



**UNHCR**  
The UN Refugee Agency



# DESTINATION ANYWHERE

The profile and protection situation  
of unaccompanied and separated children  
and the circumstances which lead them  
to seek refuge in the UK



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# 1. INTRODUCTION

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This report presents the findings of research into the profile and protection situation of unaccompanied and separated children and the circumstances that lead them to seek refuge in the United Kingdom (UK). The research, which was carried out between November 2018 and May 2019, was commissioned by the UN Refugee Agency (UNHCR) and funded by the Directorate General for Justice and Consumers (DG JUST) of the European Commission under their Rights, Equality and Citizenship programme (REC).<sup>1</sup>

Delegates from the United Nations Children's Fund UK (Unicef UK), the International Organization for Migration (IOM), and the British Red Cross

formed part of an advisory group that supported the implementation of the study in the UK through access to their networks, and provision of technical expertise and guidance, including through input into the report.

The growing number of forcibly displaced children, including an increase in unaccompanied and separated children arriving in Europe from other parts of the world, has been of mounting concern to the UK and other European countries, as well as to UNHCR. This concern became the focus of the 2016 High Commissioner's Dialogue on Protection Challenges – where he highlighted the fact that 51 per cent of refugees are children, with similar

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<sup>1</sup> This report is published together with two complementary reports on the protection of unaccompanied and separated refugee and asylum-seeking children in the UK; See UNHCR, "A refugee and then...": A participatory assessment into the reception and early integration of unaccompanied refugee children in the UK, June 2019, available from: [www.unhcr.org/uk/5d271c6a4](http://www.unhcr.org/uk/5d271c6a4); and UNHCR, Putting the child at the centre: An analysis of the application of the best interests principle for unaccompanied and separated children in the UK, June 2019, available from: [www.unhcr.org/uk/5d271cdf7](http://www.unhcr.org/uk/5d271cdf7).



proportions found within mixed flows.<sup>2</sup> Although there is no global tally of the number of these children who are moving unaccompanied or separated from their families,<sup>3</sup> Europe has seen high numbers of children arriving unaccompanied, compared to levels prior to 2014.<sup>4</sup> Many of these children are exposed to acute risks at the hands of criminal networks, including smugglers and traffickers, both when in transit and at their destination. UNHCR has called for urgent action to ensure that these children are

protected and given the opportunity to lead peaceful and productive lives.

Of all refugees and migrants, unaccompanied and separated children<sup>5</sup> are among the most vulnerable to violence, abuse and exploitation.<sup>6</sup> These children have been separated from the people and places they know and face an uncertain future. Regardless of their circumstances, all unaccompanied and separated children should be treated in line with the rights and entitlements set out in the United

<sup>2</sup> UNHCR, *High Commissioner's Dialogue on Protection Challenges: Children on the Move*, Background paper, available from: [www.unhcr.org/uk/583d8e597](http://www.unhcr.org/uk/583d8e597); UNHCR, *High Commissioner's Dialogue on Protection Challenges, Children on the Move*, Introductory Statement, 8 December 2016, available from: [www.unhcr.org/58491e7c4](http://www.unhcr.org/58491e7c4).

<sup>3</sup> Ibid.

<sup>4</sup> For Eurostat statistics on the the five EU countries receiving the highest numbers of unaccompanied and separated children applying for over the past ten years, see Table 1 on pg. 11.

<sup>5</sup> Unless specified otherwise, this refers to asylum-seeking, refugee and migrant children. UN Committee on the Rights of the Child (CRC), *General comment No. 6 (2005): Treatment of Unaccompanied and Separated Children Outside their Country of Origin*, 1 September 2005, CRC/GC/2005/6, available from: [www.refworld.org/docid/42dd174b4.html](http://www.refworld.org/docid/42dd174b4.html). (CRC General Comment No. 6).

<sup>6</sup> UNHCR, *High Commissioner's Dialogue on Protection Challenges, Children on the Move*, Background Paper, 28 November 2016, available from: [www.unhcr.org/uk/583d8e597](http://www.unhcr.org/uk/583d8e597); UNICEF and IOM, *Harrowing Journeys: Children and youth on the move across the Mediterranean Sea, at risk of trafficking and exploitation*, September 2017, available from: <https://uni.cf/2RLgmgh>; UNHCR, *Desperate Journey's Report, January- August 2018*, September 2018, available from: [www.unhcr.org/desperatejourneys/](http://www.unhcr.org/desperatejourneys/) and operational data portal, available from: <https://data2.unhcr.org/en/situations/mediterranean>.

Nations Convention on the Rights of the Child (CRC),<sup>7</sup> and other human rights instruments.<sup>8</sup> As children temporarily or permanently deprived of their family and support network, they are entitled to special protection and assistance.<sup>9</sup>

However, UNHCR is aware that children and young people on the move, including those transiting or seeking protection within Europe, are not always given access to the rights and pathways to protection that they are entitled to by law. Children, state institutions, and non-governmental actors often find themselves confronted with complex, confusing and costly procedures which do not adequately take into account the best interests of unaccompanied and separated children.<sup>10</sup> This, along with a lack of political consensus to find durable and lasting solutions for unaccompanied and separated children on the move, can result in dire consequences for their safety, mental health and overall well-being.<sup>11</sup> Reports continue to be published which shed light on the unacceptable levels of neglect, abuse and exploitation suffered by unaccompanied and separated children both along migration routes and in Europe – at times resulting in their death or disappearance.<sup>12</sup>

The UK Government has recognised the particular importance of safeguarding and promoting the welfare of such children, with the release of the

*Safeguarding Strategy for unaccompanied asylum seeking and refugee children* in November 2017.<sup>13</sup> Further, it has taken a number of steps to enhance safe, legal pathways for vulnerable children to come to the UK. In 2016, the UK government adopted Section 67 of the Immigration Act 2016 (known as the ‘Dubs amendment’), through which they committed to relocate a number of unaccompanied and separated children from France, Greece and Italy to the UK via the Dubs scheme.<sup>14</sup> In the same year, the government also announced the Vulnerable Children’s Resettlement Scheme (VCRS), which aimed to facilitate the resettlement of children at risk and their families from the Middle East and North Africa to the UK.<sup>15</sup> Since 2015, 450 unaccompanied children have been brought to the UK under Article 8 of Dublin III.<sup>16</sup> In addition to transfers under Dublin III, during the Calais Camp closure (October 2016 – July 2017) the UK Government agreed to the transfer of 520 children through a Dublin-like procedure, a one-off accelerated process based on Article 8 of Dublin III. Despite the positive developments in the UK government’s response to the irregular arrival of unaccompanied and separated children, these policies appear reactive and do not form part of a comprehensive strategy which adequately identifies, protects and resolve the situation of such children promptly.

<sup>7</sup> UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, available from: [www.refworld.org/docid/3ae6b38f0.htm](http://www.refworld.org/docid/3ae6b38f0.htm).

<sup>8</sup> Council of Europe, *European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14*, 4 November 1950, ETS 5, available from: [www.refworld.org/docid/3ae6b3b04.html](http://www.refworld.org/docid/3ae6b3b04.html) and the Council of Europe, *Council of Europe Convention on Action Against Trafficking in Human Beings*, 16 May 2005, CETS 197, available from: [www.refworld.org/docid/43fded544.html](http://www.refworld.org/docid/43fded544.html).

<sup>9</sup> See Art. 20 of the UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, available from: [www.unhcr.org/refworld/docid/3ae6b38f0.html](http://www.unhcr.org/refworld/docid/3ae6b38f0.html).

<sup>10</sup> UNHCR, *The Way Forward to Strengthened Policies and Practices for Unaccompanied and Separated Children in Europe*, July 2017, available from: [www.refworld.org/docid/59633afc4.html](http://www.refworld.org/docid/59633afc4.html).

<sup>11</sup> UNHCR, *Desperate Journeys. Refugees and Migrants Entering and Crossing Europe via the Mediterranean and Western Balkans Routes*, 2017; Save the Children and International Rescue Committee, *Out of Sight, Exploited and Alone. A Joint Brief on the Situation for Unaccompanied and Separated in Bulgaria, the Former Yugoslav Republic of Macedonia, Serbia and Croatia* n.d.; OXFAM, *Nulle Part Où Aller. L'échec de La France et de l'Italie Pour Aider Les Réfugié-e-s et Autres Migrant-e-s Échoué-e-s à La Frontière Vers Vintimille*, 2018; Save the Children, *Los Mas Solos. Los Fallos En El Sistema de Acogida, Protección e Integración de Los Menores Migrantes No Acompañados Que Llegan a España*, 2018; UNICEF, *Neither Safe nor Sound. Unaccompanied Children on the Coastline of the English Channel and the North Sea*, 2016, available from: <https://bit.ly/2Ke0kcQ>.

<sup>12</sup> Oxfam, *Nowhere but out: The failure of France and Italy to help refugees and other migrants stranded at the border in Ventimiglia*, 28 November 2016, available from: <https://bit.ly/2OwFc47>; Medecins sans Frontiers, *Refugees in Greece: Confinement, violence and chaos- How European Refugee Camp is traumatizing men, women and children in Lesbos*, June 2017 available from: [www.msf-me.org/node/2997/%7B%7Bsnetwork.link%7D%7D](http://www.msf-me.org/node/2997/%7B%7Bsnetwork.link%7D%7D); Unicef Reach report, *Children on the move in Italy and Greece*, dated June 2017, available from: <https://bit.ly/2v8eO7q>.

<sup>13</sup> UK Department for Education and UK Home Office, *Safeguarding Strategy for Unaccompanied asylum seeking and refugee children*, November 2017, available from: <https://bit.ly/2RrsSS1>.

<sup>14</sup> Immigration Act 2016, Sect. 67, available from: [www.legislation.gov.uk/ukpga/2016/19/section/67/enacted](http://www.legislation.gov.uk/ukpga/2016/19/section/67/enacted); Home Office, *Policy Statement: Section 67 of the Immigration Act 2016*, 2018, available from: <https://bit.ly/2SRhL4X>.

<sup>15</sup> Home Office, Rt Hon James Brokenshire MP, and Richard Harrington MP, *New Scheme Launched to Resettle Children at Risk*, 2016, available from: <https://bit.ly/1NDicpJ>.

<sup>16</sup> Home Office, *Immigration Statistics Year Ending 2018, Asylum data tables, Volume 5*, 28 February 2019, available from: <https://bit.ly/2Y0zzNB>.

Over recent years, it appears that a number of assumptions have influenced the UK's response to persons seeking asylum, including unaccompanied and separated children. One of those assumptions is that there exists a positive direct correlation between the "openness" of the UK asylum system and the number of asylum claims received,<sup>17</sup> an argument that has been challenged by academic and non-academic research.<sup>18</sup> A second assumption is that children arriving on their own are being sent by their parents or other adult family members in the hope that those family members can join them later, placing those children's lives at risk.<sup>19</sup> This assumption has been challenged by studies that put forward a more nuanced and complex understanding of the role that family play in unaccompanied children's journeys or about the diverse motivations behind the movement of these children more generally.<sup>20</sup> A third assumption is that these children could have received protection elsewhere in the EU, despite the reported challenges to doing so in some member states.

Data obtained as part of UNHCR's research for this report suggests a complex picture which casts doubt on the accuracy of these assumptions. Interviews with children and stakeholders alike have indicated that, overwhelmingly, the emphasis at the point of flight in the minds of unaccompanied children is the need to escape violence and persecution and reach a place of safety. They provide that the point at which the UK crystallizes as the destination of choice differs greatly among the children and young people interviewed for this study, yet is heavily influenced by the lack of support, safety and information children experience en route – along with reports of gross mistreatment and neglect at the hands of both state actors and

criminal groups. Manipulation by smugglers and traffickers, and the influence of other children met along the route with whom strong bonds are often established – also contribute to the choice of route and destination.

The research findings are arranged in accordance with the three research questions of the study, outlined at 2.1 below. Section 4 of this report concludes with a number of recommendations for how the UK government can improve the management and protection of unaccompanied and separated children arriving to the UK to seek asylum, both on and prior to arrival. Recommendations under Section 3 corroborate earlier studies written by UNHCR in consultation with a wide array of stakeholders and European government actors,<sup>21</sup> in highlighting the urgent and ongoing need for a joined-up, proactive, and humane response to managing the plight of unaccompanied and separated children across Europe.

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<sup>17</sup> Refugee Council, *Chance or Choice? Understanding Why Asylum Seekers Come to the UK*, January 2010, available from: <https://bit.ly/2OE27fq>.

<sup>18</sup> Heaven Crawley and Jessica Hagen-Zanker, *Deciding Where to Go: Policies, People and Perceptions Shaping Destination Preferences*, *International Migration* 0, no. 0, December 10, 2018, <https://doi.org/10.1111/imig.12537>; Refugee Council, *Chance or Choice? Understanding Why Asylum Seekers Come to the UK*, January 2010, available from: <https://bit.ly/2OE27fq>.

<sup>19</sup> Part 11 of the current Immigration Rules do not allow family members of children granted refugee status or humanitarian protection to join them. See also Home Office Guidance, *Family reunion for refugees and those with humanitarian protection*, Version 2, published 29 July 2016, available from: <https://bit.ly/2T4P3hY>.

<sup>20</sup> Francesco Vacchiano, *'Bruciare Di Desiderio': Realtà Sociale e Soggettività Dei Giovani 'Harrāga' Marocchini*. PhD Thesis, Unpublished (Università di Torino, 2007); UNICEF, *Nouveau Visage de La Migration: Mineurs Non Accompagnés. Analyse Transnationale Du Phénomène Migratoire Des Mineurs Marocains Vers l'Espagne*, 2005. UN High Commissioner for Refugees (UNHCR), *Trees only move in the wind: a study of unaccompanied Afghan children in Europe*, June 2010, PDES/2010/05, available from: [www.refworld.org/docid/4c21ae2a2.html](http://www.refworld.org/docid/4c21ae2a2.html) – see for example paras 60-65. REACH and Mixed Migration Platform, *Youth on the Move, Investigating decision making, migration trajectories and expectations of young people on the way to Italy*, August 2017, available from: <https://bit.ly/2B1vpuJ>.

<sup>21</sup> UNHCR, *Better Protecting Refugees in the EU and Globally: UNHCR's proposals to rebuild trust through better management, partnership and solidarity*, December 2016, available from: [www.refworld.org/docid/58385d4e4.html](http://www.refworld.org/docid/58385d4e4.html), see pp. 16-18; UNHCR, *The Way Forward to Strengthened Policies and Practices for Unaccompanied and Separated Children in Europe*, July 2017, available from: [www.refworld.org/docid/59633afc4.html](http://www.refworld.org/docid/59633afc4.html); UN High Commissioner for Refugees (UNHCR), *Left in Limbo: UNHCR Study on the Implementation of the Dublin III Regulation*, August 2017, available from: [www.refworld.org/docid/59d5dcb64.html](http://www.refworld.org/docid/59d5dcb64.html), see chap. 3 and in particular p. 82.



## 2. METHODOLOGY

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The study was grounded in UNHCR's participatory assessment methodology, and the standards contained within: *The UNHCR Tool for Participatory Assessment in Operations*,<sup>22</sup> and *Listen and Learn: Participatory assessment with children and adolescents*.<sup>23</sup> A participatory assessment is a process of building partnerships with refugees, service providers and local government through structured dialogue. This field-tested methodology entails holding separate discussions with different stakeholders, in order to gather accurate information on specific protection and integration concerns and the underlying causes of

these, to understand the capacities of those involved and to listen to proposed solutions.<sup>24</sup>

Given the participatory nature of the assessment, and the need to promote meaningful dialogue with stakeholders, the primary approach to data collection and analysis was qualitative.

<sup>22</sup> UNHCR, *The UNHCR Tool for Participatory Assessment in Operations*, May 2006, available from: <https://bit.ly/2Xk4dV2>. In particular this meant that the methodology was designed to ensure the mainstreaming of gender, diversity and human rights principles across all phases of the research including the development of methods and tools, the analysis of data, and the drafting of the report. Amongst other considerations, this has entailed developing a sampling strategy that was inclusive of the diversity that exists within the population of refugee children in the UK, designing methods and tools that could ensure participation from especially excluded or marginalised adolescents, and developing research questions, and an analysis plan, that enabled the disaggregation of data by different categories of vulnerability (e.g. transfer to the UK, care arrangements, level of education, language skills, gender, age, ethnicity and others).

<sup>23</sup> UNHCR, *Listen and Learn: Participatory assessment with children and adolescents*, 2012, available from: <https://bit.ly/2Xm3zq5>.

<sup>24</sup> UNHCR, *The UNHCR Tool for Participatory Assessment in Operations*, May 2006, available from: <https://bit.ly/2Xk4dV2>.

## 2.1 Research questions

There has been limited research conducted on the circumstances that lead unaccompanied and separated children moving to and seeking asylum in the UK specifically, and the factors influencing children's onward mobility within Europe more broadly.<sup>25</sup> In view of this and the current gaps and challenges in addressing the protection situation of unaccompanied and separated children in Europe and the UK, this study aims to contribute to understanding the motivations, expectations and influencing factors affecting their journeys. These include: the level of agency and choice children exercise in leaving home (or otherwise); their experiences en route; the point in their journeys when the UK (or Europe for that matter) becomes a destination; their situation in the UK and potential desire for family reunification. Additionally, the role of State policy and procedures towards refugees and asylum-seekers and their subsequent impact on children in particular, is assessed.<sup>26</sup> With this in mind, the three main research questions that this study aims to answer are:

- 1. What are the circumstances that led unaccompanied and separated children to seek asylum in the UK?**
- 2. What is the profile and protection situation of unaccompanied and separated children in the UK?**
- 3. What policy and practice reforms have the potential to improve children's safety and protection situation in the UK and on the journey?**

## 2.2 Ethics

Strict ethical procedures were developed and followed throughout the research which were guided by the principles contained within UNHCR's *Framework for Protection of children*<sup>27</sup> and UNICEF's guidance on Ethical Research Involving Children.<sup>28</sup> In addition to the guiding principles of "Do No Harm" and ensuring primary consideration for the best interests of the child,<sup>29</sup> these procedures recognize the child's right to participate, and have their wishes and feelings heard. They also include measures to guarantee the following principles: informed consent, voluntary participation, anonymity and confidentiality, and data protection.<sup>30</sup>

All interviews have been anonymized and any names used in this report are pseudonyms.

## 2.3 Research methods

A range of methods were used in order to address the research questions. These included a comprehensive literature review of law, policy and existing evidence and research, interviews with children and young people (n=23)<sup>31</sup> as well as key expert interviews with a range of stakeholders (see 2.4 below) involved in the support and welfare provision of refugees and asylum-seekers (n= 50 individuals from 27 different organisations). Relevant UNHCR country offices in Europe and North Africa were also consulted as part of the research.

Despite the comparatively small primary data set, the triangulation of different qualitative research methods supported the development and verification of findings arising from individual sources.

<sup>25</sup> Alice Bloch, Nando Sigona, and Roger Zetter, *Migration Routes and Strategies of Young Undocumented Migrants in England: A Qualitative Perspective*, *Ethnic and Racial Studies* 34, no. 8 (August 1, 2011): 1286–1302, <https://doi.org/10.1080/01419870.2011.560276>; Jennifer Allsopp, *Unaccompanied Minors and Secondary Migration between Italy and the UK*, Research Brief 8, Becoming Adult Project, 2017.

<sup>26</sup> UNICEF and IOM, *Harrowing Journeys 2017*, September 2017, <https://uni.cf/2RLgmgh>; see also The Global Initiative Against Transnational Organized Crime, *Understanding contemporary human smuggling as a vector in migration*, May 2018, available from: [http://globalinitiative.net/understanding\\_human\\_smuggling](http://globalinitiative.net/understanding_human_smuggling).

