



Home Office

**UK Border Agency**

**POLICIES ON RECEPTION, RETURN,  
INTEGRATION ARRANGEMENTS FOR,  
AND NUMBERS OF, UNACCOMPANIED  
MINORS – UK REPORT FOR  
AN EU COMPARATIVE STUDY**

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## **Executive summary**

### **Aim**

- This report on unaccompanied minors was produced by the UK National Contact Point (NCP) for the European Migration Network (EMN) as a contribution to the synthesis report (a European Union (EU) comparative study).
- The aim of the UK report is to provide an overview of the institutional context, basic laws and regulations, ministries and organisations involved in dealing with unaccompanied children seeking asylum in the UK. The outcome of this study is primarily intended for entities concerned with the development of policy on unaccompanied minors, in particular: national government ministers/officials, international bodies and non-governmental organisations (NGOs) and officials of the EU institutions.

### **Methodology**

- This report is based on desk research and no primary research was undertaken.
- In addition to undertaking a wide-range literature search, the UK NCP discussed the research topic at the first meeting of the EMN UK National Network (November 2008). We would like to thank network members for their valuable input at this meeting.
- It should be noted that, although the EMN's specification for the report used the terms 'unaccompanied minors' and 'unaccompanied minors seeking asylum', UK government departments and agencies prefer the terms 'child', 'young person' (for 16- to 25-year-olds) and 'Unaccompanied Asylum Seeking Children (UASC)'. In line with this preference, this report predominantly uses the terms 'unaccompanied child' and 'UASC'. However, to all intents and purposes, 'minor' and 'child' are the same, so that 'child' can be read as 'minor' to a European audience.

### **Motivations of unaccompanied children to seek entry into the UK**

- There is limited information available on the motivations of unaccompanied minors seeking entry into the UK but studies suggest that the key push factor in prompting a child's flight from his/her country of origin is the perception that it is unsafe to remain there (Hewitt *et al.*, 2005; Hopkins and Hill, 2006).
- It has been reported that UASC resident in the UK are reluctant to discuss their pre-flight and migration stories with researchers. This may be because such children are traumatised or have been rehearsed (by parents and agents) to tell a story that will fulfil the UK's asylum conditions (Hopkins and Hill, 2006).
- However, research suggests that the children themselves do not often make the final decision to leave their country of origin, nor do they decide to come to the UK in particular. As per the wider population of asylum seekers, knowledge of the UK may be limited (Hopkins and Hill, 2006) and agents may have played a key role in directing the choice of destination country (Gilbert and Koser, 2006; Robinson and Segrott, 2002).
- In 2008, 4,285 unaccompanied asylum seeking children (UASC) aged 17 or under applied for asylum in the UK. The top five nationalities were Afghan (1,800), Iraqi (485), Iranian (390) Eritrean, (370) and Chinese (200).

- The last five years has seen a notable increase in the number of unaccompanied children with Afghan nationality claiming asylum. In 2003 there were 275 and in 2008 there were 1,800 (an increase of 555 per cent). The UK Border Agency's Country of Origin service reports suggest that this may be due to increasing intimidation by the Taliban.

### **The institutional context and the legal system**

- The Home Office is the government department responsible for immigration and asylum policy in the UK. Within the Home Office the UK Border Agency regulates all entry to and stay in the UK of non-British citizens.
- The key pieces of legislation and policy relating to the entry and care of unaccompanied children in the UK include: the Immigration Rules, which state that particular care and priority should be given to asylum applications from children; the Children Act, 1989, which places on local authorities a duty of care for all children in their area; Article 22 of the UN Convention of the Rights of the Child, which places the best interests of the child alongside immigration status as the priority when dealing with UASC; and section 55 of the Borders, Citizenship and Immigration Act 2009 which requires the Home Secretary and the Director of Border Revenue to make arrangements to have regard to the need to safeguard and promote the welfare of children.<sup>1</sup> The duty came into force on 2 November 2009 and replaced an earlier 'Code of Practice for Keeping Children Safe from Harm' (UK Border Agency, 2008).
- Key stakeholders and actors include: the **Children's Commissioner**, who is independent of the Government and has a remit to promote awareness of the views and interests of children; the **Refugee Council Children's Panel**, which assists asylum seeking children; the **Legal Services Commission** which provides children with legal representation; and the **National Refugee Consortium**, which is a coalition of children's charities and other organisations working for the welfare of asylum seeking and refugee children.

### **Entry procedures, including border control**

- As is the case for all individuals arriving in the UK, the first UK Border Agency employee that unaccompanied minors will typically encounter on arrival is an **Immigration Officer**. Immigration Officers are highly aware of child protection issues.
- Asylum claims from children are dealt with by UK Border Agency case owners who are specially trained to deal with applications from this group. **Local authorities (LA)** have responsibility for caring for all UASC during and after the asylum process until they reach the age of 18 or older.
- If a child is travelling from one of the countries listed in the Immigration Rules as requiring a visa, he or she can be issued before travel with an 'unaccompanied' child visitor visa, provided he/she can show that he/she has: suitable travel, reception and care arrangements for his/her stay in the UK; a parent in the home country who is responsible for his/her care; and parental agreement to travel.
- Any non-EEA (European Economic Area) national arriving in the UK must seek leave to enter from an Immigration Officer. Immigration Officers work to nationally agreed guidelines in order to identify those children (unaccompanied or otherwise) who may be being trafficked into the UK. When a child enters the country alone and/or there are trafficking concerns, the UK Border Force will immediately refer the minor to a relevant local authority's Children's Services department. The local authority Children's Services department then become responsible for the child's care.

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<sup>1</sup> The statutory guidance accompanying the s.55 duty can be found at: <http://www.ind.homeoffice.gov.uk/sitecontent/documents/policyandlaw/legislation/bci-act1/>

- The numbers of applications of unaccompanied asylum seeking children to the UK have shown a steady increase since 2004. In 2008 there were 4,285 applications for asylum from unaccompanied children.

### **Reception arrangements, including integration measures**

- In 2008, nine per cent of unaccompanied asylum seeking children applied at the point of entry into the UK. The remaining 91 per cent applied at UK Border Agency asylum screening units (ASUs) in Croydon and Liverpool. In-country asylum applications occur for a variety of complex reasons; for example, some children are brought into the UK clandestinely, with agents, and others have previously been dependants on other asylum claims.<sup>2</sup>
- The ‘screening’ process endeavours to establish identity, nationality and route into the UK. It also establishes the identity of and connection to a sponsor, if the child has one. The interview is carried out by an officer trained in child protection and is conducted in a language that the child can reasonably be expected to understand.
- For an unaccompanied child, the Immigration Officer or case owner contacts a local authority Children’s Services on completion of the screening interview. Children’s Services are thereafter responsible for the welfare of the unaccompanied child until they reach the age of 18 or are returned to their country of origin. UASC are referred either to the local authority for the area of the ASU or port of entry, or to a local authority with which they have a prior connection. UASC and applications that the UK Border Agency is treating as age-dispute cases are not eligible to be detained in agency Detention Centres, except in exceptional circumstances.
- The statutory guidance accompanying section 55 of the Borders, Citizenship and Immigration Act 2009 sets out the key arrangements for safeguarding and promoting the welfare of children (UK Border Agency, 2009a). All staff who conduct substantive interviews with children, such as UASC case owners, or who have regular contact with children in their work, are required to complete specific training on keeping children safe from harm whilst carrying out immigration functions.
- A key stage in the asylum process is the asylum interview. All UASC are entitled to receive legal aid, regardless of age. Unaccompanied children considered to be over the age of 12 will be interviewed (by a specially trained case owner) about the substance of their claim. Unaccompanied children under the age of 12 have their case decided on the basis of written evidence.
- Whilst the purpose of the asylum interview is broadly the same as for an adult, and the same standard is applied, consideration is given to many factors in a child’s application (e.g. the age and maturity of the child).
- There are five possible outcomes to UASC applications: recognition of refugee status and a grant of asylum; a grant of Humanitarian Protection (HP); a grant of Discretionary Leave (DL) under general policy; a grant of Discretionary Leave under UASC policy; and outright or non-compliance refusal. Figures show that in 2008, 67 per cent of initial decisions made on applicants aged 17 and under at the time of the decision were granted DL.
- The case owner responsible for dealing with an unaccompanied child’s asylum claim will review the case when he or she turns 17 and a half. Following the review, the young person will either be asked to return to his/her country of origin or be granted further leave to remain.

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<sup>2</sup> Information supplied by UASC reform team at UK Border Agency.

- UASC are supported by local authorities under the Children Act 1989 and receive the same levels of care and support as their British citizen equivalents. The relevant local authority is funded by the UK Border Agency on a per-child per-night basis.
- Most UASC aged under 16 are placed in foster care with a family, whilst those aged over 16 mostly go into semi-independent living arrangements. UASC aged between five and sixteen have the same rights as other children in the UK during the period of compulsory education. All 16- to 18-year-old asylum seekers are eligible for the Learning and Skills Council funding in respect of their attendance in a further education course, similar to UK students.
- The United Kingdom follows the definition of human trafficking set out in the Protocol to the 2000 UN Convention against Transnational Organised Crime (UNTOC) called the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. This states: “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”
- The Home Office has lead responsibility on human trafficking and has established the United Kingdom Human Trafficking Centre as the central repository for all information on trafficking, including child trafficking. A key policy guide is the 2007 ‘UK Action Plan on Tackling Human Trafficking’, which includes proposals to combat the abuse and exploitation of children by human traffickers and a commitment to provide targeted guidance to meet the particular needs of children who may have been trafficked.
- Although there are currently no centrally held statistical data on trafficked children, The Child Exploitation and Online Protection Centre has recently published a report estimating that 325 children were identified as being potential victims of trafficking or exploitation between 2007 and 2009 (CEOP, 2009).

### **Return practice, including reintegration**

- In 1993 the Immigration Minister made a commitment that no unaccompanied child would be removed from the United Kingdom unless the Secretary of State was satisfied that adequate reception and care arrangements were in place in the country to which the child was to be removed (UK Border Agency, 2008). In practice, the UK has rarely enforced the return of an unaccompanied child to a non-EEA country because of the practical difficulties of establishing adequate reception and care arrangements.
- The UK has opted into the Dublin II regulation, which states that unaccompanied children can be sent to another Member State if there is a close family member living in that country, and if return to this Member State is seen by the UK Border Agency to be in the child’s best interests. If no family has been traced but the child has made a previous asylum claim in another Member State, he/she may be returned to that country to have his or her case reviewed there. However, Member States can also choose to consider a child’s asylum application, rather than return him or her to the Member State where the initial claim was made.
- Unaccompanied children who wish to return voluntarily to their country of origin can apply to the Voluntary Assisted Return and Reintegration Programme (VARRP) and Assisted Voluntary Return for Irregular Migrants scheme (AVRIM), both run by the International

Organization for Migration (IOM). The practice of voluntary return of unaccompanied children focuses primarily on initial assessment of the child's best interests, his/her wishes (including those of the family) and his/her needs and history.

### **Concluding remarks: best practice and lessons learned**

The UK Border Agency is currently in the process reforming its UASC policies, putting in place measures aimed at improving the care of unaccompanied children. These include:

- looking at placing UASC with a limited number of 'specialist' local authorities to make it easier both to ensure that full services are provided and to monitor good practice;
- taking action to ensure the UK's National Referral Mechanism for identifying trafficking victims operates efficiently in relation to children;
- putting in place a multi-agency approach (involving police, immigration officers and social workers) to help safeguard children travelling through ports by identifying offenders and children at risk, investigating cases, sharing intelligence and working with other agencies.

# 1. Introduction: purpose and methodology

## 1.1 Aims and scope

This EMN UK national report describes the numbers of unaccompanied children received by the UK and the reception, return and integration arrangements (policies and practices) for unaccompanied children in the UK, including information on assessments of success, costs and lessons learned, as of March 2009. There is one exception to this: all references to the Borders, Citizenship and Immigration Act 2009 are as of 2 November, 2009. The statistics in the report were supplied by Migration Statistics and are correct as of August 2009.

