

Working with unaccompanied migrant children and young people seeking asylum

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Human Growth and Development in Children and Young People: Theoretical and Practice Perspectives (Volume I)

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Chapter 17: Working with Unaccompanied Minors

In the last few years, there has been an increase in the number of children and young people entering Europe alone, without a parent or other carer accompanying them. Usually from countries experiencing war or severe political instability, these young people are in need of care and protection from further vulnerability to abuse and exploitation. Since many of these children and young people are 'Looked After' by local authorities, it is vital that any professionals involved in their care and support, understand the issues faced and can support them during this period in their lives, often marked by issues and challenges with which other young people whose futures in the UK are determined, do not have to contend. This chapter therefore, seeks to support professionals working with unaccompanied minors to:

- understand of how the legislative and social policy contexts affect on the lived experiences of unaccompanied minors.
- consider the complexities in assessing the individual needs of unaccompanied minors, being mindful of safeguarding risks such as the vulnerability to modern day slavery including trafficking, and how their experiences prior to coming to the UK, including the impact of trauma can influence this.
- Understand the resettlement process and how claiming asylum and subsequently a young person's immigration status can be a challenge.
- Consider how the quality of and access to services can promote the wellbeing of unaccompanied minors, including how best to prepare young people for the particular

challenges they face as they approach adulthood and/or when the young person's eligibility to gain access to some services may come to an end.

Introduction

In January 2016 the then British Prime Minister David Cameron stated that he was standing firm in the face of the call to allow an additional 3,000 unaccompanied asylum seeking children to enter the UK. Taking a resolute stance against the calls for humanitarian intervention that were gaining traction with the public, he argued that increasing numbers would only make Britain a 'magnet' for even more people to attempt this journey (Perraudin and Mason, 2016) The type of reasoning reflected here is one of the key issues framing contemporary populist understandings of unaccompanied minors. This demonstrates how a real crisis born out of the displacement of children has come to be viewed through the lens of ongoing moral panics about immigration. What lies behind these headlines are a range of push and pull factors linked to the devastating impact of ongoing political conflicts, increasing levels of poverty and inequality between and within countries, and an increasing body of evidence which demonstrates the abuse, exploitation and harm these children suffer all of which have an impact on the young people's health and development.

Although collecting reliable data on flows of child migrants is difficult, the scale of the current situation globally is shown by a UNICEF report entitled '*Uprooted*' which estimated that around 50 million children are currently displaced with 28 million of them driven from their homes by conflicts not of their making (UNHCR, 2016). In 2015, over 100,000 unaccompanied minors applied for asylum in 78 countries – triple the number in 2014. The UK currently hosts approximately 3% of these young people (UNHCR cited in Refugee Council, 2017). A small number of media reports and charities, such as Save The Children,

focussed on the inhumane conditions in the migrant camps in Calais and Dunkirk in which many of these young people found themselves. They argued that, under the Dublin III Regulations (Refugee Council, Nov 2015) to promote ‘family reunion’ and the initiative known as the ‘*Dubs Amendment*’ which constitutes part of the 2016 Immigration Act, the UK should provide sanctuary to its fair share of unaccompanied minors. However, the majority of media coverage has emphasised the ‘danger’ of the UK becoming a ‘magnet’ for still more asylum seekers, and claiming that the UK is already ‘doing enough’. Alongside this has been a highly destructive set of claims presenting these young people as seeking to deceive British authorities by understating their age, and gaining the support of welfare services in the UK through devious means. A Conservative Blog *UK Rants* (2016) is typical of much of the sort of material that circulates on the internet on this issue:

‘Show me these 3,000 ‘children’, let me see they ARE indeed children. Let UK public see where they are, where they are coming from and WHO they actually are. Then we’ll accept all the kids you want, as any human would.’

It was against this background that the UK government decided to end the transfer of children and young people in February 2017 after just 350 young people had been brought to the UK under the ‘Dubs’ initiative. Any serious analysis of UK policy and practice needs to be set against the fact that, compared to counties bordering major conflict zones, where refugees can make up over 10% of the population, in the UK there is 1 refugee for every 530 people.

This chapter begins with a discussion of the way a ‘common-sense’ discourse has been constructed around unaccompanied minors which sets the context not just for how they are perceived by the public at large, but also by the way they interact with state and non-state agencies, including social work. Our argument is that this common-sense discourse must be explicitly countered and challenged if we are to understand and help with the situation of

young people who have arrived in the UK alone, have sought asylum, and some of whom may be the victims of modern day slavery including human trafficking. The chapter then goes to discuss the support professionals need to work with unaccompanied minors. We argue that it is crucial to understand how the legislative and social policy contexts in the UK at the moment impact on the lived experiences and growth and development of unaccompanied minors. We also consider the complexities associated with assessing the needs of unaccompanied minors, specifically in relation to how their experiences prior to coming to the UK, including the impact of trauma, and of the need to be mindful of safeguarding issues such as vulnerability to modern day slavery including trafficking. We conclude by discussing how best to prepare young people for the challenges they face as they approach adulthood and/or when the young person's eligibility access to some services may come to an end.

What do we mean by an 'unaccompanied minor'?

The definition of who is an unaccompanied minor, can be complex. According to the Committee on the Rights of the Child (cited in Matthews, 2014:16) unaccompanied children are those persons, *'who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so'*.

Matthews explains that children who have been separated from their parent or other legal care giver, but not necessarily from other family members, are often referred to as 'separated children', and these children in some literature and statistics may also be defined as unaccompanied minors. Unaccompanied minors within official government discourse and often within local authorities are regularly referred to as 'Unaccompanied Asylum Seeking Children' (UASC), the language of which locates the child very much in terms of the 'immigration status' first, and location as a child, second.