<sup>27</sup> UNHCR, *A framework for the Protection of Children*, 2012, available from: <https://bit.ly/2RtRNoi>.

<sup>28</sup> UNICEF, *Ethical Research Involving Children*, 2013; John Santelli, Sonia Haerizadeh, and Terry McGovern, *Inclusion with Protection: Obtaining Informed Consent When Conducting Research with Adolescents*, 2017; UN Committee on the Rights of the Child (CRC), *General comment No. 20 (2016) on the implementation of the rights of the child during adolescence*, December 2016, CRC/C/GC/20, <http://www.refworld.org/docid/589dad3d4.html>.

<sup>29</sup> UN Committee on the Rights of the Child (CRC), *General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration* (art. 3, para. 1), May 2013, CRC /C/GC/14, available from: [www.refworld.org/docid/51a84b5e4.html](http://www.refworld.org/docid/51a84b5e4.html).

<sup>30</sup> UN Committee on the Rights of the Child (CRC), *General comment No. 20 (2016) on the implementation of the rights of the child during adolescence*, December 2016, CRC/C/GC/20, available from: [www.refworld.org/docid/589dad3d4.html](http://www.refworld.org/docid/589dad3d4.html), UN Convention on the Rights of the Child <https://bit.ly/2ZpDIRn>.

<sup>31</sup> In two additional cases, the young person opted to withdraw from the interview. In accordance with data protection regulations, none of the information shared in relation to these cases has been included within the report.

## 2.4 Sample

The sample reflects the various regional locations across the UK where unaccompanied and separated asylum-seeking and migrant children typically arrive and/or are accommodated, as well as the diverse population of refugee and asylum-seeking children and young people in the UK. In addition, interviews were also undertaken in Calais, France with children awaiting transfer to the UK. To the extent possible, the aim was to obtain data that was representative of the broadest cohort, as well as to facilitate comparison across different groups (e.g. children who set-out with the specific goal of coming to the UK as well as those who did not).

**Selection of relevant stakeholders:** The sample included various frontline stakeholders with responsibility to provide care or support to unaccompanied and separated children. This included NGOs, voluntary sector organisations, children’s services, pediatricians, psychologists, legal professionals, foster carers and experts. Interviews with stakeholders were conducted across various locations in England and Scotland,<sup>32</sup> and also in Calais and Greece. Locations were selected to provide diversity in terms of: 1) geographical coverage; 2) key “entry” and “destination” locations; and 3) the population size of unaccompanied and separated children.

**Selection of children and young people:** The sample of children and young people was designed to be broadly representative of the nationalities of refugee and asylum-seeking children in the UK (Eritrea, Sudan, Vietnam, Iraq, Albania, Iran, Afghanistan and Ethiopia), and to include diversity across a range of variables, such as: age, gender, type of living situation, journey and mode of entry into the UK. Although the focus of the study was initially on children under the age of 18 years, it was extended to include young people over the age of 18 who had arrived in the UK as unaccompanied and separated children. Overall, 23 children and young people, including 18 (78%) boys, and 5 (22%) girls, were included in the assessment, from 14 different countries.

**Table 1:** Children and young people’s countries of origin

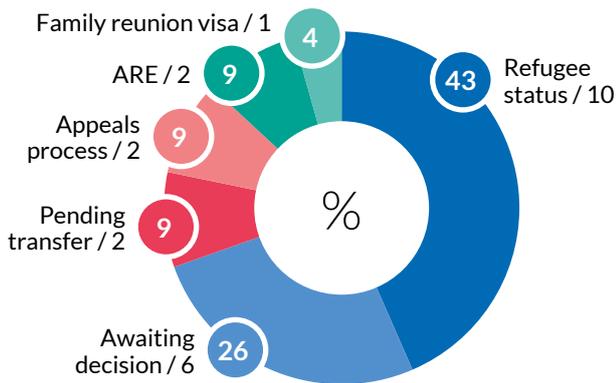
Country	Number of children	% of sample
Afghanistan	3	13.04
Albania	1	4.35
Angola	1	4.35
Republic of Congo	2	8.70
Eritrea	3	13.04
Ethiopia	1	4.35
Guinea Conakry	1	4.35
Iran	1	4.35
Sierra Leone	1	4.35
Somalia	1	4.35
Sri Lanka	1	4.35
Sudan	4	17.4
Uganda	1	4.35
Vietnam	2	8.70
<b>Total</b>	<b>23</b>	<b>100%</b>

### Inclusion of children with different types of leave/status

The sample includes children and young people at different stages of the asylum process. At the time of interview, ten participants had already been recognized as refugees in the UK, six were waiting for a decision on their asylum claim, two participants were waiting to be transferred from France to the UK under the Dubs amendment, two were in the process of appealing their asylum decision, two were Appeal Rights Exhausted (ARE) and one was granted refugee status in line with her husband, whom she joined in the UK on a family reunification visa. Including testimonies from children at various stages of the procedure of claiming asylum in the UK allowed for a richer understanding of their profile and protection situation. It further evidenced the ways in which legal status may affect a young person’s experience.

<sup>32</sup> Birmingham, Cambridge, Croydon, Farringdon, Islington, Leeds, Newcastle, Perth and Kinross, Plymouth, Portsmouth, Solihull.

**Chart 1: Immigration status of children and young people included in the sample**



### **Inclusion of children transferred through Dublin, Dubs or VCRS procedures**

While the primary sample of the study was intended to be unaccompanied and separated children who had spontaneously/irregularly arrived in the UK, the study also interviewed a number of children who had arrived from countries of transit through regular admission pathways. This included one child who was transferred to the UK under Dublin III in order to join his uncle; one girl who was relocated from Libya to the UK through the VCRS via Niger (with support of the Niger Evacuation Transit Mechanism (ETM)); three children who were relocated under the Dubs scheme from Italy, Greece and France;<sup>33</sup> and two children who were in Calais awaiting a transfer under the Dubs scheme to the UK. This diversity enabled a fuller comparison of different pathways to admission. Of those arriving spontaneously/irregularly, a variety of routes to the UK were helpfully captured in the sample. Several mentioned coming to the UK by plane with the assistance of a smuggler or in one case, what appears to be a good samaritan,<sup>34</sup> (Republic of Congo, Sierra Leone, Sri Lanka, Guinea Conakry, Somalia,

Uganda and Albania), some came via the Central Mediterranean route, passing through Libya, crossing the Mediterranean Sea and moving overland to the UK through Southern Europe (Eritrea, Ethiopia and Sudan) and a number came via Central Asia, before traversing various Eastern European countries to reach the UK (Afghanistan, Iran, and Vietnam). The transit path of a child from Angola was unclear.

### **2.5 Analysis**

The research focused on analysing children’s safety, wellbeing and protection experiences within the framework of international human rights and refugee law principles and standards. The research focused on the rights of the child as enshrined in the CRC,<sup>35</sup> the Committee on the Rights of the Children’s General Comment No. 6<sup>36</sup> (on treatment of unaccompanied and separated children outside of their country of origin) and Joint General Comment No. 3/ 22<sup>37</sup> (regarding the human rights of children in the context of international migration); including where these rights intersect with the rights of refugees under the 1951 Convention relating to the Status of Refugees.<sup>38</sup> Finally, the analysis considered the views of children and young people, including how they conceptualised protection and safeguarding issues, their expectations and what mattered most to them.

### **2.6 Challenges and limitations**

The assessment relied on the perspectives of those stakeholders, children and young people who volunteered to take part in interviews. While every effort was made to reach a wide diversity of stakeholders, children and young people, this inevitably introduced some bias into the sample.

<sup>33</sup> A third child started an interview but partway through stopped and withdrew their consent.

<sup>34</sup> The youth referred to being rescued from rebel held barracks by a ‘white’ man, who brought him to the UK and left him at a friend of the man’s house.

<sup>35</sup> UN General Assembly, Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, available from: [www.refworld.org/docid/3ae6b38f0.html](http://www.refworld.org/docid/3ae6b38f0.html).

<sup>36</sup> UN Committee on the Rights of the Child (CRC), General comment No. 6 (2005): Treatment of Unaccompanied and Separated Children Outside their Country of Origin, 1 September 2005, CRC/GC/2005/6, available from: [www.refworld.org/docid/42dd174b4.html](http://www.refworld.org/docid/42dd174b4.html).

<sup>37</sup> UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), Joint General Comment No. 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 (2017) of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of international migration, 16 November 2017, available from: [www.refworld.org/docid/5a2f9fc34.html](http://www.refworld.org/docid/5a2f9fc34.html).

<sup>38</sup> UN General Assembly, Convention Relating to the Status of Refugees, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137, available from: [www.refworld.org/docid/3be01b964.html](http://www.refworld.org/docid/3be01b964.html).

The number of children and young people who participated in the study is small, and three individuals who initially expressed an interest in participating in the study withdrew at the point of interview.<sup>39</sup> Further, stakeholders reported that several children and young people they had approached on our behalf had declined to participate as they found that discussing their experiences during the journey to the UK and their family particularly difficult. Several of the children and young people who did agree to be interviewed also indicated either prior to or during the interview that these were topics on which they did not want to have an indepth discussion. Unfortunately, additional interviews planned to take place in Calais by UNHCR were cancelled when 30 children awaiting transfer to the UK under the Dubs scheme went on hunger strike in protest against prolonged delays.<sup>40</sup>

The sample of participants was further limited due to a number of participants (both adult and child) declining to participate on the grounds of “research fatigue”, citing that they had already participated in several studies in recent months and years.

The study originally hoped to capture the perspectives of stakeholders in all four of the devolved nations that make up the UK, however, in practice data collection focused on England and Scotland. Due to time and logistical constraints it was not possible to arrange interviews in Wales or Northern Ireland.

Finally, the assessment used a qualitative methodology. Whilst this has enabled the collection of indepth, detailed and diverse data, it also limits the ability to draw robust generalisations from its results. Findings should be considered indicative rather than demonstrative of the broader situation.

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<sup>39</sup> One child mentioned that this was because of work commitments, the other two children decided that, on reflection, the topic was not something they wanted to discuss.

<sup>40</sup> The Guardian, *Calais child refugees went on hunger strike after UK transfer days*, 31 March 2019, available from: <https://bit.ly/2LXhbs1>.

## STATISTICAL SNAPSHOT ON UNACCOMPANIED AND SEPARATED CHILDREN APPLYING FOR ASYLUM IN EUROPE AND THE UK

According to official UK Government statistics, there were 2,872 asylum applications received from unaccompanied and separated children in the UK in 2018.<sup>41</sup> Based on data from Eurostat, when compared with the rest of the EU, the UK tends to receive a higher proportion of asylum claims from unaccompanied and separated children as a percentage of total asylum applications received. However, although the UK remains in the top five of countries within the EU to receive asylum applications from unaccompanied and separated children, as shown in Table 2, they have seen significantly fewer applications than Italy, Germany and Sweden in the last decade. Despite the slight increase in the number of cases received in 2018 compared to 2017, the table shows an overall decline in the number of children’s asylum applications being received in the UK following a sudden spike from 1,945 to 3,255 in 2015. Numbers of applications from unaccompanied and separated children also continue to remain lower than those recorded for 2008, when asylum applications for unaccompanied and separated children peaked at 4,285 in the UK.

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<sup>41</sup> GOV.UK, *Home Office National Statistics – How many people do we grant asylum or protection to?*, February 2019, available from: <https://bit.ly/2RmJ4UC>.

**Table 2.** The five EU countries which received highest numbers of asylum-seeking unaccompanied and separated children in the last 10 years (Source: Eurostat)<sup>42</sup>

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Germany	765	1,305	1,950	2,125	2,095	2,485	4,400	22,255	35,935	9,085	4,085
Sweden	1,510	2,250	2,395	2,655	3,575	3,850	7,045	34,295	2,160	1,285	930
Italy	575	415	305	825	970	805	2,505	4,070	6,020	10,005	3,885
United Kingdom	<b>4,285</b>	<b>2,990</b>	<b>1,715</b>	<b>1,395</b>	<b>1,125</b>	<b>1,265</b>	<b>1,945</b>	<b>3,255</b>	<b>3,175</b>	<b>2,205</b>	<b>2,870</b>
Austria	695	1,040	600	1,005	1,375	935	1,975	8,275	3,900	1,350	390
<b>EU (28 countries)</b>	<b>11,695</b>	<b>12,190</b>	<b>10,610</b>	<b>11,690</b>	<b>12,540</b>	<b>12,725</b>	<b>23,150</b>	<b>95,205</b>	<b>63,250</b>	<b>31,400</b>	<b>19,750</b>

**Table 3.** Asylum applications from unaccompanied and separated children as a % of total asylum applications in select countries (Source: Eurostat)<sup>43</sup>

	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Germany	2.85	3.97	4.02	3.99	2.70	1.96	2.17	4.67	4.82	4.08	2.22
Sweden	6.09	9.31	7.52	8.95	8.15	7.09	8.68	21.11	7.50	4.88	4.31
Italy	1.91	2.35	3.05	2.05	5.60	3.02	3.88	4.87	4.90	7.76	6.48
Austria	5.47	6.59	5.43	6.97	7.90	5.34	7.04	9.39	9.23	5.46	2.84
United Kingdom	<b>N/A</b>	<b>9.44</b>	<b>7.05</b>	<b>5.18</b>	<b>3.91</b>	<b>4.14</b>	<b>5.93</b>	<b>8.11</b>	<b>7.99</b>	<b>6.34</b>	<b>7.61</b>
Netherlands	4.75	6.45	4.64	3.32	2.90	2.37	3.92	8.57	8.14	6.48	5.10
Greece	1.48	0.25	1.41	0.64	0.78	3.95	4.67	3.18	4.60	4.19	3.94
Switzerland	3.60	2.61	1.43	1.31	1.74	1.67	3.29	6.77	7.31	4.25	2.87
Belgium	3.10	3.26	3.30	4.34	3.47	1.97	2.07	5.70	5.58	4.01	3.60
Denmark	12.77	13.98	8.09	6.84	5.87	4.88	5.55	10.15	19.17	14.29	6.72
Finland	19.21	10.90	10.21	5.15	5.33	4.98	5.39	7.84	6.60	3.51	2.33
France	0.98	0.93	1.16	1.04	0.80	0.55	0.42	0.42	0.56	0.59	0.61
<b>All EU (28 countries)</b>	<b>5.19</b>	<b>4.62</b>	<b>4.09</b>	<b>3.78</b>	<b>3.74</b>	<b>2.95</b>	<b>3.69</b>	<b>7.20</b>	<b>5.02</b>	<b>4.41</b>	<b>3.06</b>

<sup>42</sup> Eurostat, Asylum applicants considered to be unaccompanied minors – annual data, statistics as stated on 6 August 2019, available from: <https://ec.europa.eu/eurostat/databrowser/view/tps00194/default/table?lang=en>. Eurostat, Asylum and first time asylum applicants – annual aggregated data (rounded), available at: <https://ec.europa.eu/eurostat/databrowser/view/tps00191/default/table?lang=en>. <https://ec.europa.eu/eurostat/databrowser/view/tps00194/default/table?lang=en>.

<sup>43</sup> Eurostat, Asylum and first time asylum applicants - annual aggregated data (rounded), statistics as stated 6 August 2019, available at: <https://ec.europa.eu/eurostat/databrowser/view/tps00191/default/table?lang=en>.



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### 3. WHAT ARE THE CIRCUMSTANCES WHICH LEAD UNACCOMPANIED AND SEPARATED CHILDREN TO SEEK ASYLUM IN THE UK?

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#### **3.1** Reasons for flight from country of origin

Children and young people who were interviewed for this study, were not questioned directly about their specific reasons for fleeing their country of origin during their interviews. Based upon the principle of “Do No Harm”,<sup>44</sup> UNHCR did not want to risk re-traumatisation by asking participants to recount difficult or potentially triggering memories, nor to confuse its interviews with those supporting an asylum process. Despite this, the majority of children voluntarily offered details about the circumstances leading up to their departure.

Where provided by the children interviewed, the reasons for flight evidenced a protection motive, ranging from religious and politically motivated violence to detention, terrorism and the murder or disappearance of family members. Stakeholders echoed this finding, reporting grave protection concerns as being central to the decision to flee for the majority of the children they encounter. None of the children interviewed indicated that they were sent abroad to serve as an “anchor” to help other family members migrate to the UK.

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<sup>44</sup> UNHCR *A Framework for the Protection of Children* (2012) available from: [www.unhcr.org/50f6cf0b9.pdf](http://www.unhcr.org/50f6cf0b9.pdf).

Often children are at risk of harm as a result of being related to parents or family members who are persecuted or threatened with persecution themselves. Some child participants cited the disappearance, detention, or killing of a family member as the reason for fleeing their countries of origin, in addition to a resulting fear that they would be the next to suffer harm. One young person stated that he was forced into hiding after both of his parents were murdered for political reasons. Oumar claimed that his uncle arranged for him to leave the country and head towards Europe to avoid the same fate. Amila told us that he was sent abroad by his mother after his father was murdered.

“ I came to UK when I was twelve years old. My dad was killed back in Sri Lanka and also [there was] civil war and also ethnic cleansing as well against minority. My mum send me abroad. Not necessarily UK. I wasn't sure where my destination will be. I was confused. Send me in very short time. Everyone in community sending their kids abroad.”

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Amila, Sri Lanka, 23

Conversely, one Albanian child's reasons for departure appeared to be from a fear of their own family members in their country of origin. He said that he ran away from home at fifteen years old as his family was threatening to harm him on the basis of his religious beliefs.

“ It was my family that they threaten me and my friends was at school because I like to practice the Catholic and go to Catholic Church and be a Catholic. All the other ones they are Muslim. They are not happy that I chose the Catholic religion. Also the school, I went for seven years school, and then I stopped.”

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Ari, Albania, 16

Another key protection concern that children reported to cause their flight was the fear of detention – sometimes for reasons they did not understand. Three out of the twenty three child participants mentioned being detained in their country of origin as either the sole reason or one of the contributing factors that forced them to leave.

Gloria said that she was put into detention with her family when she was six years old, due to her father's political activity in her country of origin during a time of war. She said that she was released with one of her brothers, who was also a child, without her parents or the rest of her siblings. After going into hiding for a period of time, the pair embarked on their journey to safety alone, eventually reaching their elder brother in the UK. Gloria told UNHCR that she has not seen or heard from her parents or other detained relatives since being forcibly separated from them in her country of origin. Attempts to trace the family with the British Red Cross International Family Tracing Service have so far proved unsuccessful. The participant said she longs for her lost family, particularly her mother, who she wishes could attend her parents' meetings at school in the UK.

“ Back home we had a big house and everything, swimming pool and stuff. I had a comfortable life. When the incident happened, I remember we had to move somewhere really small, it was almost like going into hiding for a period of time. It was almost like start a new life. [...] During that period of time, I was put into detention. I was really young at the time. [...] they came into my place and just raid everything. I remember I was like around six at the time but they don't really care, they will put you anywhere. They put male and female separate. I was with my sister and my mum, there was other people there. The condition was really horrible. You have to sleep on the floor. In Africa it's really hot and there was only [a] small window. I don't even know how long I was there for. Even the food and stuff and the way they treated you. I was young and so I didn't know. I kept holding onto my mum. It was a really tough time.”

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Gloria, Congo, 19

Some of the children in the sample were less specific in describing the circumstances that led to their departure and did not elaborate upon their particular fears. Roughly one quarter of children interviewed (six out of 23) referenced the danger or difficult circumstances they were fleeing in general terms, such as “war” or “troubles” or “problems”, often in the context of a different topic, such as their families' current protection situation at home. Five of the 23 interviewees did not provide any information or indication about the reasons they initially left their country of origin. However, the children in this group

come from refugee producing countries, including Eritrea,<sup>45</sup> Afghanistan<sup>46</sup> and Ethiopia.