The UK National Contact Point produced the report for the European Migration Network as a contribution to the EMN study on 'Policies on reception, return and integration arrangements for, and numbers of, unaccompanied minors – an EU comparative study'. The report is based on a specification that was finalised at the 31st EMN meeting on 2 December 2008. The UK report, along with those of the other Member States, will be integrated into an EMN synthesis report. The overall objective is to assist with developing policies for supporting safe reception arrangements for unaccompanied, in either host (EU Member State) countries or their countries of return.<sup>3</sup> In line with the EMN's objectives, this study aims to fill a knowledge gap on policies relating to unaccompanied minors in the EU. It will also provide suggestions for possible improvements to reception arrangements in EU Member States, as well as suggestions for improving sustainable returns of unaccompanied minors.

For the purpose of this study, and referring to Article 2(f) of Council Directive 2001/55/EC,<sup>4</sup> an unaccompanied child refers to

*“a third country national or stateless person below the age of eighteen, who arrives on the territory of the Member States unaccompanied by an adult responsible for them whether by law or custom, and for as long as they are not effectively taken into the care of such a person, or a child who is left unaccompanied after they have entered the territory of the Member States.”*

Note that, by definition, this means the exclusion of unaccompanied children who are EU nationals.

The aim of the UK report is to provide an overview of the institutional context, basic laws and regulations, government departments and organisations involved in dealing with unaccompanied children seeking asylum in the UK. The outcome of this study is primarily intended for entities concerned with unaccompanied children's policy, in particular: national government ministers/officials, international bodies and NGOs and officials of the EU institutions.

The legislation, policy and practices for dealing with unaccompanied asylum seeking children in the UK are complex and this report distils a very large body of information into a relatively basic analysis. Thus, certain areas are not discussed and many areas are covered in only the broadest terms. Further information on UASC policy and practice can be found on the UK Border Agency website.<sup>5</sup>

## 1.2 Method

This report is primarily based on desk research and no primary research was undertaken. A wide-ranging literature search was undertaken, and information was obtained from a range of websites and publications, as listed in the bibliography. A key source of information on asylum was 'Processing Asylum Applications from Children' from the Asylum Processes and Guidance on the UK Border Agency website (UK Border Agency, 2009b).

3 The UN Convention on the Rights of the Child (<http://www2.ohchr.org/english/law/crc.htm>) is also of relevance to this study.

4 Available from <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32001L0055:EN:NOT>

5 <http://www.ukba.homeoffice.gov.uk>

In addition to written sources, policy and operational colleagues from across the UK Border Agency provided information and clarification on policies and procedures. Colleagues in the Migration Statistics unit of the Home Office provided statistical data.

NGOs, academics and practitioners with expertise in this area also discussed the study at the first meeting of the EMN UK national network in London on 29 November 2009. The authors would like to thank network members for their valuable input at this meeting.

Although the specification for this report uses the term ‘unaccompanied child’, the UK government departments and agencies prefer the term, ‘child’, ‘children’ and ‘young person’ (for 16- to 25-year-olds) and Unaccompanied Asylum Seeking Children. These terms are extensively used in policy documents and operational guidance. In the UK, an unaccompanied asylum seeking child is defined as

*‘a child (less than 18 years old) who is applying for asylum in their own right; and is separated from both parents and is not being cared for by an adult who by law or custom has responsibility to do so’*

(UK Border Agency, 2009b)

The Refugee Children’s Consortium judges that this definition “is very close to that used by UNHCR and NGOs in defining an unaccompanied or separated child and includes children who arrived in the UK or joined with an adult who is not their usual carer” (Refugee Children’s Consortium, 2007). Throughout this report, therefore, the term ‘child’ has been used and is, for most purposes, interchangeable with ‘minor’, and the acronym ‘UASC’ has been used for ‘unaccompanied asylum seeking children’ where appropriate.

It should be noted that the vast majority of unaccompanied children who come to the attention of the UK authorities are routed through the asylum system and are therefore subject to the policies and procedures relating to UASC. For this reason, this study focuses primarily on policies and procedures relating to UASC.

## 2. Background: motivations, numbers and context

### 2.1 Motivations of unaccompanied children to seek asylum in the UK

The UK Border Agency has not commissioned research on the specific motivations of UASC for seeking entry into the UK. Indeed, Hopkins and Hill (2006) report that there is little information available about the motivations of unaccompanied asylum-seeking children. The motivations for unaccompanied children to claim asylum in the UK are most probably as complex and diverse as the backgrounds of the children themselves.

However, Home Office research into which factors shape the decisions of adults and families to seek asylum in the UK suggest that family ties, the perception that the UK is a ‘tolerant democracy’, education, colonial links and the ability to speak English are all important reasons (Robinson and Segrott, 2002; Zetter *et al.*, 2003). Other Home Office research draws attention to an additional, economic motivation for asylum seekers, illegal entrants and overstayers (Glover *et al.*, 2001). This research suggests that these groups are influenced by perceived economic opportunity as well as by accessibility, political factors, and cultural, family and personal ties.

Several studies commissioned by Non-Governmental Organisations have also explored the motivations for entry to the UK. Hewitt *et al.* (2005) interviewed 47 asylum-seeking children, eight of whom were unaccompanied, and found that ‘safety’ was the major driver for leaving their country of origin. Hopkins and Hill (2006) interviewed 74 UASC service providers and 31 UASC resident in the UK, and reported that children in this study were seeking asylum, “because they feel it is unsafe to live in their own country”. They found that the major drivers in a child’s flight from his/her country of origin were connected with the death of family members or the persecution of family members or of the child himself/herself. Ayotte (2000) lists the reasons that lead children to flee from their home country: persecution, armed conflict, poverty, and family issues. Halvorsen (2002) emphasises that “many travel for the same reasons as adult asylum-seekers – to escape armed conflict, persecution, severe poverty and deprivation – and some are recruited by traffickers either in their country of origin or en route. Some also flee child specific human rights abuse and neglect”.

Researchers working with UASC resident in the UK report that they are often reluctant to discuss their pre-flight and migration stories. Hopkins and Hill (2006) cite a body of research in this area<sup>6</sup> and suggest that their reticence may be because they are traumatised or have been ‘rehearsed’ (by parents or agents) to tell a story that will fulfil UK asylum conditions. Kohli (2005) discusses how unaccompanied asylum-seeking children are at times silent or circumspect about their origins and circumstances when faced with authority figures, including social workers. He uses the concept of ‘thick’ and ‘thin’ stories: ‘**thin stories**’ are ways of ‘managing their lives so that they can give themselves the best chance of acceptance by the authorities’. These stories amplify political reasons and omit economic reasons for seeking asylum. ‘Thick’ stories, however, are fuller and more frank accounts that are told when the children feel safe and trust someone (Kohli, 2007).

The literature suggests that the final decision to leave a country of origin is often not made by the children themselves, and that they do not decide to come to the UK *in particular*. Half of the children in the Hopkins and Hill (2006) study were not aware that they were travelling to Scotland and knew very little about this country. This reflects results from studies of the wider group of asylum seekers and their reasons for seeking entry into the UK. For example, several studies point out that asylum seekers often have little knowledge of the UK or its asylum procedure before they arrive and that agents play a key role in directing migration towards, or away from, particular countries. (Gilbert and Koser, 2006; Robinson and Segrott, 2002)

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<sup>6</sup> Including Thomas *et al.* (2004: 114); Anderson (2001: 196); Hewitt *et al.* (2005).

## 2.2 Unaccompanied asylum seeking children coming from clearly identified third countries

In 2008, 4,285 unaccompanied asylum-seeking children (UASCs) aged 17 or under applied for asylum in the United Kingdom. The top five nationalities were Afghan (1,800), Iraqi (485), Iranian (390) Eritrean, (370) and Chinese (200) (Home Office, 2009). The top ten nationalities of unaccompanied children applying for asylum from 2002 to 2008 are tabulated below.<sup>7</sup>

Year 2002		Year 2003		Year 2004	
Citizenship	Applications	Citizenship	Applications	Citizenship	Applications
Iraq	1,310	Somalia	280	Afghanistan	315
FRY <sup>a</sup>	725	Afghanistan	275	Iran	310
Afghanistan	720	Iraq	255	Somalia	250
Somalia	345	SAM <sup>b</sup>	215	Vietnam	185
Albania	300	Albania	170	Iraq	160
China	260	China	160	Eritrea	155
Eritrea	220	Uganda	140	D R Congo	150
Angola	210	Eritrea	135	China	115
Vietnam	180	Vietnam	135	Ethiopia	105
Moldova	145	Angola	120	Romania	80
Total*	6,200	Total	3,180	Total	2,990

Year 2005		Year 2006		Year 2007	
Citizenship	Applications	Citizenship	Applications	Citizenship	Applications
Afghanistan	530	Afghanistan	1,040	Afghanistan	1,170
Iran	450	Eritrea	340	Iran <sup>c</sup>	380
Somalia	235	Iran	345	China <sup>d</sup>	320
Eritrea	195	Somalia	280	Iraq	330
Iraq	170	China	270	Eritrea	280
China	170	D R Congo	100	Somalia	200
D R Congo	145	Bangladesh	85	Bangladesh	130
Vietnam	120	Iraq	95	Pakistan	80
Nigeria	80	Pakistan	70	Nigeria	70
Turkey	55	Nigeria	70	Sri Lanka	65
Total	2,965	Total	3,450	Total	3,645

Year 2008 <sup>e</sup>	
Citizenship	Applications
Afghanistan	1,800
Iraq	485
Iran	390
Eritrea	370
China	200
Somalia	135
Bangladesh	85
Sri Lanka	75
India	75
Albania	70
Total	4,285

a Federal Republic of Yugoslavia

b Serbia and Montenegro (SAM) replaced Federal Republic of Yugoslavia (FRY) from 5 February 2003. SAM comprises the Republic of Serbia, the Republic of Montenegro, and the Province of Kosovo (administered by the UN on an interim basis since 1999).

c (Islamic Republic of).

d (including Hong Kong).

e The 2008 figures are provisional.

<sup>7</sup> Cases considered under normal procedures. Figures exclude cases where the age of the applicant is disputed. All the 2008 United Kingdom statistics produced on an annual basis are provisional and subject to change. Figures (other than percentages) are rounded to the nearest 5 (- = 0, \* = 1 or 2). Row or column percentages may not add to 100 per cent due to rounding.

### 2.3 Significant changes in the number of unaccompanied asylum seeking children in the UK

There has been a gradual rise in the number of unaccompanied children seeking asylum in the UK since 2003/04. With overall asylum claims falling, unaccompanied children make up an increasing proportion of all asylum applicants (excluding dependants), rising from below nine per cent of all applications in 2004 to 16 per cent in 2007 (Home Office, 2009). The National Register for Unaccompanied Children (NRUC) suggest that legislative restrictions placed on single adult asylum applicants and families have introduced new incentives for adults to claim to be children and for families to present their children as unaccompanied (National Register for Unaccompanied Children, 2008).

