider** Risk of Child / Young Person Becoming Missing from Care; to safeguard if the child goes 'Missing'. Please refer to your own local authorities Missing From Care Protocol and consider Immediate Safeguarding Needs.
- ✓ Local authorities have a duty to provide information to young people about advocacy services available to them and offer to help find an advocate for children and young people who receive a service from them.

APPENDIX 2: Listening to children: Good practice, the views of unaccompanied children and young people in Wales on their care and everyday support

In May 2010, the Wales Strategic Migration Partnership, Displaced People in Action and Young People Speak Out held focus groups with children and Young People in Cardiff, Swansea and Wrexham.

The following are the thoughts and opinions that were voiced by children and young people in Wales when asked about their current care and protection and how it could be improved. The information is grouped into themes; rights and entitlements, communication and health and leisure.

Rights and entitlements

1. Children and young people should be made aware of their rights and entitlements as children in care in Wales, whatever their status is.
2. Children and young people should be made aware from practitioners of what to expect from the UK Border Agency, asylum timescales, interviews, etc.
3. Children and Young people should be made aware of the asylum process for children via an interpreter if needed or be given materials about this in their own language.
4. Some young people are not entitled to go to school, are refused permission to work, would like to learn to drive etc. Practitioners should clearly explain why a child or young person is not entitled to something and what they are entitled to
5. Children and young people should be told by Social Workers how to complain to UK Border Agency, children's services etc.
6. Interpreters – Children and young people should be informed by Social Workers that they have the right to change their interpreter at any point.
7. Solicitors – Social Workers can be present when a child or young person is with a Solicitor. Solicitors should not interrogate or disbelieve them and should not feel under pressure from the solicitor.
8. The importance of interpreters cannot be underestimated. Children and young people need interpreters who do not misrepresent or misunderstand them. It's good practice to confirm with young people that they feel happy with the level of interpretation. It can be distressing for young people, particularly at the UK Border Agency office or at the GP.
9. Transition at 18 - Any child or young person who has received refugee status should be assisted onto the 'Move on' and supported in applying for benefits and housing etc by Social Workers and advocates.

Communication

1. Practitioners should signpost children and young people to refugee organisations and mainstream organisations within their local area for recreation, socialising and education. Children should be encouraged to be involved in support services, such as ESOL classes and Drop in centres, advocacy services, self advocacy, education, religious activities and sport. This will help the child learn about UK culture, make friends and integrate, all of which should benefit the child.
2. Practitioners should try and make time for children and foster carers and any other professionals involved in the child's life to ascertain if the child is happy and to identify any problems or potential problems and to respond timely to any concerns. It has been identified that young people respond well to professionals who make time and effort to help them integrate.
3. Practitioners should speak truthfully and directly to children.
4. Children take a long time to build up trust with professionals and foster carers and should always be involved in any conversations about them. It is important for foster carers to treat the child equally and be respectful of the child's background and any cultural or religious issues.
5. Practitioners and foster carers should take any concerns from young people seriously.
6. When visiting the dentist/GP/hospital it is important that there is an interpreter present and that the child fully understands what is happening
7. Social Workers should try and make time for child or young person.
8. Foster carers – If children or young people have concerns, social workers and foster carers should discuss the concerns and take them seriously
9. Social Workers should not delay and try and respond to their needs/concerns as soon as they can.
10. Social Workers should not make promises they cannot keep.
11. Children and young people responded well to social workers who helped them integrate, showed them around etc.
12. Some young people had experienced in their view, foster carers and social workers apparently colluding over age.
13. Some young people felt that foster carers had broken trust with them by informing social workers about the young person.
14. Some young people felt a lack of respect from foster carers and did not feel part of the family.
15. It is important that the social workers and foster carers listen to the concerns of children and young people who are in a foster home and takes any concerns/needs/wants that the child or young person has seriously.

Health/leisure

Children and young people feel extreme pressure by the stress of being a young asylum seeker due to **worrying** if they will be believed by the Home Office. The worry about the substantive asylum interview and the worry about the decision. Overall, this type of anxiety can overshadow any positive experiences they have.

1. Housing; if children and young people are not comfortable where they live for a variety of reasons, this can affect their health. For example, if they are unable to sleep in large noisy shared accommodation they are likely to suffer more anxiety. Some young people stated a preference for smaller accommodation; for 1-2 people.
2. Support services, such as ESOL classes, social drop in centres, advocacy services, friends, mosques etc. are all viewed positively by young people and should be enthusiastically encouraged to attend. At these places, children and young people learn about UK culture, meet new people and learn English; all of these are very important to them and would like more of these services.
3. GP/Dentist – It is important that children and young people use interpreters under these circumstances, and that they understand what is happening to them.
4. It would be beneficial for children and young people to take part in more sport and recreational activity, a lack of funds can make this impossible.
5. Education is extremely important to children and young people in general.

APPENDIX 3: Age Assessment

3.1 Practical guidance

3.2 Proforma

<http://www.childrenslegalcentre.com/Migrant+Childrens+Project/Resources/ageassessment.htm>

3.3 Case Law

3.1 Practical Guidance

1 The age and needs of a child have to be considered through “their account of the world”. This is often presented in a language, culture and way of life that professional’s are unfamiliar with. For example, children will often describe their family in ways that may indicate clan, extended family and community. It is essential that professionals move away from European family models, and enter the child’s world in order to begin to map and understand who the child is and how they identify themselves. More crucially, it enables the age assessment process to stay child centered and hold a clearly accountable and separate identity from the asylum interview.

2 The First Meeting

Take your time; offer the child reassurance and simple explanations of your role and reason for meeting. New arrivals may be traumatised and suffering from culture shock. A new language and customs, being asked questions by another authority figure, can all affect mood, behaviour and presentation. In these circumstances, reluctance to give information, fear and confusion can easily be mistaken for a lack of co-operation or deliberate withholding of information. Be wary of interrogating the child, and where possible, ensure that the meeting is conducted in the child’s first language with an interpreter present.