The trafficking of unaccompanied and separated children out of their country of origin or of intermediate countries also came up in the research. Children who are trafficked are often psychologically or physically coerced or tricked into leaving, or are in a position of such vulnerability that they are unable to make sound choices, and are therefore not in control of their migratory decisions. Several local authority care providers as well as various NGOs and legal practitioners reported concerns about trafficking to UNHCR, including the branding or tattooing of children as a way of showing that they “belonged” to a particular trafficking ring or criminal group. Three out of the 23 children interviewed said that they had been trafficked from their country of origin and either directly or at a later date, were trafficked into the UK for the purposes of labour exploitation. All three had been referred to the UK National Referral Mechanism (NRM), two had received conclusive grounds decisions, and the outcome of the third is unknown. Reflecting the official statistics of the NRM,<sup>47</sup> stakeholders also told UNHCR that Vietnamese and Albanian children are two commonly encountered nationalities of child victims of trafficking in the UK. Girls tend to be trafficked to the UK for the purposes of sexual exploitation, whereas boys tend to be brought to the UK for forced labour, in illegal cannabis cultivation, the car wash industry or nail bars.

### 3.2 Knowledge of destination at point of flight

The research findings indicate that children tend not to know where they are going at the point of departure from their country of origin. Children and stakeholders alike indicated that the decision to leave is often chaotic and disorienting for the child who may lack knowledge about where their next or final destination will be. Despite the fact that some children will have a clear intention of wanting to reach the UK, or indeed, another EU country from the outset, this was not evident among those interviewed for this study. Overwhelmingly, they reported that their imminent concern was to escape danger and reach a place of safety, without a specific destination in mind.

This finding was supported by evidence from child and adult stakeholders in the UK, France and Greece. Only Ari stated that he set off from his country of origin with a firm intention of reaching the UK, due to his view that the UK was beyond the reach of those he feared.

“ I came with that thing in mind that I wanted to reach the UK and the reason was because I think the UK is like an Island and then people that have been threatening me won't reach the UK.

**[Interviewer]** Did you know anything about how life in the UK would have been or about the procedure for applying for asylum here?

*I didn't know anything really, I was hoping that they would help me.”*

Ari, Albania, 16

Four of the children had either the intention to reach, or knowledge that they were heading towards, another European country or Europe more generally, but did not express an intention to reach the UK specifically. Aside from three participants who did not clearly specify their intention or knowledge, the remainder, and majority of children interviewed, either indicated or specifically stated they had no idea

<sup>45</sup> UNHCR, *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Eritrea*, 20 April 2011, available from: [www.refworld.org/docid/4d4fe0ec2.html](http://www.refworld.org/docid/4d4fe0ec2.html).

<sup>46</sup> UNHCR, *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan*, 30 August 2018, available from: [www.refworld.org/docid/5b8900109.html](http://www.refworld.org/docid/5b8900109.html).

<sup>47</sup> National Crime Agency, *National Referral Mechanism Statistics Quarter 1 2019 - January to March*, available from: <https://bit.ly/317jneK>.

they were going to travel to the UK or Europe for that matter upon leaving their home.

“ *To be honest, before... I never think I will come here. Never comes [into] my head*”

Adrien, Angola, 19

“ **[Interviewer]** *So when you left Sudan, had you already decided that you wanted to come to the UK? [...]*

*No, I didn't have any plan.”*

Ibrahim, Sudan, 18

“ *My uncle [told me] [...] I have to travel with someone, I just have to do what that guy tells me to do. I didn't even know I was coming to the UK.”*

Oumar, Guinea Conakry, 25

One reason children may lack knowledge about the specific trajectory of their journey is because they are not involved in the arrangements made for their departure. The actors involved in making the arrangements and who accompanied children on their journeys are discussed in section 3.3. However, the evidence considered by UNHCR suggests that the extent to which a child is under the control of another may correlate with their lack of knowledge about their final destination. Those children who reported being instructed to follow an agent, for example, said that they knew only that this person was leading them to a place of safety, and little else.

Those children interviewed and who were trafficked to the UK, unsurprisingly evidenced a lack of awareness of their migratory path. Musa was trafficked from Sierra Leone. He told UNHCR that he spent two years in the UK unknowingly before he escaped from a house, collapsing outside a police station. A Vietnamese trafficked child, Samuel, said that he travelled from Thailand to Europe, traversing multiple countries before he ended up in a place called “the jungle” (Calais). From there, he travelled by lorry to the UK, and was escorted to a building where he was held and exploited in illegal cannabis cultivation for several months. As with the trafficked child from Sierra Leone, this child did not realise he was in the UK until after he escaped from the “cannabis house” and reached a police station.

The children and young people who did evidence an intention to reach either the UK or Europe at point of departure from their country of origin, did so on the basis of very vague notions of safety or security, or in one case, education. They appeared to lack or have a very limited knowledge, geographic or otherwise, about the UK or Europe prior to arrival. Yaser told UNHCR he did not realise that Europe was not a country. Jamal had learnt a little bit about the UK at school, but held no other prior knowledge.

“ *When I was in my country, I went to school. But sometimes, once they burn it again, the government build it again, they destroyed it. I stop and go, stop and go. I said ‘When I go to Europe, I can do that.’ I thought Europe was a good place to study.”*

Jamal, Afghanistan, 17

“ **[Interviewer]** *Did you know anything about the UK before you got here?*

*No.*

**[Interviewer]** *You didn't? You had no idea what to expect?*

*No.*

**[Interviewer]** *And what about Europe?*

*No idea either. I mean when I got to the flight, I don't even know where I was going so.”*

Samuel, Vietnam, 18

Stakeholders also reported that the children they encounter who do have the UK as a clear destination in mind often lack any real understanding as to where the UK is or how to get there. Children sometimes have a general idea that the UK is a place in which they will be looked after, where there is respect for human rights, and one in which it will be easier to get asylum and to get a job. Another view is that the language is the real draw for the UK – especially for children from sub-Saharan communities including Eritrea, who know more English than they do any other European language – closely followed by family connections and children’s knowledge of English football clubs. Sometimes, the UK is the destination of choice in the minds of children because they knew someone, say, from their village who took a risk and managed to arrive, setting a precedent for them to try and do the same. Some children may arrive in

Libya with Europe anchored in their mind as a final destination, but no real idea about which European country they would like to reach.

“ Yes, some of them will say, ‘I just followed the agent and I didn’t know where I was going, all I knew is that I was going to a place of safety and they brought me here.’ Some young people will say, ‘Well, I wanted to come to England,’ because, in their terms, ‘There’s more money and there’s more chance of me being able to stay.’ So some young people are clear that England is the destination country. Others are clear that, actually, they left their country of origin to need to get to a place of safety. Where that place of safety was, was at the discretion of the agent that was transporting them and that they just kept going until the agent said, ‘You’re here.’ That’s generally what happens.”

Social worker

As a result of the limited knowledge of the UK prior to arrival, the culture shock some children experience upon arriving is unsurprising and can potentially heighten their vulnerability. These experiences can be disorientating, frightening and confusing. The impact of their journeys upon children’s experiences on arrival to the UK, is further explored in section four.

“ It was a cultural shock. I had never seen white people before. I had never seen black people before. I had never had [a] burger. I [had] never seen [people] like totally different from me. I was quite depressed. And I was seeing different language, different culture, I didn’t know another religion aside from the religion that I had. Difficult to comprehend, new language, new lifestyle.”

Amila, Sri Lanka, 23

### 3.3 Journey: who arranged and who accompanied children on their journeys to the UK?

A number of different actors may be involved in making the initial arrangements for children to leave their country of origin, in addition to accompanying them at various points along their journey. It was often not clear from interviews with children who exactly made the arrangements, which as mentioned, could reflect the fact that children were not

consulted nor part of the discussions surrounding their departure. Children would sometimes refer to their “daddy’s friend”, “uncle” or “friend of the family” when speaking about the man or woman who helped them to leave the country or travelled with them for part or all of the journey. It is possible that these labels depict the children’s understanding of the agents or smugglers that the family had entrusted or remunerated to facilitate the journey.

Children who arrive unaccompanied in the UK do not necessarily set off from home alone. All but two children interviewed as part of the research stated that they set off from home with at least one other person, such as a family member, agent, smuggler, stranger, trafficker or other children. The profile of those accompanying them can change or evolve during the course of the journey for various reasons. And whilst all the children appeared to have had help in making travel arrangements, the level of control in the journey once underway varied quite significantly.

#### 3.3.1 The influence and role of smugglers or traffickers

It was reported by both adult and child respondents, that children moving with traffickers as well as smugglers would have little or no control over the trajectory of their journey. In some cases children reported that a smuggler would accompany them until their end destination, in other cases they would part ways upon arrival in Europe and the child would then continue the journey themselves. Those children who were accompanied by a smuggler during their entire journey appeared to make fewer if any decisions than those who were unaccompanied or accompanied by other children or siblings. In some instances children reported violence and abuse at the hands of some smugglers. These ranged from restrictions on their freedom of movement through force, location (underground cells) or threats of violence to actual physical and sexual abuse.

“ [B]ut you have to listen to them, if you don’t listen to them they are going to punish you or slap you or punch you. I was scared if they say [something] I was always quiet.”

Yaser, Iran, 20

Jamal's testimony highlights the lack of choice and perilous decisions children may be forced to make.

“*The people that do not want to go, they take the gun on them. They said 'if you do not go, then I will shoot you.' They take on me, I said 'ahh I don't want to go, I will die here, because my smuggler said there would be twenty people, but there are ninety people.' But they just do that, they don't care. There is no rule.*”

Jamal, Afghanistan, 17

Stakeholders interviewed also reflected on the mistreatment some children face at the hands of smugglers, who put them in precarious and dangerous situations during their journeys:

“*We had one young person who was transported over from Albania in the boot of a car. That was quite a difficult case. A very young boy in that context. We've had cases where young people have been run over on previous occasions, have come with quite serious injuries that haven't quite healed, because of attempts they've tried to get to come over.*”

Project manager and children's advisor, Local Authority

One psychotherapist working with children in the UK described a case where a young boy was picked up by police in Italy and taken to a foster family that he liked. His smugglers followed and kidnapped him, effectively keeping him prisoner until they reached England. A legal practitioner specialising in migrant children's cases also added that they were aware of smuggling networks which focused their business model on bringing migrants or refugees to the UK for higher payments – even where children would prefer to stop short of travelling to the UK. UNHCR is also aware of smuggling and/or trafficking rings that actively recruit young members of the refugee population in certain countries of first asylum, leveraging their despair at the lack of perspectives and fear of harassment at the hands of the authorities.

Trafficked children may remain susceptible to re-trafficking even after entering state care arrangements. One trafficked child in the sample

group entered the child protection system in two European countries during his journey, but promptly left due to a lack of clear information and understanding of how he would be protected/cared for if he stayed. His account suggests that it was possible for traffickers to approach him and encourage him to leave from within State run reception centres. A recently published report on the trafficking of Vietnamese persons to Europe found that significant numbers of Vietnamese children who come to the attention of authorities in Europe, are going missing from care.<sup>48</sup> Traffickers are often able to maintain their hold on the children through psychological manipulation and threats against the children and their families.

One UK-based social worker spoke about a young person they had assisted, who was separated from their trafficker in France after being picked up by the police and put into state accommodation. That child escaped and made contact with their trafficker again due to a lack of trust in the authorities, and was later trafficked to the UK and into the narcotics trade (drug dealing). A legal practitioner specialising in migrant and asylum-seeking children's cases also mentioned that after children were transferred to reception centres in France following the dismantlement of 'the jungle', a number of them went missing.

### 3.3.2 The influence of peers

The significant influence of fellow peers on a child's onward movement was a clear finding of this study. Those children who reported parting ways with a trafficker or smuggler appeared to have far more agency and choice in their onward movement than when they were under a trafficker or smuggler's control. Subsequently, it appeared that they were often influenced by others that they met during the course of their journey, including children who had arrived in the UK and then sent word back of their success. Children tended to prefer to travel in groups for safety and companionship, at times forging strong and almost familial-like bonds along the way.<sup>49</sup> NGOs and social workers mentioned that children meet friends and establish a network en route, often with

<sup>48</sup> Anti-Slavery International, ECPAT UK and Pacific Links Foundation, *Precarious Journeys – mapping vulnerabilities of Vietnamese nationals coming to Europe*, 2019, available from: <https://www.ecpat.org.uk/precarious-journeys>.

<sup>49</sup> UN Children's Fund (UNICEF), *Harrowing Journeys: Children and youth on the move across the Mediterranean Sea, at risk of trafficking and exploitation*, September 2017, available from: [www.refworld.org/docid/59b7fdd74.html](http://www.refworld.org/docid/59b7fdd74.html).

no specific intention to reach the UK, but to follow their peers.

“ You’ve got a young person who left home by himself, but he managed to meet other groups, so they’d call them friends. So, he sees other friends moving into different countries, boarding the train, he will do the same until, basically, they arrive here. Following the crowd.”

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NGO

“ It’s my friends we came together to Calais and we tried to go to England, they managed, I love them a lot, I do not want to separate from them, it’s because of that I want to go to England. We met here in France and so I consider them as my family.”

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Zelalem, Ethiopia, 17

Unaccompanied children will also communicate with one another on their journey, and pass on messages either in person or using social media about the length of asylum procedures, incidents of mistreatment, or the prospects of receiving a job or education. UNHCR offices reported that children are known to warn each other not to stay in Italy because they view the asylum and legal procedures as taking too long. Mustafa’s account demonstrates how influential peers can be in decisions relating to onward movement:

“ I found my friend. I told him I was tired enough, let us stay here. He told me, ‘Here is no good man, we have to go UK.’ I asked him what is different between UK and France? He told me, ‘It’s nothing different, but everyone prefer... if all these guys try to go there, why not us? If not good, they are not going to go there.’ I said, ‘OK, give me one week.’ He said, ‘No time. We have to go.’”

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Mustafa, Sudan, 18

Other children who had passed through France and Belgium mentioned being influenced by the perception among their peers that the UK was “better” than where they were in terms of respecting human rights – including respect for religious freedom – and in providing future opportunities. Some told UNHCR that they use a Facebook group, “plateforme citoyenne”, which exchanges information

between migrants or refugees and those who have made it to the UK.

“ After that I got to France and there were a lot of homeless people and then like everywhere it was the same... so I heard people telling me to go to the UK because there the situation is better, and there are more opportunities for education... and then English! One of my dreams was I wanna to speak English.”

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Amin and Yaya, Sudan, 22 and 21

In light of the challenges experienced by unaccompanied and separated children in transit countries, positive viewpoints appeared to form among peer groups about the UK. The impact these can have on children’s desire to reach the UK once they arrive in transit countries is unsurprising and explored below in sections 3.4 – 3.6.

### 3.3.3 Influence and location of the family

Importantly, more than half of the children interviewed left in circumstances which strongly suggest that they were not sent ahead to the UK by their parents. Indeed, one third (eight out of 23) of the children interviewed as part of the research reported beginning their journey accompanied by members of their family unit, including their parents. In these cases children may not have known where their final destination was as it was intended that they travel as part of a family.

Six of these eight children became separated from their family during the course of the journey, often through tragic circumstances. The other two children travelled with siblings in order to join older siblings. Despite Gloria’s efforts to trace her parents, she has not seen or heard from them since they were separated during detention in the Republic of Congo at aged six, whereas Charlie’s mother died when she was four and her father remained in the Congo. A further three of the 23 children interviewed said that they were orphaned prior to their departure and another two were estranged from their parents. Stakeholders also drew attention to the fact that many children they met started their journey with their family (parents, siblings or both), but that they became separated from them, they disappeared or died on the way.



One of the eight children interviewed who left Somalia with his family recounted how his father passed away whilst they were on a boat travelling to Yemen. Another Afghan child said that he was separated from his family as smugglers put them in separate cars and crossed a border. Families may also board different boats while crossing the Sea – with some surviving the journey, others not. For instance, UNHCR was informed of a case where every member of the family was reported to have drowned en route, with the exception of one young boy, who found himself suddenly orphaned and unaccompanied in Greece. That particular child ended up in the UK as a result of his UK-based uncle applying for him to join him here.

“ Travelling to the UK, that’s an impossible one because their journey is so risky and treacherous. Our young people are coming across the boats to Italy. We’ve had young people where they’ve been in one boat, their sister has been in another boat and that boat has gone. They’ve never seen their family again, so that’s the level of trauma that they’re living with.”

Paediatrician

Despite its importance as a critical protection measure, in many countries, registration procedures are lacking or incomplete. Among other consequences, children may be erroneously identified as separated or unaccompanied even when they are moving with relatives – at times resulting in family separation.<sup>50</sup> It is also known that in some cases, asylum-seekers themselves seek to avoid registration.

Mustafa was separated from his uncle at the point of registration in Italy after his uncle was detained. Although Mustafa has spoken to his uncle by phone he has not seen him since this incident, and was left to continue his journey to the UK alone.

A Sudanese child interviewed said that he was separated from his cousin because his cousin chose to claim asylum in France, whereas the child was transferred to the UK under Dublin III.

UNHCR’s report on Member State implementation of the Dublin III Regulation, *Left in Limbo*, found that most Member States do not have standard operating procedures for conducting family tracing

<sup>50</sup> UNICEF UNHCR and IRC, *The Way Forward to Strengthened Policies and Practices for Unaccompanied and Separated Children in Europe*, p. 9, July 2017, available from: [www.refworld.org/docid/59633afc4.html](http://www.refworld.org/docid/59633afc4.html).

## Case study: FAMILY SEPARATION

Jamal, from Afghanistan, was 13 years old when he became separated from the rest of his immediate family at the Iran-Turkey border:

“ We passed the border of Iran to Turkey. And then we thought my family were behind us in another car. **The smuggler told us lie, they will come in one hour. But we wait one day and they did not come. And then it passed ten days in Turkey and they were just lying to us.** When I was in Turkey my aunty told me, “I don’t know if your family will come or they will not, who knows, maybe the police deport them back to Afghanistan, we don’t know.” [...]. She said, ‘If you want, you can stay in Turkey and wait for your family. I will go to Greece.’ I said, ‘I am thirteen years old, I cannot wait alone.’ I told her, ‘I will go with you to Greece.’ And then I went to Greece with my aunt.”

Jamal stated that after a while his aunt started to change her behaviour towards him and eventually abandoned him to fend for himself in Greece:

“ She had five kids who were with us. When we went to Greece, she changed her behavior with me. **She became bad with me. She didn’t want me. She didn’t give me food. She said ‘No, you have to go somewhere, I don’t want you anymore.’ And then she kick me out of where I was with her.** And then I didn’t have any bed, I went to park and I sleep in park. 13 years old with nobody. I didn’t know how to speak English, I didn’t know how to speak Greek. I just knew how to speak my language. It was very hard for me, that period time. But then I found that organization I called [...], they help me, it was alright. And then, I didn’t know what happen with my aunt. And now I know she is in Holland, with her kids. That is the history of my time.”

Jamal, Afghanistan, 17

Jamal then attempted to reach one of his uncles in France by submitting a Dublin III application, but his application was rejected by the French government. Eventually, he was transferred to the UK through the Dubs scheme, after waiting up to nine months for a decision and three years in total in Greece.

nor clear procedures for the identification of family members, siblings and relatives present in other Member States.<sup>51</sup> This is extremely problematic as it leaves children separated from their family members, siblings or relatives who may be present in the territories of the Member States, and in such cases may deny them the possibility of a safe and legal pathway to family through the provisions of Dublin III.