**Figure 1** Numbers of applications by UASC by nationality from 2002 to 2008

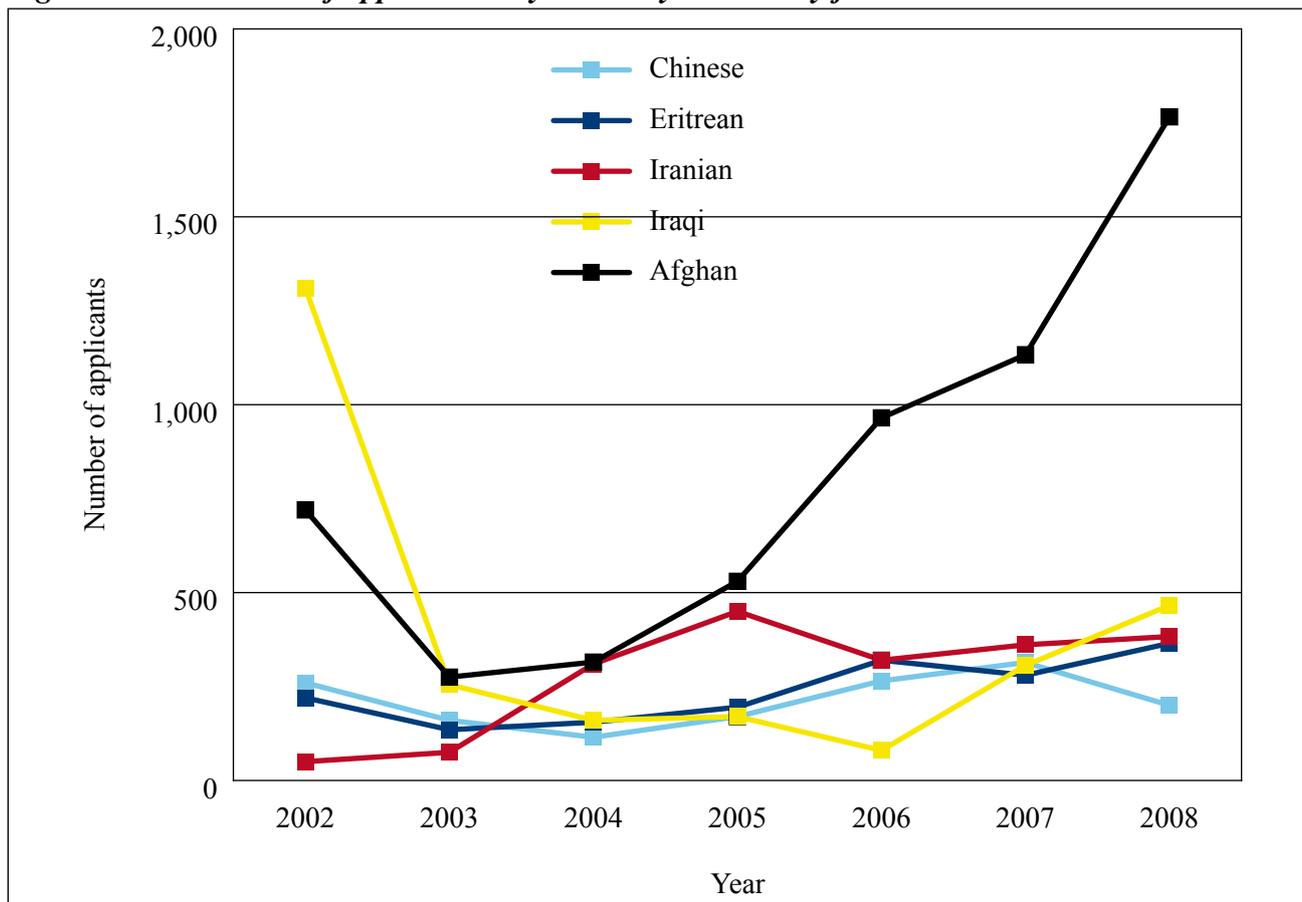


Figure 1 shows that numbers of UASC with Afghan citizenship have risen sharply since 2003/04, while applications from children from other citizenship groups increased more gradually since this date; 1,800 unaccompanied children with Afghan citizenship sought asylum in the UK in 2008, compared with 275 in 2003 (a six-fold increase). The reasons for this increase are unclear. The UK Border Agency Country of Origin service reports that in Afghanistan “intimidation of all kinds has increased against the civilian population, including threats and pressure to join the Taliban” (UK Border Agency COI, 2008).

The UK has no equivalent figures on unaccompanied EU national children: they are not eligible to claim asylum and no arrivals data are collected on unaccompanied children who are EEA nationals.

## 2.4 The institutional and legislative framework for the treatment of unaccompanied asylum seeking children in the UK

### The institutional context

The Home Office is the government department responsible for immigration and asylum policy under the leadership of the Secretary of State for the Home Department (generally known as the Home Secretary). The Secretary of State is supported by a Minister of State with specific responsibility for borders and immigration. Government policy on immigration and asylum is shaped around party ideology and manifesto commitments.

Within the Home Office, the UK Border Agency has the responsibility for regulating all entry to and stay in the UK of non-British citizens. Its role has been extended to include enforcing prohibitions and restrictions on goods and protecting and collecting revenue. Its immigration-specific tasks include maintaining controls at ports of entry, preventing illegal entry and other abuses of immigration controls, and securing compliance within the conditions imposed on individuals, including their departure.

Separately elected local councillors are responsible, along with the staff of local authorities, for providing local services and facilities to migrants. Their role in respect of asylum and immigration is mainly to implement central government policy. In particular, local authorities work in partnership with the UK Border Agency in the care of unaccompanied asylum seeking children.

### The legal system

UK policy and practice with regard to unaccompanied children is directed by primary legislation, secondary legislation, EU Regulations and Directives and a large amount of case law.

The Immigration Rules, made under the Immigration Act 1971, are pivotal to the UK asylum and migration systems. Several paragraphs within the Immigration Rules pertain specifically to unaccompanied children. For example, Paragraph 349 of the Immigration Rules defines a child as a person under 18 years of age who, in the absence of documentary evidence establishing age, appears to be under that age. The Immigration Rules also provide that “any child over the age of 12 who has claimed asylum in his own right shall be interviewed about the substance of his claim unless the child is unfit or unable to be interviewed” and that particular priority and care should be given to the determination of asylum applications from children (MacDonald and Toal, 2008).

As of September 2008, the UK lifted their previous reservation to Article 22 of the UN Convention on the Rights of the Child (UNCRC) so that the ‘best interests of the child’ are ‘a priority’ alongside immigration status issues rather than subordinate to them.

The Asylum Seekers (Reception Conditions) Regulations 2005<sup>8</sup> transposes European Commission (EC) Council Directive 2003/9/EC (which lays down minimum standards for the reception of asylum seekers) into domestic law.<sup>9</sup> In the context of reception, these regulations stipulate that the special needs of asylum seekers and/or family members who are vulnerable, including children, must be taken into account. There are also duties to trace the family members of unaccompanied children in order to protect the child’s best interests.

The key piece of legislation relating to the **accommodation and care** of unaccompanied children is The Children Act 1989 (this legislation applies to England and Wales only; similar legislation is in place in Scotland and Northern Ireland). This includes a general duty for all local authorities to

8 The Asylum Seekers (Reception Conditions) Regulations 2005 [United Kingdom of Great Britain and Northern Ireland]. Statutory Instrument 2005 No. 7. 14 January 2005, available online in UNHCR Refworld at: <http://www.unhcr.org/refworld/docid/481836532.html> [accessed 25 March 2009].

9 European Union: Council of the European Union, Council Directive 2003/9/EC of 27 January 2003 Laying Down Minimum Standards for the Reception of Asylum Seekers in Member States, 6 February 2003. 2001/0091 (CNS). Online. UNHCR Refworld, available at: <http://www.unhcr.org/refworld/docid/3ddcfda14.html> [accessed 25 March 2009]

safeguard and promote the welfare of children within their area who are in need and to meet these needs by providing a range of appropriate services. Responsibility to provide accommodation for UASC falls into sections 17 and 20 of the Act, where the child is within its area and appears, to the local authority, to require accommodation. The accommodation may be required as a result of there being no person with parental responsibilities, the child having been lost or abandoned, or where the person who has been caring for the child is prevented (whether or not permanently, and for whatever reason) from providing him/her with suitable accommodation or care. Children looked after under section 20 of the Children Act 1989 are also covered by the Children (Leaving Care) Act 2000.<sup>10</sup>

In the UK, **detention** for immigration purposes is covered by the Immigration Act 1971 and the Nationality, Immigration and Asylum Act 2002. The powers under these Acts allow a wide range of people, including unaccompanied children, to be detained. However, as a matter of policy, unaccompanied children may only be detained in the following limited circumstances: very exceptionally, overnight, whilst alternative arrangements are made for their care and safety; on the day of a planned removal, to facilitate their safe escort between their residence and the port of removal; and in criminal cases, in exceptional circumstances, where it can be shown that the individual poses a serious risk to the public and a decision to deport or remove the individual has been taken. Chapter 55 of the Enforcement Instructions and Guidance (publicly available internal guidance to staff) states that children and young persons under the age of 18 should only be detained in a place of safety as defined in the Children and Young Persons Act 1933 (for England and Wales), the Children (Scotland) Act 1995 (for Scotland) or below (for Northern Ireland). For example, The Children and Young Persons Act 1933 defines a place of safety as “a community home provided by a local authority or a controlled community home, any police station or any hospital, surgery or any other suitable place, the occupier of which is willing temporarily to receive a child or young person”.

**Section 55 of the Borders, Citizenship and Immigration Act 2009** requires the Home Secretary and the Director of Border Revenue to make arrangements to have regard to the need to safeguard and promote the welfare of children.<sup>11</sup> The duty came into force on 2 November 2009 and replaced an earlier ‘Code of Practice for Keeping Children Safe from Harm’ (UK Border Agency, 2008). The UK Government believes that it is important that the law and policy relating to asylum and immigration, and the law and policy relating to the welfare of children, should be in step with one another, whilst retaining the distinct functions and decision-making roles of the agencies concerned.

UK legislation and guidance relating to the issue of **trafficked and exploited children** includes: The Children Acts 1989 and 2004; The Nationality, Immigration and Asylum Act 2002; The Sexual Offences Act 2003; The Asylum and Immigration (Treatment of Claimants etc.) Act 2004; Adoption and Children Act 2002; Working Together to Safeguard Children (2006) and Safeguarding Children Involved in Prostitution (2000) (currently being revised). A key document is the update to the *UK Action Plan on Tackling Human Trafficking* (Home Office and Scottish Government, 2008). This sets out the Government’s victim-centred strategy on tackling all forms of human trafficking, and implements the Council of Europe Trafficking Convention, to which the UK is a signatory. The plan details 85 actions across four key areas: prevention; investigation/law enforcement/and prosecution; providing protection and assistance to adult victims of trafficking; and child victims. Guidance on trafficking in relation to unaccompanied children is also the focus of the Department for Children, Schools and Families (DCSF) report *Safeguarding Children who may have been trafficked* (Home Office and DCSF 2007) and the statutory guidance accompanying section 55 of the Borders, Citizenship and Immigration Act 2009. (This is discussed in more detail in section 4).

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<sup>10</sup> [http://www.opsi.gov.uk/Acts/acts2000/ukpga\\_20000035\\_en\\_1](http://www.opsi.gov.uk/Acts/acts2000/ukpga_20000035_en_1)

<sup>11</sup> The statutory guidance accompanying the s.55 duty can be found at:

<http://www.ind.homeoffice.gov.uk/sitecontent/documents/policyandlaw/legislation/bci-act1/>

## 2.5 The main actors

As is the case for all individuals arriving in the UK, the first UK Border Agency employee that unaccompanied children will encounter is an **Immigration Officer**. Immigration Officers are tasked with granting leave to enter the UK, on the basis of the information supplied to them by the incoming individual. Immigration Officers are highly aware of child protection issues. For example, they are instructed to consider contacting their local Child Protection Officer if they believe that an unaccompanied child is in need of protection, even if he or she has a ‘sponsor’ in the UK. If an unaccompanied child provides any information during an immigration interview which may relate to criminal activity, such as trafficking or abuse, the police should be informed (MacDonald and Toal, 2008).

**Case owners** are the key UK Border Agency employees who deal with asylum claims. A case owner is responsible for managing every aspect of an application for asylum, from beginning to end. Asylum claims from children are dealt with by case owners who are specially trained to deal with applications from this group. For example, a child who is invited for interview will be seen by a specially trained case owner, in the presence of a ‘responsible’ adult, and will be interviewed using child-sensitive techniques (see section 4).

The **local authorities** in the UK have responsibility for caring for UASC during and after the asylum process. UASC are entitled to support from the local authority’s Children’s Services departments which have a legal duty to safeguard the welfare of children in need in their area. This support, which may include accommodation, is based on a needs assessment.

**The Refugee Council Children’s Panel** is one part of the work of the Refugee Council, a charitable organisation that works with refugees and asylum seekers, and is funded by the Home Office. The Children’s Panel receives referrals from statutory and voluntary organisations, and directly from children themselves. The Panel works with separated children and young people seeking asylum who are under the age of 18 when they enter the UK. It also works with asylum seeking young people aged under 21 who, in the absence of a parent, are caring for younger brothers or sisters.

## 2.6 Other stakeholders and/or actors

**The Children’s Commissioner**, established in the 2004 Children Act, is independent of the Government and has a remit to promote awareness of views and interests of children. The Commissioner raises the profile of issues that affect and concern children in England, and promotes awareness and understanding of their views and interests among all sectors of society, both public and private.