Even within official government publications, there has been development of the definition used and the preferred terminology which perhaps reflects changing, and generally harsher rhetoric towards people seeking asylum more generally, to which young people are also subjected. For example, the 2014 Statutory Guidance for local authorities, defined an Unaccompanied Asylum Seeking Child, as ‘a child who is applying for asylum in their own right and is separated from both parents and is not cared for by an adult who in law or by custom has the responsibility to do so’ (Department for Education, 2014:5).

By the time the government redrafted this guidance in March 2017, the title referred to ‘*Unaccompanied Migrant Children and Child Victims of Modern Slavery*’ (Department for Education, 2017). Within it the guidance identified several categories of unaccompanied child. These were:

- unaccompanied children who had made a claim for asylum;
- unaccompanied migrant children who are in the UK, not seeking asylum;
- asylum seeking child, in the UK with family members, or transferred to the UK to be with family members;
- Unaccompanied European Economic Area (EEA) national child, who may have entered the UK with a family member or entered independently;
- EEA family member, defined as a child who may be a family member of an EEA state without being a national of that country themselves;
- a child victim of modern day slavery, which includes human trafficking, slavery, servitude and forced or compulsory labour for the purpose of exploitation.

Interestingly, the National Statistics on unaccompanied minors detailing the period October to March 2016, referred to ‘*UASC as a person under 18, or who, in the absence of documentary evidence establishing age, appears to be under that age, is applying for asylum*

in his or her own right and has no relative or guardian in the United Kingdom’ (Home Office, 2017). This represents a change of definition to include a question mark over the age of unaccompanied minors, and therefore by implication, a negative discourse suggesting that these young people are untrustworthy and dishonest.

The constructions of a common-sense discourse around asylum seekers.

A key question we need to ask is the way this sense of asylum seekers as untrustworthy became part of a ‘common-sense’ discourse – (a form of ‘popular’ or ‘everyday thinking’ which enables us to make sense of the world in ways that appeals to intuition rather than deep level thinking [Hall and O’Shea, 2015:8]).

Common-sense explanations play an important role when the complexity of world events is such that many would not have the time or interest to engage with the issues on a deeper level. Contemporary attitudes toward asylum seeking young people do not take place in a socio-political vacuum and we would argue that it is important to situate negative attitudes to asylum as not simply an expression of callousness or xenophobia. Rather they are part of a ‘common sense’ discourse of competitive individualism, where people who require state support are often described as people ‘wanting something for nothing’; the dichotomy of ‘strivers or skivers’ expressed by the former Chancellor of the Exchequer George Osborne epitomises this. As we have argued elsewhere *‘as welfare states and social protection systems are dismantled, neoliberal structures have called forth a new social imagery of ‘functional’ and ‘dysfunctional’ people’* (Cowden and Singh, 2015:2). People seeking asylum viewed through this lens are presented as a drain on British society and rarely as people with whom we should identify or sympathise, let alone to whom we owe an obligation.

In this sense it not coincidental that the change in definition of an unaccompanied young person discussed above took place following the media coverage on unaccompanied minors in October 2016, when the age of young person entering the UK were the lead headline news. Conservative MP David Davis had said that mandatory dental checks including x-rays would reassure the public that the young people being brought to the UK were children and had commented that one of the young people looked older than he did (Travis, 2016). However, the British Dental Association has disputed the accuracy of dental radiographs and “*vigorously opposed*” their use where there were no health benefits (Electronic Immigration Network, 2015). Judith Dennis, Policy Advisor at the Refugee Council, commented that she was highly concerned by the way the media was representing these young people and asserted that it was not possible to tell the age of young people by physical appearance alone (BBC, 2016). However, only a month later, a judge accepted that undertaking a forensic orthodontologist examination may add value to a holistic age assessment, and stated that a young person subject of an age dispute, could not fail to cooperate with this examination (*ZM and SK, R (on the application of) v The London Borough of Croydon (Dental Age Assessment)* [2016] UKUT 559 (IAC). Even though the judgment made an order that a young person should have a dental age assessment, there was still much caution to be applied to an examination of this nature (Yeo, 2016). This judgement, however, paved the way for local authorities to insist that some young people to undergo these examinations. The use of dental age assessments had become a ‘common-sense’ discourse, displacing expert opinion from Dentistry about the inappropriateness of this use and its lack of reliability, as well Human Rights arguments of the sort presented by Refugee Advocates. Similarly, the significant number of people seeking refuge in Europe throughout what has come to be known as the ‘Mediterranean Migration Crisis’ comes to be understood as army of people undeservedly seeking British welfare benefits.

This form of common-sense is directly contradicted by research into the reasons why people migrate, which identifies the drivers for this as ‘multi-faceted and complex’ with ‘mixed motivations’ being a feature (Crawley, 2016). Moreover, far from the tabloid representation, this research identified that refugees had little ‘information about migration policies in particular countries and decisions about where to go are usually made ad hoc, along the route’ (Crawley et.al, 2016:1). The report goes on to conclude people migrate across Europe because they cannot see a future for themselves either in their country of origin or in transit and ‘motivation for movement changes over time in response to the circumstances in which they find themselves’ (Crawley et al, 2016:8). Masocha and Simpson (2011: 5), in considering the role of social workers, state that practitioners needed to be aware ‘of the ever-shifting parameters of exclusionary discourses’ and understand how knowledge of these can help to combat ‘complicity in oppressive and racist practices’. They argue that how asylum seekers are constructed plays a pivotal role in how social policy towards them are shaped and identified main **repertoires** in the construction of anti-asylum discourses in parliamentary debates and the media. These discourses can be very subtle where moral duties are offset against economic priorities (see Betts and Collier, 2017).