In three cases, a breakdown in family relationships during the journey or a rejection to join a family member under Dublin III reportedly served to indirectly influence decisions about the journey and ultimate arrival of some children to the UK. After his Dublin III application to join his uncle in the UK was rejected, Asif recounted that his father arranged for a smuggler to help him cross irregularly by lorry from Calais instead. Whilst in Sicily, Meron had sought to join an uncle in Germany under the Dublin III family reunion provisions; the application was unsuccessful and the child was instead asked by the Italian authorities if she would like to come to the UK under the Dubs scheme. Prior to this, Meron was abandoned by her relatives who had agreed to support her journey to Europe – but resolved to continue anyway.

“ The biggest issue she had when she got through Ethiopia and Sudan and she got to Libya, [was that] she was meant to meet a relative that promised to pay for her to go through Libya to Germany, to join another relative in Germany, but when she got to Libya the relative [...] did not want to have anything to do with her, so she contacted her parents saying she was gonna kill herself.”

Foster carer, talking about Meron, Eritrea, 16

In other cases, instead, the family might consciously decide to separate to allow at least one member of the family to reach a safe – or a better – place. This was the case of Radin, a 17 year old Afghan boy that left his country with his mother and his brothers and sisters. They crossed to Iran, and his mother started working as a cleaning lady for a family. Due to difficulties faced in Iran, his mother decided that he was in the best position to make the journey to Europe, as his brothers were too young. She paid for

<sup>51</sup> UNHCR, *Left in Limbo: UNHCR Study on the Implementation of the Dublin III Regulation*, August 2017, available from: [www.refworld.org/docid/59d5dcb64.html](http://www.refworld.org/docid/59d5dcb64.html), see p. 77.

his journey up to France, and Radin left Iran with the family for whom his mother was working.

Almost all children interviewed for this study recounted fleeing for protection related reasons, and a third of these children began their journeys with their immediate family members (with a further five orphaned or estranged from their parents before their departure). Albeit indicative, this finding does not support the common concern of EU Member States that parents are sending their children alone with the intention of joining them via family reunification once the child has secured refugee status. Inversely, in a number of instances – children already had family members in the UK which strongly influenced their decision to ultimately travel there.

### 3.4 Journey: experiences in countries of first asylum/transit.

This section considers children's direct experiences in the region of flight, and the extent that these experiences influenced their trajectories or encouraged onward movement towards Europe and the UK specifically. The section that follows addresses children's experiences in transit in Europe.

Children and adults interviewed spoke of the challenges some unaccompanied and separated children may face when seeking to access protection in regions of flight, prior to their arrival in Europe. Gloria believed that she was in Ethiopia, when she faced difficulty in receiving support.

“ [Interviewer] So no-one tried to help you?

*No. Because language was a barrier because in Congo we speak French obviously we wasn't speaking the same language as them, it was really difficult, I am sure people had their own things to deal with but even just finding someone who wanted to genuinely help, that wasn't really easy because everyone just doing their own stuff...The thing is, I remember, a lot of people, they try and trick you, I think once you are foreign and you come to their country, they would just [prefer] to take money off you.”*

Gloria, Congo, 19

As mentioned above, Radin, 17, reported that he left Afghanistan and went to Iran with his mother, brothers and sisters. Due to the difficulties his family faced in Iran, his mother felt compelled to pay for him to travel to France alone.

An officer of an NGO working with unaccompanied and separated children in the UK, mentioned that they currently have several young people in their programs, who were forced to work in factories or cafes in Turkey, because they were under the control of their smugglers or traffickers there. As corroborated by a support worker for a Greek NGO, children can be forced to stay for long periods of time in transit countries out of sight of the authorities, due to their dependence on the persons transporting them, who may exploit them on route.

“ Unfortunately most of the time support and protection of those children was non-existent, their daily routine was determined by the smuggler, who did not allow any moves that could endanger his operation. For this reason children live in houses controlled by the smuggler and they did not have even the slightest freedom and were often forced to work for him. And whilst experiencing insecurity most of the time, they did not ask for help. Moreover, children in these countries could not be identified by the authorities and as a result they could not get any support.”

Support worker, Greek NGO

Four of the children interviewed had passed through Libya. They said that they were still so traumatized by what they had gone through in Libya that they were unwilling to share it during their interview.

The grave and systematic harm directed against migrants and refugees in Libya is widely reported upon,<sup>52</sup> and its impact upon children and young people who have managed to escape alive and reach Europe, should not be underestimated. Stakeholders, including foster carers, social workers, psychologists and solicitors, filled in the gaps where these children fell silent. For example, one stakeholder described the case of a girl who was raped, and badly traumatised in Libya.

<sup>52</sup> Women's Refugee Commission, "More Than One Million Pains": Sexual Violence Against Men and Boys on the Central Mediterranean Route to Italy, 2019, <https://bit.ly/2pR1tzd>. UNSMIL, Desperate and Dangerous: Report on the human rights situation of migrants and refugees in Libya, 2018, available from: <https://bit.ly/2lmjq0K>.

“ She spent seven months in Libya, she did not wash for seven months, she did not have her period for seven months, she was raped once by a man from Sudan, she and another girl were taken in a car by four local men, Libyans I think and this Sudanese man, and the girl who she was with was raped multiple times, but my girl was raped once by the man from Sudan [...] but after that she spent three weeks disguised as a boy and so she got some clothes [...] like a hoodie and after three weeks she went somewhere and they said, “Oh you’re a girl”, she went to a hospital to check if she was pregnant, they checked her out and they said no, she was not, and that obviously was a blessing... she spent a lot of time hiding and not eating very much[...].”

Foster carer, talking about Meron, Eritrea, 16

Another described the case of a boy who was held underground in a container for so long that he now has permanent damage to his sight:

“ He was hospitalised in Italy because he had been kept underground in such vile conditions for so long that he was almost blind. Something was wrong with his eyes, there was an infection of sorts. He then escaped from the hospital, fearing that he was going to be held in Italy... My sense is it was more than weeks. To him, it seemed unending because there was no sunlight. I don’t think he could accurately describe how long it was either. They were not given adequate food or water, they were defecating in the same space. If they discovered that you were Christian, you were immediately murdered. This was done in a group style. The food that was given was bread, and there was not enough for everyone.”

NGO

A paediatrician interviewed reported seeing marks on the bodies of children from past beatings and torture experienced in Libyan detention facilities, and also frequently heard reports by children of seeing friends/family members or others being killed in front of them. Consistent with UN reports on the human rights situation for refugees and migrants in Libya,<sup>53</sup> NGO staff providing support services to unaccompanied and separated children also shared

examples of young boys they met, who were subject to forced labour on farms or as domestic servants.

The value of UNHCR’s Emergency Transit Mechanism (ETM) in Niamey Niger, which has, since 2017, successfully evacuated thousands of vulnerable detainees out of Libyan detention facilities, was highlighted in the case of Hiwot. She had attempted to cross the Mediterranean Sea twice, but the boats she embarked in were intercepted and returned by the Libyan coastguard. After her evacuation to the ETM in Niger, she was granted refugee status and then benefited from resettlement to the UK under the VCRS, making it to safety via a legal pathway.

### 3.5 Journey: experiences and factors affecting onward movement within Europe

Occasionally, children gave positive accounts about the legal, NGO or UNHCR assistance they received to access the Dubs scheme, education in Greece and Italy, or even food or money by strangers. Children’s recollections of their journeys throughout Europe to the UK, however, were overwhelmingly negative.

The statements made by almost all children interviewed for this study suggested that they were not able to effectively engage with the national child protection and asylum/immigration systems they encountered in European countries prior to their arrival to the UK. They relayed experiences of being unable to communicate with the national authorities, have their claims assessed, and receive the protection they required. In some cases, direct mistreatment and abuse experienced at the hand of state authorities in several countries in Europe influenced children’s decisions to move on. In other cases, the influence of smugglers, and rumors within the community about the treatment they were likely to encounter from the local authorities (whether accurate or not) contributed to onward movement. And in other cases, ongoing delays and practical difficulties encountered with evidencing family relationships for the purpose of Dublin III transfers hindered access to family unity across the wider continent.

<sup>53</sup> Ibid see section 5.1.1, Inhumane conditions, starvation, abuse and exploitation.

### 3.5.1 Experiences of reception and accommodation

The evidence considered for this report suggests that unaccompanied and separated children arriving in Europe can face significant difficulties in securing adequate accommodation. Jamal from Afghanistan, waited nine months in Greece before he was transferred to the UK. He was fortunate to be given accommodation by an NGO and referred to a lawyer who put him forward for the Dubs scheme. Were it not for this support, he may have considered more negative coping mechanisms

“ I have quite a lot of friends in Greece... you don't have anything to do... you don't have school, you don't have ID, you don't have place to sleep. And then you will go to park, and there are some people who sell the drug. And when you smoke the drug you can't feel anything... And that's why most people did that. I was thinking about it and I was scared. I didn't want to become like this sort of thing. But now that I am here, that is okay, I am happy to be here.”

Jamal, Afghanistan, 17

In August 2018, the BBC reported accommodation conditions so appalling and unsafe in a Greek refugee camp in Moria, that children began attempting suicide.<sup>54</sup> In March 2019 it was reported that 600 unaccompanied and separated children were considered homeless and 200 were considered to be living in informal squats with other adults. In its recommendations to the Greek Government in May 2019, UNHCR noted that persistent overcrowding, in Samos and Lesbos in particular, and current shelter allocation arrangements leave single women and unaccompanied children unprotected. Sexual harassment and violence, including against men and boys, constitutes a major risk with the limited number of specialized services exacerbating feelings of insecurity. UNHCR also noted that it remains exceptional for unaccompanied children to end up in optimum care arrangements in Greece.<sup>55</sup>

Children interviewed who passed through Italy, recounted being registered, placed in a reception facility and then left to their own devices.

“ I think that Italy don't want people... I see Somali guy he speak Arabic and interpreter say, government say, if you want to stay in here, you can go to ... small accommodation in there. Like accommodation really small. But you stay in here and it take a long time to get some documents. If you don't want to sit in here, you are free, everybody.”

Ibrahim, Sudan, 18

“ I arrived in Italy by the sea, and from there they took us to Rome and from there they abandoned us. I was in the street – life, it was really very horrible.”

Zelalem, Ethiopian, 17

The Italian legislation at the time of writing this report – is quite advanced in term of rights and safeguards for refugee and migrant children. In particular, they are entitled to a stay-permit until they turn 18, to be accommodated in dedicated facilities and to specialized care and support. Children are also, *inter alia*, entitled to a guardian and for those in need of international protection, their applications are prioritised. Despite these legal safeguards, as children reported, significant differences may occur in the quality and nature of services provided in reality.

Despite a well established child protection system in France, unaccompanied and separated children on the move often remained outside of official child protection systems. The child protection system in France is decentralized and Departmental Councils (local authorities) are responsible for the protection of unaccompanied children. Standards regarding the identification, orientation, information provision and best interest procedures of unaccompanied and separated children are not consistently applied across different territories. As a consequence, unaccompanied and separated children may remain unidentified for some time, depending on where they arrive in the French territory. The number of children

<sup>54</sup> BBC News, *Children 'attempting suicide' at Greek refugee camp*, 28 August 2018, available from: <https://bbc.in/35lhcHh>.

<sup>55</sup> UNHCR, *Recommendations by the Office of the United Nations High Commissioner for Refugees (UNHCR) concerning the execution of judgments by the European Court of Human Rights (ECtHR) in the cases of M.S.S. v. Belgium and Greece (Application No. 30696/09, Grand Chamber judgment of 21 January 2011) and of Rahimi v. Greece (Application No. 8687/08, Chamber judgment of 05 April 2011)*, 15 May 2019, 1348th meeting (June 2019) (DH), available from: [www.refworld.org/docid/5cfffce04.html](http://www.refworld.org/docid/5cfffce04.html).



in need of reception and accommodation has also put official services under pressure.<sup>56</sup> Children under the control of smugglers, as well as those independently seeking to cross to the UK may seek to avoid child protection services in the belief that it will hinder their efforts to continue.

“ After that I got to France and there were a lot of homeless people and then everywhere was the same... People must have told you how hard it was, I was living in a beer factory and all the Sudanese people were there, for four months and I was trying [to leave] every day, every month.”

Amin, Sudan, 22

Insufficiently adapted first reception and accommodation for unaccompanied and separated children was mentioned as another reason for the onward movement of these children from Belgium to other countries in the EU. Even if these children had, at this stage, decided on travelling to the UK, inadequate reception and accommodation arrangements would undermine the ability of the State and stakeholders to engage with children to

provide protection and dissuade dangerous onward movements. Children and stakeholders reported that many young people who describe having been in “the jungle” in Calais, refer to experiencing intimidation at the hands of gangs or ‘adults’ in their vicinity, at times turning into violent clashes between nationalities. This was in addition to the lack of food and appropriate and safe accommodation. UNHCR has been informed by Fedasil, the Belgium reception authorities, that around half of all intercepted unaccompanied and separated children disappear following first referral to the Belgium reception system.

Even where children do enter and remain in national child protection systems, a lack of concerted case management towards a durable solution in every case, can mean some children ultimately exit the system and are left homeless rather than counselled on return procedures or other options which may exist in law. A psychotherapist described one case of a child moving on after becoming homeless in Spain once it was decided that he did not qualify for leave to remain there. UNHCR advocates for the development of mechanisms to ensure that all unaccompanied

<sup>56</sup> UNHCR – Etude Enfants non accompagnés – C’est bien qu’on nous écoute, December 2018.

and separated children have an assessment and determination of their best interests, and that a durable solution for each child can be identified and effectively pursued.<sup>57</sup>

### 3.5.2 Dublin III and Dubs transfer schemes

Even though more children are being identified as eligible to benefit from the Dublin III and the Dubs scheme, many children continue to abscond or, in parallel, try other ways to cross to the UK. The main reasons cited for this were that procedures took far longer than expected. UNHCR is aware that many children who are found on the Italian borders trying to leave the country had spent lengthy periods of time in the Italian reception system, and in some cases, were waiting for family reunion procedures under Dublin III or a transfer to the UK under the Dubs scheme. As mentioned above, additional interviews planned to take place in Calais by UNHCR were cancelled when 30 children awaiting transfer to the UK under the Dubs scheme went on hunger strike in protest against prolonged delays.

A lack of on-going, child friendly and clear communication about these processes and the various steps required to effect them mean children are at risk of disengaging. This is further exacerbated by limitations to the provision of education or other opportunities while they wait, resulting in children continuing to make their own attempts to cross to the UK or join relatives elsewhere. Two of the children interviewed and who were transferred under the Dubs scheme had previously been rejected by other EU countries to join family members elsewhere under Dublin III (Germany and France). Another child explained that following two unsuccessful transfer applications (unclear whether Dublin III or Dubs scheme), a smuggler helped him to reach the UK by refrigerated lorry. Only one child, Ibrahim, who did manage to join his uncle in the UK under Dublin III,

said that he had not attempted to try to enter the UK earlier because he had seen others trying and thought it was too hard.

Dawit from Eritrea was transferred to the UK from France under the Dubs scheme. Before this he had been trying to cross to the UK irregularly for ten months, and was willing to continue doing so despite the risks.

“ **[Interviewer]** So you had an interview to come to the UK, if the authorities had said no, what do you think you would have done instead?

*I would have tried again and again, by returning to a place I was originally in.*

*I tried [to cross] for ten months.*

**[Interviewer]** That must have been very difficult. Frustrating.

*You can be killed, you can die.”*

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Dawit, Eritrea, 16

As reported in *Left in Limbo*,<sup>58</sup> participants raised a number of factors that impact upon delays or contribute to a preponderance of rejections under the Dublin III regulation. This includes a lack of evidence of the familial relationship, as well as the difficulties in gathering such evidence. Good practice of proving family links in the Dublin III procedure exists in some Member States – often with the support of the UN, NGOs and children themselves.<sup>59</sup> It is hoped that these pilots will provide valuable lessons learned for the implementation of the Dublin III regulation (Dublin IV, or a Dublin-like mechanism for the management of asylum claims across the continent in future), alongside positive examples in *Left in Limbo*.<sup>60</sup> In view of the above reported challenges to reunifying unaccompanied children with their relatives across Europe and within Dublin III, urgent action is needed to ensure that current and future transfer schemes

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<sup>57</sup> UNHCR, *Putting the child at the centre: An analysis of the application of the best interests principle for unaccompanied and separated children in the UK*, 2019, available from: <https://www.unhcr.org/uk/5d271cdf7>.

<sup>58</sup> UNHCR, *Left in Limbo: UNHCR Study on the Implementation of the Dublin III Regulation*, August 2017, available from: [www.refworld.org/docid/59d5dcb64.html](http://www.refworld.org/docid/59d5dcb64.html).

<sup>59</sup> For example, from August to December 2018, the Home Office and the British Red Cross (BRC) undertook a pilot whereby the BRC would assist relatives in the UK seeking to join with children in Greece with the verification of their family link. In collaboration with EASO, IOM and UNICEF, UNHCR Greece has also developed a BIA tool for children applying to reunify with family under Dublin III – to ensure that it was in their best interests to move.

<sup>60</sup> UNHCR, *Left in Limbo: UNHCR Study on the Implementation of the Dublin III Regulation*, August 2017, available from: [www.refworld.org/docid/59d5dcb64.html](http://www.refworld.org/docid/59d5dcb64.html) for more details about these positive practices, see pp. 75-59.

for the management of asylum seekers across Europe, are consistently and effectively implemented by Member States in order to achieve their purpose of reuniting family members and sharing responsibility for the processing of asylum claims.

### 3.5.3 Experiences of detention and mistreatment

In some cases, beyond neglect, children interviewed explained that the state authorities they encountered posed serious protection risks to them.

One legal practitioner specialising in migrant children's cases noted that in over 20 years of experience working with unaccompanied and separated children in situations of displacement, they have seen a shift in where these children experience the worst of it:

“ Previously the [worst] thing that had happened to your client was in their country of origin, the thing that caused them to leave was the most difficult thing to listen to ... but actually for most of the children that I work with, the journey itself is the worst thing.”

Legal Practitioner

Detention and sometimes physical abuse at the hands of state officials in European countries was recounted by the children and young people, as well as stakeholders interviewed. Asif said that on his way through Europe, he was subjected to prolonged periods of detention and physical abuse in two countries. He became upset recounting how he had never been in “jail” before.

At Europe's southern border, several interviewees reported denial of food and water, physical coercion and excessive force perpetrated by the authorities in order to obtain fingerprints required under EU law for the operation of the Dublin III regulation:<sup>61</sup>

“ [...] after ten hours in the cell I said I wanted to go to the toilet and they sprayed me with pepper spray and I felt like I was dying, some people grabbed me and brought me to another office, and when I managed to open my eyes I had six or five police officers who were trying to take my finger prints. I fought them for 25 minutes and they were shouting to me and it was really disgusting and then I gave up and they took my fingerprint and they let me go. When I left the police station I was crying because I felt like... even back home, even in Libya where I got beaten a lot... Europe for me was like paradise, human rights...and there, I felt really broke, it was not the pain, the pain I can bear... I felt so humiliated. Even now I feel emotional when I think about it.”

Amin, Sudan, 22

According to the EU Agency for Fundamental Rights, to justify the use of force irregular arrivals must have been given a realistic opportunity to comply with their duty to provide their fingerprints. Compliance should normally be achieved through the provision of adequate information and effective counselling. This should include a period of time in which to decide whether to comply, limiting the use of force to specific, exceptional circumstances as prescribed by law.<sup>62</sup>

Mustafa recounted how he and his friends were also met with hostility and discrimination by the police. As with Amin, rather than being referred into social care, they were rounded up, driven and left in an unknown location. This was also corroborated by Dawit, a young Eritrean who claimed that he was taken by the police on four occasions and dropped “in the middle of nowhere... and it would be your responsibility to find where to go then.”