**The National Register for Unaccompanied Children** hosts data-sharing between local authorities and the Government. Its purpose is to provide accurate and rapid information to statutory agencies requiring vital information on unaccompanied asylum seeking children. It produces systematic and accurate data/reports to facilitate the management of performance monitoring and targets set by the Home Office and local government in all aspects of work amongst unaccompanied asylum seeking children.

**The Legal Services Commission (LSC)** provides the funding for legal representation in England and Wales, including the provision of representation in proceedings before immigration courts and tribunals. In Scotland, regulation of legal services is covered by the Law Society of Scotland as well as the Office of the Immigration Services Commissioner (OISC). The LSC funds specialist legal advice for asylum and Human Resources (HR) applications, subject to the means and merits test. The LSC provides legal representation for unaccompanied children at the substantive asylum interview and for any subsequent asylum appeal. They may also provide legal representation for cases that are age-disputed by the UK Border Agency.

**ECPAT UK** stands for End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes. It is a children's rights organisation campaigning against the commercial sexual exploitation of children in the UK. It also works internationally and has a particular focus on the protection of trafficked children and children exploited in tourism and the prevention of such crimes.

**Youth Justice Board/youth offending teams** work with other agencies to ensure young asylum seekers can access services, benefits, help and support to meet their needs.

**The Refugee Children's Consortium (RCC)** is a group of NGOs working collaboratively to ensure that the rights and needs of refugee children are promoted, respected and met in accordance with the relevant domestic, regional and international standards. Members of the Refugee Children's Consortium are: The Asphaleia Project, AVID (Association of Visitors to Immigration Detainees), Bail for Immigration Detainees, Barnardo's, BASW (British Association of Social Workers), British Associations for Adoption and Fostering (BAAF), Children's Legal Centre, Child Poverty Action Group, Children's Rights Alliance for England, The Children's Society, The Fostering Network, Family Service Units (FSU), The Immigration Law Practitioners' Association (ILPA), The Medical Foundation for the Care of Victims of Torture, NCB, NCH, National Society for the Prevention of Cruelty to Children (NSPCC), Redbridge Refugee Forum, Refugee Council, Refugee Arrivals Project, Refugee Legal Centre, Scottish Refugee Council, Save The Children UK, Student Action for Refugees (STAR) and Voice. The British Red Cross, Office of the Children's Commissioner (England), United Nations Children's Fund (UNICEF) UK and United Nations High Commissioner for Refugees (UNHCR) all have observer status.

**The Department for Children, Schools and Families** is a British government department responsible for all issues affecting people up to the age of 19, including child protection and education.

**Local Safeguarding Children Boards (LSCBs)** include local authorities, health bodies, the police and others. These boards co-ordinate and ensure the effectiveness of their member agencies in the safeguarding and promotion of welfare of children.

**Independent Asylum Commission (IAC)** is an independent organisation which provides an independent review of the asylum process in the UK.

**The Crown Prosecution Service (CPS)** is responsible for prosecuting criminal cases investigated by the police in England and Wales. It also provides guidance on prosecuting cases involving children and young people as victims, witnesses and defendants of crime.

**The UK Human Trafficking Centre (UKHTC)** is made up of staff from various disciplines bringing a multi-agency approach to the Centre's response to trafficking, both into and within the UK.

The Government established the **Child Exploitation and Online Protection Centre (CEOP)** in April 2006, affiliated to the Serious Organised Crime Agency (SOCA). The aim of CEOP is to protect children from sexual exploitation originating from the Internet. It adopts a child-centred approach to all areas of its business and has a dedicated child trafficking unit.

**The National Society for the Prevention of Cruelty to Children (NSPCC)** is a major UK NGO campaigning on the welfare of children. It works in the area of child exploitation and trafficking.

**The NSPCC Child Trafficking Advice and Information Line** was launched by The Home Office, in partnership with NSPCC, ECPAT UK, CEOP and Comic Relief, in October 2007. The advice and information line offers direct assistance to professionals in order to help them deliver an appropriate welfare approach in dealing with trafficked children.

**The International Organization for Migration** is the leading inter-governmental organisation in the field of migration and works closely with the UK Government, primarily on the voluntary return of asylum seekers, including unaccompanied children, to their country of origin.

**United Nations High Commissioner for Refugees (UNHCR)** is responsible for protecting the rights and well-being of refugees worldwide and works closely with the UK Government on initiatives such as improving the asylum system. A number of non-governmental organisations are influential in the area of policy-making on unaccompanied children including Save the Children, and the Refugee Council.

Several charitable organisations provide legal advice and representation to UASC, including The Children's Legal Centre, **Asylum Aid**, the **Immigration Advisory Service** and the **Refugee Legal Centre**. The **Immigration Law Practitioners Association** aims to promote and improve the advising and representation of immigrants and to provide information on immigration, refugee and nationality law.

Other organisations are specifically involved in information provision and research on unaccompanied children include Save the Children, The Refugee Council, **Information Centre about Asylum and Refugees (ICAR)**, **Researching Asylum in London (RAL)** and the **Refugees Study Centre**.

The **Migration Statistics** unit within the Home Office's Research Development and Statistics Directorate (RDS) collates statistics on UASC. The **Analysis, Research and Knowledge Management Directorate (ARK)** within the UK Border Agency carry out research and knowledge management.

### **3. Entry procedures, including border control**

#### **3.1 Entry procedures: visas**

A visa is required for entry into the UK if a person is a national of one of the countries or territories listed in Appendix 1 of the Immigration Rules. Specific entry clearance guidance was introduced in February 2006 to provide a record of children who travel to the UK as visitors, identify the adults involved in their travel and find out who is responsible for the child's care (UK Border Agency, 2009c). All applicants who are under the age of 18 must show that:

- they have suitable travel, reception and care arrangements for their stay in the UK;
- they have a parent or guardian in their home country or country of habitual residence who is responsible for their care; and
- their parent/guardian agrees to them travelling.

A child is issued with an 'unaccompanied' child visitor visa and is able to travel with or without any other person. Entry Clearance Officers are instructed to pay particular attention to the applications and circumstances of a child who seeks to enter the UK unaccompanied.

The right of appeal for refusal of a visitor entry visa is limited to any or all of the grounds referred to in Section 84(1)-(b) and(c) of the Nationality Immigration and Asylum Act 2002. It could be challenged under the Human Rights Act and Race Relations, and could be subject to challenge in the courts through judicial review.

#### **3.2 Entry to the UK**

Any person who is not a national of a country within the European Economic Area must seek leave to enter the United Kingdom from an Immigration Officer, who will consider the application against criteria set out in the published Immigration Rules.

With regard to children or young people, Immigration Officers work to nationally agreed guidelines in order to identify those children unaccompanied or otherwise who may be being trafficked into the UK. These guidelines are fully compliant with the Immigration Rules and with the Children Act 1989.

When a child enters the country alone and claims asylum or there are concerns that he or she may have been trafficked, these guidelines dictate that the UK Border Force will immediately refer the child to the relevant local authority's social services department. The social services department will undertake a needs assessment and will provide services in the light of the outcome of that assessment. These services are tailored to the individual needs of the child.

#### **3.3 Pre-embarkation controls**

Under UK legislation air and sea carriers are liable for a charge of £2,000 for each person they carry to the UK who is subject to immigration control and who fails to produce either a valid passport or a valid visa (if required).

The UK's juxtaposed controls aim to strengthen the cross channel border and have existed at the Channel Tunnel sites in Coquelles and Cheriton since the opening of the Tunnel System in 1994. Currently, the UK Border Agency operates juxtaposed controls in northern France and Belgium at the seaports of Calais, Boulogne, Coquelles and Dunkerque, as well as the Eurostar ports at Paris Gare du Nord and Brussels Gare du Midi.

The UK Border Agency has an overseas network of Immigration Liaison Managers (ILMs – previously called Airline Liaison Officers). ILMs do not operate pre-clearance but act as document advisors to airlines. Their role is to provide information and training on UK passport and visa requirements and forgery awareness, with a view to preventing the carriage of inadequately documented passengers to the UK and assisting airlines to comply with carriers’ liability legislation.

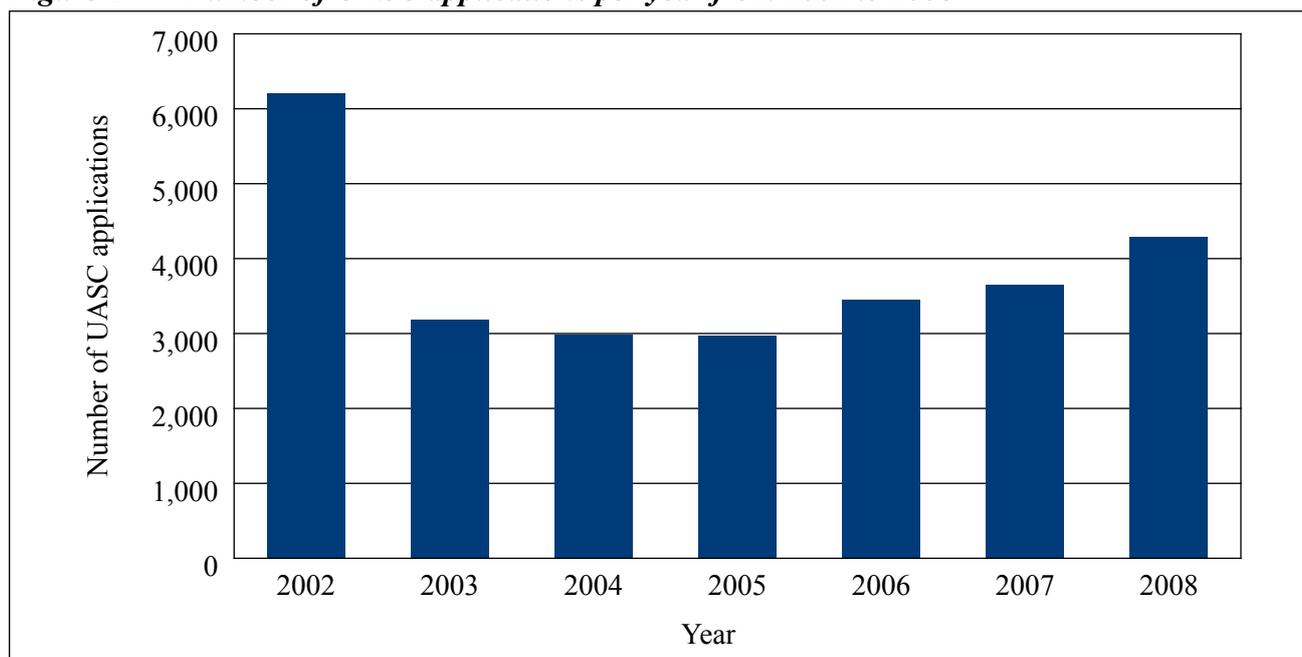
### 3.4 Numbers of unaccompanied children

As discussed above, unaccompanied children can be granted entry to the UK as students or visitors provided they have the right documentation, including visas if necessary. The UK does not collect data on the number of unaccompanied children in this category.

Unaccompanied children travelling without documentation generally become asylum seekers and are usually routed through the asylum process and given temporary leave to remain whilst the asylum application is being considered (if a child does not wish to claim asylum, he/she will be granted temporary leave to remain and efforts will immediately be made to trace parents/carers and return the child – see section 4).

In 2008, nine per cent of unaccompanied children claimed asylum at the port of entry (Home Office, 2009). The total number of UASC applications per year is set out below, in Figure 2 (note that this includes both claims made at port and in country).

**Figure 2** Number of UASC applications per year from 2002 to 2008<sup>18</sup>



	Year						
	2002	2003	2004	2005	2006	2007	2008
Number of UASC applications	6,200	3,180	2,990	2,965	3,450	3,645	4,285

<sup>18</sup> Cases considered under normal procedures. Figures exclude cases where the age of the applicant is disputed. All the 2008 United Kingdom statistics produced on an annual basis are provisional and subject to change. Figures are rounded to the nearest five.