Always take a photograph of the child in case of disappearance or possible trafficking.

3 Remember -

Advice given to Haringey Social Workers¹⁷

4 Life experience takes its toll. Young people may look and act older than they are because of their experience in their country of origin. They may have worked and taken on ‘adult’ responsibilities from an early age in harsh and physically demanding conditions. The experience and trauma of war, famine, poverty and starvation may affect the way a young person looks and acts. Care of younger siblings, abuse, conscription, facing life-threatening situations, all mean that age disputed children may present as being mature in comparison to children growing up in Wales

5 Comparisons on social competencies such as self care skills may therefore fail to reveal how traumatic events such as witnessing the rape or murder of a parent can enhance or deprive a child of certain skills. The resonance of which may result in a child that is deeply troubled or both resourceful and resilient. Possible memory loss and associated trauma may need specialist support from relevant health professionals.

¹⁷ <http://www.lgfl.net/lgfl/leas/haringey/accounts/staff/harnb/web/Age%20Assessment%20Guidance.doc>

6 Talking about family can be stressful and painful. The fact that a child seems to have been given up by a parent- may not imply rejection- within their culture, as the motive may have been to keep the child safe.

7 Birthdays have significantly less importance in other cultures and may not be celebrated or recorded in any way. A child may not know their date of birth or be vague about when they were born citing a season or festival as opposed to a specific calendar date. This does not mean that they are lying about their age. Indeed, UNICEF (2006) reported that, 55 per cent of all births in the developing world -excluding China- go unregistered: leaving over 50 million children to start their life with no official date of birth.

8 Different calendars are used in some countries

There is often confusion over age because of different calendars used around the world. Some cultures use a lunar calendar and converting from one calendar to another can result in problems. Children and interpreters may mistakenly give the wrong date of birth.

9 Young people with facial hair

Teenage boys with beard often look older than they are. Boys in some parts of the world, grow facial hair earlier than most boys in Europe. It is a cultural norm in some countries to grow a beard as soon as it is physically possible. In some parts of Afghanistan it is common to grow a beard at the age of 13 or 14.

10 Education systems throughout the world are variable and many children will not have received a formal education. Illiteracy can be prominent as children may speak many languages yet have no knowledge of the written word.

AGE ASSESSMENT OF UNACCOMPANIED ASYLUM SEEKING CHILD

Name of UASC:

DOB UASC is claiming:

Name of Assessing Worker:

Date of Assessment:

1) Physical Appearance, Demeanour

All assessments begin with initial impressions, made from visual presentation.

An initial hypothesis of age range is formed based on height, facial features (facial hair, skin lines/folds, etc), voice tone, and general impression.

It is important to consider racial differences here e.g. It is normal in some cultures for boys to have facial hair at an early age and for girls to develop at different ages.

Life experiences and trauma may impact on the ageing process, bear this in mind.

Demeanour, it is essential to take account of how the person presents, style, attitude and authority and relate this to the culture of the country of origin and events preceeding the interview, journey experiences etc.

It is useful to establish the length of time that the person has taken to arrive in the UK from the time they left their country of origin and include this into the age calculation.

2) Interaction of Person During Assessment

The manner in which the person interacts with the assessing worker conducting the assessment will provide an indication of whether or not the person is responding in an age appropriate manner.

It is important to note both the verbal and non-verbal (body language) behaviour of the person. The practitioner conducting the assessment should be observing factors such as the manner in which the person copes with the assessment, does he or she appear confident or overwhelmed, does the person appear to take a "one down" position or not.

Take account of differing cultural terms, e.g. some people may believe it impolite to make direct eye contact.

But remember to be aware of cultural variations in attitudes to elders.

Does the person appear to be uncomfortable with speaking to an adult?

Keep in mind that your position will be seen as one of power, which may influence the way the person interacts with you;, your role needs to be clarified and the differences in the roles of social services and the Home Office.

3) Social History and Family Composition

Establishing as detailed as possible, a family tree will help the assessing worker to identify the likely age of the person compared with the stated age. Ages of parents, siblings and extended family should be established. In the case of deceased family members, the year and age at the time of death should be recorded. Drawing a graphic family tree is useful where names of family members and ages can be included, which may help the person to be more accurate whilst also allowing the person to feel involved. The information gained may indicate discrepancies or impossibilities, which need to be clarified.

Do indicate to the young person that you are aware that talking about their family may be very painful and difficult for them; for some, it may be too painful to open up at this time. This must be understood and respected.

*It is important to clarify the nature of their parent and sibling relationships as some cultures for example, call a half-brother their brother, or stepmother their mother
Additionally ask if either parent had more than one wife / husband.*

Please insert Genogram:

Clients view of how they know their stated age:

4) Developmental Considerations

Questions about the types of activities and roles that the person was involved in prior to arriving in the UK can often give an indication of age. Remember to use open-ended questions, as this will allow for the person to disclose information without prompting.

Cultural considerations need to be taken into account as in some cultures it could be normal for a young teenager to be working full-time. A person may appear to answer a question about alcohol in a shy manner because their religion does not allow for this.

“Tell me what you did in your spare time” is the sort of question that can give an idea of the age appropriate interests and activities. Remember to relate answers to what would be appropriate in the young persons country of origin and culture.

Ask about peer relationships at school / work / neighbourhood

Questions about age related rituals should be asked; including forced marriage, and any sexual relationships.

Does what the person is describing seem age appropriate?

Remember that some young people may possible have been involved in armed conflict, have been child soldiers, involved in sexual exploitation and may have experienced a number of traumatic situations.

Answering questions related to many of the above may be too difficult and painful until a relationship of trust has been established.

Arranging for a person to be involved in social situations with other young people of the age Arranging for a person to be involved in social situations with other young people of the age stated, and observing how this person interacts and is accepted, can be useful.

5) Education

Obtaining a detailed account of the person's educational history is a valuable source in the age assessment process.