Masocha and Simpson (2011) argue that the rhetoric of Britain’s long and proud history of providing sanctuary serves to disarm criticism for restrictive measures. Politicians who oppose policy are constituted as weak. The tougher asylum system is justified is legitimated on the grounds of protecting the genuine refugee as well as restoring public confidence in the political system. They also identify that asylum seekers are often constructed as ‘bogus’ again providing justification for a strict immigration, ‘a threat’. Goodman et al. (2017) reiterated how UK media reporting had evolved such categorisations of people attempting to reach Europe through emotive terminology such as ‘floods, delude, massive flows and swamps’; together these diminish the sense that refugees are after all fellow human beings!

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The impact of the legislative and social policy framework on the growth and development of unaccompanied minors

Working with unaccompanied minors who arrived in the UK seeking asylum presents particular practical as well as ethical challenges for professionals. This is because qualification for support and care is directly impacted on by their immigration status. Even if these young people's asylum claims are not upheld, the Home Office generally grants some form of leave to remain on grounds that they are unable to guarantee safe return to their countries of origin. However, far from resolving their problems, this limbo existence can have very negative material and psychological consequences (Chase, 2017). Furthermore, as these young people approach adulthood, their precarious immigration status can begin to significantly impact on their access to services more widely. Critically, once they become adult and have exhausted all the Appeal Rights, they may not be entitled to any local authority support at all. Current government policy, based on the Immigration Act 2016, is likely to exacerbate the situation over the next few years with some highly vulnerable young people being left without appropriate support at a range of levels.

Whilst each unaccompanied minor will have their own particular set of circumstances, there is a growing body of evidence that highlights some common features of their experience. Research by Wade et al. (2012), in three local authorities in the UK, identified that seeking asylum alone is a mixed blessing. The young person is chosen to travel, leaving behind family members who may continue to be exposed to danger. Hope may be placed on the young person's shoulders that they will be able to establish a new life for themselves, which might include a return on the family's investment. Young people are initially often at a loss and formal encounters can be scary. Whilst claiming asylum is essential, maintaining silence or telling only an official version of the past may or may not help to achieve it. The impact for unaccompanied minors can mean their emotions are in turmoil (Wade et al., 2012).

Crawley (2017) argues for a holistic and joined up policy model for addressing the issue of refugee and asylum seekers. A myopic approach would result in an oversimplification of a highly complex issue. As she notes, ‘what is needed is the political will to address the drivers of refugee flows across policy areas: conflict, development, foreign policy and trade’ (Crawley, 2017: 27). Unaccompanied minors, by definition, are one of these groups being excluded from participation in anything but minimal legal economic activity, and are therefore a group who depend almost entirely on state provision for support, which may have a bearing on how policy is shaped. Thus, despite the dominant discourses and regressive policy context, professionals need to maintain a focus on the child or young person as first and foremost a human being and the moral imperatives that are enshrined in social values. That combined with a critical understanding of the rhetoric, how asylum seekers are framed and how social policy is constructed, may help social workers and other professionals to ensure unaccompanied minors are able to access services to which they are entitled. It may help them to challenge when resources or access to services appears to be contrary to the promotion of the wellbeing the child (Children Act 1989), and not in their Best Interests (s55, Borders, Citizenship and Immigration Act 2009).

Case Example

Nabi, arrived in the UK from Afghanistan aged 15. He was determined to make the most of the opportunities he had, and when he first went to live in foster care, he had aspirations to be a doctor. Nabi settled well in foster care, his carers describing him as respectful and hard-working, a pleasure to be part of their family. In relation to his asylum claim, he was granted UASC leave until he was 17 ½ years. At the time Nabi did not worry about it too much because he was safe, able to go to school and meet his friends. He achieved 7 GCSEs within two years, enough to be able to access the A level courses he needed. Shortly after starting his A levels, Nabi needed to submit

an application for further leave to the Home Office. He was beginning to struggle to concentrate. However, being able to do his A levels and work towards his goal, gave him a sense of purpose. Nabi received an outright refusal on his application and submitted an appeal. During this time, he was experiencing high levels of anxiety and questioned what his life was about. He was prescribed anti-depressants. Despite the adversity, Nabi still achieved 3 A levels, and would have been able to access a university course, however his Immigration Status meant that he could not access university funding. At the same time, the 'staying put' arrangement with his foster carers came to an end and he had to live in shared accommodation with other young people in a similar situation to himself.

Nabi felt stuck. He had plans and felt he was halfway on the path to achieving them; however, the path had fallen away beneath his feet. He couldn't work, he couldn't go forward with the education he wanted, he had no control over where he lived. He was at a loss to find meaning and purpose to his life. He knew for certain that he could not be returned to Afghanistan as there was no life there for him.

Assessing the individual needs of unaccompanied minors

So far, we have focused on the broader policy context, but ultimately the job of a social worker working with unaccompanied minors is to conduct a fair and comprehensive assessment of need and then to develop strategies for addressing identified needs. A unique and critical feature in assessing the needs of unaccompanied minors is to understand their experiences prior to coming to the UK, including the impact of trauma, and being mindful of safeguarding risks such as the vulnerability to modern day slavery including trafficking.

Unaccompanied minors do not constitute a homogenous group. Indeed, they are made up of individuals with their unique identity, histories and perspectives. Whilst it is true that currently 93% of unaccompanied minors entering the UK are male, in 2016, 65% of those arriving were 16-17 years old, 24% 14-15 years old, 8% under 14 and 3% age unknown (Refugee Council, 2017), and many different nationalities, ethnicities, languages, religious beliefs are represented as well as other factors such as individual mental health needs, possible physical or learning disability and sexual orientation.