Since 2005 there has been a slow but steady increase in UASC applications, with the greatest increase coming from UASC with Afghan citizenship. In 2002 there were 6,200 UASC applications in the UK. This was a sharp rise from 2001, accounted for by a change in how data were collected.<sup>13</sup> UASC applications in 2003 fell again to 3,180. Numbers of applications then showed a slight decrease in 2004 (2,990) and 2005 (2,965) before rising gradually thereafter, with 3,450 applications in 2006, 3,645 in 2007 and 4,285 in 2008. More detailed data on asylum applications from unaccompanied children are presented in Annex 1. These show how many applications were received at port and in country. From 2006 these figures also indicate the gender and age of applicants and the number of age-disputed cases.

Migration Statistics, part of the Home Office, do not currently hold data specifically on unaccompanied children refused entry at port (and removed).

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<sup>13</sup> From 2002 UASC claims made at enforcement offices were also included.

## **4. Reception arrangements, including integration measures**

### **4.1 The asylum application process for unaccompanied children: screening, first reporting event, asylum interview, decision**

For children considered by the UK Border Agency to be 12 years old or over, the asylum application process consists of five stages, plus an appeal. These are i) screening, ii) the first reporting event, iii) the completion of a Statement of Evidence Form (SEF), iv) the substantive asylum interview, v) the decision and then possibly an appeal. Children under the age of 12 are screened but are usually not interviewed.

In 2008, 4,285 applications from asylum seekers claiming to be unaccompanied children were recorded (excluding age-disputed claims). A full process map of the UK asylum process for unaccompanied children is presented in Annex 2.

#### **Asylum screening**

An unaccompanied asylum seeking child enters the UK Border Agency screening process as soon as he/she makes an application for asylum. He/she may do this at the port of entry (a seaport or an airport) or at an Asylum Screening Unit.

To claim asylum at the port of entry, the child must communicate this to the Immigration Officer. The UK Border Agency screening process, similar to the one at the asylum-screening unit (described below), then takes place. If an unaccompanied child does not wish to claim asylum, he/she will be granted temporary leave to remain and efforts will immediately be made to trace parents/carers and return the child.

In practice, most asylum applications from unaccompanied children are made in-country at the UK Border Agency Asylum Application Units in Croydon and Liverpool. In 2008, 3,905 (91 per cent) UASC made their application once they were inside the UK. The ASU at Croydon deals with 80 per cent of in-country applications from UASC (Home Office, 2009). In-country asylum applications occur for a variety of complex reasons; for example, some children are brought into the UK clandestinely, with agents, and others have previously been dependants on other asylum claims.<sup>14</sup>

The UK Border Agency screening process endeavours to establish identity, nationality and route to the UK. When children arrive at the ASU with an adult who is not their legal or customary carer<sup>15</sup> the process also aims to establish the identity of the adult accompanying the child and his/her connection to them (UK Border Agency, 2008). The interview is conducted in a language that it is believed the child can understand. Data are recorded, checks are made and documentation is reviewed. These measures assist in establishing identity, the identification of Third Country Cases (where the child has claimed asylum previously in another EU member state), fraudulent applications and those persons who may have committed a criminal or immigration offence (although children are not liable to prosecution for immigration offences.)

Before leaving the screening unit/port of entry, children aged 12 or over are issued with a letter to report to a case owner within ten working days for the First Reporting Event (FRE). Children are also issued with a self-completion 'statement of evidence' form which needs to be returned via their case owner. The form allows the child to convey his/her account in writing, as well as at interview.

The Immigration Officer or case owner conducting the screening interview also contacts Children's Services at the local authority ( if Children's Services are not already aware of the child). Children's Services will be responsible for the welfare of the unaccompanied child throughout and after the

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<sup>14</sup> Information supplied by UASC reform team at the UK Border Agency

<sup>15</sup> Note that the UK Border Agency definition of UASC is not that they are "alone" but that they are not being cared for "by an adult who by law has responsibility to do so".

asylum process. The timing of this contact is particularly critical for point of entry asylum applications, as unaccompanied children cannot be held at UK Border Agency detention centres and must stay at the airport or port until collected by Children's Services. There have been cases reported in the past of children sometimes found sleeping on the airport concourse overnight (Save the Children, ND). If UASC are not already in the care of a local authority it is the responsibility of the ASU or other screening officer to notify the relevant local authority directly. In cases where the child has no established connection with a particular local authority area, he/she will generally be assigned to the local authority for the area of the ASU, port or other screening location (UK Border Agency, 2009b).

### **First reporting event**

All children that the UK Border Agency considers to be over 12 years of age are given the opportunity to attend a first reporting event. At the FRE, the case owner establishes contact with the child, explains the asylum process, ensures the applicant has legal representation and issues any relevant paperwork. The case owner conveys the importance of complying with the asylum process to both the applicant and his/her social worker and/or sponsor, including any contact management requirements.

### **The substantive asylum interview**

All unaccompanied asylum-seeking children are entitled to receive legal aid to assist with their asylum application. The Legal Services Commission provides funded legal representation at the screening and asylum interview. The Refugee Council Children's Panel can also assist in finding suitable legal representation.

All children aged 12 or over will normally be interviewed about the substance of their asylum application. A specially trained case owner interviews children at the asylum interview.<sup>16</sup> A responsible adult who cannot be a constable, Immigration Officer or an officer of the Secretary of State must accompany the child. The responsible adult should be someone the child trusts and will usually be a social worker or other member of staff of a local authority or voluntary sector organisation, a legal representative or a foster carer. The case owner is instructed to use child-sensitive and child-appropriate questioning techniques.

Where a case owner doubts the child's circumstances, photograph matches and other details about the applicant are checked on the Central Reference System (CRS). The CRS is a web-based application and read-only system used to store information about UK visa applications. It performs photograph matches in order to assist in tracing the child's family in the country of origin, help to determine whether or not the child came to the UK with a parent or legal guardian, and assists the case owner to determine whether the child's parents or relatives are in the UK (UK Border Agency, 2008).

### **Assessment of asylum application**

In most respects consideration of an asylum application from a child will be the same as for an adult: all applicants, regardless of age, have to show to the same standard (a reasonable degree of likelihood) that they have a well-founded fear of persecution for a Convention reason.<sup>17</sup> There is a difference in emphasis, however, in the assessment of the credibility of the application in the case of a child, and additional child-specific factors are taken into account when considering various aspects of the application. When interviewing children, the UK Border Agency's policy is to give consideration to their age and maturity when pursuing and making judgements about credibility issues. A child is not expected to have the same degree of understanding as an adult of their circumstances or of the reasons for their claimed persecution. Therefore, a child is not expected to be able to explain these events in the same way or amount of detail as would be expected of an adult (UK Border Agency, 2008).

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<sup>16</sup> Children aged under 12 will have their case decided from the Statement of Evidence Form and other written evidence.

<sup>17</sup> The international standards covering asylum and refugee status were established in the 1951 United Nations' Convention Relating to the Status of Refugees (the Geneva Convention). Geneva Convention Article 1(A) states that a refugee is a person with a "well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion".

## **Possible outcomes of asylum applications from unaccompanied children**

There are five possible outcomes to UASC applications: recognition of refugee status and a grant of asylum; a grant of Humanitarian Protection; , a grant of Discretionary Leave under general policy; a grant of Discretionary Leave under UASC policy; and outright or non-compliance refusal. A brief explanation of each possible outcome is presented below (for a more detailed discussion of these terms please refer to *The Organisation of Asylum and Migration Policies in the UK* (Poppleton and Rice, 2009).

### **a) Recognise refugee status and grant asylum**

In granting asylum, the UK is recognising the refugee's status and extending the protection required under its international obligations with respect to the 1951 United Nations Convention Relating to the Status of Refugees and the 1967 Protocol.<sup>18</sup>

### **b) Grant of Humanitarian Protection**

Humanitarian Protection is granted in cases where the asylum seeker does not meet the criteria for asylum but runs a real risk of serious harm if he/she were to return to their country of origin.

### **c) Grant of Discretionary Leave under general policy and grant of Discretionary Leave under UASC policy**

UASC who do not fulfil the criteria for asylum or Humanitarian Protection are considered for a grant of Discretionary Leave under the general criteria. UASC who do not fulfil the criteria for Discretionary Leave under general policy are then eligible for Discretionary Leave under UASC policy. Discretionary Leave under UASC policy is granted for three years or until the age of 17 and a half, whichever is the shorter, if:

- the family of the child cannot be traced (e.g. through a CRS<sup>19</sup> check);
- adequate reception and care arrangements are not available in the country to which they would be removed;
- the option of voluntary return has been explored and rejected by the child;

This additional grant of Discretionary Leave under UASC policy is also available to children coming from Non-Suspensive Appeals (NSA) countries that the UK Home Office considers to be safe,<sup>20</sup> but not to EU nationals.

### **d) Refusal**

Refusal can be outright, or based on non-compliance:

- Outright refusal: when an unaccompanied child does not meet the criteria for a grant of asylum, HP or DL and the case owner is satisfied that there are adequate reception and care arrangements available in the country to which they will be removed; the child is refused leave outright.
- Non-compliance refusal: a non-compliance refusal is based on the applicant's failure, without reasonable explanation, to make a prompt and full disclosure of material facts to assist the Secretary of State in establishing the facts of an asylum application. Efforts are made to investigate the reason for non-compliance. If non-compliance has occurred because the child has gone missing, then the case owner will notify the local authority responsible for his/her care and the Refugee Council Panel of Advisors.

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<sup>18</sup> The 1967 protocol is an amendment to the 1951 Convention.

<sup>19</sup> See paragraph 4.1.9.

<sup>20</sup> 'Non-suspensive appeals' (NSA) are currently from: Albania, Bulgaria, Jamaica , Macedonia, Moldova, Romania, Serbia and Montenegro (previously the Federal Republic of Yugoslavia ), Brazil, Ecuador, Bolivia, South Africa, Ukraine, Sri Lanka, India, Mongolia, Ghana (male applicants only) and Nigeria (male applicants only).

## The Decision Service Event

When an application has been decided, the case owner notifies the applicant, the relevant local authority and the applicant's legal representative of the decision. The case owner serves the decision on the applicant in person and with the applicant's social worker, sponsor, legal representative or another responsible adult in attendance (the Decision Service Event). Where the decision is a refusal, the case owner will make the applicant aware of the Voluntary Assisted Return and Reintegration Programme. The case owner then discusses and agrees the ongoing contact management strategy with the young person and his/her social worker and/or guardian.

## 4.2 Numbers of unaccompanied children granted leave to remain in the UK

It is difficult to state precisely how many applicants from a given year are ultimately granted some form of leave to remain because the data collected do not necessarily relate to applications made in the same year, and exclude the outcome of appeals and age-disputed cases. In 2008, of the 2,675 initial decisions taken on UASC aged 17 and under, 67 per cent were granted DL, 22 per cent were refused, 11 per cent were granted asylum and one per cent granted HP (Home Office, 2009). The UK does not publish data on the specific age or gender of the applicant, but it does publish information on UASC who were aged 17 or under at the time of the initial decision and his/her nationality. Since 2004, the proportion of UASC granted DL on the initial decision has gradually decreased. Over the same period the proportion of grants of asylum and outright refusals have increased. A table showing a summary of initial decisions on applications made from unaccompanied asylum seeking children between 2002 and 2008 can be found in Annex 3, together with more detailed tables, showing initial decisions made on UASC asylum applications by nationality for each year, in Annex 4.

### *Initial decisions on applications made on unaccompanied asylum seeking children aged 17 and under<sup>a</sup>*

Year	Total decisions on UASC aged 17 and under No.	Asylum		Exceptional Leave to remain <sup>b</sup>		HP		DL		Refused	
		No.	%	No.	%	No.	%	No.	%	No.	%
2002	6,220	540	9	4,640	75					1,040	17
2003	3,445	140	4	1,220	35	10	0	1,515	44	565	16
2004	3,055	75	2			20	1	2,490	82	470	15
2005	2,560	140	5			20	1	1,960	77	440	17
2006	2,655	190	7			10	0	1,950	74	505	19
2007	2,780	370	13			15	1	1,765	64	630	23
2008	2,675	285	11			15	1	1,790	67	585	22

a Information is of initial decisions, excluding the outcome of appeals or other subsequent decisions. Cases considered under normal procedures. All the 2008 United Kingdom statistics produced on an annual basis are provisional and subject to change. Figures (other than percentages) are rounded to the nearest 5 (- = 0, \* = 1 or 2). Row or column percentages may not add to 100 per cent due to rounding.

b Exceptional Leave to Remain was an asylum outcome that was replaced in April 2003 with Discretionary Leave.