Listed below are important facts that need to be gained:

Age at which school was started

Number of completed years spent in any school.

Establish if there were any gaps in education and if so, how long was the gap/s and why.

Adding the number of years of school attendance to the age school was started at, including possible disruptions in schooling should equate to the stated age.

Names and addresses of schools attended.

Subjects studied.

Gaining knowledge or consulting with experts educated in different countries, is useful to validate the authenticity of the information provided.

It may be possible to contact schools in some countries of origin.

e.g., it may be of use to know that it is the norm to have six years of junior and six years of senior school in some countries.

6) Independent/ Self-Care Skills

Understanding the level of ability, experience and confidence that a person has in being able to care for themselves can be an indicator of age.

The assessing worker may wish to ask the person directly how they feel about living in an independent setting and observe their reaction.

Has the person lived at home or have they lived on their own/in an independent setting?

Is there a clear impression that the person has never lived away from home and has been cared for by adults?

Does the person have experience in managing money, paying bills, arranging appointments, buying food and other supplies etc?

Is the person able to cook more than just a basic meal?

It is essential to take account of the local situation from which the person has come from – e.g. war, famine etc; and of cultural norms, for example it may not be expected that men should have any domestic skills in some countries.

Has the person stated a preference during the assessment of how they wish to live in the UK?

Would this person be at risk living independently? Give reasons for this.

The assessing worker, may wish to pose a scenario to the person at this point or at the end of the assessment; that if the person is believed to be under 16 he or she will be placed in foster care where certain house rules will have to be followed, and be expected to be home at a certain times etc. The reaction to this may provide valuable information.

7) Health and Medical Assessment

A medical opinion and view on age will always be helpful .

Questions about the person's health history can be informative in assessing age, both from the information given and the reactions to specific questions.

The Royal College of Paediatricians advised in November 1999 that there can be a five-year error in age assessment, invasive methods and medically unnecessary examinations of course should never be used. However, opinions and views on age from a paediatrician, GP, dentist and optician can be very helpful in assisting in the process.

8) Information from documentation and Other Sources

Documentation when available should always be carefully checked; authenticating documents however, is a specialist task.

If the assessment is an ongoing process, it is important to obtain the views of other significant figures involved with the young person.

Other sources may include foster carers, residential workers, school teachers, panel advisors, doctors, solicitors, interpreters and other young people.

Observations of how the person interacts in different social situations can provide useful age indicators.

9) Analysis of information gained

Conclusion of the assessment.

Key indicators of the conclusion.

The assessing worker should draw together the information obtained, and present his/her views and judgement on the age of the person being assessed, giving clear reasons for the conclusion. If this differs from the stated age, clear reasons for this disagreement should be given.

Please remember this process is not an exact science and that conclusions should always give the benefit of doubt.

Conclusion

BASED ON THE ASSESSMENT, THE CLIENTS AGE IS:

.....

Form to be handed to the person assessed

AGE ASSESSMENT FORM

Name:	
Nationality:	Port Ref No:
Claimed Age/DOB:	Home Office Ref No:
Name & Address of Local Authority Undertaking Assessment:	
Name of Assessing Workers:	Date of Assessment:
You have been assessed to be over 18: <input type="checkbox"/>	
You have been assessed to be a child, age: <input type="checkbox"/> Years; DOB: <input type="text"/>	
Your assessment is inconclusive and further work is necessary: <input type="checkbox"/>	

Conclusions and Reasons for this:

It was explained to you at the end of your interview that you have the right to disagree with the outcome of the assessment, and to challenge our decision; you may do so by contacting a manager at the _____ at _____ on _____, or by requesting the 'Complaints Procedure for Children and Young People' on the same number.

3.3 Case Law – Legally binding requirements

- The term ‘Merton Compliant age assessment’ stems from Judge Burnton’s approval of the: ‘Practice guidelines for age assessment of young unaccompanied asylum-seekers’ produced by Merton and Hillingdon Local Authorities, in the High Court in July 2003. A key judgement on age assessment - it is often used as shorthand for all judgements that have ruled on rationality, and fairness. And has become universally known through the attached proforma which Local Authorities across the UK have used and adapted to assess age disputed children. (See attached proforma of the Hillingdon practise guidelines) It established a vital baseline for assessment, but should not be read and practised in isolation from the growing body of rulings outlined below.
- The Children’s Legal Centre has highlighted the following aspects of the Merton judgement (paraphrased) include:
- A Local Authority has to make its own assessment of a child’s age and cannot simply adopt the Home Office’s decision. This must be based on adequate information.
- Age cannot be determined solely on the basis of physical appearance, a wide range of background factors should be taken into account including family circumstances, history, educational and recent activities.
- The Local Authority must provide adequate reasons for deciding that an individual is an adult.
- If the social workers making the assessment are of the opinion that the applicant is lying, then she/he must give the age-disputed person an opportunity to address those matters that have lead to that view.
- Age Assessments must be conducted by 2 trained and experienced social workers to ensure safeguards and fairness are in place.
- If the assessment is a redetermination or review of the previous decision of the authority, it should be conducted by different social workers.

The assessment report should be written up shortly after the interview.

Other judgements of significance include:

*R (T) v L.B. Enfield [2004]. This judgement is a prime example of **how not to conduct** an age assessment, and demonstrates the importance of conducting a fair and unbiased assessment. While taking into account the views of other professionals working with the applicant.*

NA v Croydon [2009]. This judgment states that the young person should be given the opportunity to have an appropriate adult present at the age assessment interview.

A v L.B. Croydon and WK v Secretary of State for Home Department and Kent [2009]. This judgement provides guidance to Local Authorities and the Secretary of State on the weight and importance that may be placed on a paediatrician's report as part of the age assessment process. Justice Collins found that while local authorities should take such reports into account, they are entitled to prefer the views of their own social work age assessment. Providing that:

- the social work assessment was conducted over a longer period of time,
- all available information was considered, analyzed and evaluated,
- by social workers who are suitably trained and experienced in the assessment of age.