Assessing an individual child or young person's needs, means creating an environment, whereby a young person feels safe enough to begin to share details of their life. Social workers and other professionals who are conducting assessments, are generally assessing a young person from a different culture and possibly religion, whose first language is not shared, and whose view and experience of the world could be entirely different. It is therefore vitally important that professionals recognise this and take measures to enable the most effective communication possible. These measures might include ensuring access to appropriate interpreters, and understanding why unaccompanied minors may choose to share the information, in the way that they do. At times children and young people may appear to present an official version of events, possibly a version an influential person in their life has told them to say. This may be a family member, or friend, an agent who has facilitated their entry into the UK, or a trafficker, whom, should they not follow their advice, they may fear. Sometimes remaining silent may maintain their own sense of agency (Chase, 2010a).

Unaccompanied minors, by virtue of having arrived in the UK, may have had to survive difficult and traumatic journeys, and thereby will have had to cope and develop survival skills. However, vulnerabilities often associated with the reasons for leaving their countries of origin and exacerbated by their experiences on route, can also emerge (Bhabha et al., 2006; Chase, 2008; Crawley, 2010; Kohli, 2006a). Kohli (2007) suggests the accounts by

unaccompanied minors of their lives can often be narrowed down to answering a series of basic questions about who they are, referred to as a 'thin' story. The challenge is to enable the 'thick' story of the young person's life to be told; including their beliefs, values, attitudes creating a much richer narrative. Young people's accounts of their own experiences, not necessarily at the time of early assessments, but through participation in research can shed light on their experiences and provide a deeper understanding into their individual situations (See for example Gulwary Passarlay's 2015 book, *The Lightless Sky*, which is co-authored by a young person who came to the UK, as an unaccompanied minor).

Adequately safeguarding unaccompanied minors can prove difficult, particularly if professionals who first encounter these young people do not recognise risks. In addition to ensuring that young people are physically well and their basic needs for nutrition and rest are met, at the forefront of practitioners' minds should be to look for any signs that the young person may be a victim of modern day slavery, which includes human trafficking, slavery, servitude and forced or compulsory labour for the purpose of exploitation. Trafficking is defined within Article 4 of the European Convention Against Trafficking in Human Beings. *"Any child who is recruited, transported, transferred, harboured or received for the purposes of exploitation is considered to be a trafficking victim, whether or not they have been forced or deceived"* (Department for Education, 2017:3). The internationally defined definition of trafficking is sometimes referred to as the Palermo Protocol (2000) which was ratified by the UK in 2006 (Simon et al., 2016).

Research in 2006, asserted that trafficked children may be difficult to identify because they might not want to talk to them about what has happened, for a number of reasons including that traffickers may hurt them or their families, and anxiety about how they will be treated if their families know they have been sexually exploited for instance (ILPA 2006 cited in Hek et al., 2012). It is to be expected that young people may not talk about their experience,

firstly until they understand them: most young people will not know what ‘trafficking’ is, even if it is something that has happened to them (Finch, 2016). Secondly, young people may not be able to speak of these experiences until they have the language and means to express them. In this context it is feasible that, at times, interpreters may belong to the same communities as the traffickers or young people might be frightened that this could be a possibility, and therefore care must be taken to safeguard against this, maybe by using telephone interpreting in the first instance or highly reputable interpreters; and thirdly, until they feel safe enough to do so and therefore they will need to be convinced that they can be protected from further harm. It is therefore important that practitioners look out for the signs, aside from and in addition to the young person’s own account. The London Safeguarding Trafficking Toolkit provides a framework for the identification of trafficked children and a risk assessment matrix for children who may have been trafficked (London Safeguarding Children’s Board, 2011).

For professionals, alarm bells need to be rung when young people present from specific countries including Vietnam, China and Albania, which are already known for the high numbers of child victims of trafficking. Young people who present at immigration on false passports or with adults who appear not to be relatives, may or may not have been trafficked, but until further assessment has taken place this will not become clear, and such checks can also take some time. Immediate protective action should be taken. The new draft statutory guidance identifies some of these measures which include:

- temporarily removing mobile phones to prevent traffickers making contact with the child and putting in place other methods for the child to stay in touch with friends or family if required;
- checking clothes for phone numbers which may have been sewn into them;

- encouraging the child to memorise a phone number so that, if they do go missing from care, they can contact the local authority or carer;
- allowing access to the internet only in group settings and monitoring the use of social media;
- providing 24 hour supervision whenever the child leaves their care setting for the first 4-12 weeks in care; and
- providing appropriate training to previously trafficked children so that they can talk to trafficked children newly taken into care about the risks they face” (Department for Education, 2017).

The final version of this guidance published in November 2017 did not go into the specifics however provided information on issues to consider when supporting child victims of modern day slavery.

Whilst arguably these measures seem restrictive towards children who may have been exploited, failure to keep children and young people safe are profound and it is highly likely that the young people will go missing within the first few days of encountering a statutory agency. It is therefore essential that local authorities have a record of who the young person says they are including name, reported date of birth, and biometric data including fingerprints and photographs. It is also vital that a referral is made to the National Referral Mechanism the system by which the Modern Slavery and Human Trafficking Unit collect data and monitor victims of modern slavery in the UK accessed through the National Crime Agency website.

The ‘Every Child Protected Against Trafficking’ (ECPAT) UK’s report ‘*Heading Back to Harm*’ is the result of a year-long study which identified this theme in terms of children either not believed or indications of being trafficked are missed. It suggested that there was poor

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data collection and reporting at the local level of trafficked children. There was variance between local authorities in terms of identifying trafficked children including some local authorities not identifying any victims of trafficking. This report made a series of recommendations. Firstly, creating a culture of trust with professionals and carers so that they can identify and protect trafficked children, building trust with the young people so they know what to expect, having peer support and having regard to their cultural needs, as well as rolling out a system of independent trafficking advocates or guardians. The second recommendation related to the response to risk in ensuring safe and appropriate accommodation and placements, and timely and responsive risk assessments together with identifying individuals as trafficked as holding a 'high risk status'; and their final recommendation was taking a coordinated approach to improve data recording and reporting, along with national, regional and local coordination ensuring that statutory and voluntary agencies work together (Simon et al., 2016).