## 4.3 Appeal

A refusal of asylum, Humanitarian Protection or Discretionary Leave is usually accompanied by an immigration decision. In cases of refusal this is a decision that the applicant has no legal right to be in the UK, and in most cases, the unaccompanied child is able to lodge an appeal. Some unaccompanied children have no appeal rights, including those who have been identified as a third-

country case (under the Dublin agreement) or were granted Discretionary Leave for less than 12 months. Once the unaccompanied child is notified that he/she has been refused asylum, he/she has ten days to lodge an appeal with the Asylum and Immigration Tribunal (AIT), part of the Ministry of Justice. The appeal is conducted in one of 19 'hearing centres' located throughout the UK. The Refugee Council Children's Panel assists separated children and young people to access legal representation and accompanies them to tribunal and appeal hearings.<sup>21</sup>

#### **4.4 Active review at 17 and a half years**

Unaccompanied asylum seeking children granted Discretionary Leave under UASC policy (see 4.1) usually have their case reviewed when they reach 17½ years of age. This is called an 'active review' (UK Border Agency, 2009d). The result of the review may be that the person is given further leave to remain in the UK or required to return to his/her country of origin after reaching 18 years of age. There is usually an opportunity to appeal to an Immigration Judge any decision to return the young person to the country of origin. The case owner always promotes Assisted Voluntary Return as an alternative to enforced return.

#### **4.5 Contact management**

Contact management is the means by which the UK Border Agency maintains contact with asylum applicants throughout the end-to-end asylum process. The case owner establishes an appropriate contact management strategy for the child for the duration of the asylum process.<sup>22</sup> If the child is granted Discretionary Leave<sup>23</sup> rather than full refugee status, this contact management continues until the child is granted Leave to Remain<sup>24</sup> or is returned to his/her country of origin. The contact management for an unaccompanied child includes, as a minimum, a First Reporting Event (for children aged 12 or over), the Decision Service Event (the meeting where the decision is given to the applicant) and, if an appeal is lodged, the Determination Service Event, (the meeting where the appeal decision is given to the applicant) (UK Border Agency, 2008).

#### **4.6 Detention of unaccompanied asylum seeking children**

UASC and applicants whom the UK Border Agency are treating as age-dispute cases are not eligible to be detained in UK Border Agency Removal Centres, except in exceptional circumstances. One example of this might be where there are concerns over the child's sponsor and social services have failed to intervene (Macdonald & Toal, 2008). In these situations, the child can only be detained overnight until suitable arrangements have been made and only if this is absolutely necessary (UK Border Agency, 2009b).<sup>25</sup>

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21 For further discussion of this term see *The Organisation of Asylum and Migration Policies in the UK* (Poppleton and Rice, 2009).

22 The legal basis for requiring an applicant who has been temporarily admitted to the UK to report is provided under paragraph 21(2) of Schedule 2 to the Immigration Act 1971 and was further expanded (to include like requirements for those with extant leave to enter or remain) under section 71 of the Nationality, Immigration and Asylum Act 2002.

23 Discretionary Leave may be granted to an unaccompanied child who does not qualify for refugee status on the basis of inadequate reception arrangements in his or her country of origin. For further discussion of this term see *The Organisation of Asylum and Migration Policies in the UK* available from late 2009 on the EMN website <http://emn.sarenet.es/html/index.html>

24 Leave to Remain means 'permission to stay'.

25 This does not apply if the individual aged under 18 has been convicted of criminal activity or is seen as a risk to public safety.

#### **4.7 Protection of unaccompanied children on entry into the UK and at Asylum Screening Units – the UK Border Agency’s duty to safeguard and promote the welfare of children<sup>26</sup> (section 55)**

Came into force on 2 November 2009, replacing the ‘Code of Practice for Keeping Children Safe from Harm’<sup>27</sup> (UK Border Agency, 2008). These measures have strengthened safeguards in respect of private fostering arrangements as a child safety issue. If it becomes obvious to Immigration Officers at the port of entry that a child is entering the UK to take part in a private fostering arrangement, then notification of the local authority (in which the arrangement is to take place) should happen at the port of entry. Indicators that a child has no suitable carer include:

- a child living with adults in circumstances that suggest tasks and errands will be carried out in return for care;
- a child being the principal applicant in any application made to the UK Border Agency;
- a child who has arrived in the UK with an adult but has since submitted a claim in his/her own right;
- a child who is accompanied by an adult but who provides a different account of his/her circumstances to that of the adult without there being a reasonable explanation of this; and
- the principal carer for the child has changed since the last contact with the UK Border Agency.

If a child or the adult accompanying them<sup>28</sup> raises any concerns about trafficking or exploitation issues at an ASU, the reception interview is terminated and a more detailed screening interview arranged. The child may be interviewed separately to the person who has accompanied them. If the concern relates to criminal activity, the officer contacts the police as a matter of urgency.

Under the UK Border Agency’s section 55 duty staff who conduct substantive interviews with children, (such as UASC case owners), or who have regular contact with children in their work, are required to complete specific training<sup>29</sup> on how to keep children safe from harm whilst carrying out immigration functions. The training involves child-sensitive interviewing skills, child welfare and child protection issues. These staff are also obliged to undergo an enhanced check against information held by the Criminal Records Bureau (CRB).<sup>30</sup> The UK Border Agency refreshes the CRB clearance for post holders on a regular basis. All agency operational workplaces hold contact details for the local statutory Children’s Services departments, Police Child Protection Units, Local Safeguarding Children’s Boards,<sup>31</sup> and local health services readily available.

Within 24 hours of being received at an ASU or port of entry, UASC are also referred to the Refugee Council Panel of Advisers for Unaccompanied Refugee Children. The Panel, which is funded by the Home Office, supports UASC in the UK. Advisers deal with immigration, social services departments, and help find interpreters and legal representatives for the young person (Refugee Council, 2007).

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26 Section 55 of the Borders, Citizenship and Immigration Act 2009 creates a statutory duty to make arrangements to safeguard and promote the welfare of children.

27 Issued under S21 (1) of the UK Borders Act 2007.

28 The UK Border Agency definition of UASC is not that they are ‘alone’ but are ‘not being cared for by an adult who by law or custom has responsibility to do so’. (UK Border Agency, 2008).

29 This training is developed in partnership with organisations that have a formal role in protecting children.

30 The CRB is an executive agency of the Home Office. It was launched in March 2002 under Part V of the Police Act 1997.

31 LSCBs which include local authorities, health bodies, the police and others, co-ordinate and ensure the effectiveness of their member agencies in the safeguarding and promotion of welfare of children.

## 4.8 Age-dispute cases

In common with many EU Member States, the UK has seen an increase in the number of asylum seekers claiming to be under 18 years old. Asylum applicants in the 16 to 20 age group may seek to be accepted as being younger than they actually are in order to secure the right not to be returned to other EU Member States through the Dublin II agreement, or to receive Discretionary Leave (under UASC policy<sup>32</sup>) until the age of 17 and a half.

The initial age assessment is usually made by the Immigration Officer at the start of the screening process. It is UK Border Agency policy that the child or young person's claimed age will be accepted, unless his/her "physical appearance and/or general demeanour very strongly suggests that he/she is aged 18 or over, unless there is credible documentary or other persuasive evidence to demonstrate the age claimed" (UK Border Agency, 2007). However, if "the applicant's physical appearance/demeanour very strongly suggests that he/she is *significantly* over 18 years of age the applicant should be treated as an adult and be considered under the process instructions for adults. These cases do not fall within the age dispute process" (UK Border Agency, 2007, author's italics).

If the Immigration Officer does not accept the applicant's claim that he/she is under 18 years old, then the case is registered as an age-dispute case. In 2008, 1,400 applications were registered as age disputes compared with 1,915 in 2007, a decrease of 27 per cent. Of the 1,400 age dispute cases registered in 2008, 785 (over 50 per cent) were unresolved as at 8 May 2009 (Home Office, 2009).

UK legislation does not include measures that specifically deal with age assessments. The UK Border Agency's policy for age disputes is to accept a 'Merton compliant age assessment' carried out by a social worker (where possible, on-site).<sup>33</sup> This assessment follows the approach outlined by the courts in a case called *B v London Borough of Merton* (High Court, UK 2003) The Merton compliant age assessment is carried out by two specially trained social workers and includes an assessment of the applicant's physical appearance, social development, his/her account of his/her family life and educational history. If the social worker assesses the person to be aged under 18 it is UK Border Agency policy to generally accept that decision and thereafter treat him/her as a child.

## 4.9 Implementation of the UNHCR guidelines on policies and procedures in dealing with unaccompanied children seeking asylum<sup>34</sup>

The UK Government states that it accepts the principles underlying the UNHCR guidelines and seeks to reflect these principles within its policy and procedures in dealing with UASC. However, some UNHCR guidelines are adapted to reflect the operational issues in the context of the UK Border Agency's stated objective to maintain a 'firm and fair' migration system.

## 4.10 Provision of care

Unaccompanied children seeking asylum, including those who are disabled and those who are victims of trafficking, are supported by Children's Services in local authorities under the Children Act 1989 and receive the same levels of care and support as any other child in need. These children are supported from the time they first come to the notice of the local authority throughout the process of applying for asylum and until the age of 18<sup>35</sup> if they are granted refugee status, Humanitarian Protection or Discretionary Leave.

UASC are looked after by the local authority in whose area they first came to notice. The local authority's support costs are met by the UK Border Agency. There are currently around 140 local

<sup>32</sup> See section 4.1.

<sup>33</sup> On-site social work teams are currently available at Dover, Gatwick, Heathrow, Croydon ASU and Liverpool ASU.

<sup>34</sup> Available from <http://www.unhcr.org/refworld/docid/3ae6b3360.html>

<sup>35</sup> This may be extended to 21 if they are cared for under Section 20 of the Children Act 1989.

authorities involved in caring for UASC. The largest providers of UASC care are Croydon local authority, where the Asylum Screening Unit deals with 80 per cent of all in-country applications and Kent local authority, which is home to the major channel port of Dover.

The first stage of the care process is to assess the child's needs. As a result of the needs assessment, the Children's Services department may provide support under two main provisions of the Children Act.

- The child may be formally 'looked after' or 'accommodated' under the provisions of **Section 20** of the Children Act 1989 (in England and Wales, Scotland having similar provision). A looked-after child will have a named social worker who will be responsible for assessing the child's needs and maintaining a care plan. Children who are cared for under Section 20 of the Children Act 1989 for more than thirteen weeks are further entitled to extended care after the age of 18 under the Children (Leaving Care) Act 2000.<sup>36</sup> This will usually last up until the age of 21.
- Some children and young people may be supported under the provisions of **Section 17** of the Children Act 1989,<sup>37</sup> which involves the provision of a range of services (for example, accommodation) rather than the 'looked after' status, with higher levels of supervision from Children's Services, provided for those children supported under Section 20.<sup>38</sup> When these young people reach 18 years old, the local authority responsibility to provide support ceases, though they may be entitled to a range of other welfare entitlements depending on their immigration status. If the person's asylum application is undetermined at this point he/she may apply for support directly from the UK Border Agency.

Care planning for UASC takes into account the possibility that the child's long-term future may not lie in the UK; for example, because an asylum application has been refused. It also takes into account the particular experiences of the child. For example, trafficked children will often have very high levels of need and will require extra counselling to recover from the trauma they have experienced. In the majority of cases, child victims of trafficking are cared for under Section 20 of the Children Act 1989 (described above).

#### 4.11 Housing

After a care assessment has been carried out by the a local authority Children's Services department it may be decided to:

- place the child with foster carers;
- place the child in a residential home;
- place the child in supported local authority accommodation (e.g. with an on-site warden).

Some older unaccompanied children are provided with independent accommodation, but supported by a visiting social worker (QCA, 2009).

Most UASC aged under 16 go into foster care with a family, under Section 20 of the Children Act (described in section 4 ), whilst those aged over 16 mostly go into semi-independent living arranged by a Children's Services department under Section 17 of the Childrens Act . The standard of accommodation provided to these children may vary considerably between local authorities and placements.