“It is always necessary to be sure that the assessment was properly conducted and has reached a sustainable conclusion and the record of and reasons for the assessment will be crucial.”

However, this judgement was superseded by the Supreme Court in *R (on the application of A) v London Borough of Croydon; R (on the application of M) v London Borough of Lambeth [2009]*

When, Lady Hale ruled that the question of –whether a person is a child or not –is a finding of a fact, and therefore a matter for the courts to decide. While Local Authority social workers will continue to make age assessments in the first instance, bound by the principles of fairness and good practice. In the event of a disputed age assessment, it is now for the Administrative Court to review the correctness of the authority's decision (paragraph 35) and if necessary take the decision itself.

11.6. R (F) .v LB Southwark [2009] EWHC 3542 (Admin). This was the first judgement following the Supreme Courts ruling and provides an initial guidance about how the Administrative Court will execute its fact finding role when considering age assessment judicial reviews:

- Age dispute cases remain proceedings for judicial review. In common with all such claims, permission is required before the claim can proceed. Unarguable cases will be refused permission.
- If local authorities want to defend the age assessment reports, then the social workers who prepared them will have to give oral evidence and submit to cross examination
- The applicant must be available if required to give evidence, although how and under what circumstances is a “matter for the judge at the hearing itself”
- Medical and paediatric evidence are admissible -providing they have previously been submitted to the Local Authority for consideration- as is the opportunity for evidence in response from local authorities

APPENDIX 4: Risk indicators of trafficking (Safeguarding Children who may have been trafficked, Welsh Assembly Government, April 2010)

- Has entered the country illegally
- Has no passport or other means of identification
- Has false documentation
- Is unable to confirm the name and address of the person meeting them on arrival
- Does not appear to have money but does have a mobile phone
- Possesses money and goods not accounted for
- Receives unexplained/unidentified phone calls whilst in placement/temporary accommodation
- Is driven around by an older male or 'boyfriend'
- Is withdrawn and refuses to talk
- Shows signs of sexual behaviour or language
- Shows signs of physical or sexual abuse, and/or has contracted a sexually transmitted disease
- Has a history with missing links and unexplained moves
- Has gone missing from local authority care
- Is required to earn a minimum amount of money every day
- Works in various locations
- Has limited freedom of movement
- Appears to be missing for periods
- Is known to beg for money
- Is being cared for by adult/s who are not their parents. The quality of the relationship between the child and their adult carers is not good
- Has not been registered with or attended a GP practice
- Has not been enrolled in school
- Has to pay off an exorbitant debt, e.g. for travel costs, before having control over own earnings
- Is permanently deprived of a large part of their earnings by another person
- Is excessively afraid of being deported
- Has had their journey or visa arranged by someone other than themselves or their family
- The person in control of the child has previously made multiple visa applications for other children and/or has acted as the guarantor for other children's visa applications
- The person in control of the child is known to have acted as the guarantor on the visa applications for other visitors who have not returned to their countries of origin on the expiry of those visas

APPENDIX 5: Useful Contacts

Organisations

[Barnardo's Cymru](#)
[Children's Commissioner for Wales](#)
[UK Border Agency](#)
[Refugee Council UK](#)
[Refugee Council - Children's Panel](#)
[Welsh Refugee Council](#)
[Wales Strategic Migration Partnership](#)
[British Red Cross](#)
[Immigration Advisory Service](#)
[Legal Services Commission](#)
[Immigration Law Practitioners Association](#)
[British Association of Adoption and Fostering](#)
[International Organisation for Migration](#)
[UNICEF](#)
[Childhood Bereavement Network](#)
[CRUSE Bereavement care](#)
[Children's Legal Centre – Migrant Children's Network](#)
[Children in Wales](#)
[Independent Asylum Commission](#)
[Separated Children in Europe Programme](#)

Legal Representation

Unaccompanied children are entitled to free legal advice regarding their asylum claim. Only solicitors franchised by the Legal Services Commission (As are those in the list below) to undertake immigration work can now be used by asylum seekers. A CRB check must also be made.

Crowley & Co. Solicitors
Cardiff
Tel: 02920 458895/02920 458894
<http://crowleysolicitors.co.uk/immigration.html>

Albany Solicitors
Cardiff
Tel: 02920 472 728/02920 495 096
<http://www.albanysolicitors.co.uk/>

Duncan Moghul Solicitors and Advocates
Newport
Tel: 01633 211 600/01633 211 500

<http://duncanmoghal.com/>

Advocacy

Welsh Refugee Council

Child Advocacy Officer
Welsh Refugee Council
Phoenix House
389 Newport Road
Cardiff
CF24 1TP
Tel: 029-2048-9800

Tros Gynnal Advocacy Services

Tros Gynnal is a charity that works with children and young people. Cardiff Advocacy Team is part of this.

12 North Road
Cardiff
CF10 3BY
Tel: 029 2039 6974
www.trosgynnal.org.uk
Tel: 029 2066 8956

Cardiff Advocacy Team (CAT)

36 Dogfield Street
Cardiff
CF24 4QZ
Tel: 029 2066 8956; Young people's free phone: 0800 581 862; Young people's text: 079 6762 8846
cat@trosgynnal.org.uk

Young People Speak Out Self Advocacy Project (YPSO)

Cardiff, Newport and Swansea
Development Worker
36 Dogfield Street
Cardiff
CF24 4QZ
Tel: 029 2066 8956

Displaced People in Action (DPIA)

Advocacy and Participation Officer
The Coal Exchange
Mount Stuart Square
Cardiff

CF10 5EB.

Meic Advocacy Service

Meic is a new helpline service for children and young people up to the age of 25 in Wales. The MEIC advocacy service provides children and young people with independent advice about advocacy and information via telephone and their website. The service is bilingual and also uses telephone interpreters if needed. MEIC's Services can be accessed by any child or young person and should be promoted when working with children and young People.