Case Example

Tuan, thought to be aged 14 from Vietnam, was referred to the local authority by the police. He had been picked up when the police raided a house having received a tip off from a member of the public that there seemed to be many visitors to a property over recent weeks. Given Tuan's nationality, and intelligence information from the police, it appeared that Tuan might have been trafficked for the purpose of sexual exploitation.

Tuan needed to be protected immediately. The social worker spoke to him about the situation he had been in but Tuan remained silent. The police had removed Tuan's phone and money and the social worker explained that they would look after these for a short period of time. Tuan was placed in a specialist placement for children who

might have been trafficked. This meant that for the first few weeks, Tuan had very little freedom and was not allowed out on his own. As Tuan began to feel safe, he gradually, with the aid of a telephone interpreter and some English, began to talk about his experiences. It became evident during those early weeks, that Tuan was fearful of the reprisals towards his family. Tuan's development had been severely affected by these experiences and he would need ongoing sensitive support to work through this, including specialist support services.

Age Assessment

As discussed earlier in the chapter when considering the social policy context of working with unaccompanied minors, a second challenge for professionals is the 'Age Assessment'. There is now a wealth of research, guidance and case law in relation to this issue (Association of Directors of Children's Services, 2015; Cemlyn and Nye, 2012; Crawley and Rowlands, 2007; Sauer et al., 2016). Initial case law detailing how local authorities carried out age assessment was contained in the Merton Judgment 2003, and stated that the age assessment needed to be carried out by two experienced and trained social workers, the need to ensure fairness, the need to give reasons for the decision, the benefit of the doubt should be given and the child had the right to be accompanied by an appropriate adult (*R (B) v Merton London Borough Council* [2003] EWHC 1689). Amongst the findings of early research on this issue were that there was a lack of understanding by local authorities concerning their role in age disputes. Indeed, social workers should not be undertaking age assessments at screening units and ports because holistic assessments cannot take place in these settings (Crawley and Rowlands, 2007). Additionally, some social work managers may place pressure on workers to assess children as older than they are due to resource implications, and regional

age assessment centres were recommended funding through offsetting the cost of legal challenge (Crawley and Rowlands, 2007).

Although practice has developed, the issue of age assessment has remained and it is likely to be the case that most unaccompanied minors arrive undocumented from many countries where a systematic register of birth does not exist. Dorling (2013: 6) warns that a ‘culture of disbelief’ had developed over the past decade whereby “*the default position taken by immigration officials and social care professionals is that the young person either does not know their age or is lying*”. Good practice guidance has now been developed for social workers and their managers in undertaking age assessment, with the intent to support practitioners to understand the issues which unaccompanied minors face, amongst which include trafficking, additional needs and vulnerabilities such as impact of trauma on memory, and how to ensure that assessments are case law compliant (Association of Directors of Children's Services, 2015). Given this contentious area of practice, the limitation of this guidance is that it is ‘good practice guidance’ and does not have a statutory footing, it also will need regularly updating as case law, for example, how dental age assessment is introduced.

National Transfer Scheme

One of the ways in which an unaccompanied minor may be referred to local authorities, is through the National Transfer Scheme. Several unaccompanied minors have been transferred to the UK under the provisions of Dublin III, European Union Regulation 604/2013. The regulation applies to asylum claims made after 1st January 2014, and provides opportunities for family members to be transferred to other member states and have their asylum claims dealt with by the same authority. This is sometimes referred to as ‘family reunification’. This provision applies to children as well as adults and some of the unaccompanied children

transferred from Calais to the UK at the end 2016 and during the early part of 2017 have done so under Dublin III. The Refugee Council recommended that the UK government needed to establish a mechanism for assessing the best interests of a child whose family members lived in a different signatory state (Refugee Council, 2015). There remains controversy over the number of children in this category with a claim to be reunited with family in the UK and delays in processing applications. (Bulman, 2017).

The key point is that children transferred under this scheme are technically no longer unaccompanied when they arrive in the UK, by virtue of being placed with family members. There is evidence however that a number of these care arrangements are failing and the children are then becoming the responsibility of local authorities as looked after children (East Midlands Strategic Migration Partnership, 2017).

Prior to 1st July 2016, an unaccompanied minor who came into contact with a statutory agency, such as the Home Office, Police or Children's Social Work Services became a 'child in need' in the area which they were found, and then became the responsibility of that area for the duration that they were a child in care and a care leaver. In 2015, however, Kent County Council received over 1000 new arrivals into the care of the local authority, which placed disproportionate pressure of their resources in assessing and supporting the needs of unaccompanied minors. Whilst these were unprecedented numbers it sparked the call for other local authorities to provide assistance, and led to the inclusion under Part 5 Immigration Act 2016, for the transfer of unaccompanied minors between local authorities (BBC, 2015).

The National Transfer Scheme and 'interim guidance' was issued detailing how these transfers should take place, and the considerations to be made by each local authority. The government identified a formula that unaccompanied minors should amount for no more than 0.07% of the total child population within a local authority. Once a local authority has

reached their ceiling, then they can ask for the child to be transferred to another area.

Initially, this would be expected to be within the same region in the UK, unless that region had reached the 0.07% ceiling, then the transfer would be to yet another region in the UK.