<sup>61</sup> Under Eurodac Regulation No. 603/2013, all asylum-seekers and migrants in an irregular situation apprehended in connection with an irregular border crossing – except for children under 14 – must provide their fingerprints. These are stored in a large database, the Eurodac.

<sup>62</sup> European Union Agency for Fundamental Rights, *Fundamental Rights Implications of the Obligation to Provide Fingerprints for Eurodac*, 2015, available from: <https://bit.ly/2MAMeno>.

Some stakeholders also reported accounts of systemic physical violence at the hands of state authorities:

“*The police are always beating up every child I have been in [an] interview with. The... police are always described as very violent, beating them, putting them in prison for some time without giving them food or drink. Or not letting them sleep. I had a case, the child said, “A group of police put 20 people in a small room, and they were not letting us sleep.” A kind of torturing. ... Always complaints of being beaten by police.*”

Stakeholder 1, NGO

These and other experiences shared with UNHCR, were reported as clear reasons that compelled participants to move onwards in their search for safety.<sup>63</sup> It also had lasting adverse effects, directly impacting upon their experience of and participation in the UK asylum and immigration system and general capacity to cope, as discussed in section 4 below.

<sup>63</sup> For regular reports on the situation facing asylum-seekers including unaccompanied and separated children in Europe, please consult UNHCR’s *Desperate Journeys* series available from: <https://www.unhcr.org/desperatejourneys/>. According to the last edition, in 2018, UNHCR and its partners in Serbia received reports of more than 400 unaccompanied children being pushed back from neighbouring states. Over 270 of the children reported having been denied access to asylum procedures and 90 reported having been subjected to physical violence.

## POSITIVE PRACTICE EXAMPLE – ADAPTED INFORMATION PROVISION IN BELGIUM

In Belgium, up to 60 per cent of self declared unaccompanied and separated children are age disputed by the police or immigration authorities, and can be subject to intrusive medical procedures or detention while they await a final determination of their age.<sup>64</sup> UNHCR is aware that this policy has contributed to dissuading children, host families and some local stakeholders from referring unaccompanied and separated children they encounter into State care and encourages children to move onwards. Problems with the quality of guardianship provided to unaccompanied children, as well as limited provision of information related to complaints mechanisms, was reported by stakeholders in Belgium as potentially impacting on children’s ability to both understand and access procedures in a manner that represents their best interests.

In order to address this gap, Caritas International was funded by UNHCR in 2018 to organise outreach activities targeting unaccompanied children unwilling to be referred to the relevant authorities. This included strengthening coordination with stakeholders, such as citizen platform which regularly hosts adults and children as part of mixed migration flows, providing adapted information about the child protection system, immediate referral to the Guardianship Service, and capacity-building for first line staff including police and reception staff. This project has reportedly increased the number of unaccompanied and separated children who decide to stay in Belgium and apply for asylum/enter state care, although initially unwilling to do so. However, ongoing communication challenges remain, including the strength of smugglers/peer narratives to the contrary and for some ethnic groups such as the Tigray and Amhara, a lack of interpretation support.

<sup>64</sup> For a comprehensive assessment of age dispute practice in Belgium, and recommendations for change, see la Plate-forme Mineurs en Exil, *L’estimation de l’âge des MENA en question: problématique, analyse et recommandations*, available from: <https://bit.ly/33h2u1W>. See also UNHCR DG Justice report “for a strengthened protection of UASC in Belgium”; Plateforme minors en exil, *L’estimation de l’âge des MENA en question: problématique, analyse et recommandations*, September 2017, available from: <https://bit.ly/33h2u1W>.

“ [W]e were trying to bring [him to the UK] via family reunion and it was so hard managing his feeling of ‘why are you trying to keep me out of the UK, if I’d got a smuggler I would be there by now, why are you not letting me do it’. That’s really hard to manage.”

Legal Practitioner

As evidenced above, many children interviewed for this study, indicated a bewilderment or lack of understanding about the child protection and asylum systems that were available to them in countries they passed through. This was, in part exacerbated by the lack of trust children expressed having in the State.

UNHCR has previously highlighted the need to invest in trust building with unaccompanied and separated children on the move through cultural mediators, the appointment of guardians and the provision of child friendly information on asylum and immigration procedures.<sup>65</sup> Indeed, in the UNHCR study *The Way Forward*, unaccompanied and separated children interviewed stressed that more children would register if they were properly counselled on their available options.<sup>66</sup> UNHCR considers that innovative information projects targeting unaccompanied and separated children within onward movements such as that funded in Belgium, should be scaled up across Europe. This in turn can improve the prospect of identifying durable solutions up front, and mitigate against overburdening asylum systems.<sup>67</sup> Indeed, migrant children found not to be in need of international protection or another form of legal stay require support in order to take up voluntary return, relocation to a third country or an alternative form of stay. For instance, there exists a possibility for unaccompanied and separated children to

stay legally in Belgium even if they do not qualify for refugee status, but when it is not in their best interests to return to their country of origin through a procedure available only to unaccompanied and separated children, also known as the “durable solutions” procedure.<sup>68</sup> At the same time challenges reported include the lack of awareness of the procedure both by unaccompanied and separated children and guardians, limited time to avail of the procedure before reaching the age of majority, and the lack of structural involvement by child protection authorities.

Child friendly and consistent engagement with unaccompanied and separated children entering child protection, asylum or immigration systems, which maintains a regular dialogue about their pathway to legal status or other durable solution, is necessary, however, to avoid others filling the silence with misinformation. And in situations where countries receive a high number of asylum applications as a result of mixed movements, UNHCR has recommended the use of accelerated and simplified procedures as a means to quickly process manifestly unfounded – as well as manifestly well-founded – applications with a view to assisting those found to be in need of international protection with their integration, and channelling those who are not into return procedures.<sup>69</sup>

<sup>65</sup> UNHCR, *Left in Limbo: UNHCR Study on the Implementation of the Dublin III Regulation*, August 2017, available from: [www.refworld.org/docid/59d5dcb64.html](http://www.refworld.org/docid/59d5dcb64.html); UN High Commissioner for Refugees (UNHCR), *Better Protecting Refugees in the EU and Globally: UNHCR’s proposals to rebuild trust through better management, partnership and solidarity*, December 2016, available from: [www.refworld.org/docid/58385d4e4.html](http://www.refworld.org/docid/58385d4e4.html), see pp. 16-18; UNHCR, *The Way Forward to Strengthened Policies and Practices for Unaccompanied and Separated Children in Europe*, July 2017, available from: [www.refworld.org/docid/59633afc4.html](http://www.refworld.org/docid/59633afc4.html).

<sup>66</sup> UNHCR, *The Way Forward to Strengthened Policies and Practices for Unaccompanied and Separated Children in Europe*, July 2017, p. 8. available from: [www.refworld.org/docid/59633afc4.html](http://www.refworld.org/docid/59633afc4.html).

<sup>67</sup> UNHCR, *Better Protecting Refugees in the EU and Globally: UNHCR’s proposals to rebuild trust through better management, partnership and solidarity*, December 2016, available from: [www.refworld.org/docid/58385d4e4.html](http://www.refworld.org/docid/58385d4e4.html), see pp. 16-18; UN High Commissioner for Refugees (UNHCR), *The Way Forward to Strengthened Policies and Practices for Unaccompanied and Separated Children in Europe*, July 2017, available from: [www.refworld.org/docid/59633afc4.html](http://www.refworld.org/docid/59633afc4.html).

<sup>68</sup> This is usually referred to as the “UASC residence procedure.” The Law of 15 December 1980 regarding access to the territory and residence, outlines the procedure as based on Chapter VII of the same law, entitled “unaccompanied foreign minors” (Articles 61/14 until 61/24) available from: <https://bit.ly/2cmfb3k>.

<sup>69</sup> See UNHCR, *Fair and Fast: UNHCR Discussion Paper on Accelerated and Simplified Procedures in the European Union*, 25 July 2018, available from: <https://www.refworld.org/docid/5b589eef4.html>.

### 3.6 Destination UK?

The above research findings suggest that the point at which the UK crystallises as the destination of choice depends on a variety of influencing factors. These factors include who accompanied the child and when, whether or not they were directly mistreated or misinformed by the state and non-state actors they encountered, the influence of their peers, smugglers and the location of family members. What this study also suggests, is that a desire to reach the UK, at least for those who had not yet formed a view from the outset, may only crystallise at its doorstep. The destination may not be clear in a child's mind, or specific to the UK for that matter, at earlier points in their journeys. For example, UNHCR is aware that children will express that they have no intention of remaining in Greece on account of the difficult situation they face there, but will often say they want to reach Sweden or Germany instead. Other stakeholders report children moving from one country to the next, with the hope that "next time" it will improve – before finding themselves in France at a cross-roads. And as discussed above, several children interviewed for this study were transferred to the UK through the Dubs scheme, after failing to reach family members elsewhere through Dublin III.

The strength of many children's desire to reach the UK once in France, after the lengthy and harrowing journeys they faced, is unsurprising and was clearly evidenced in a number of cases interviewed. These children expressed an unwavering determination to embark on dangerous irregular crossings by lorry, train or boat – at whatever cost. After having his Dublin III application for transfer to the UK rejected, Asif ultimately crossed the Channel with the assistance of a smuggler in the back of a freezer truck, remaining inside for eight or nine hours.

“ [The reasons for wanting to come to the UK are] different. Some of them do have family here so that would be one of the reasons. Some of them believe that they have a better chance of claiming asylum here than they would in different countries. [The great majority] do not feel that they were well supported so they continue the travel. So they feel like there is support in the UK. That's it.”

Social worker

Since the tightening of security at the UK-French border in 2018 it has been reported that children increasingly attempted to reach the UK through other routes, including via Caen-Quistreham as well as via Belgium and on the Santander ferry from Spain. Participants to the study spoke about a number of children who had died trying to reach the UK, either crushed under the vehicles they were hiding under, or in one tragic case, accidentally shot by border police as they pursued the vehicle they were travelling in along with their family. Tightened border security, in the face of adverse conditions for unaccompanied and separated children in several countries in wider Europe, including France, risks exacerbating vulnerability and dangerous journeys, in the absence of alternative legal pathways and local solutions.

## Section 3: RECOMMENDATIONS

Section 3 of this research indicates that areas of concern previously identified by UNHCR relating to the general protection situation for unaccompanied and separated children in Europe have not been addressed. Accordingly, earlier recommendations relating to the treatment of unaccompanied and separated children in Europe, which are considered to remain both relevant and urgent, are outlined below.

- 1. Building confidence in and the capacity of national children's care systems in the EU. All national children's care systems in the EU must be available to all unaccompanied and separated children regardless of immigration status. Those systems must engage unaccompanied and separated children immediately upon entry, through frontloading advice in a language they understand, with individualised support, and safe and secure accommodation.<sup>70</sup>**
  - 2. Establishing a rapid and effective guardianship system with the engagement of cultural mediators that provided unaccompanied children with a single point of contact who would act in their best interests and who was independent from the State.<sup>71</sup>**
  - 3. Strengthening the identification and protection of victims of trafficking in persons in the current migration context across the Central Mediterranean and other routes to Europe. Ensure adequate provision of safe shelters and specialised support for trafficked persons that are distinct and separate from asylum reception facilities – and safeguard against further exploitation and abuse upon arrival to Europe.<sup>72</sup>**
  - 4. Increasing co-ordination mechanisms, expand opportunities for safe pathways, prioritise family**
- reunion, accelerate and simplify procedures for asylum determination and ensure a common approach for unaccompanied and separated children.<sup>73</sup>**
- 5. Whilst ensuring that actions related to family tracing do not cause harm to the child or their families, it should be given priority as a procedure as soon as a child is identified as unaccompanied or separated from his or her family, as well as a common methodology between actors/EU Member States developed for more streamlined coordination. Family tracing should take a multi-faceted approach including country of origin, country of first asylum, EU and non-EU states.<sup>74</sup>**
  - 6. Expanding the use of transfer schemes for unaccompanied and separated children within Europe, in particular Dublin III (and any successor established after the UK's departure from the EU), to ensure safe and efficient management of asylum claims across Europe and minimise dangerous journeys. Where utilised, transfer schemes must operate effectively and efficiently, with primary consideration for a child's best interests and without delay.**

<sup>70</sup> UNHCR, *The Way Forward to Strengthened Policies and Practices for Unaccompanied and Separated Children in Europe*, July 2017, available from: <https://www.refworld.org/docid/59633afc4.html>.

<sup>71</sup> Ibid.

<sup>72</sup> Special Rapporteur on trafficking in persons especially women and children. (2018) Report of the Special Rapporteur on trafficking in persons especially women and children, 14 May 2018, A/HRC/38/45; UNHCR, *The Way Forward to Strengthened Policies and Practices for Unaccompanied and Separated Children in Europe*, July 2017, available at: <https://www.refworld.org/docid/59633afc4.html>, see pp. 25-27.

<sup>73</sup> UNHCR, *The Way Forward to Strengthened Policies and Practices for Unaccompanied and Separated Children in Europe*, July 2017, available from: <https://www.refworld.org/docid/59633afc4.html>.

<sup>74</sup> Ibid. And *Putting the child at the centre: An analysis of the application of the best interests principle for unaccompanied and separated children in the UK*, 2019, available from: <https://www.unhcr.org/uk/5d271cdf7>.

## Dublin III:

- As recommended by UNHCR in 2017, Member States should ensure the prioritisation of cases involving UASC for smooth family reunion; Member States must ensure the proactive tracing and identification of family members, siblings and relatives for the purpose of the Dublin procedure, provided that it is in the best interests of the child concerned.<sup>75</sup>
  - Transfer decisions should be issued as soon as possible to both applicants and their legal advisor and representative in the case of UASC to ensure that they have access to an effective remedy in practice as well as in law. Transfer decisions should be issued in a language that the applicant understands and if not, interpretation should be provided to inform the applicant orally of the content of the transfer decision.<sup>76</sup>
  - Once a decision to transfer a child is taken, appropriate capacity to ensure that children are transferred without delay should be put in place, including where necessary to accompany the child to the responsible Member State. The setting up of a guardianship network could further assist in streamlining transfer procedures involving children.<sup>77</sup>
- 7. The UK is urged to redouble its efforts to work with other European states to both ensure the humane treatment of unaccompanied and separated children in Europe and dismantle criminal networks exploiting children while holding perpetrators of rights violations to account. This should include investigation into criminal activities and effective prosecution.**

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<sup>75</sup> UNHCR, *Left in Limbo: UNHCR Study on the Implementation of the Dublin III Regulation*, August 2017, available from: [www.refworld.org/docid/59d5dcb64.html](http://www.refworld.org/docid/59d5dcb64.html).

<sup>76</sup> Ibid.

<sup>77</sup> Ibid.



## 4. THE PROTECTION SITUATION OF UNACCOMPANIED AND SEPARATED CHILDREN IN THE UK

In addition to examining the reasons why unaccompanied and separated children apply for asylum in the UK, this research sought to understand how their experiences during the journey to the UK impacted upon their situation on and after their arrival. This centered upon two main lines of inquiry. The first was that of children's mental health and trauma, how these impact on the ability of children to navigate the asylum, age assessment and NRM processes, and how these processes may in turn further affect their mental health and well-being. The second was the extent to which children remained or wished to be in contact with their family members and had initiated or expressed an interest in family reunification, as well as the family situation in the UK. Finally section 4.3 documents additional issues unaccompanied and separated children faced in attempting to access or remain within children's services and State care in the UK. At times, these were reminiscent of the countries of transit they passed – contributing to children's cumulative trauma and despair.

### 4.1 Mental Health and the effects of trauma

#### 4.1.1 Impact of past cumulative trauma on children's mental health in the UK

“ I always say that it's like triple jeopardy. You know,

*it's like what happened in the home country and the impact of that, what happened on the journey and the impact of that, what happens in the UK and the impact of that, and then the interaction of all three. So, all of those different events make for uncertainty. They make for trauma symptoms. They make for symptoms to do with loss and bereavement, and symptoms connected to unplanned change.”*

Psychotherapist

A number of stakeholders and children interviewed raised concerns about the cumulative effect of mistreatment and the repeated experiences of trauma

upon the unaccompanied and separated children they meet. Several referred to this as occurring on three levels: firstly, trauma occurring pre-departure triggering flight, secondly, trauma occurring as a result of experiences and hardships encountered on the journey, and lastly trauma on arrival in the EU and UK upon realising that they have not found the safety and stability that they were hoping for.

The effect of the journey and past trauma on children and their current mental state can be acute.

“ Lots of young people have, for example, seen kids falling off the bottom of lorries, you know, going from Calais, and been killed. It's like, you know, there but for the grace of God, [...] go I. It's a traumatic experience and highlights the randomness of life, life and death. So, yes, many of them who've had that long journey have seen that on the way.”

Psychotherapist

Eleven of the children interviewed discussed having suicidal tendencies and in some instances of making repeat attempts at suicide. Other children mentioned self-harm or feeling “broken” and having a sense of hopelessness.

Among the service providers interviewed, psychologists, psychiatrists, paediatricians, social workers, and foster carers all reported cases of extreme trauma and Post Traumatic Stress Disorder (PTSD) amongst the unaccompanied and separated children they encountered in their work. One pediatrician described that PTSD was the most common mental health issue amongst young people. They were not sleeping, having nightmares, flashbacks and anxiety attacks. Similarly a psychotherapist described unaccompanied and separated children they met as having flashbacks, difficulties in looking after themselves and high levels of depression and anxiety. Indeed, up to 54% of unaccompanied and separated children in the UK are thought to be suffering from PTSD, and up to 30%, depression,<sup>78</sup> with unaccompanied children reporting greater symptoms compared to their accompanied peers.

The negative mental health issues experienced by unaccompanied and separated children were associated with a range of experiences. Most recounted experiencing and witnessing traumatic events in their country of origin or on their journey which continued to affect them after arrival in the UK. Foster carers and children alike reported instances of children being re-traumatised upon seeing news reports of shipwrecks and boat crossings, as well as seeing violence on TV.

“ Whilst she was with us that same journey was on the news where a boat was in trouble and a lot of people had died and they were coming from her country as well. Think that was about 3 years ago and she was crying. So that was difficult and we totally believed that journey, she was just so ‘my people, my people, they're drowning’ that was hard, that was hard- we really did feel the journey with her.”

Foster carer

From interviews with children and adult stakeholders it is apparent that the impact of trauma, PTSD and other mental health issues persists well beyond arrival in the UK and the granting of international protection. In some cases children and young people were still dealing with mental health issues linked to their reasons for flight ten or even twenty years later.

“ All this year, I was happy mentally, I was a bit stable. But all of a sudden, last week, Easter time when the bomb blast gone back home. I got my PTSD. I am now a bit suffering now, internally, and what I saw and everything [...] got worried, you know these bomb blasts are very unpleasant for me to live. I don't know how other people are living with it. I find it quite difficult because I was exposed to these horrific graphic images and everything and it impedes my ability to be function on my own.”

Amila, Sri Lanka, aged 12 on arrival and 23 at interview

Separation from family members often compounded the stress felt by children. Some children interviewed expressed feelings of loneliness and described the difficulty of not having a mother or parents and their longing for family or friends back home.

<sup>78</sup> Carr, H., Hatzidimitriadou, E. and Sango, P.N., *The sleep project for unaccompanied asylum-seeking children in Kent*, 2017, Canterbury Christ Church University.

“ I remember in school as well with parents meeting and everything and everyone asked, ‘Is your mum at home?’ and I was just thinking.. .like ... obviously my brother always came and stuff. It’s just... when you see friends and family, they are happy with their family and stuff, you kinda wish that that could be you as well.”

Gloria, Republic of Congo, 19

Those who said that they were separated during their journey to the UK or had to leave family members behind, were extremely worried about the safety and whereabouts of their loved ones. Stakeholders explained that “survivor’s guilt” is a reality for some children.