Tel: 080880 23456

SMS txt: 84001

IM/webchat: www.meiccymru.org

Interpretation and translation

Language Line

Tel = 0800 169 2879 24hours

Barnardo's Service

Interpretation Services

The Neville St Service

7a Neville St

Riverside

Cardiff

CF11 6LP

Tel: 02920 229585

Trafficking Guidance and Advice

NSPCC Child Trafficking Advice and Information Line on 0800 107 7057.

http://www.nspcc.org.uk/Inform/resourcesforprofessionals/ctail/child_trafficking_advice_and_information_wda77600.html

End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes (ECPAT) UK

Tel: +0207 233 9887

info@ecpat.org.uk

<http://www.ecpat.org.uk>

Barnardos Cymru

The Seraf Service

44-46 Marlborough Rd, Roath, Cardiff, CF23 5BX5

Tel: 02920 491743

http://www.barnardos.org.uk/who_we_are/in_your_region/wales.htm

Wales Strategic Migration Partnership

Refugee Children Advice and Information Worker
Tel: 02920 909542
<http://www.wsmp.org.uk>

Black Association of Women Step Out (BAWSO)
<http://www.bawso.org.uk/>

Cardiff
Tel: 02920 644633
Fax: 02920 644588
cardiff@bawso.org.uk

Newport
Tel: 01633 213213
Fax: 01633 213219
newport@bawso.org.uk

Swansea
Tel: 01792 642003
Fax: 01792 645207

swansea@bawso.org.uk

Wrexham
Tel: 01978 355818

wrexham@bawso.org.uk

General Information:
info@bawso.org.uk

Immigration and Asylum

UK Border Agency (UKBA) Wales and South West
General Buildings
31-33 Newport Road
Cardiff
CF24ODD

Cardiff Local Immigration Team
SEO John Hammonds
02920 924462

Swansea Local Immigration Team
SEO Kevin Littleton
02920 924426

Gwent Local Immigration Team
SEO Tracey Powell
02920 924601

Further Leave Enquiries
Louise Pearce
02920 924678

Asylum Support Enquiries
NASS
02920 924558

Useful weblinks for UK Border Agency
<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumprocessguidance/specialcases/>

Processing applications from children
<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumprocessguidance/specialcases/guidance/processingasylumapplication1.pdf?view=Binary>

Assessing Age
<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumprocessguidance/specialcases/guidance/assessing-age?view=Binary>

Further Leave (at age 17 and half) 'Active Review'
<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumprocessguidance/specialcases/guidance/consideringapplications.pdf?view=Binary>

International Organization for Migration (IOM)

Wales & South West
Bristol BS5 5HX
Tel: +44 (0) 117 907 4779
Fax: +44 (0) 117 907 4778
Mobile: +44 (0) 7766 763193
Email: jbale@iom.int
Web: www.iomuk.org

Services for Unaccompanied Asylum Seeking Children and Young People

Child Advocacy Officer
Welsh Refugee Council
Phoenix House
389 Newport Road
Cardiff
CF24 1TP

Tel= 029-2048-9800

<http://www.welshrefugeecouncil.org>

The main role of the Child Advocacy Officer is to provide support and advocacy to vulnerable unaccompanied asylum seeking children in Wales. The role is to guide children through the asylum process and to ensure that the statutory provisions that they are entitled to are provided for them.

The majority of the Child Advocacy Officers role is to assist those young people who have been age-disputed by the Home Office and by Social Services. This can be through advocating on behalf of the young people with various organisations in order for them to be accepted as their true age and be provided with appropriate services to which they are entitled to.

Displaced People in Action (DPIA)

The Coal Exchange

Mount Stuart Square

Cardiff

CF10 5EB

<http://www.displacedpeopleinaction.org/>

Children and Young Person's Project Worker

DPIA Youth ESOL classes

The class runs twice a week (Monday & Thursday between 10am-12pm) and taught by a qualified ESOL tutor. It is open to 16-18 year olds, male and/or female students, and from mixed level educational background.

All of the Youth ESOL students also benefit from taking part in the projects' inclusion initiatives such as; educational activities (for example, a Techniquest tour and visit), residential breaks (for example, The Princes Trust 'Get Started Outdoors' weeks residential course to Pembrokeshire) and visits (for example, 'Cardiff Flat Holm Island' educational tour and visit); as well as benefiting from listening to visiting guest speakers, (for example, staff from Cardiff Advocacy Team and the 'Young People Speak Out' project).

DPIA also runs the Duke of Edinburgh Bronze Award Scheme for young asylum seekers and refugees aged between 16 & 18 years.

SOVA Wales Refugee Services

YANA (You Are Not Alone) Drop-in Centre for young asylum seekers and refugees

Cardiff

Tel: 02920 495281

Fax: 02920 492148

Email: gparry@sova.org.uk

Newport Gwent Association of Voluntary Organisations (GAVO)

Young Asylum Seeker Support Worker

Tel: 07794 191479

01633 241579 (GAVO)

01633 266420 (WRC)

Newport and District Refugee Support Group (N&DRSG) (no website) is an umbrella group whose volunteers work with local partners on cultural and educational activities. The group runs informative public meetings and provides purposeful activities. Please contact David Phillips

telephone:

01633 250006 e-mail:

david.phillips@sewrec.org.uk<<mailto:david.phillips@sewrec.org.uk>>

or Emmy Chater telephone: 07974750414, e-mail:

chaterfamily@talktalk.net<<mailto:chaterfamily@talktalk.net>>

City of Sanctuary is a national movement of local people, community groups, businesses and institutions united in a common wish to turn their city into a welcoming place for people seeking sanctuary from war or persecution. Swansea has offered a home to people who have lost their homes and families and we wish to celebrate the welcoming attitudes of Swansea people and organizations.