Arrangements for the transfer of children, including those children brought to the UK under S67 Immigration Act (Dubs Amendment), as concerned with the relocation of specifically vulnerable unaccompanied minors in Europe to the UK, have been managed through regional strategic migration partnerships. The guidance suggested that the 'entry local authority' undertake an assessment, provide temporary accommodation and care to an unaccompanied minor and make a decision to request a transfer ideally within 48 hours. All decisions regarding the transfer of children should consider their 'Best Interests' (Association of Directors of Children's Services, 2016).

Data and research into how the National Transfer Scheme is progressing is limited to date. However, anecdotal evidence from working within a local authority, suggests that several issues are beginning to emerge. The National Transfer Scheme is not mandatory, and is reliant on local authorities to sign up to it, which means that some local authorities have currently 'opted out'. A recent report suggest that very limited attention is being given to what constitutes 'Best Interest', especially in respect of children when the decision to transfer a child is made (Refugee Children's Consortium, 2017). Some local authorities are refusing to accept a young person for transfer if there is an indication that an age assessment is needed, even though the protocol suggests that this should not delay a transfer. Transfers may not be done in a timely way, which impact on what is known about the support unaccompanied minors need when they are new arrivals in the UK, both in relation to processing their claims for asylum and in terms of their resettlement.

The Care Planning, Placement and Case Review (England) Regulations 2010 set out local authorities' duties with regard to providing for looked after children and these apply equally

to unaccompanied minors as they do to any other child within the care of the local authority (Department for Education, 2015). Early research into the needs of this group of children suggested that unaccompanied minors needed four key things to assist them to settle. These included:

- a safe and supportive place to live;
- continuity with the past including customs and cultures whilst having opportunities to create new ones;
- accessing purposeful education and training;
- opportunities to re-centre their lives and find purpose in everyday routines and activities (Wade et al. cited in Luckcock et al., 2008).

Rutter (2006) identified that for unaccompanied minors the 'relationship web' including friends, family, food, language, community of worship and education is lost, and this needs to be rebuilt, which Kohli (2006b) described as regenerating the ordinary rhythm of life. He also stated that many unaccompanied minors deal with their situations in very practical ways dealing with the present first, the future next and the past last.

Later research by Wade et al. (2012) suggested that much can be done by carers of unaccompanied minors to help with the process of resettlement. These include markers of welcome and belonging such as a helping the young person to feel at home, communicating across boundaries and being interested, sharing activities in place of language and discovering likes and interests. The research identified variation in the quality and style of foster relationships and categorised these as 'family type relationships' whereby the young person and carers establish family like connections which would endure beyond the placement; 'temporary home bases' signalling a good relation, but not expected to last beyond the end of the placement and 'lodgings' type placements whereby the young person

was treated more like a lodger in someone else's house. Clearly, the care afforded to young people can have a significant impact on their experience in the UK. However, many unaccompanied minors, particularly those aged over 16 years old on arrival, could be placed in alternative accommodation that is not necessarily regulated. The new statutory guidance makes it clear that any decision with regard to the placement of an unaccompanied minor needs to be made following an assessment of risk including any specific vulnerability and an appropriate placement should be identified (Department for Education, 2017).

In more recent research, factors aiding the educational attainment and social connectedness of unaccompanied minors have been explored which included building networks with supportive adults and friends, links with home culture and religion (Farmbrough, 2014). Providing a sense of continuity and structure is important alongside the potential offered by education and the young person's own adaptive mechanisms to be able to cope. Chase (2013) also discussed a young person's resilience and wellbeing. Rather than being solely about protection from harm, having a sense of certainty and a trajectory where they could envisage a positive future was a significant factor in a young person's ability to cope but this becomes even more difficult as a young person approaches adulthood (Chase, 2010b; Chase, 2013).

The process of becoming a looked after child and claiming asylum therefore can contradict and undermine what is known about resettlement. Assessment requirements require unaccompanied minors to provide very detailed accounts of their past, at a time when as new arrivals young people do not necessarily know who to trust. Providing partial or an official version of their life histories can mean that they have their credibility undermined leading to the negative outcome of their asylum claim (Dorling, 2011). In 2016, the majority of unaccompanied minors were granted UASC leave, introduced a few years earlier, as the category given when the reason for granting leave is that the young person cannot safely be

returned to their country of origin. The number of young people receiving a grant of refugee status was 31%, meaning that a young person's asylum claim is upheld and in the first instance young people are granted 5 years leave to remain. Following this period, young people could make applications for Indefinite Leave to Remain, and apply for citizenship. However, in November 2016, the UK Government announced that there would be active review of cases where refugee status had been granted. Indeed, 'country of origin' had a significant impact on the grant of refugee status, with only 1% of Albanians having made an application being granted, compared to approximately 45% of Eritrean young people (Refugee Council, 2017). This is likely to compound difficulties in 'resettlement' and perhaps highlights the government's intention to deploy tougher policies adding to the anti-asylum narrative debated earlier in the chapter. It also takes on more significance for unaccompanied minors as they approach adulthood.

Prepare young people for adulthood and beyond

So far we have focused on considerations for professionals when making an initial assessment and subsequent intervention, but this only represents part of the journey of unaccompanied minors. There is also the question of longer term considerations as they enter and go beyond adulthood. Perhaps because of the relative ease of accessing samples, much of the available research had tended to focus on the early part of the young people's care journey (Chase, 2008; Chase, 2010b; Hodes et al., 2008). However, more recently attention is now being given to what happens as young people approach adulthood (Humphris and Sigona, 2016; Robinson and Williams, 2014; Sigona, 2012; Wade, 2011; Wright, 2014). The messages coming out of this research suggest that there is a disparity of service across the country.

