



Children's Asylum Claims

5th April 2007

There have been substantial changes to how children's asylum claims are handled by the Home Office. More changes are to come. This information sheet highlights these changes and gives information on the current Home Office consultation on proposed changes relating to unaccompanied children.

Who are child asylum-seekers?

A child is anyone under 18. Children may claim asylum in their own right. This is the case whether or not a family member, whom they are with, has also claimed asylum. However, most children who are with one or more family members simply become dependent on the claim of an adult (usually a parent, sometimes another relative).

Many children (around 3,000 every year) come to the UK on their own and claim asylum. These children are referred to as unaccompanied asylum seeking children (UASCs) or separated children.

Some changes affect both unaccompanied and accompanied children, although it is the situation of unaccompanied children that is facing the greatest changes.

The key changes that have been made so far

There are four key changes that have been introduced so far:

- social workers have been working at the Asylum Screening Unit (ASU) for some months
- with the introduction of the New Asylum Model (NAM), the Home Office has introduced Case Owners with specific training to deal with children's cases (there is a separate information sheet on the "New Asylum Model")
- in the NAM process, children aged 12 years or older who claim asylum undergo a full asylum interview
- the length of time discretionary leave is granted to an unaccompanied child whose asylum claim is refused now ends when the child reaches 17½ years (it used to be 18 years)

Further changes proposed

The Home Office have issued a Consultation Paper on further changes. The paper is called *Planning Better Outcomes and Support for Unaccompanied Asylum Seeking Children*. The key changes under consideration in this paper are:

- extended use of social workers at ASU for assessing a person's age
- use of x-rays (dental, possibly wrist or collarbone) for assessing a person's age when it is disputed
- ending the use of discretionary leave for children who are refused asylum
- continued work with overseas governments to find the means of returning unaccompanied children to their home countries rather than allowing them to stay until they reach 18 years
- identifying 50-60 local authorities, outside the South East, where expertise in unaccompanied asylum seeking children can be developed; and to where all future unaccompanied children will be directed

ILPA information service

funded by JRCT

www.ilpa.org.uk/infoservice.html

Steve Symonds

ILPA legal officer

020 7490 1553

steve.symonds@ilpa.org.uk

[@ilpa.org.uk](mailto:steve.symonds@ilpa.org.uk)

Immigration Law Practitioners' Association

www.ilpa.org.uk

T 020 7251 8383

F 020 7251 8384

- development of voluntary return packages for children; and providing incentive for voluntary return by reducing the value of the package the longer the child delays in agreeing to return
- increasing contact between Case Owners and unaccompanied children up to the point of long-term integration in the UK or return to their home country

It is important to note that these proposals are no more than that. There are some, to which the Home Office are plainly committed. There are others, which do no more than raise a suggestion of a possible solution to what the Home Office think is a problem.

There is an opportunity to submit views on the Home Office proposals – see below.

Discretionary Leave

The Home Office have made a change to now grant discretionary leave to 17½ years. However, they think that discretionary leave may be interpreted by some children as indicating they will be allowed to stay permanently. They are seeking views whether the change to 17½ years is sufficient to address this concern.

Making arrangements for returning unaccompanied children

The continued work with overseas governments to try and make arrangements so that unaccompanied children can be sent to their home countries is plainly something to which the Home Office are committed. However, they have made little progress with this so far. It may prove important for others to impress upon the Home Office the need for any arrangements to be clearly safe for children.

Age disputes

The proposals to deal with disputes about a person's age are likely to be amongst the most controversial. ILPA has been funded by the Nuffield Foundation to:

- undertake research on the experiences of children whose age has been disputed
- make recommendations for improvements to procedures for deciding on age disputes and providing support in these cases

A summary of the research and recommendations will be the subject of an information sheet in due course.

Responding to the Consultation Paper

The consultation paper is available online at: <http://www.ind.homeoffice.gov.uk/6353/6356/17715/uasc.pdf>.

The paper invites comments to be received by the Home Office by 31 May 2007, and provides a postal and email address to which comments may be sent.

Further information

The following are available from ILPA: *Child first, migrant second: Ensuring every child matters* (February 2006) and *Working with children and young people subject to immigration control: Guidelines for best practice* (November 2004).