“ Once they’ve got asylum they can look around and realise, ‘Oh my, I’m completely alone and I really miss my family. I’m also really worried about my family and what is happening.’ Utter helplessness at knowing what’s happening to their families and not being able to bring them over. Survivor’s guilt, all of that coming into it hugely and being really distressing.”

Psychotherapist

“ Sometimes I ask myself, why am I still alive? Why am I still fighting? Why didn’t I fight and say ‘no I am not coming without my siblings!’ I left with that conscience, that I have been selfish, I could have said “no, I am staying with them.” I just did what my uncle told me to do.

Oumar, Guinea Conakry, 25

Despite the cumulative trauma many unaccompanied and separated children are affected by, stakeholders expressed concern about insufficient and inadequate availability of mental health service provision for children arriving to the UK. This was corroborated by UNHCR’s recently published report on the early reception and integration experience of unaccompanied and separated children in the UK,

“A refugee and then...”<sup>79</sup> Funding was reported to be a key barrier to the provision of adequate and specialised mental health support.

Stakeholders interviewed for this study highlighted that mental health provision was not adequate for traumatised young people who speak another native language. This was viewed as exacerbating children’s suffering and contributing to high levels of depression and anxiety. The children interviewed who had received mental health treatment such as therapy, highlighted that it had a significantly positive impact on them, and were grateful to those voluntary or charity sector organisations who had often filled in the gaps in NHS provision to assist them.

“ The waiting lists at the moment and throughout 2018 have been closed for accessing mental health services which means there is no access or no possibility to access mental health support for CAMHS. In any event normally the waiting time is 18 months but at the moment as I said the lists in Croydon are closed. Even when mental health services are available they typically offer 10 to 15 sessions, whereas the difference with [our service] is that there is no definitive limit to the number of sessions and rather than talking therapy we focus on creative therapy one of the aims of our service was to create a space for those who are waiting for a formal NHS therapy.”

Art therapist

A number of other studies recognize that the mental health needs of unaccompanied and separated children in particular, can arise from the stresses of pre-migration events, the journey itself or post-migration experiences and should be addressed.<sup>80</sup>

<sup>79</sup> UNHCR, “A refugee and then...”: A participatory assessment into the reception and early integration of unaccompanied refugee children in the UK, June 2019, available from: [www.unhcr.org/uk/5d271c6a4](http://www.unhcr.org/uk/5d271c6a4).

<sup>80</sup> Kent Public Health Observatory, *Health Needs Assessment – Unaccompanied children seeking asylum*, March 2016, available from: <https://bit.ly/2pYJ9o1>, Simmonds, J & Merredew, F, *The Health Needs of Unaccompanied Asylum Seeking Children and Young People*, available from: <https://bit.ly/31ZNjKd>, The Children’s Society, *Distress signals: Unaccompanied young people’s struggle for mental health care*, June 2018, available from: [www.childrensociety.org.uk/sites/default/files/distress-signals-report\\_0.pdf](http://www.childrensociety.org.uk/sites/default/files/distress-signals-report_0.pdf).

## 4.1.2 Impact of UK asylum procedures on mental health

In addition to the impact of past cumulative trauma on many unaccompanied and separated children arriving to the UK, their experience of the UK asylum procedure itself was reported to re-traumatise them.

Interviews with children and young people revealed that they did not always have a very clear understanding of the asylum process, nor of their refugee status if/when granted. For example, during interviews, children recognised as refugees still referred to themselves as asylum-seekers.

In other cases, children who were transferred to the UK under Dublin III or the Dubs scheme, and those stakeholders supporting them, expressed confusion as to why, if they had been accepted for transfer to the UK, they now had to go through further interviews and procedures. Further, it was reported that children subject to NRM procedures were unsure of the benefits of undergoing this additional process.

“ He was totally shocked. He thought that once he had qualified for that [Dublin III], and he joined his brother here, that was an end to it. He had no idea that he still had to go through the immigration process, and it's still ongoing at this time... I think he was expecting to, more or less, come off the plane and be greeted by his brother, and maybe see some officials just to check his documents, and then that would be- he had no idea of the ramifications that then happened. So, he was totally flabbergasted when he was refused asylum after his substantive interview.”

Psychotherapist

This confusion suggests gaps in the provision of child-friendly information for children entering administrative or immigration procedures in the UK, including from elsewhere in Europe under transfer schemes. This risks undermining both the understanding of children of the procedures they are being subject to but also their active engagement with procedures and ensuring that their voices are heard.

As well as expressing confusion or uncertainty about the UK asylum procedure in general, children interviewed explained that the Home Office procedures were generally distressing. Not only do they require that children retrace moments of

their life that are particularly traumatizing, but also many children referred to feeling disbelieved in their asylum interview, or to being treated in a hostile way and being asked inappropriate questions.

“ They are so intense, they are so intense... because I did not know anything about asylum [...] they are so intense literally, they just ask you 'how? How did this happen? Did you see this? Did you see that?' at the age of 14, that's really hard [...] they have like a stack of papers that they have to go through everything... like for example, if you answer one question, that question creates sub-questions so all the sub-questions you have to answer after that... and even if you ask for breaks is just... it was quite a big experience.”

Abdo, Somalia, 18

“ They're regularly overwhelmed with very strong emotions, anger, fear, sadness, shame, guilt, difficulties in sleeping. Lots of psychosomatic symptoms, and tendency to dissociate. So, that's why it's really, really hard for young people, in initial interviews, to talk.”

Psychotherapist

Children also linked their experience of having their asylum claim rejected and disputes with local authorities to negative mental health experiences, including depression and suicidal ideation. Similarly, the length of the asylum procedure was reported to have negative mental health consequences for children.

Oumar arrived to the UK aged 15 years of age. It took nine years for him to be recognised as a refugee on the original facts of his claim. By his account, during this time he had over ten visits to the court, concluding in the court of appeal. He says he was also wrongly assessed to be an adult which contributed to the delay in determining his case and also resulted in him experiencing periods of homelessness as a child [see section 4.1.3 below on impact of age assessment on mental health].

“ You have just lost everything, your parents, everything, you came here and you really need help, you need someone to protect you and to talk to you and make sure everything is okay with you. And then, you end up finding no-one there to help you... Being an asylum-seeker in UK, guaranteed that is the worst part of it. But the asylum process is so long, it drag all your energy, it make you hate everything, because you fight so much battles, so many ways, you don't have energy to stand for. If it wasn't for a place like [...], I don't think I would be sitting here, talking to you today. You know, so it's difficult, definitely.”

Oumar, Guinea-Conakry, 25

“ They sent me to children's services and I spent there 4-5 days and I was not allowed to leave the house, I felt like I was in prison. I wanted to let my family know that I was safe, but they told me they could not do that. I was so frustrated. I denied to drink or eat so they got scared and then they brought me to [my foster carer's] house, from then on I stayed here, then I started the asylum process and that was hard. I was not able to sleep because I had flashbacks, [my foster carer] got me to the mental health clinic but I felt that that was not helpful at all, because they tried to get everything out of me in a moment in which I was not in the right mental place.”

Amin, Sudan, 22- aged 16 at point of arrival

Reflecting findings from UNHCR's *The Heart of the Matter*,<sup>81</sup> the impact of children's past trauma and experiences transcends immediate health and welfare. It can also impact on a child's ability to navigate administrative and immigration processes and procedures, which in themselves may further exacerbate pre-existing conditions.

### 4.1.3 Impact of age assessment on mental health

The complexities and challenges associated with accurately assessing age, and the procedures and methods used to conduct age assessments in the UK, have been well researched and analysed in existing literature. In the UK context UNHCR has also addressed this issue in its reports *Putting the child at the centre*<sup>82</sup> and *A refugee and then...*<sup>83</sup> Problems caused by age assessments were a constant feature of discussions with young people and service providers, who underscored a range of issues related to age assessment that undermined the welfare, protection and integration of refugee children. [See also section 4.1.4 below on impact of detention on mental health].

Reflecting the findings of these reports, stakeholders emphasised that age assessment procedures not only contributed to delays in the asylum process for children, but can lead to a deterioration in children's mental health on account of the manner in which they are conducted. Age assessments have a significant impact in determining how an individual is treated both in the immigration and asylum process and also in the care and support they receive. There are a number of serious practical consequences of age assessment. Those treated as adults are excluded from the safeguards and child-specific considerations that would apply if their asylum claim were processed as a child. The length of time that challenging an age assessment can take means young people may have to wait months or years for a decision on their asylum claim while their age is still in question. This can lead to them “ageing out” and as a result not being granted refugee status on the basis of a child specific claim, or being denied a grant of limited leave where they would have received one had their age not been disputed.<sup>84</sup> Furthermore, a child who is otherwise considered an adult may find themselves subject to

<sup>81</sup> UNHCR, *The Heart of the Matter – Assessing Credibility when Children Apply for Asylum in the European Union*, December 2014, available from: [www.refworld.org/docid/55014f434.html](http://www.refworld.org/docid/55014f434.html). See chap. 3 sect. 3 Mental health and sect. 4 Autobiographical memory.

<sup>82</sup> UNHCR, *Putting the child at the centre: An analysis of the application of the best interests principle for unaccompanied and separated children in the UK*, June 2019, available from: [www.unhcr.org/uk/5d271cdf7](http://www.unhcr.org/uk/5d271cdf7).

<sup>83</sup> UNHCR, *“A refugee and then...”: A participatory assessment into the reception and early integration of unaccompanied refugee children in the UK*, June 2019.

<sup>84</sup> Elder Rahimi Solicitors, *Systemic delays in the processing of the claims for asylum made in the UK by Unaccompanied Asylum Seeking Children*, March 2018, available from: [www.elderrahimi.co.uk/UserFiles/Files/p\\_nS4kT4.pdf](http://www.elderrahimi.co.uk/UserFiles/Files/p_nS4kT4.pdf); Coram Children's Legal Centre, *Happy birthday? Disputing the age of children in the immigration system*, May 2013, available from: <https://bit.ly/2ZCi6eF>.

detention<sup>85</sup> and is not referred to child protection services or to the Refugee Council Children's Advice Project Service.

“ It was terrible. How I am going to say that. You have to respect that decision. I said I born 1999 and she said no I think 1997 and she put 1997. When you do the first interview she bring ID and put that ID 1997 and on the [unclear] she put “dispute.” On another paper she put 1995, on another 1998, and 1999. I had like four ages...This just the opinion of them. I was walk with that ID with opinion of another person. I went to college with that age. You understand? I feel like, how can you live like that with another person opinion of your life. That's what I say I don't even use that ID, I just leave it at home, it's not my age, what am I going to do with that?”

Adrien, Angola, 19

#### 4.1.4 Experience and impact of detention on mental health

Five of the children interviewed shared either their firsthand experiences of detention in the UK or those of others they knew. The Home Office specify in policy that unaccompanied and separated children should not be subject to detention.<sup>86</sup> In some cases the detention was linked to an age assessment which had considered the child to be an adult [see also section 4.1.3 above on impact of age assessment on mental health]. UNHCR's position, in line with international standards, is that children should not be detained for immigration related purposes, irrespective of their legal/migratory status or that of their parents, and detention is never in their best interests.<sup>87</sup> For more information on the links between age assessment and standards applicable to detention in the UK, see UNHCR's "A refugee and then..."<sup>88</sup> In addition to the general adverse impact detention can have on an individual, they can also have a re-traumatising effect when they remind children of past experiences of detention either in

the country of origin or en route to the UK. This was clearly shown in the testimony of Isaac:

“ It affected me because when they take you in the back of Home Office and the way they take you to the detention, they take you to in a really prison car, which is, you cannot see outside, you cannot see inside, and the people they come and then they handcuff. So it flashed all the flash which I had back home, it [the detention] happened there and then all my feelings were focused on that because I said now this is not a safe place. I forgot about whatever social workers, social services now... all my mind was there because I can see it's not a safe place as I was promised, as all people were talking about, including my social worker who was saying it was good. I blame him, I blame the Refugee Council, because everyone was saying “safe, safe, safe, safe” where it is safe, when you are in this kind of situation?”

Isaac, Uganda, former child refugee

Another child interviewed was detained for 24 days as authorities suspected that he might have been fingerprinted in another country and he was age disputed.

Bureaucratic slip-ups by the Home Office can also greatly re-traumatise young people. For instance, one young refugee, whose age had initially been disputed, but later accepted, incorrectly received a letter stating that they were liable for removal on their 18<sup>th</sup> birthday. This was despite the fact that he had since been recognised as a refugee.

<sup>85</sup> There is substantial literature on this; see UNHCR's submission to the Joint Committee on Human Rights' call for evidence on the United Kingdom's record on Children's Rights, October 2016, available from: <https://bit.ly/2lrnGdX>.

<sup>86</sup> See Sect. 4 of the Immigration Act 2014.

<sup>87</sup> For further discussion see UNHCR, UNHCR's position regarding the detention of refugee and migrant children in the migration context, January 2017, available from: [www.refworld.org/pdfid/5885c2434.pdf](http://www.refworld.org/pdfid/5885c2434.pdf).

<sup>88</sup> UNHCR, "A refugee and then...": A participatory assessment into the reception and early integration of unaccompanied refugee children in the UK, June 2019 available from: [www.unhcr.org/uk/5d271c6a4](http://www.unhcr.org/uk/5d271c6a4).

#### 4.1.5 Impact of uncertainty regarding legal status and fear of removal

Sixteen of the children and young people interviewed recounted experiencing delay in the processing and resolution of their asylum claims, which in turn fueled fears around removal or the risk of not securing legal status in the UK. This was the case both for children who arrived to the UK through legal pathways (Dublin III, Dubs scheme or family reunification), as well as those children who arrived irregularly.

At the time of the research Zalelem and Radin were still awaiting transfer to the UK under the Dubs scheme, while Jamal and Dawit had been transferred to the UK after a wait of up to 10 months once their cases had been accepted. They have now been in the UK eight and two months respectively. Both expressed concern about their uncertain situation. When asked about his plans for the future and if he had any worries Dawit replied: “My interview... to get a decision. Apart from that, there is nothing that worries me.”

“ I say OK I have a lot of patience. You know how long I wait in Greece with that sort of thing? First with my uncle and then in UK? Three years I think. I was thirteen years old when I arrived there. Now I am seventeen. How long is passed. Yes, after this four months, three months again pass. And I thought my lawyer was lying because it took 8 or 9 months. I say ‘you are lying’ you say lie to me and I will not go to UK. But he said ‘no I don’t lie, it take time’ It was very hard.”

Jamal, Afghanistan, 17

Many stakeholders raised concerns with the impact that waiting a long time for status in the UK can have. They explained that children spend this period of limbo not knowing whether they are going to be safe and be able to build their life in the UK.

“ And then, you know, you’re almost inflicting a third, kind of, form of trauma in terms of the limbo of waiting for status. Not having, you know, the legal right to work, not knowing whether you’re going to be safe and have that security there or not. Not being able to fully rebuild your life, effectively.”

Project manager and specialist advisor

“ So in a way the whole asylum process is part of the journey that is incredibly distressing on an everyday basis and exacerbates what has happened previously. [...] It is incredibly distressing and it is more damaging than short periods of extreme trauma that they have experienced beforehand... we have seen young people that had arrived relatively hopeful and optimistic becoming suicidal because of... some people wait two-two and a half years for their substantive interview and they are presented with inconsistencies from their screening interview to their substantive interview two and a half years later [...]. It’s really difficult and I think there is not enough information and support for them to talk with someone about what is going on [...]”

Psychotherapist

Adrien, Yaser, Huy and Asif, have all been in the UK for between two and four years and are still awaiting a final decision on their case. Adrien is going through the appeals process and Yaser is awaiting the outcome of a fresh claim, and expressed concern and anxiety for their uncertain futures.

Huy and Asif are still awaiting an initial decision after two years in the UK. Through tears Asif, aged 18 from Afghanistan, explained:

“ I don’t know Home Office decision I just want Home Office he gives to me something to start my life. Every time has passed he gave me after nothing to do... I am just wait, I don’t know why is long time, somebody I see me before me come, after two, three months, he gets visa.”

Isaac, Oumar, Gloria and Musa were all granted refugee status in the UK, however, only after a delay in excess of two years. In all four cases this was linked to an on-going age dispute which impacted on the assessment of their asylum claim. However, Isaac and Oumar explained that they experienced a delay of nine years before being recognized as refugees. Both recounted going through difficult and lengthy appeals processes.

Abdo arrived in the UK aged 13. After having lived in the UK for five years as a child he revealed that he had recently exhausted all appeal rights, and was expected to leave the UK. Abdo explained that his parents died prior to his arrival in the UK, and despite



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attempted tracing through British Red Cross and others, he has been unable to locate his brothers. He fears being forcibly returned to a country with which he has no connection or ties. As outlined in UNHCR's study *Putting the child at the centre*, these cases highlight the need for the UK to strengthen its approach to identifying durable solutions for all children, including those considered to be not in need of international protection.<sup>89</sup>

Recent research on unaccompanied and separated young people transitioning to adulthood in the UK has highlighted that the fear of removal pushes unaccompanied and separated children who have

received a negative answer to their asylum claim, or that belong to a nationality with a high asylum rejection rate, to go underground in the UK or leave the country.<sup>90</sup> Research has also highlighted that young people deported back to their country of origin may also end up re-emigrating.<sup>91</sup> Social workers and NGOs in the UK also explained patterns of children going missing from care either due to exploitation or due to the difficult legal position in which they find themselves when they reach the age of 18.

Going missing from care or "going underground" due to the uncertainty of their legal status is an established phenomenon that has been confirmed

<sup>89</sup> For further information on the current approach and UNHCR's recommendations for strengthening the procedure see UNHCR, *Putting the child at the centre: An analysis of the application of the best interests principle for unaccompanied and separated children in the UK*, June 2019, available from: [www.unhcr.org/uk/5d271cdf7](http://www.unhcr.org/uk/5d271cdf7).

<sup>90</sup> Jennifer Allsopp, "Unaccompanied Minors and Secondary Migration between Italy and the UK, Research Brief 8, Becoming Adult Project," 2017; Sigona, Chase, and Humphris, "Understanding Causes and Consequences of Going 'Missing', Becoming Adult Brief No. 6."

<sup>91</sup> Elaine Chase and Nando Sigona, "'Forced Returns and Protracted Displacement', Becoming Adult Research Brief No. 7" (London, UCL, 2017); Empez Vidal, "'¡SOLO VALIENTE!'. Los Menores Que Migran Solos de Marruecos a Cataluña. PhD Thesis, Universidad Autonoma de Barcelona, Unpublished"; Catherine Gladwell and Hannah Elwyn, "Broken Futures: Young Afghan Asylum Seekers in the UK and in their Country of Origin," 2012; Jiménez Álvarez, "Intrusos En La Fortaleza. Menores Marroquíes Migrantes En La Frontera Sur de Europa."; Nassim Majidi and Liza Schuster, "What Happens Post-Deportation? The Experience of Deported Afghans," *Migration Studies* 1, no. 2 (May 8, 2013): 221–40, available from: <https://doi.org/10.1093/migration/mns011>; Refugee Support Network, "After Return: Documenting the Experiences of Young People Forcibly Removed to Afghanistan," 2016; Sigona, Chase, and Humphris, "'Understanding Causes and Consequences of Going 'Missing', Becoming Adult Brief No. 6."

also by other research projects, such as ECPAT's report entitled *Heading back to harm*.<sup>92</sup> As Sigona, Chase and Humphris argue:

“ Young people who were appeal rights exhausted often described violent transitions at 18 (including immediate homelessness; enforced relocation far from their social networks and friendship groups and reduced models and packages of care). [...] Moreover, a number of young people described purposefully disengaging from social care when they received or anticipated a negative outcome from their asylum application. Some young people's narratives indicate how the decision to remove themselves from the surveillance of statutory services is seen as inevitable. While there is some degree of awareness of the risks of exploitation that are associated with the transition into illegality, these are outnumbered by those associated with a forced return to their country of origin.”<sup>93</sup>

A 2017 inspection by the Independent Chief Inspector of Borders and Immigration (ICIBI) found evidence of delays in decision making. In the year 1 July 2016 to 30 June 2017, unaccompanied asylum seeking children whose claims had been categorised as “non-straightforward” were waiting an average of 458 days for an initial decision.<sup>94</sup> The ICIBI report recommends a review into the way the Asylum Intake and Casework unit manages claims from unaccompanied asylum seeking children to ensure that decision-makers have the time, information and expertise necessary to make fully considered decisions that are in the child's best interests, and that the rationale for decisions is evidenced. UNHCR agrees that such a review would be beneficial.

