

ILPA information sheet

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Best Practice: Working with Children

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ILPA launched the second edition of the “Working with children and young people subject to immigration control: Guidelines for best practice” on 1 May 2012. This information sheet provides information about these best practice guidelines (the Guidelines).

Background

The first edition of the Guidelines was published by ILPA in November 2004. As with the first edition, the lead author of the second edition of the Guidelines is Heaven Crawley, now Professor of International Migration at the University of Swansea and Director of the Centre for Migration Policy Research. The second edition has been produced with the support of The Diana, Princess of Wales Memorial Fund.

The second edition takes account of significant developments in UK law and practice since 2004, including the UK’s withdrawal of its immigration reservation to the 1989 UN Convention on the Rights of the Child, the statutory duty regarding the safety and welfare of children introduced by section 55 of the Borders, Citizenship and Immigration Act 2009 and the judgment of the Supreme Court in *ZH (Tanzania) v Secretary of State for the Home Department* [2011] UKSC 4. The August 2009 “Children – New Statutory Duty” information sheet [<http://tinyurl.com/7qboqrt>] provides more information about the section 55 duty. The February 2011 “ZH (Tanzania)” information sheet [<http://tinyurl.com/clalnal>] provides more information about the Supreme Court judgment. More information is available from the January 2011 “Children’s Best Interests” information sheets [<http://tinyurl.com/cmkt55>].

Availability of the Guidelines

The Guidelines are available online at: <http://www.ilpa.org.uk/pages/publications.html>. Hard copies of the Guidelines may be made available to those working with children and young people. There is no charge. To request a copy (or copies), please email nirmala.rajasingam@ilpa.org.uk

Purpose of the Guidelines

The Guidelines are aimed principally at immigration advisers working with children and young people. However, they also aim to assist:

- lawyers working in other areas who advise and assist the same children and young people,
- others working with these children and young people, such as social workers, carers, youth and support workers, teachers and the police, and
- decision-makers, and those involved in the decision making process, in these children’s cases (e.g. UK Border Agency interviewers, decision-makers and policy-makers, and tribunal judges).

The Guidelines provide information and guidance to assist those working with these children and young people to improve and maintain their practice to advance the best interests of children.

Content of the Guidelines

The Guidelines are divided into several sections. These sections provide a range of information, including:

- an explanation of common terms and roles relevant to children in immigration proceedings
- an introduction to the basic legal principles
- guidance on initial contact with, and interviewing, children
- guidance as to evidence that may be relevant in children's cases
- guidance as to how children's experiences may relate to the Refugee Convention and other relevant asylum and immigration legal standards
- guidance about tribunal and court hearings in children's cases
- guidance about age disputes
- guidance about the consequences for a child on becoming 18 years of age
- guidance on detention and children
- guidance on legal standards relating to, and on working with, child victims of trafficking
- an explanation of relevant immigration statuses and decisions

Other relevant ILPA publications

Other ILPA publications are listed at <http://www.ilpa.org.uk/pages/publications.html> and among these are included the following which are also available online:

- Working with Refugee Children: Current Issues in Best Practice (second edition), February 2012
- Resources Guide for Practitioners Working with Refugee Children (second edition), May 2011
- Consideration by the European Court of Human Rights of the UN Convention on the Rights of the Child, July 2009
- When is a Child not a Child? Asylum age disputes and the process of age assessment, May 2007
- Child first, migrant second: Ensuring that every child matters, February 2006

ILPA Refugee Children's Project

This project is funded by The Diana, Princess of Wales Memorial Fund. Through this project ILPA provides training, publications and conferences on best practice and other topics related to refugee children. It is aimed at those working with and supporting child refugees and asylum-seekers – whether legal or non-legal practitioners, whether immigration or non-immigration practitioners. The project is to continue to December 2012. More information about this project is available at: <http://www.ilpa.org.uk/pages/refugee-childrens-project.html>

Strategic Legal Fund

The Diana, Princess of Wales Memorial Fund launched its Strategic Legal Fund in October 2011. Immigration advisers and non-governmental organisations may seek funding support for preparation for, or intervention by non-governmental organisations in, litigation that aims to make wider changes to law or practice, which would benefit refugee children and young people. This may include cases which would benefit other groups, including where those other groups are to the fore in the litigation. More information about this fund is available from the January 2012 “Strategic Legal Fund for Refugee Children and Young People” [<http://tinyurl.com/cf69cid>].