<http://www.cityofsanctuary.com/swansea>

Wrexham Refugee and Asylum Seeker Support Group (WRASG)

<http://www.wrexham.gov.uk/>

British Red Cross International Tracing and Message Service

Guidelines for Restoring Family Links for Unaccompanied and Separated Children (UASC)

<http://www.redcross.org.uk/Search?q=uasc>

North Wales: Elinor Davies, EDavies@Redcross.org.uk, 01745 828331

Mid Wales: Glyn Evans, GEvans@Redcross.org.uk, 01874 611984

South West Wales: Janet Edwards: JEdwards@Redcross.org.uk, 01792 772146

South East Wales: Edward Anderson: EAnderson@Redcross.org.uk, 01633 245750

Refugee Council Multilingual Asylum Information

<http://www.refugeecouncil.org.uk/practice/multilingual>

The Refugee Council has produced a number of multilingual Leaflets explaining the Asylum process and offering advice.

Index of Languages :

Afghanistani / Albanian / Amharic / Arabic / Chinese / Dari / English / Farsi / French / Iraq /
Kurdish (Sorani)
Portuguese / Punjabi / Pushto / Russian / Somali / Tamil / Tigrignia / Turkish / Urdu /
Vietnamese

Counseling:

Bereavement

Cruse Bereavement Care

<http://www.crusebereavementcare.org.uk/LocalCruse.html>

Tel 02920860339

Childhood Bereavement Network

<http://www.childhoodbereavementnetwork.org.uk/index.htm>

Other services in Wales:

Conwy and Denbighshire Bereavement Service for children aged 0-18 years.

Tel 01492 879058 [9-5 daily]

Wrexham, Release at Nightingale House Hospice. For children up to the age of 19 years.

Tel 01978 316800

Monmouthshire Youth Services –‘Face 2 Face’ for young people aged 11 -25 years.

Tel 01291 673400, website, www.mon youth.net

The Unicorn Project, St David’s Foundation Hospice, Newport; this is a new dedicated service for any bereaved children; the hospice has been supporting those children known through the hospice for many years and is now offering this to all children who are bereaved.

Tel 01633 270980

School based Counseling Services

Please contact your local Authorities’ Education Counsellor

<http://wales.gov.uk/docs/dcells/publications/091019toolkiten.pdf>

Training

Refugee Council

<http://www.refugeecouncil.org.uk/eventsandtraining/>

Children in Wales

<http://www.childreninwales.org.uk/Events/index.html>

APPENDIX 6 - Practice Guidance and Further Reading

In response to such a fast changing policy arena and in view of the complexities of working with asylum seeking children there is a good amount of UK, Wales and local authority literature and guidance in the promotion of ‘best practice’.

We have provided a selection of recommended reading, along with web links where available¹⁸. N.B: caution should be used when referring to these documents because there are ‘landmark’ dates within immigration policy that may result in some of the earlier work being outdated by policy developments.

Legislation and policy

Geneva Convention 1951

http://www.unhcr.ch/html/menu3/b/o_c_ref.htm

United Nations Convention on the Rights of the Child (1989)

<http://www.unicef.org/crc>

Children Legal Centre (2009) Seeking Support, A guide to the rights and entitlements of separated and refugee children, Third Edition, CLC: London.

<http://www.childrenlegalcentre.com/Resources/CLC/Documents/PDF%20A-M/Seeking%20Support%20Complete.pdf>

Assessment and Support

UNHCR Guidelines on determining the best interests of the child

<http://www.unhcr.org/4566b16b2.html>

Chase, E., Knight, A. and Statham, J. (2008) The emotional well-being of young people seeking asylum in the UK, London, British Association for Adoption and Fostering

Crawley, H. (2004). *Working with Children and Young People Subject to Immigration Control. Guidelines for Best Practice.* London: ILPA.

http://www.ilpa.org.uk/publications/ilpa_working_with_children.pdf

Crawley, H. (2006). *Child first, migrant second: Ensuring that every child matters.* London: ILPA. Available as pdf at: http://www.ilpa.org.uk/publications/ilpa_child_first.pdf

Free, E. (2003). *Providing emotional support to young separated refugees in the UK.* London: Save the Children. <http://www.savethechildren.org.uk/en/docs/emotional-health.pdf>

¹⁸ All web sources were accessed 12th September 2010

Kidane, S. (2001). *Food, Shelter and Half a Chance. Assessing the needs of unaccompanied asylum seeking children*. London: BAAF.

Kohli, R. (2007). *Social Work with Unaccompanied Asylum Seeking Children*. Basingstoke: Palgrave Macmillan.

Laming, (2003). *The Victoria Climbié Inquiry: report of an inquiry by Lord Laming*. CM730, HMSO: London.

http://www.londonscb.gov.uk/files/library/climbié_inquiry.pdf

Save the Children Alliance & UNHCR (2010). *Separated Children in Europe Programme - Good Practice*. 4th edition. Save the Children Alliance, UNHCR: Brussels.

http://www.separated-children-europe-programme.org/separated_children/good_practice/index.html

Save the Children (2005). *Uncertain Futures: children seeking asylum in Wales*. Cardiff: Save the Children. Available as pdf at:

http://www.savethechildren.org.uk/en/docs/wales_uncertain_futures_full.pdf

Like Any Other Child - Asylum Report 2008 Barnardos

Promoting the emotional wellbeing and mental health of unaccompanied young people seeking asylum in the UK - Research Summary July 2008

Good Practice with UASC's - National Children's Bureau
National Children's Bureau Website

Rutter, J. (2001). *Supporting refugee children in 21st century Britain: a compendium of essential information*. Stoke-on-Trent: Trentham Books.

Rutter, J. (2003). *Working with Refugee Children*. London: London Metropolitan University and Joseph Rowntree Foundation. <http://www.jrf.org.uk/sites/files/jrf/1859351395.pdf>

Wade, J., Mitchell, F., Baylis, G. (2005). *Unaccompanied Asylum Seeking Children - The Response Of Social Work Services*. York University: York.

http://www.york.ac.uk/inst/swrdu/Publications/asylum_summary.pdf

Education

Rutter, J. (2006). *Refugee Children in the UK*, Education in an Urbanised Society Series. Berkshire: Open University Press.