## 4.2 Contact with family members

### 4.2.1 Family members outside of the UK and the desire to reunify with them

Despite the difficulties children had in speaking about their families,<sup>95</sup> examining their ongoing contact with family members was an important aspect of this study, particularly given the UK Government's policies on family reunification for child refugees. Although UK Immigration Rules allow adult refugees to be joined by their spouse and their children under the age of 18, there is no such provision for unaccompanied and separated refugee children to bring their parents or siblings.<sup>96</sup> While family reunion for unaccompanied and separated children can take place outside of the rules, this is where “exceptional” or “compassionate” circumstances, to ensure compliance with Article 8 of the ECHR – which is exercised on a discretionary basis and is considered by practitioners to be difficult to establish.

In 2016, the UK House of Lords conducted an Inquiry into unaccompanied and migrant children in the EU.<sup>97</sup> The report examined family reunification and noted that “on 3 February 2016, Lord Bates, then Minister of State in the Home Office, confirmed that “[UK] policy prevents children with refugee status in the UK sponsoring their parents to join them. This is a considered position designed to avoid perverse incentives for children to be encouraged or even forced to leave their country and undertake a hazardous journey to the UK.” The inquiry “found no evidence to support the Government's argument that the prospect of family reunification could encourage families to send children into Europe

<sup>92</sup> ECPAT UK's, *Heading Back to Harm*. A Study on Trafficked and Unaccompanied Children Going Missing from Care in the UK”; ECPAT UK, “Still in Harm's Way. An Update Report on Trafficked and Unaccompanied Children Going Missing from Care in the UK.”

<sup>93</sup> Sigona, Chase, and Humphris, “*Understanding Causes and Consequences of Going 'Missing', Becoming Adult Brief No. 6*,” 3.

<sup>94</sup> ICIBI, *An inspection of how the Home Office considers the 'best interests' of unaccompanied asylum seeking children*, March 2018, available from: <https://bit.ly/2IW1Xex>.

<sup>95</sup> Contact with family members, proved to be a difficult issue for children to discuss. As noted above in section 2.5, several stakeholders reported that one reason the children and young people they had approached on UNHCR's behalf had declined to participate in an interview, was because they found that discussing their family was particularly difficult. Several of the children and young people who did agree to be interviewed also indicated either prior to or during the interview that this was an area on which they did not want to have an in-depth discussion. Similarly, UNHCR UK's recent report on the reception and early integration of unaccompanied refugee children in the UK found that because discussing family was such a distressing and sensitive topic for those children and youth interviewed, most avoided the subject altogether, or when asked questions about their desire for family reunification, said either that they did not want to talk about it, or that they had no interest in being in contact with their families. See UNHCR, “*A refugee and then...: A participatory assessment into the reception and early integration of unaccompanied refugee children in the UK*,” June 2019, available from: [www.unhcr.org/uk/5d271c6a4](http://www.unhcr.org/uk/5d271c6a4).

<sup>96</sup> Immigration Rules, Part 11: Asylum, available from: [www.gov.uk/guidance/immigration-rules/immigration-rules-part-11-asylum](http://www.gov.uk/guidance/immigration-rules/immigration-rules-part-11-asylum).

<sup>97</sup> House of Lords European Union Committee, 2<sup>nd</sup> Report of Session 2016–17 HL Paper 34, *Children in crisis: unaccompanied migrant children in the EU*, 26 July 2016, available from: <https://publications.parliament.uk/pa/ld201617/ldselect/ldeucom/34/34.pdf>.

unaccompanied in order to act as an anchor' for other family members." It went on to state that "If this were so, we would expect to see evidence of this happening in Member States that participate in the Family Reunification Directive."

Similar to the Inquiry, this study does not evidence a trend in children being sent by their families to apply for family reunification opportunities once inside the UK. As discussed above, unaccompanied children's relationship with their relatives in situations of migration and displacement appears complex and incredibly varied as do the circumstances leading to their seeking asylum in the UK. The fact that the UK continues to receive a relatively high number of unaccompanied children, despite a policy which denies children the right to reunify with their family except in exceptional circumstances, evidences this complexity.

### Children who were no longer in touch with their relatives

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Of the 21 children who spoke about family relationships,<sup>98</sup> 11 said that they were not in touch with their family members in their country of origin for a variety of reasons. Of those 11, six children interviewed stated that they knew or believed their parents or immediate family had died either prior to their departure, or since they had made their journey.

Reflecting the findings of UNHCR UK's recent study into the early reception and integration experience of unaccompanied and separated children – "A refugee and then..."<sup>99</sup> seven children specifically mentioned attempting to trace their relatives with the support of the British Red Cross for a number of years. Oumar and Adrien reported trying to trace their family members through the British Red Cross and other connections for nine and six years respectively and have now given up hope.

Both children and adults interviewed spoke about the practical challenges of family tracing such as war or conflict disrupting infrastructure, a lack of internet connection, and poor telephone or postal services.

Stakeholders also mentioned that Afghan children formerly living in rural areas in particular, are unlikely to have any way of contacting family. Other stakeholders and children highlighted cases where children did not want to trace their family members, for fear that it would draw adverse attention to the family back home and put them at risk of increased scrutiny or persecution by the local authorities.

“ Families might be, you know, in a very dangerous area where maybe the authority were after the family. Then, they worry that if the Red Cross was to go there asking questions, that would put their family in danger...It is very complex. ... So, the parent might say, "Well, yes, the older one's been recruited into the Taliban," but actually, they're here [in the UK]. And so, if they find out that the older brother isn't in the Taliban and is actually here, then they're going to go for the younger one.”

Psychotherapist

Echoing the findings from UNHCR's joint report with the UK and Scottish Refugee Councils, *A journey towards safety*,<sup>100</sup> one legal practitioner highlighted the difficulties some Eritreans faced communicating with family members:

“ Eritreans are really not in contact, they cannot call home as all the calls are recorded by the regime, they cannot even speak on the phone with their relatives, many of my clients just cry on the phone, then there is that classical sound "biiip" when the phone call starts being recorded, and the mothers and sisters go into panic, and then they do not call anymore, they are really lonely and isolated...”

Solicitor

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<sup>98</sup> Of the two cases that did not, one was awaiting transfer to the UK from Calais under the Dubs amendment and was not directly asked about his on-going contact with family. In the other case, her mother passed away when she was four and she was sent to the UK with her younger sister by her father and step-mother to join a cousin in the UK. In this case it was not clear whether she was still in touch with her father or other family in the Congo.

<sup>99</sup> UNHCR, "A refugee and then...": A participatory assessment into the reception and early integration of unaccompanied refugee children in the UK, June 2019, available from: [www.unhcr.org/uk/5d271c6a4](http://www.unhcr.org/uk/5d271c6a4).

<sup>100</sup> UNHCR, *A journey towards safety*, September 2018, available from: <https://bit.ly/2Xscgz4>.

The children interviewed also expressed various reasons for not wanting any further contact with their family and therefore did not initiate family tracing. Yaser, who had just launched a fresh claim after his first asylum claim had become appeal rights exhausted, is conflicted between missing his family and not wanting to let them know about his situation in the UK:

“ I [would love] to be in touch with my family as well but I can't because I do not want them to know about my place. She knows [referring to his foster carer] always I am thinking about my mum because I miss her so much, four years I didn't see or speak to her, it was very difficult.”

Yaser, Iran, 20

In cases where children had previously been in conflict with their family or had experienced domestic violence or other forms of abuse – they were not inclined to reach out to them. This is particularly so in case of interfamilial trafficking.

In some instances family and domestic violence will be a basis for claiming international protection under the 1951 Refugee Convention. These forms of violence can be tantamount to child-specific persecution<sup>101</sup> and a resulting fear of harm can fall within the refugee criteria under the 1951 Refugee Convention. Where the source of harm is the family it will not be appropriate to trace those same family members before adjudicating a claim for international protection.

### **Children who remained in touch with their relatives outside the UK**

Eight children mentioned being in touch with various family members outside of the UK. Three of those in contact with family members back home made no mention of a desire for family reunification, although all three had obtained refugee status. In these cases their families remained in Sudan, Eritrea and Congo.

Stakeholders also noted that some of the children they worked with were regularly in touch with their families overseas. One of the psychotherapists interviewed spoke of a case where an individual had established contact with his family back home. His family were reported to be in danger and had moved to the capital city of their country of origin to find safety and were considering leaving the country. However, the young boy was not expecting the family to come to the UK and had not asked whether his family could join him in the UK.

Another recalled, the significant difference that re-connecting with a parent had on the emotional wellbeing of a young person receiving services from them:

“ He hadn't been in touch with his mother for over two years, that's my understanding, He called me when he made touch with his mother. He was absolutely thrilled, he was crying and just so happy to hear her voice and to assure her that he was alive. That was extremely meaningful. I believe he is in touch with her regularly now... You can tell that he is emotionally a bit more at rest that he can be speaking to her.”

NGO offering therapeutic services.

These cases demonstrate the positive benefits of on-going contact with family members, which serve to allay children's fears and concerns when the situation of family members remains uncertain. In all of the cases outlined above, the children's parents remained in the country of origin, sometimes in difficult circumstances. However, neither the children nor the adult stakeholders interviewed referred to any pressure on the children by their families to apply for family reunification in these cases.

Only five of the eight children still in touch with their families expressed a desire to be reunited with them, and for family members to be able to join them in the UK. This was the case where children said that they were worried about their family's safety in their country of origin or in third countries where their family members are located.

<sup>101</sup> UNHCR, *Guidelines on International Protection No 8: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees*, December 2009, available from: [www.refworld.org/docid/4b2f4f6d2.html](http://www.refworld.org/docid/4b2f4f6d2.html).

“ I am OK but not happy, because my family they have bad life. The war is very strong and getting bad. I want my family to be with me...that is something that is very important to me, to bring my family with me together. They have many problem. The situation in my country is bad.”

Jamal, Afghanistan, 17

In some instances children enquired about the possibility for family reunification. For instance, at the end of his interview, Ibrahim stated, “*What about if I want to bring my brothers and sisters to be with us in here, how?*”

In the case of two Eritrean girls – both of whose parents remained in Eritrea – their primary concern was for the possibility of family reunification for siblings in transit. In the case of Hiwot, her brother left before she did and has spent the past five years in Israel, but she wanted him to join her in the UK because, “*his life is difficult, he doesn't have status.*”

In addition to the five children who were already in contact with their family, four of those children currently not in contact or where the level of contact was unclear, also expressed an interest in family reunification. This amounts to approximately 40 per cent of the case sample interviewed.

A legal practitioner, specialising in migrant children's cases, explained that they have worked with many cases where children would like to be reunited with family members, particularly Syrian and Eritrean children. They reported that for a number of reasons, this process is very complicated and can take a long time. They also felt that children's family reunification applications were often refused, which was then followed by a lengthy wait – as entry-clearance cases are not a priority for the appeals system. This can be difficult for children to deal with, particularly where they believe that their family continues to be in danger while they wait to be reunited with them. Their parents may also have to then go through the asylum process in the UK. This is the case even for

Syrians and Eritreans, where it is known that they will likely be granted asylum. The legal practitioner interviewed considered this to be an inefficient use of the asylum process, as the Home Office end up processing additional asylum claims from family members of accepted refugees. They argued that it would be better just to give them the right to enter as refugees. UNHCR notes that this could be a situation in which accelerated processing could be applied in order to consider such applications more efficiently.<sup>102</sup> Furthermore, until recently, there has not been any legal aid funding for children to make family reunification applications.

Lastly, the legal practitioner interviewed said that there appeared to be a lack of flexibility and understanding on the part of Entry Clearance Officers of the context of claims for international protection and applications for family reunification. For example, it is very difficult for a Syrian family to make the journey to Lebanon in order to make a family reunification application from Embassies located there. Apart from the logistics, if any of the children are over 16 it can be extremely dangerous as they may also face the risk of being forcibly recruited into an armed group at a checkpoint. As a result children may be left off an application, because they cannot attend in person. In that case there is a risk that the child is left behind on his or her own in Syria.

Under international law, refugees have the right to reunification with their family members regardless of age.<sup>103</sup> Article 9 of the CRC, provides that States parties must make all efforts to reunite a separated child with his or her parents, and Article 10(1) calls on State parties to treat applications for family reunification by children or their parents in a ‘positive, humane and expeditious’ manner. This right is especially important for unaccompanied and separated children. Mirroring the findings of UNHCR's “*A refugee and then...*”<sup>104</sup> this research found that, children's vulnerability and capacity to cope can increase when they are separated from their parents, customary caregivers and other family members.

<sup>102</sup> UNHCR, *UNHCR Discussion Paper Fair and Fast – Accelerated and Simplified Procedures in the European Union*, 25 July 2018, available from: [www.refworld.org/docid/5b589eef4.html](http://www.refworld.org/docid/5b589eef4.html).

<sup>103</sup> The legal framework on which the right to family life and to family unity is based is contained in numerous provisions in international human rights law, international humanitarian law, and international refugee law. These are set out in detail in UNHCR, *The Right to Family Life and Family Unity of Refugees and Others in Need of International Protection and the Family Definition Applied*, 2<sup>nd</sup> edition, January 2018, available from: [www.refworld.org/docid/5a9029f04.html](http://www.refworld.org/docid/5a9029f04.html).

<sup>104</sup> UNHCR, “*A refugee and then...*”: *A participatory assessment into the reception and early integration of unaccompanied refugee children in the UK*, June 2019, see sect. 8.2 family tracing and reunification.

The Families Together Coalition which is currently co-chaired by UNHCR, has called for a provision in statute to allow child refugees to apply to have their parents come to join them in the UK.<sup>105</sup>

#### 4.2.2 Children's contact with family living in the UK

While six of the children interviewed had at least one family member in the UK, only Ibrahim was able to join his uncle in the UK under Dublin III family reunion provisions. The other five children had arrived through irregular channels.

Whilst in Calais, Asif had applied to join his uncle under Dublin III provisions. His application was rejected twice, but he was not certain on what grounds. On arrival in the UK and with the support of his social worker he reached out to his uncle, but his uncle did not want Asif to live with him and they are no longer in touch. Whilst Ibrahim had originally come to the UK to live with his uncle, at the time of his interview he was in foster care, although still in touch with his UK based uncle.

Ibrahim's experience is consistent with children interviewed as part of UNHCR's recent research on the integration and early reception experience for unaccompanied children in the UK, who also ended up going into local authority care despite the original intention being to live with their family in the UK.<sup>106</sup> Stakeholders raised the prospect that children who had come to the UK through Dublin III may find themselves living with distant family members that they do not really know. It was acknowledged by NGOs and solicitors that some children hoping to be transferred under legal pathways to the UK to join family members may overplay the strength of that family connection as part of an attempt to get to UK. The willingness of the families to receive children under Dublin III therefore varied. Social workers raised the difficulties that may occur when children come to live with distant family members who have no additional financial support to help look after the child. Their relationships with these families can end up breaking down.

“ They were in various states of eagerness, some it was more a feeling of duty, I didn't necessarily see them very keen and others, yes, they very desperately wanted the child to be with them and not in an unsafe situation.”

Legal Practitioner

“ [Interviewer] So when a family member would welcome a young person they are not given the allowances that foster carer would receive?

No, or they won't be able to claim benefits for them because they haven't been able to register with the Home Office yet. That meant that even if they wanted to care for them some of them just didn't have the financial resources to do it.”

Social worker

Family breakdown was not limited to cases where children were joining family members under Dublin III provisions; it also occurred in cases where children arrived irregularly with the intention of joining family based in the UK on their own accord. In fact, of the six children with family in the UK only one child was still living with their family at the time of the research. This was despite the fact that, with the exception of Asif, it was originally the intention that the children would live with their family on arrival to the UK.

“ [Interviewer] And what was it like, even though she was family, to come and live with someone that you didn't know?

To be honest, that was most difficult, we don't have that relation, I don't know her, she don't know me. I feel so strange in that house. I feel so different to them. You know it's your family. But is kind of like you have that private because you don't trust them in a sense. You don't have that connection. I don't know her that well. I think when I move to that house, to social service, now we have connection more now.”

Adrien, Angola, 19

<sup>105</sup> See: Families Together Coalition, *Families Together Coalition Briefing On The Second Reading Of The Immigration And Social Security Co-Ordination (Eu Withdrawal) Bill*, January 2019, available at: <https://bit.ly/2IBPP1N>, The Children's Society, *Not just a temporary fix*, 2015, available at: <https://bit.ly/2WUk0Wc>, UNHCR, "A refugee and then...", 2019.

<sup>106</sup> UNHCR, "A refugee and then...": A participatory assessment into the reception and early integration of unaccompanied refugee children in the UK, June 2019 available from: [www.unhcr.org/uk/5d271c6a4](http://www.unhcr.org/uk/5d271c6a4). See Sect. 2.8.3 Children transferred through Dublin III/ Dublin-like procedure.

Amila explained that, after being sent to the UK by his mum to live with his paternal aunt, he was badly mistreated by the family member and experienced servitude and domestic violence. Although he was eventually taken into the care of the local authority social services, he was also disappointed with the level of care they provided: *“I think it’s just inhuman how they treated me. Every time I can’t speak to social services, they [respond] to me and say you are [bombarding] us with messages. If I go to a third party and get support, they don’t like that either, they say, why don’t you come and speak to me? I was suffering with a lot of mental health issues... bullied at school...quite difficult to learn the language, the cultural difference, very difficult.”*

Gloria, who arrived with her brother in order to join their older brother already present in the UK, remained living with her family. However, she also raised that this had not been without challenges, and notably felt that she had not been well supported by social services *“In terms of social service I never really had experience of them. I remember I saw one but it kept changing. The longest was three months... Was just like a short period and then I never really heard nothing from them so yeah.”* This was despite the fact that her eldest brother was only in his early 20s himself and Gloria and her other brother were only 14 and 17 respectively when they arrived in the UK. She recounts her brother having to fill the role of her mother at parents’ evening and feeling guilty for the responsibility, although they were happy to be reunited. She was also disappointed that social services did not do more to ensure they had basic clothing and suitable accommodation on arrival, and this was only resolved following the intervention of an NGO.

The experiences of children like Gloria who join older siblings, as well as those like Ibrahim who may seek to join wider family members under Dublin III measures, show that such children and their families also need support in order to prevent family breakdown and to ensure that the needs of the child are met. Such children would benefit from more involved engagement from social services, and as with other unaccompanied children an independent guardian. As the case of Amila demonstrates, this is a significant safeguard in cases where the child may also be at risk of domestic violence, servitude or other harmful forms of exploitation.

### 4.3 Children’s experience of child protection and social care services in the UK

A child’s living situation on arrival differed amongst the children interviewed, depending on how they had come to the UK, and whether they lived with family members or were accommodated by the local authority.

Seven children and young people reported experiencing a delay between their arrival and a referral to the Home Office and/or children’s social services. This included the three children who were trafficked to the UK for the purposes of exploitation.