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36 [http://www.opsi.gov.uk/Acts/acts2000/ukpga\\_20000035\\_en\\_1](http://www.opsi.gov.uk/Acts/acts2000/ukpga_20000035_en_1)

37 In England and Wales, Scotland having

38 presumption that most UASC will be supported under Section 20 in DH LAC (2003)13: 'Guidance on accommodating children in need and their families'.

## **4.12 Education**

Child asylum-seekers between the ages of five and sixteen have the same rights as all other children in the UK during the period of compulsory education. All 16- to 18-year-old asylum seekers are eligible for the Learning and Skills Council (LSC) funding in respect of their attendance in a further education (FE) course, as are UK students. For young people (aged 16 to 18) who have entered the UK as UASC, the local authority social services pathway planning process is obliged to take immigration status into account as many of these young people will not, in the end, be granted leave to remain in the UK. This may affect the kinds of courses available, as it may not be reasonable for authorities to support young people to enter into programmes of education that would extend beyond the period during which they would be permitted to remain in the UK.

In cases where an applicant claims to be a child but his/her age remains in dispute, he/she may still attend school according to the individual's claimed age, except in cases where the LA believes that an attempted deception is obvious.

The arrangements for UASC entering the public education system are the same as for any UK child or young person with UK citizenship who is cared for by the local authority. Local authority circular 'LAC 13: Guidance on the education of children and young people in public care' (Department of Health, 2000) asks local authorities to take a number of actions in these cases including:

- ensuring all children in the care of the authority have a personal education plan;
- establishing and maintaining a protocol for sharing data about the care and education of children cared for by the authority; and
- ensuring that, except where a child is placed in an emergency, arrangement of a placement should include arrangement of suitable education, and that no placement should be made without the education element being satisfactorily put in place.

'LAC (2000)13: Guidance on the education of children and young people in public care' (Department of Health, 2000) recommends that schools designate a teacher to act as a resource for children and young people in public care. The 2003 Department for Children, Schools and Families' code of practice on school admissions also recommends that children cared for under Section 20 of the Children Act 1989 receive priority when placed on the waiting lists of over-subscribed schools (Qualifications and Curriculum Authority, 2009).

## **4.13 Psychological care and medical care**

If an unaccompanied asylum seeking child is assessed as needing psychological or medical care then the local authority Children's Services professionals who are working with the child will provide him/her with access to a number of services. All unaccompanied asylum seeking children are entitled to National Health Service (NHS) care in the same way as other 'looked after' children. These include trained and independent interpreters (who are CRB checked), counselling, health services (medical and sexual) and mental health services (through Child and Adolescent Mental Health Services -- CAMHS) (Home Office and Department of Children, Schools and Families, 2007). The Medical Foundation for the Care of Victims of Torture and The Helen Bamber Foundation are two independent voluntary organisations who provide care for children who have been victims of torture and former child soldiers.

## **4.14 Protection of unaccompanied children seeking asylum: trafficking**

The United Kingdom follows the definition of human trafficking set out in the Protocol to the 2000 UN Convention against Transnational Organised Crime called the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. This states: "Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons by means of the

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

The UK Government does not hold centralised statistical data on trafficked children. Many children who are victims of trafficking apply for asylum (often at the behest of their trafficker) and become categorised as unaccompanied asylum seeking children. However, the Child Exploitation and Online Protection Centre has recently published a report estimating that 325 children were identified as being potential victims of trafficking or exploitation between 2007 and 2009 (CEOP, 2009). These potential victims were identified as originating from a total of 52 separate countries. The most common countries of origin were China (23 per cent of those identified, 74 children), United Kingdom (14 per cent of those identified, 46 children), Afghanistan (7 per cent of those identified, 24 children), Nigeria (seven per cent of those identified, 22 children), Romania (7 per cent of those identified, 22 children) and Vietnam (four per cent of those identified, 14 children).

The Home Office has overall lead responsibility for the policy on human trafficking and has established the United Kingdom Human Trafficking Centre as the central repository for all information on trafficking (including child trafficking), on behalf of the Association of Chief Police Officers of England Wales and Northern Ireland (ACPO) Organised Immigration Crime Group.

Because human trafficking cuts across departmental areas of concern, there is close co-operation with all other areas of government (e.g. the Crown Prosecution Service, which has the lead on advice to prosecutors, and the Ministry of Justice, which has the lead on overall policy on victims). In addition, and importantly, there is close co-operation with the administrations in Scotland, Northern Ireland and Wales, who have responsibility for all areas of work that are devolved. This includes areas of the criminal justice system and policing, but does not involve immigration issues, which remain within the sole remit of the UK Government.

The UK implemented the Council of Europe Convention on Action against Trafficking in Human Beings on 1 April 2009. The implementation has impacted on the identification, response and support of trafficking victims.

The Home Office launched the ‘UK Action Plan on Tackling Human Trafficking’ on 23 March 2007, updating it on 2 July 2008 (Home Office and Scottish Government, 2008). The Action Plan includes a dedicated chapter on proposals to combat the abuse and exploitation of children by human traffickers and a commitment to provide targeted guidance to meet the particular needs of children who may have been trafficked. The Action Plan is used in conjunction with the Government’s statutory guidance, ‘Working Together to Safeguard Children’ (HM Government, 2006), and the UK Border Agency’s duty to safeguard and promote the welfare of children.<sup>39</sup>

Agencies tasked with implementing these guidelines are those which are likely to encounter or have referred to them children and young people who have been trafficked. These include county- and unitary- level local authorities; district councils; National Health Service bodies (Strategic Health Authorities, designated Special Health Authorities, Primary Care Trusts, NHS Trusts and NHS Foundation Trusts); the police (including the British Transport Police); probation and prison services (under the National Offender Management structure); youth offending teams; secure training centres; and Connexions (a centrally funded youth advisory organisation).

The report *Safeguarding Children Who May Have Been Trafficked* (Home Office and DCSF 2007) also identifies a number of support services (other than those as part of the local authorities) that

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<sup>39</sup> Section 55 UK Border Agency of the Borders, Citizenship and Immigration Act (2009).

may assist in identifying UASC who may have been victims of trafficking. These include the UK Human Trafficking Centre, the Child Exploitation and Online Protection Centre, the NSPCC Child Trafficking Advice and Information Line, the Refugee Council Children's Panel, and voluntary sector, community and faith groups.

The Paladin Team, (part of the Metropolitan Police Child Abuse Command) is a joint UK Border Agency and police team working together to identify victims/and or potential victims of trafficking. The Paladin Team has a permanent presence at Heathrow Airport and at the Asylum Screening Unit in Croydon. In addition, social workers now operate at three of the busiest ports and at two asylum screening units to help strengthen arrangements intended to keep children safe.

Training is provided to all front-line UK Border Agency staff on how to identify children who may be victims of trafficking. In conjunction with this, following a ministerial undertaking, ten per cent of port staff (or a minimum of one officer at smaller locations) are trained in how to interview children and young people.

#### **4.15 Protection of unaccompanied children: guardianship**

The UK does not currently provide an unaccompanied child with a legal guardian. The welfare and safety of UASC is the responsibility of the local authority (under the same arrangements as UK children who are in the care of the local authority), with additional support from the Refugee Council's Children's Panel.

#### **4.16 A comparison of current practice(s) in the detention of illegally staying children with that provisioned in Article 17 of the 'Directive on common standards and procedures in Member States for returning illegally staying third-country nationals'<sup>40</sup>**

The UK is not a party to the EU 'Directive on common standards and procedures in Member States for returning illegally staying third-country nationals', having made the decision in 2005 not to opt in. This is in line with the UK Government's overall policy of retaining control over conditions of entry and stay, including the returns procedure. The UK Government is not convinced that this Directive will assist the United Kingdom in returning irregularly staying migrants. Rather, the Government believes that it will create additional bureaucracy, and will add to the expense of removal.

However, it is the UK Border Agency's position that current practices on the return of third-country nationals staying illegally in the United Kingdom and detaining families with children and unaccompanied children are broadly in line with this Directive. The UK Border Agency states that unaccompanied children are not detained except in the most exceptional circumstances, for the shortest time possible, in order to ensure their safety.

#### **4.17 Dublin II case returns**

It is currently not possible to separately identify figures for article 4.4 (Dublin II cases) and UASC returns for 2008 and previous years.

#### **4.18 Numbers of any subsequent family reunification**

The UK has not opted in to the European Council Directive of 22 September 2003 on the right to family reunification. If an unaccompanied child is granted asylum or Humanitarian Protection,<sup>41</sup> it would not normally be possible for that child to sponsor an application by another member of his or her immediate family to join him or her in the UK under the refugee family reunion provisions.

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40 Latest text, as adopted by European Parliament, available from <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2008-0293+0+DOC+XML+V0//EN&language=EN>

41 Unaccompanied children granted DL would not be considered for family reunification.

Family reunion is intended to allow family members (that is, those who formed the part of the family unit prior to the time that the sponsor fled to seek protection) to reunite with their sponsors who are either recognised refugees or who have been given Humanitarian Protection in the UK. Only pre-existing families are eligible for family reunion, i.e. spouse, civil partner, unmarried/same sex partner and children who formed part of the family unit at the time that the sponsor fled his or her country of origin to seek asylum. However, if there are compassionate and compelling circumstances that exist, other family members may be considered for family reunion.

#### **4.19 Available statistics, from 2002 onwards, on the number of unaccompanied children subject to the various reception arrangements, including in detention.**

##### **Detention**

Under UK policy, UASC are not detained, except in exceptional circumstances. In these situations, the child can only be detained overnight until suitable arrangements have been made and only if absolutely necessary (UK Border Agency, 2009b). The UK does not hold data on unaccompanied children in detention. Although there are figures on children in detention, UASC are not identified as a separate category within this.

##### **UASC in local authority care**

As of March 2009 there were 4,520 UASC in local authority care, of which 1,255 were under the age of 16 and 3,265 were aged 16 to 17. Around 60 per cent are currently located in London and south-east England.<sup>42</sup> Statistics on UASC in LA care in England from 2002 to 2008 are available from the Department of Children, Schools and Families (DCSF, 2008a).

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<sup>42</sup> Data provided by the UASC Reform policy team at UK Border Agency June 2009.

## **5. Return practice, including reintegration**

### **5.1 Current UK practice for return**

In 1993, the Immigration Minister made a commitment that no unaccompanied child would be removed from the United Kingdom unless the Secretary of State was satisfied that adequate reception and care arrangements were in place in the country to which the child was to be removed (UK Border Agency, 2009b).

Return to parents would usually satisfy the 'adequate reception and care' described in the 1993 commitment above. In practice, it is reported that it is very difficult to arrange return because such parents often refuse to co-operate.<sup>43</sup> The UK is currently considering alternative ways of returning unaccompanied children that are consistent with the overall policy.

If there are any details regarding the parents' whereabouts, such as a last known address, the case owner will make enquiries by contacting the relevant British diplomatic post. Regulation 6 of the Asylum Seekers (Reception Conditions) Regulations 2005 requires the Secretary of State to endeavour to trace the child's family as soon as possible after the child makes an asylum application (regulation 6(1)), although in practice this usually takes place after the asylum claim is determined.

### **5.2 Unaccompanied children and the Dublin II agreement<sup>44</sup>**

The UK has opted in to the Dublin II Regulation, which seeks to ensure that asylum seekers asylum claim is handled by a single Member State that has been determined as responsible for examining the claim. For example, if an individual entering the UK has previously made an asylum claim in another Member State or has entered into the EU illegally across a Member State's border they may be returned to that initial Member State. In the case of unaccompanied children, the Regulation provides that children can be sent to another Member State only if there is a close family member living in that country or if the child has made a previous asylum claim there and if that return is seen by the UK Border Agency as being in the child's 'best interests'.

The Refugee Council believe that 'the best interests of the child' may conflict with the application of the Dublin II Regulation. They have stated that 'there is no standard level of care for unaccompanied children across member states' and that the Regulation does not require member states to reunite an unaccompanied child with a family member able and willing to care for them, living in another member state, 'if that family member is not their legal guardian' (Refugee Council, 2006).