Young people often live in a protracted state of limbo unable to envisage a positive future for themselves and living with the constant anxiety that they may have to return to their country of origin (Allsopp et al., 2014; Sigona, 2012). Very little was known about what happens post deportation with this specific group. However, this is a growing area of research.

Gladwell et al. (2016) document some of the difficulties faced by this group of young people. Tensions can exist for professionals attempting to support unaccompanied minors in these circumstances.

With regard to social workers, Masocha and Simpson (2011:15) identified that they *“are required to exclude the very people they are supposed to protect and care for on the basis of their immigration status”*. Negotiating government policy, which not only fails to promote human rights, but in reality, dehumanises, marginalises further and leads many young people feeling that they have no choice but to ‘disappear’, surviving in networks but very susceptible to exploitation. This is definitely the case for the young people themselves but also for social workers supporting them whose role involves preparing them for such eventualities.

Pathway Planning is the mechanism by which social workers have a duty to prepare young people for their transition to adulthood (Home Office, 2007). For all young people, particularly those who have been in the care of the local authority, this can be a difficult time. For young people who arrived in the country as children who made claims for asylum, this can be even more challenging. Those young people whose asylum claims are upheld and granted Refugee Status or those who are granted Humanitarian Protection may be able to envisage a future for themselves in the UK and planning may be able to take place accordingly. For many young people there is no such certainty. Unaccompanied minors granted discretionary of UASC leave can apply for variation of that leave, and whilst waiting for the outcome of these claims, do continue to have rights and entitlements to access state

support. However if these ‘extension’ applications and appeals are unsuccessful, a young person technically becomes ‘unlawfully in the UK’ and should make plans for returns to their Country of Origin. Young people can often find themselves unable to access legal aid to fund appeals and therefore either depend on some financial support from the local authority or are effectively unable to go down this route (Connolly, 2015). Social workers and personal advisors (as defined by Children (Leaving Care) Act 2000) are supposed to help support and prepare a young person for these multiple options.

The Children Act 1989 Guidance and Regulations: Volume 3 details the role of local authorities in planning transition to adulthood for young people leaving care. The guidance makes a number of statements detailing its intention that care leavers should be afforded the same level of care their peers would receive and that transition came be a turbulent time, the young person becoming adult in one area, whilst at the same time struggles with other aspects of their lives (Department for Education, 2015). There is a short section within this guidance (2015: 51-53), detailing specifics relating to unaccompanied minors and the complexity of assessing care needs in the context of immigration status, which can often change. The recommendation is that a series of short term goals may be appropriate until entitlement to be in the UK is resolved. The document refers to the necessity of dual or triple planning considering:

- a transitional plan during the period of uncertainty when the young person is in the United Kingdom without permanent immigration status;
- longer term perspective plan in the United Kingdom should the young person be granted long term permission to stay (for example through the grant of Refugee Status); or

- a return to their country of origin at any appropriate point or at the end of the immigration consideration process, should that be necessary because the young person decides to leave the UK or is required to do so.

Some local authorities have taken the view that all young people who are unaccompanied minors, having been in the care of the local authority for more than 13 weeks, are 'former relevant' care leavers, as defined by the Children (Leaving Care) Act 2000 and therefore have continued to support. A number of local authorities have completed Human Rights Assessments, to determine whether to withdraw support (accommodation and subsistence) would breach a young person's human rights (No Recourse to Public Funds Network 23rd March 2016) which may or may not result in termination of services.

This has led to a disparity from one local authority to another, in terms of levels of support, and this remains the case. Some local authorities continue to support all former unaccompanied minors, whether 'Appeal Rights Exhausted' or not until the age of 21, or until they fail to comply with removal directions (Coram Children's Legal Centre, 2013); other local authorities cease support when young people become 'Appeal Rights Exhausted' which should follow a Human Rights Assessment. In some ways, the Immigration Act 2016, seeks to clarify and resolve this issue, however, the impact on young people will be even more stark. Former looked after children with no immigration status will be excluded from receiving accommodation, financial support, contact, a personal adviser, a pathway plan, funding for education or training, 'staying put' with foster carers and any other assistance under Leaving Care Provisions. Local authorities will not have a duty to corporate parent but accommodation and financial support will be available to such destitute care leavers from either the Home Office or local authority when very specific circumstances apply. That being the care leaver is destitute, has been refused asylum, and there is a 'genuine obstacle to

leaving the UK'. Care leavers with no immigration status may then be able to access accommodation and/or financial assistance from the local authority under paragraph 10B of Schedule 3 Nationality Immigration and Asylum Act 2002 when the care leaver is not receiving, has not applied for, or is potentially eligible for Home Office support for refused asylum seekers, and one of the following applies: the care leaver is destitute and has a pending non-asylum immigration application, the care leaver is destitute and has a pending non-asylum appeal, the care leaver is Appeal Rights Exhausted and the local authority is *'satisfied that that support needs to be provided'* (Stamp, 2017:4). This may well replicate the Direct Provision of accommodation for former unaccompanied minors in the Irish Republic and could negatively impact on the chances of successes prior to turning 18, due to the anxiety caused by the uncertainty they will face (Ní Raghallaigh and Thornton, 2017).

Very little has been written as to how social workers should undertake triple planning, how effective they are and the impact on social workers and young people. In 2006 Save the Children published some practice guidance for social workers and other professionals on Unaccompanied Children Turning 18 (Free, 2006). In it Free suggested that triple planning had many advantages, including ensuring that the young person is prepared for the most likely possible scenarios, which in itself would relieve some of the young people's anxieties about their future and *'may improve their emotional health'* (2006:4). She argued that undertaking triple planning would be advantageous to social workers as they would be empowered by providing more practical and comprehensive support, and this may in itself increase job satisfaction and retention. She suggested this might ensure that young people would receive the services they are entitled to. These statements were written as factual, however, they seem to be based on assumptions and very little, if any empirical evidence.