“ He told me to come to police officer and say I am new. I told police officer I am new. I told him I cannot speak English. Police officer got translator on the phone. [...] He gives me a map and tells me to go there. I had only been here one night, I was new, I do not speak English, how I can get read?! I get confused. I do not know how to speak with him, I want to say to him more. He mean send me to the Home Office, Croydon. I found some people. I show some people the paper the police give to me. They tell me, this is outside London, do you have money? I have some only coins the Jamaican give to me. He said maybe the metro is good enough. They tell me it is four pounds or something like that. They describe the Home Office as far away. I went to different people and give to them the paper. Go back to police officer walking around. I give to them the paper. They speak to me English. I do not understand. They called an Arabic police officer. I went back to the same police officer as before. The police took fingerprints, all of my details, my age, my brother, after one hour, they called another lady, a social worker or something like that.”

Mustafa, Sudan, 18

Three children interviewed said that they experienced homelessness in the UK either before they were referred to a Local Authority or after a referral had been made, but where the Local Authority had incorrectly determined them not to be a child. In some cases this was attributed to the police or others having failed to appropriately refer them to a Local Authority or the Home Office on arrival.

Homelessness can negatively impact upon unaccompanied and separated children in a number

of ways. In particular, homeless children face the risk of exploitation with recent reports highlighting the nexus between homelessness and modern slavery in the UK.<sup>107</sup>

A further issue relating to social care concerns problems experienced by children with their living situation when transferred around the country under the National Transfer Scheme (NTS). Some of the children interviewed highlighted the disruptive impact of being moved from one Local Authority to another.

“ We were from same country, same village in Sudan, same area. We were friends, we grew up together! From France we went to British between two weeks. We spoke together all of us.[...] The Home Office brought some papers to the house and told my two friends they had to leave. How would I stay here all on my own? My English was zero at the time. I thought if these guys are leaving, how can I stay in this house? Every single time, they did the translating for me. And then, Abdu and Ahmad they say you have to go to Southampton. We looked at a map, it was two hours outside of London. They gave them Coventry. We stay in London. I cannot believe. Day after, you need to go out..”

Mustafa, Sudan, 18

One stakeholder noted that, if children have been moved around the country by the authorities, they sometimes go missing from care in order to return to the areas with which they are familiar with or where they have community.<sup>108</sup> Local Authority social workers and advisors also commented that trafficked

children, particularly of Vietnamese and Albanian nationality, were at risk of going missing.

Children who have been trafficked into the UK also face the risk of returning to previous or new situations of exploitation, with stakeholders interviewed noting that many go missing from care with the assumption being that they return to their traffickers.

Returning to a situation of exploitation is mentioned in a number of reports and was raised during interviews with stakeholders as a reason why children (especially Vietnamese and Albanian who make up the two highest nationalities of foreign nationals referred to the National Referral Mechanism)<sup>109</sup> go missing from care shortly after arriving in the UK. The extent of the reported problem is concerning: building on research conducted by ECPAT UK and Missing People, a recent article in the Guardian warned that “a quarter of trafficked children who were in the care of local authorities in the UK last year [2017] have gone missing from the system.”<sup>110</sup> Stakeholders interviewed explained that the need to repay their debt and being bonded into work are central factors determining why children tend to go (back) into exploitation:

In light of their vulnerabilities and the exploitation risks that unaccompanied and separated children face in the UK on arrival, ECPAT and several other organisations have called for improved training for frontline professionals who first encounter unaccompanied and separated children.<sup>111</sup> Recent UNHCR reports<sup>112</sup> have also emphasized the importance of improved training and standard procedures on how to approach and identify

<sup>107</sup> ATMG, *Brexit & the UK's fight against modern slavery A briefing by the Anti-Trafficking Monitoring Group*, 2017, available from: <https://bit.ly/2LXMADS>; ECPAT UK & Missing People, *Heading back to harm*, November 2016, available from: <https://bit.ly/2oqeyz6>; The Passage, *Understanding and Responding to Modern Slavery within the Homelessness Sector*, January 2017, available from: <https://bit.ly/2YGSM6B>.

<sup>108</sup> See also UNHCR, *Putting the child at the centre: An analysis of the application of the best interests principle for unaccompanied and separated children in the UK*, 2019, available from: [www.unhcr.org/uk/5d271cdf7](http://www.unhcr.org/uk/5d271cdf7), UNHCR, “A refugee and then...”: A participatory assessment into the reception and early integration of unaccompanied refugee children in the UK, June 2019, available from: [www.unhcr.org/uk/5d271c6a4](http://www.unhcr.org/uk/5d271c6a4).

<sup>109</sup> According to the latest NRM report, in 2018 6993 cases were referred to the NRM. Amongst these, 947 were for Albanian people and 702 for Vietnamese. Source: National Crime Agency, *National Referral Mechanism Statistics – End of Year Summary 2018*, March 2019, available from: <https://bit.ly/2LW0gi5>.

<sup>110</sup> The Guardian, *Hundreds of trafficked children 'lost' by local authorities*, 15 Dec 2018, available from: <https://bit.ly/2CiA0dC>.

<sup>111</sup> See: ATMG, *Brexit & the UK's fight against modern slavery: A briefing by the Anti-Trafficking Monitoring Group*, 2017, available from: <https://bit.ly/2LXMADS>, UNHCR, *The Way Forward to Strengthened Policies and Practices for Unaccompanied and Separated Children in Europe*, July 2017, available from: <https://www.refworld.org/docid/59633afc4.html>.

<sup>112</sup> See UNHCR, *The Way Forward to Strengthened Policies and Practices for Unaccompanied and Separated Children in Europe*, July 2017, available from: [www.refworld.org/docid/59633afc4.html](https://www.refworld.org/docid/59633afc4.html), UNHCR, “A refugee and then...”: A participatory assessment into the reception and early integration of unaccompanied refugee children in the UK, June 2019, available from: [www.unhcr.org/uk/5d271c6a4](http://www.unhcr.org/uk/5d271c6a4), UNHCR, *Putting the child at the centre: An analysis of the application of the best interests principle for unaccompanied and separated children in the UK*, 2019, available from: [www.unhcr.org/uk/5d271cdf7](http://www.unhcr.org/uk/5d271cdf7).



unaccompanied and separated children and child protection for all likely first points of contact in the UK and Europe. If frontline staff better understand issues faced by children, including those who have been trafficked, this will ensure risks are detected and appropriate actions are taken. It will also ensure adequate reception arrangements are in place for unaccompanied and separated children and can prevent trafficking or re-trafficking.

Continuing to roll-out Independent Child Trafficking Guardians (ICTG) will also positively impact children's reception in the UK, preventing them from experiencing exploitation or further trauma. Guardianship systems are recognised as key in protecting children against trafficking and re-trafficking. Recent reports<sup>113</sup> have recommended the continued roll-out of the ICTG system and this research advocates for the importance of the system towards the protection of trafficked unaccompanied children in the UK.

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<sup>113</sup> See: Secretary of State for the Home Department, *Independent Review of the Modern Slavery Act 2015: Final Report*, May 2019, available from: <https://bit.ly/2EvFIJJ>, UNHCR, *The Way Forward to Strengthened Policies and Practices for Unaccompanied and Separated Children in Europe*, July 2017, available from: [www.refworld.org/docid/59633afc4.html](http://www.refworld.org/docid/59633afc4.html).

## Section 4: RECOMMENDATIONS

The below recommendations focus on what the UK government should do to strengthen the quality of protection and care responses for unaccompanied and separated children in the UK. Many of these are cross-cutting with UNHCR's recently published report on the early reception and integration experience of unaccompanied and separated children in the UK "A refugee and then..."

- 1. In order to place children's best interests at the core of decision-making, ensure that children's voices are heard and their experiences used to inform the development of law and policy, the UK should set up a systematic, child-friendly participatory mechanism to receive feedback from children and young people who have experience of the asylum process.**
- 2. Expand resettlement and complementary pathways for refugee children at risk in order for them to reach the UK safely:**
  - Resettlement is an important legal mechanism, which enables those refugees with the most compelling protection needs to be transferred from their country of asylum to safety. UNHCR welcomes the UK's recent announcement to resettle 5,000-6,000 refugees in 2020-21, and in particular, the UK's plans for initiating a new process for emergency resettlement, which will be crucial in cases where there is a heightened protection need and lives are at risk.<sup>114</sup> The UK should continue to expand resettlement programmes to allow at risk refugees, including unaccompanied and separated children, to reach the UK safely and legally.
  - The UK should strengthen access to complementary pathways to protection, including educational opportunities for refugees through grant of scholarship and student visas; and labour mobility opportunities to expand third country solutions for refugees.<sup>115</sup>
- 3. Amend the Immigration Rules to enable unaccompanied refugee children to sponsor their parents/guardians and siblings to join them in the UK.**
- 4. Strengthen training and develop standard operating procedures on how to approach and identify unaccompanied and separated children for all likely first points of contact, including border authorities, police, and health care providers in the UK**
- 5. Enhance training for frontline officials in the UK about how to appropriately and sensitively treat unaccompanied and separated children, in light of their complex needs.**
- 6. Develop and strengthen the provision of child-friendly information on procedures, available services, actors and their roles and responsibilities, the duties and obligations of the children, and different options for durable solutions.**
- 7. Asylum/protection claims of unaccompanied and separated children should be processed efficiently, within a set time frame, allowing for an extension only in exceptional cases. Efforts should focus on:**
  - Strengthening the quality and efficiency of asylum decision making for claims made by unaccompanied children and young people in recognition of their specific needs;
  - Ensuring that asylum-seeking children/young people are counselled meaningfully and with the appropriate frequency on the progress of their asylum claim; and
  - Ensuring that the asylum system is compatible with interventions designed to care for unaccompanied and separated children in accordance with the best interests principle.

<sup>114</sup> UNHCR, Press Release: UNHCR welcomes meaningful new UK commitment to refugee resettlement, 17 June 2019, available from: <https://bit.ly/35kkydp>.

<sup>115</sup> UN General Assembly, *Report of the United Nations High Commissioner for Refugees. Part II. Global compact on refugees*, (GCR), para. 95, available from: [www.unhcr.org/gcr/GCR\\_English.pdf](http://www.unhcr.org/gcr/GCR_English.pdf).

- 8. Monitor post-transfer arrangements for children brought to the UK under Dublin III and ensure that social services support is provided to address the needs of children, including those experiencing family breakdown. Consider the provision of guardianship support for children in appropriate cases.**
- 9. Finalise the child-friendly NRM reform and roll out the Independent Child Trafficking Guardians (ICTG) system so that the new measures for better identification, recovery, and protection of trafficked children are in place.**
- 10. Efforts to address the health, well-being and psychosocial support needs of unaccompanied and separated children should include:**
- Providing training on common mental health issues affecting unaccompanied children for social workers, foster carers, education professionals and others involved in providing support to children;
  - Providing creative, evidenced-based and practical interventions for addressing mental health issues affecting unaccompanied children;
  - Developing interventions to tackle stigma associated with mental health problems, and to ‘normalise’ the experiences of many unaccompanied young people, including through youth groups, educational programmes, and one-to-one therapeutic support; and
  - Seeking to provide stability from the outset to the extent possible, including by limiting transfers within the UK and ensuring that the persons the child interacts with (social workers, guardians, etc.) are not changed.
- 11. Strengthen age assessment procedures including by revising Home Office asylum policy guidance on assessing age to withdraw the power given to immigration officials to make an initial age assessment if physical appearance and demeanour ‘very strongly suggest they are 23 years of age or over’. Instead ensure that:**
- Age assessments are only carried out as a measure of last resort where there are serious doubts as to the individual’s age and where other procedures have failed to establish the person’s age;
  - All age disputed individuals are given an age assessment; and
  - Prior to the age assessment all age disputed individuals are given the benefit of the doubt and treated as children unless this would be clearly unreasonable.

# ANNEX 1: DEFINITIONS

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**A durable solution:** in the context of the unaccompanied or separated child, this is a sustainable solution that ensures that the unaccompanied or separated child is able to develop into adulthood, in an environment which will meet his or her needs and fulfil his or her rights as defined by the CRC and will not have long-term consequences for the unaccompanied or separated child, it will be subject to a BID. A durable solution also ultimately allows the child to acquire, or to re-acquire, the full protection of a state.<sup>116</sup>

**Care-leaver:** A person who has been looked after by a LA for a period of, or periods amounting to, at least 13 weeks since the age of 14 and who was in care on their 16th birthday and is either an eligible, relevant or former relevant child as defined by the Children Act 1989.<sup>117</sup>

**Integration:** Integration is a broad and diffuse concept: there is no formal definition within International Refugee Law, nor consensus between States about what integration means. UNHCR defines integration as “the end product of a dynamic and multifaceted two-way process with three interrelated dimensions: a legal, an economic and a social-cultural dimension”. Integration implies a “social contract” between refugees and host countries, which implies “adaption” of one party and “welcome” by the other. Critically, whilst refugees must evidently follow the host country’s law and value, it does not require refugees to relinquish their cultural identity.<sup>118</sup>

**Leave to remain:** The permission given by the Home Office to enter or remain in the UK. Leave to remain can be limited in time and may contain various prohibitions (on working or claiming “public funds”). Time limited leave to remain may also explicitly allow the recipient to work or claim benefits, as is the case for children refused asylum and granted a limited form of leave known as UASC leave.

**Limited leave as an unaccompanied asylum-seeking child (UASC leave):** If an unaccompanied child claims asylum and the Home Office does not accept that the child should be granted with either refugee status or humanitarian protection then limited leave to remain is often granted, either because it is not possible to return the child back to his or her country of origin, or because safe and adequate reception arrangements are not available. Children are granted UASC leave for a period of 30 months, or until the child turns 17 ½ years old, whichever is shorter. A significant number of children seeking asylum are granted this limited form of leave. They are eligible to appeal the refusal of asylum / humanitarian protection. Prior to 2013, unaccompanied children would be granted ‘discretionary leave’ on these grounds.<sup>119</sup>

**Limited leave to remain on family or private life grounds:** A child may also be granted limited leave to remain in the UK under the Immigration Rules or on the basis of the right to respect for private and family life under Article 8 of the European Convention on Human Rights. For example, where children and young people have been in the UK for many years, and developed significant ties to the country so that they would struggle to adjust abroad, leave may be granted on the basis that it is fair and right that the child or young person is allowed to stay. This form of leave is granted up to a maximum of 30 months at any one time.<sup>120</sup>

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<sup>116</sup> Ibid.

<sup>117</sup> The Care Leavers (England) Regulations 2010, available from: [www.legislation.gov.uk/uksi/2010/2571/made](http://www.legislation.gov.uk/uksi/2010/2571/made).

<sup>118</sup> UNHCR, *Response to the All Party Parliamentary Group (APPG) on Social Integration’s Inquiry*, 17 March 2017, available from: [www.unhcr.org/uk/58e516fa4.pdf](http://www.unhcr.org/uk/58e516fa4.pdf).

<sup>119</sup> Apland, K. and Yarrow, E., *Children’s Voices, A review of evidence on the subjective wellbeing of children subject to immigration control in England*, November 2017, available from: <https://bit.ly/2x8Zmr0>.

<sup>120</sup> Ibid.

**“Looked after”:** A provision made under the Children’s Act 1989 whereby a LA has obligations to provide for, or share, the care of a child under 18 years, where the parent(s) or guardian(s) are prevented from providing them with a suitable accommodation or care. A child is “looked after” if he or she is provided with accommodation under Section 20 of the Act or taken into care through a care order (Section 31, which applies to children who have suffered, or who are suffering significant harm).<sup>121</sup>

Similar duties are placed on LAs in Scotland under sections 22 and 25 of the Children (Scotland) Act 1995.<sup>122</sup> The equivalent duties of Welsh LAs are set out in parts 3, 4 and 6 of the Social Services and Well-being (Wales) Act 2014.<sup>123</sup> The duties of Health and Social Care Trusts in Northern Ireland are set out in articles 18 and 21 of the Children (Northern Ireland) Order 1995.<sup>124</sup>

**National transfer scheme:** A new voluntary transfer arrangement between LAs for the care of unaccompanied children who arrive in the UK and claim asylum, to facilitate a more even distribution of caring responsibilities across the country.<sup>125</sup>

**Reception arrangements:** can be defined as the “measures adopted by a host country in order to meet the immediate needs of new arrivals” (including accommodation, food, clothing, medical services, and others) in order to ensure their welfare regardless of status, until their “referral to appropriate processes and procedures”.<sup>126</sup>

**Refugee:** A person who has claimed asylum is recognised as a refugee when the government in the country of their claim decides that they meet the definition of refugee under the United Nations Convention Relating to the Status of Refugees.<sup>127</sup>

**Separated children:** Individuals under 18 years old who may be separated from both parents or from their previous legal or customary primary caregiver, but not necessarily from other relatives. This may include children accompanied by other adult family members.<sup>128</sup>

**Unaccompanied asylum-seeking children:** Children who are unaccompanied and have claimed asylum are often referred to as “unaccompanied asylum-seeking children” (UASCs). The Home Office is responsible for making the initial decisions on their asylum applications, but local authorities are responsible for their care, including accommodation and financial assistance.<sup>129</sup>

**Unaccompanied children:** Any person under the age of 18 who is outside his or her country of origin or habitual residence and who has been separated from both parents and other relatives and who is not being cared for by an adult who, by law or custom, is responsible for doing so.<sup>130</sup>

<sup>121</sup> Children’s Act, 1989, Section 20, note 63 above; Children’s Act, 1989, Sect. 31. Available from: [www.legislation.gov.uk/ukpga/1989/41/section/31](http://www.legislation.gov.uk/ukpga/1989/41/section/31).

<sup>122</sup> Section 22, Children (Scotland) Act 1995, [www.legislation.gov.uk/ukpga/1995/36/section/22](http://www.legislation.gov.uk/ukpga/1995/36/section/22); Sect. 25, Children (Scotland) Act 1995, available from: [www.legislation.gov.uk/ukpga/1995/36/section/25](http://www.legislation.gov.uk/ukpga/1995/36/section/25).

<sup>123</sup> Social Services and Well-being (Wales) Act 2014, available from: [www.legislation.gov.uk/anaw/2014/4/contents](http://www.legislation.gov.uk/anaw/2014/4/contents).

<sup>124</sup> Article 18, The Children (Northern Ireland) Order 1995, available from: [www.legislation.gov.uk/nisi/1995/755/article/18/made](http://www.legislation.gov.uk/nisi/1995/755/article/18/made); Article 21, The Children (Northern Ireland) Order 1995, [www.legislation.gov.uk/nisi/1995/755/article/21/made](http://www.legislation.gov.uk/nisi/1995/755/article/21/made).

<sup>125</sup> DfE and Home Office, *2017 Safeguarding Strategy*.

<sup>126</sup> UNHCR, *The 10 Point Plan in Action, Chapter 4: Reception arrangements*, December 2016, available from: <https://bit.ly/2IrlAe5>. In the context of this study, “reception” arrangements are assessed by exploring children’s experiences of arrival in the UK holistically: from the point at which they arrive in the UK to the point at which they regularise their status.

<sup>127</sup> UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951. United Nations Treaty Series, vol. 189, p. 137, available from: [www.refworld.org/docid/3be01b964.html](http://www.refworld.org/docid/3be01b964.html).

<sup>128</sup> *Ibid.*

<sup>129</sup> Home Office, *Children’s asylum claims, Version 2.0*, note 57.

<sup>130</sup> UNHCR, *Safe & Sound: what States can do to ensure respect for the best interests of unaccompanied and separated children in Europe*, p. 22, October 2014, available from: [www.refworld.org/docid/5423da264.html](http://www.refworld.org/docid/5423da264.html).