Reakes, A. and Powell, R. (2004). *The Education of asylum seekers in Wales: implications for LEAs and Schools*. Slough: the National Foundation for Educational Research.

The **SHARED Futures DVD** and **resource pack** can support practitioners working with children and young people in a range of settings, including:

- schools
- extended services, such as after-school and study support activities
- youth groups and other community settings
- supplementary and community education projects
- faith communities.

<http://www.sharedfutures.org.uk/about>.

Mentoring and Youth services:

Save the Children (2002a). *Young refugees. Setting up mentoring schemes for young refugees in the UK*. London: Save the Children.

<http://www.savethechildren.org.uk/en/docs/mentoring.pdf>

Save the Children (2002b). *Young refugees: Setting up youth groups for young refugees in the UK*. London: Save the Children. <http://www.savethechildren.org.uk/en/docs/groups.pdf>

Young people turning 18

Migrant Children's Project, Children's Legal Centre

<http://www.childrenslegalcentre.com/Migrant+Childrens+Project/Resources/transitionat18.htm>

Seeking Support, A guide to the rights and entitlements of separated and refugee children, Third Edition 2009. (p.37-42) Children's Legal Centre

<http://www.childrenslegalcentre.com/Resources/CLC/Documents/PDF%20A-M/Seeking%20Support%20Complete.pdf>

UKBA Policy Bulletin 29

<http://www.bia.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylum-support-bulletins/children/pb29?view=Binary>

ADASS Asylum Task Force. (2005) *Key transitions for unaccompanied asylum seeking children: Guidance for social workers, personal advisors and their managers working with unaccompanied asylum seeking children (UASC)*

Unaccompanied refugees and asylum seekers turning 18 -Save the Children 2006
Free, E. (2006). *Turning 18. Separated refugees and asylum seekers turning 18. A guide for social workers and other professionals*. London: Save the Children.

Kane, S. (2006) *Needs assessment and planning for asylum seeking refugee young people: a good practice note*. National Children Bureau: London.

http://www.ncb.org.uk/dotpdf/open%20access%20-%20phase%201%20only/arc_1_4needsassesspracnote.pdf

Kane, S. (2006) *The ecological approach to the assessment of asylum seeking and refugee children*. National Children Bureau: London.

http://www.ncb.org.uk/dotpdf/open%20access%20-%20phase%201%20only/arc_1_1ecologicalapproach.pdf

Age Assessment

Practice Guidelines For Age Assessments of UASC - Approved via Case Law (Merton & Enfield) Childrens Legal Centre website

Age Assessments - Joint Protocol Between Immigration Department & LA's

<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumprocessguidance/specialcases/guidance/assessing-age?view=Binary>

Crawley, H. (2007). *When is a Child not a Child? Asylum, Age Disputes and the Process of Age Assessment*. London: Immigration Law Practitioners' Association, 2007

Royal College of Paediatricians and Child Health. (2003). *Assessment on the Age of Refugee Children*. London: Royal College of Paediatricians and Child Health.

Foster Care

British Association of Adoption and Fostering (BAAF)

Caring for a young person who has been trafficked, a guide for foster carers

www.baaf.org.uk

Monmouthshire Guide for Foster Carers. Please contact Monmouthshire Social Services

Child Trafficking

Safeguarding and trafficking UN (2000c). *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime*. Palermo: UN.

United Nations Office on Drugs and Crime (UNODC)

Human Trafficking Indicators

http://www.unodc.org/pdf/HT_indicators_E_LOWRES.pdf

Kelly (2009). *Bordering on Concern, Child Trafficking in Wales*. ECPAT UK and Children's Commissioner for Wales.: Swansea.

http://www.ecpat.org.uk/downloads/cc_ecpat_english-web.pdf

NSPCC. (2009). *Breaking the wall of silence, Practitioners responses to trafficked children and young people*, NSPCC: London.

http://www.nspcc.org.uk/Inform/research/findings/breaking_the_wall_of_silence_report_wdf66135.pdf

Caring for a young person who has been trafficked, a guide for social Workers

www.baaf.org.uk

Good Practice for Trafficked Children in Care, Harrow Children's Services

http://www.londonscb.gov.uk/.../trafficking/harrow_good_practice_guidance__may_26th.doc

London Local Safeguarding Children Board (2009). *London Safeguarding Trafficked Children Toolkit*. London LSCB: London.

http://www.londonscb.gov.uk/files/resources/trafficking/london_safeguarding_trafficked_children_toolkit_july_2009.pdf

Save The Children. (2008) *Agenda For Action –The Care and Protection of asylum seeking and trafficked children in Wales*. StC: Cardiff. [PDF] [Summary Report](#) click here.

(2008). *Safeguarding Children who may have been Trafficked*. Cardiff: WAG.

http://new.wales.gov.uk/dhss/publications/children/guidance/2324443/Safeguarding_Children_who_m1.doc?lang=en

Health and Wellbeing

* To complete *

Active Case Review

An Active Review will be required where an application is made for further Leave to Remain by a person who has been granted -

1. Humanitarian Protection
2. Discretionary Leave to Remain

The purpose of the active review is to determine whether a person continues to qualify for leave to remain in the UK. Applicants will qualify for further leave only if they satisfy the criteria for either Humanitarian Protection or Discretionary Leave (or qualify for leave on another basis) at the date of the review. Where a person does not qualify for further leave, their application will be refused and, subject to the outcome of any in-country appeal, they will be expected to leave the UK. Should they fail to do so, they will be liable to enforcement action and could be removed from the UK at any time.

Age Assessment

An appropriate Age Assessment in Unaccompanied Asylum Seeking Children (UASC) cases is crucial to both the outcome of the Asylum application, and the appropriate provision of services to meet their needs. Age assessments are undertaken by Children's Services Departments to determine the age of a young person.