Free suggested that social workers often put off triple planning because very few young people are returned and social workers don't want to upset young people. This fact appears to be reinforced by Home Office Statistics detailing 2,766 enforced returns of people and 1,542 voluntary returns in 2016, when over 32,000 people had made a claim for asylum that year (Home Office, 2017). The 'deportation gap' remains wide and the reality is that only a minority of those who have made a claim for asylum, which has been refused, have been returned to a country of origin. Indeed, a recent report suggests that many refused asylum seekers cannot be returned to countries of origin because there are no direct flight routes, or they are stateless and some cannot obtain travel documents (Blanchard and Joy, 2017). Likewise, many young people actually know from their own networks, that a period of being underground, might give them opportunity to gather together fresh evidence for a new asylum claim which could result in a grant of refugee status, and they will know or know of other young people where this has been the case.

Free also asserts that triple planning should begin as soon as the young person begins to receive social work support, which would seem to contradict the process of resettlement discussed earlier. Making a claim for asylum, trying to establish a life within a new, unfamiliar country at the same time as beginning triple planning seems fraught with difficulties and could potentially prevent the young person from adapting to their new environment, a new language and culture, and limit their opportunity to achieve their potential at least for the duration that they are in the UK. It is hard to see how this could be in the young person's best interest, unless the timescale for reaching the age of 18 is so short that planning for that transition cannot be avoided.

In 2014, a social worker from Leeds, Frances Wright sought to explore this issue by considering social work practice with young people facing removal (Wright, 2014). Wright argued that since 2010, social workers began to see a difference in decisions made by the

Home Office regarding extensions of leave to remain and there had been a tightening of immigration control. At the stage young people have exhausted all appeal rights, Wright argues, there are two choices: forced removal or voluntary return and explored how workers might respond to these. She cites research by Chase (2010) suggesting that the way information is given can have a large impact on how the young person perceives the social worker's opinion in that providing info about voluntary return,

“could lead young people to believe that social workers are monitoring them, taking a role in surveillance and supporting the Home Office to successfully return them to their countries of origin against their will” (Chase, 2010 cited in Wright, 2014:1031).

Wright discusses some of the complexities of the social work role including how preparing a young person for potential return, could be in conflict with social work values because the young person may have fears of being detained or killed on return. Whilst Wright debates these themes, which have previously received very little consideration, there are certain assertions presented as factual when the evidence to back them up is limited. For example,

“many young people abscond when they become ARE and live in communities illegally. When discussing possible options with young people, this is obviously not one which social workers are able to suggest or indeed support” (Wright, 2014:1035).

The use of the word ‘obviously’ in this sentence, suggests that there is clear tension in what social workers are and are not able to discuss with young people. Discussing with young people what they often view as their only option of ‘going underground’ could be considered as indeed crucial to try and protect them from exploitation, provide them with information about how and where to get help should ‘things go wrong’ and enable them to think through the risks they are taking.

What Wright's article does achieve is clearly setting out the context for social work practice in this area. She appears to write it from a perspective that seeks to reduce distress felt by young people, in that if young people are prepared for return they are more likely to be able to cope with that eventuality. The report *After Return* and associated practice guidance for professionals has also sought to provide some insight as to the experiences of unaccompanied minors post deportation and practical steps practitioners might consider in supporting and preparing them for this potential (Gladwell et al., 2016).

Conclusion

There is nothing new about the phenomena of refugees – indeed the history of humanity has been defined from time immemorial by the fact of people leaving their countries of origin and seeking new places to call home whether that be due to being refugees or moving for a different reason. However, each epoch of human history manifests the plight of refugees in particular ways. The moral philosopher Hanna Arendt (1986) noted that the emergence of refugees across during the first half of the 20th Century Europe symbolised the triumph of the nation-state, where national, racial and ethnic criteria were deployed to determine who did and did not belong, where, as she puts it they were simply rendered 'the scum of the earth' (Arendt, 1986; 269, cited in Gibney, 2004). The post war period, in the aftermath of the war and the establishment of the United Nations offered the hope that nationalist parochialism could be overcome by a shared commitment to international human rights by individual states. Though governments across the world freely claim a discourse of human rights and global responsibility, we are living through an era in which populist ethno-nationalism has returned with a vengeance and this has a huge significance on construction of 'common-sense' discourse through which asylum and immigration are understood.

In this chapter we have sought to provide an insight into the complex legislative and social policy context and its impact on the lived experiences of unaccompanied minors. In doing so we have sought to provide a broad overview of some of the issues affecting the lifecycle of unaccompanied minors in the UK. This ranges from how the discourses espoused by the media impact the construction of legislation and social policy; considerations professionals need to take when encountering unaccompanied minors to protect them from safeguarding risks such as trafficking; the process of settlement at the same time as claiming asylum; and how the immigration status of unaccompanied minors has a major bearing on access to services and the wellbeing of these young people as they approach adulthood. Whilst it has not possible to cover every issue in detail, it is hoped that enough information has been provided to assist professionals in their approaches to unaccompanied minors and understand the context and issues which affect their lives. The often-precarious lives of this group can be mirrored by elevated levels of uncertainty within which social workers have to operate, and for this reason, their commitments to humanitarian values and anti-oppressive practice can be tested to the limit.

Key Questions:

- *How is the issue of unaccompanied minors represented in public discourse and how might this impact both service users and professionals?*
- *What challenges do professionals face in understanding the experiences and accounts of unaccompanied minors of their histories?*
- *What challenges might these young people face whilst in care, and how might they be overcome?*
- *Consider how you would talk to a young person aged 17, who was granted UASC leave as an unaccompanied minor, about options regarding their future.*

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