Age Disputed

An age-disputed child is an asylum applicant who's claimed date of birth is not accepted by the Home Office, and/or the local authority who have been approached to provide support. This term is usually used to refer to people who claim to be children but, but who are treated as adults by the Home Office and/or the local authority. Whether an individual is treated and as an adult or as a child has significant implications for the way in which the person's claim for asylum is treated, and the level of support received.

Asylum Seeker

An asylum seeker is a person who has fled their country and arrived to a country with the intention of seeking asylum / sanctuary within that country. The arrived at country is also known as the "Host country". People are known as asylum seekers whilst they are making an application for and until granted Refugee Status.

Case Owner

Following the Screening Interviews a UASC is allocated a Case Owner
The UASC meets with their Case Owner for the first time at their First Reporting Event, it is up to the Young person if they would like a First Reporting Event.
The UKBA uses 'Case Owner' to refer to an official within its New Asylum Model who is responsible for an Asylum seeker's case throughout the process, from application to the granting of full Asylum status or Removal Process.

¹⁹ Some definitions taken from Seeking Support, A Guide to the Rights and Entitlements of Separated Refugee and Asylum Seeking Children, The Children's Legal Centre, Third Edition 2009.

Their roles include deciding whether status should be granted, handling any appeal, dealing with Asylum support, integration into Citizenship or Removal.

Central Point of Contact

The 'Central Point of Contact' is a nominated member of staff from your local authority who could be the initial point of contact with the UK Border Agency and other agencies, regard to information about the UASC, within the first 24 hours. Usually, the Social Worker who has been allocated will subsequently liaise directly with the UASC's Case Owner after they have been appointed.

Discretionary Leave to Remain (DL)

Time limited permission to stay, granted where the Home Office has decided the individual does not qualify for refugee status or humanitarian protection, but where there are strong other reasons why the person needs to stay in the UK. This is the most common form of leave given to unaccompanied asylum seeking children when there are no adequate reception arrangements in their country of origin. It is normally given for 3 years or until the individual reaches 17.5 years of age - Whichever is the shorter period. There are certain other specified reasons where DL would be granted to an asylum seeker.

Humanitarian Protection (HP)

Humanitarian protection is a form of immigration status.

If a person does not meet the criteria for Refugee status, and is not offered asylum, they may still be considered for Humanitarian Protection.

It is leave granted to a person who would, if removed, face in the country of return a serious risk to life arising from the death penalty; unlawful killing; or torture or inhuman or degrading treatment or punishment.

Humanitarian Protection is normally granted for a period of 3 years, after which the person can apply for Indefinite Leave to Remain.

A person who is granted Humanitarian Protection is allowed to work and has access to public funds

Indefinite Leave to Remain

Indefinite Leave to Remain (ILR) is a form of immigration status given by Home Office.

Indefinite leave to remain (ILR) is also called 'Permanent Residence' or 'Settled Status' as it gives permission to stay in the UK on a permanent basis.

A person who has been awarded ILR will subsequently undertake the formal process of adopting UK Citizenship.

International Organisation for Migration (IOM)

The International Organisation for Migration (IOM) is the world's leading international migration agency. Since its foundation in 1951 it has helped over 13 million migrants, in the belief that migration – if dignified, orderly and voluntary – is of benefit to the individuals concerned and society as a whole. IOM works to help ensure the orderly and humane

management of migration, to promote international cooperation on migration issues, to assist in the search for practical solutions to migration problems and to provide humanitarian assistance to migrants in need, including refugees and internally displaced people.

Language Line

Language Line is the UK's largest independent interpretation and translation organisation, offering 170 languages. They generally only provide interpretation over the telephone, so could be used for initial referral and emergencies but not ongoing interpretation, if their attendance is needed for example, at LAC meetings & UK Border Agency Interviews. Contact Details for Other Interpreters, Advocates and Legal Representatives.

New Asylum Model

The New Asylum Model (NAM) is part of the ongoing asylum reform programme promoted by the UK Borders Act 2007. The main objective of the NAM is to conclude an increasing proportion of Asylum applications within six months.

The UK Border Agency seeks to achieve this through faster processing and Case Ownership. A limited form of segmentation is also operated which determines the processing, management and support arrangements for each individual case.

Refugee

A refugee is a person who 'owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country...' (Definition quoted from the 1951 & 1967 UN Refugee Convention)

If an applicant's Refugee Status has been proven, they will be offered leave to remain in the UK for 5 years.

Removal Process

The UK Border Agency (UK BA) encourages refused asylum-seekers (and sometimes even those who are yet to receive a decision) to make voluntary departures. For those that do not do so, the UK BA makes efforts to forcibly remove them from the UK. For voluntary return please refer to IOM

The EU operates a fingerprint database so as to track whether asylum-seekers have previously claimed asylum in any EU country. However, the UKBA faces difficulties in securing documentation on which to remove many asylum-seekers; and some countries are particularly reticent to accept returns. In other countries the general lack of stability and humanitarian situation makes returns very difficult.

Statement of Evidence Form (SEF)

Every new Asylum applicant will be issued with a Statement of Evidence Form (SEF) by the United Kingdom Border Agency (UKBA) at the time of their initial application for asylum. This contains questions directed at establishing whether the applicant meets the criteria for Refugee status.

United Kingdom Border Agency (UK BA)

The UK Border Agency (UK BA) is responsible for securing the United Kingdom borders and controlling migration in the United Kingdom. They manage border control for the United Kingdom, enforcing immigration and customs regulations. They also consider applications for permission to enter or stay in the United Kingdom, through the processes of Asylum or Citizenship. Asylum applications are processed through a framework of policies and procedures known as the New Asylum Model (NAM) The UKBA appoint every applicant under the New Asylum Model (NAM) scheme with a Case Owner who is responsible to process their application.

Welsh Refugee Council

The Welsh Refugee Council is an independent charity that empowers refugees and Asylum seekers to rebuild their lives in Wales.