The UK Border Agency, however, considers that the provisions of the Common European Asylum System directives on Asylum Procedures and Reception Conditions provide guarantees for the treatment of unaccompanied children across the EU. The UK Border Agency also considers that the Dublin Regulation definition of "family member" (used to determine mandatory responsibility for examining an asylum claim in order to reunite individuals) is restricted to members of the nuclear family. The UK Border Agency believes that the Regulation does provide for the bringing together of unaccompanied children with other relatives within the extended family on a discretionary basis."

### **5.3 Voluntary return**

The International Organization for Migration London runs two voluntary return programmes in the UK: the Voluntary Assisted Return and Reintegration Programme (VARRP)<sup>45</sup> is for anyone who

<sup>43</sup> Source: UK Border Agency UASC Reform Team.

<sup>44</sup> 'Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national' -- available at: <http://www.eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32003R0343:EN:HTML>

<sup>45</sup> VARRP is co-financed by the UK Border Agency and the European Refugee Fund (ERF).

has been in the asylum system at any stage, applying, appealing, refused and the Assisted Voluntary Return for Irregular Migrants scheme (AVRIM) is for irregular migrants who have overstayed their visas or have been smuggled or trafficked into the country. If unaccompanied children wish to return voluntarily to their country of origin they can apply to be included in either the VARRP or AVRIM programmes according to their situation.

The practice of voluntary return of unaccompanied children primarily focuses on initial assessment of the child's best interests, his/her wishes (including those of the family) and his/her needs and history. If voluntary return is judged to be the most suitable option by both the UK Border Agency case owner and the child, the child will go through the general application process for one of these programmes. There are, however, a number of special procedures which are applicable to unaccompanied children (IOM, 2009). These include:

- assignment to a social worker who will deal with the specific needs of the child;
- liaison with the IOM offices and other agencies and organisations in the child's country of origin;
- assessment of the family context (carried out to UK social services' requirements) and the family's ability to provide the assistance to the child;
- discussion of the assessment, and confirmation of approval, by the assigned social worker or guardian in the UK; and
- IOM-provided assistance for the child at the airport, and from the airline, if required on the flight.

The receiving IOM office or partner agency will also ensure that the child is met upon arrival and reunited with the family or carer and a 'family reunification declaration' will be signed by the family/carers to confirm that the child has been reunited with his/her family in the country of origin.

#### **5.4 Reintegration practice**

Unaccompanied children who choose to return to their country of origin voluntarily through the IOM's VARRP programme are eligible to receive reintegration assistance. Such "education and vocational training in their home countries will form an important part of this programme, with the aim of equipping the young people with the necessary range of skills to adjust to life back home" (IOM, 2009).

Under the AVRIM programme, financial assistance is offered to individuals who are judged to be 'vulnerable', and this will include unaccompanied children. The assistance provided varies and might include training and education or help with the purchase of school uniforms, books, equipment. If there is no family available to look after the child upon their return, the IOM and associated third-country partner agencies will assess the possibility of placing the child in a foster family or children's home (this will be reviewed by the child's social/care worker before the return process is implemented).

#### **5.5 Co-operation with the third country upon arrival and integration**

When returning a child under the VARRP, the case owner in charge of the child's claim will work with other partnering agencies and representatives of the country, NGOs both in the UK and in the country of return, and with the local authority who is responsible for the child's care. A representative of the IOM will ensure that he/she is met by the responsible carer and a reunification form will be signed by the carer upon arrival at the child's country of return.

#### **5.6 Financial costs and numbers of UASC using Assisted Voluntary Return schemes**

A recent European Migration Network report from the UK National Contact Point on 'Return' used data from 2003/04 to indicate that voluntary returns incurred 10-15 per cent of the costs of an

enforced removal (Larson and Rudge, 2007). The report noted that the difference in cost was "largely due to savings in terms of staff resources, the speed of the removal process and the early cessation of support provided by the authorities". There are no published data on the number of UASC that have used the Voluntary Assisted Return and Reintegration Programme or the Assisted Voluntary Return for Irregular Migrants scheme between 2002 and 2008.

### **5.7 Legislative and/or other norms and protocols ensuring that the fundamental rights of the child seeking asylum are safeguarded**

The UK Government accepts many of the underlying principles of legislative and/or other norms and protocols ensuring that the fundamental rights of the child seeking asylum are safeguarded and seeks to reflect them within its legislation, policy and procedures with regard to unaccompanied children, consistent with the UK Border Agency's policy to maintain a 'firm and fair' migration system.

### **5.8 Comparison of current practice(s) in the return of illegally staying children with that provisioned in Articles 10 and 14(1) of the 'Directive on common standards and procedures in Member States for returning illegally staying third-country nationals'**

As discussed earlier (section 5) the UK is not a party to the 'Directive on common standards and procedures in Member States for returning illegally staying third-country nationals'. This is in line with the UK Government's overall policy of retaining control over conditions of entry and stay, including the returns procedure. However, The UK Border Agency believes that current practices on the return of third-country nationals staying illegally in the United Kingdom are broadly in line with the prescriptions of this Directive.

## **6. Concluding remarks: best practice and lessons learned**

### **6.1 Overview of lessons learned**

The recent UK Border Agency report on improving the care of unaccompanied asylum seeking children, *Better Outcomes: The Way Forward Improving the Care of Unaccompanied Asylum Seeking Children* (BIA, 2008), puts forward five key reforms for UK UASC policy as a result of lessons learned from current practice. These are:

- ensuring that the UK Border Agency, in exercising its functions, keeps children safe from harm while they are in the UK;
- putting in place better procedures for identifying and supporting unaccompanied asylum seeking children who are the victims of trafficking;
- locating unaccompanied asylum seeking children with specialist local authorities to ensure they receive the services they need;
- putting in place better procedures to assess age in order to ensure unaccompanied children and adults are not accommodated together; and
- Resolving immigration status more quickly and, in turn, enabling care planning to focus on integration or early return to the country of origin.

In November 2009, the UK Border Agency 'Code of Practice for Keeping Children Safe from Harm' (UK Border Agency, 2008) was superseded by section 55 of the Borders, Citizenship and Immigration Act 2009 in October 2009. Modelled on Section 11 of the Children's Act 2004, this duty aligns the UK Border Agency with a number of other UK public bodies that deal with children. However, it does not change or modify the core function of UK Border Agency in controlling immigration and making decisions on claims.

### **6.2 Asylum screening units**

The UK Border Agency has worked with local authorities to ensure that asylum screening units are child-friendly and that essential child protection services are in place. Teams of social workers have been placed in situ, supported by special funding arrangements. The Children's Commissioner, however, has asked ASUs to go further, and has made a number of recommendations for improving the working environment and the care arrangements. The UK Border Agency has agreed with most of these recommendations and a programme of work is in place to implement them.

### **6.3 Age dispute**

Home Office Migration Statistics put the provisional number of age-disputed cases for 2008 at 1,400. With the exception of a minority of cases that are judged to be adults,<sup>46</sup> these cases are referred to a local authority social worker for a full age assessment. The social worker will base the assessment on a number of indicators of the individual's level of maturity, as well as his/her general credibility. The courts have laid down guidance on how these assessments should take place in a case involving Merton Council; the term 'Merton Compliant' is now commonly used to describe assessments that conform to good practice.

The UK Border Agency has been considering the case for incorporating further assessment techniques into the procedures -- for example the use of dental X-rays of the teeth. As part of that work, it funded studies into the accuracy of these techniques for age assessment. As the scientific evidence is not conclusive, particularly on the extent to which ethnicity affects the rate of dental growth, the agency has decided not to pursue using X-rays for the time being. The focus has been on ensuring good practice is applied consistently, with a long-term aim of ensuring that all age assessments are in future carried out in regional centres set up for this purpose.

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<sup>46</sup> The UK Border Agency states that these cases are judged by a very high threshold.

## **6.4 Level of care granted by local authorities to UASC**

Guidance issued by the Government<sup>47</sup> creates a presumption that unaccompanied asylum seeking children should generally be supported under Section 20 of the Children Act 1989. There are some concerns, however, that many UASC are supported under Section 17 of the Children Act (Bhabha and Finch, 2006; Children's Commissioner, 2008; Wade *et al.*, 2005). Section 17 means that UASC are placed in independent living arrangements, and this affects their access to assistance from social workers and other services. It was partly to deal with inconsistencies in service provision across local authorities (in terms of whether UASC are supported under Section 17 or Section 20) that the UK Border Agency introduced the plans for reform in *Better Outcomes: The Way Forward Improving The Care Of Unaccompanied Asylum Seeking Children* (BIA, 2008). The UK Border Agency believe that this report's proposal to place the children with a limited number of 'specialist' local authorities will make it easier both to ensure that full services are provided and to monitor good practice.

## **6.5 Funding of support for unaccompanied children who are seeking asylum**

The UK Border Agency currently provides funding for local authorities in respect of their support costs. But there have been some problems with the funding mechanism, caused by the relative lack of control over the numbers of UASC supported by each local authority. Under the Children Act 1989, unaccompanied children become the responsibility of the local authority in which they first come to attention. The effect of this is that some local authorities experience regular fluctuations in UASC numbers, and find it difficult to assess the necessary investment in service infrastructure. The UK Border Agency's proposal (in 'Better Outcomes', BIA, 2008) to restrict the number of local authorities that look after UASC is intended to address this problem by giving certainty to both the agency and local authorities regarding cost, as well as providing a consistent service for UASC. The new 'specialist' authorities that will carry out this role will be funded through longer-term (three to five years) contracts. The UK Border Agency has also assumed responsibility for funding arrangements for those unaccompanied asylum seeking children who have an entitlement to 'leaving care assistance' (see section 4 ) when they reach the age of 18.<sup>48</sup>

## **6.6 Unaccompanied children seeking asylum who go missing from Local Authority care and child trafficking**

The Government and national NGOs are very concerned that some children, who it is suspected, have been trafficked, go missing from local authority care. The UK Government remains committed to tackling all forms of human trafficking. The UK Action Plan was launched in March 2007 and updated in July 2008. The UK ratified the Council of Europe Convention on Trafficking in December 2008 and it came fully into operation on 1 April 2009. Work to protect unaccompanied children from trafficking will link closely to cross-government work on safeguarding sexually exploited children, including the Young Runaways Action Plan (DCSF, 2008b) and the guidance on Children Missing from Care and Home; a guide to good practice (Department of Health, 2002). The Home Office is also working to tackle the problem of trafficked children coerced into criminal activities for the profit of organised crime gangs, to improve the investigation and prosecution of cases of child trafficking, and to tackle the issue of children being trafficked for the purpose of domestic servitude and benefit fraud.

The UK Border Agency considers Operation Paladin and Operation Newbridge, in place at certain ports and asylum screening units (see section 4 ), to be highly successful. These are joint operations to safeguard children travelling through ports by: identifying offenders and children at risk; investigating cases; gathering and sharing intelligence; and working with other agencies.

There are no centrally held data on trafficked children (see section 4). The key difficulty lies in identification of trafficking victims; UK Border Agency databases capture the data on general

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<sup>47</sup> Department of Health, 2003.

<sup>48</sup> Under the Children (Leaving Care) Act 2000.

immigration cases and unaccompanied asylum-seeking children, but at the time of asylum claims it is not always apparent whether or not claimants are victims of trafficking. The UK Human Trafficking Centre is working with the Home Office, the Department for Children, Schools and Families and the Department of Health in developing protocols for recording child trafficking cases. The UKHTC will also be a partner as the central repository for all information on trafficking (including child trafficking) on behalf of the ACPO Organised Immigration Crime Group.

## **6.7 Guardianship**

Some stakeholders, including the Refugee Consortium (2007) and Children’s Commissioner for England (2007) believe that the UK should introduce a system of guardianship for unaccompanied children. They refer to Article 19 of the EU Reception Conditions Directive that requires Member States “to ensure the necessary representation of unaccompanied asylum seeking children by legal guardians or, where necessary, representation by an organisation responsible by their care and well-being”. The UK Government states it is satisfied that the care and support unaccompanied children receive from local authorities, under the same statutory arrangements as other children in need, means that the UK is fully compliant with the Directive.<sup>49</sup>

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<sup>49</sup> Source: UK Border Agency International Policy team.

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## Annex 1 Asylum applications from Unaccompanied Asylum Seeking Children

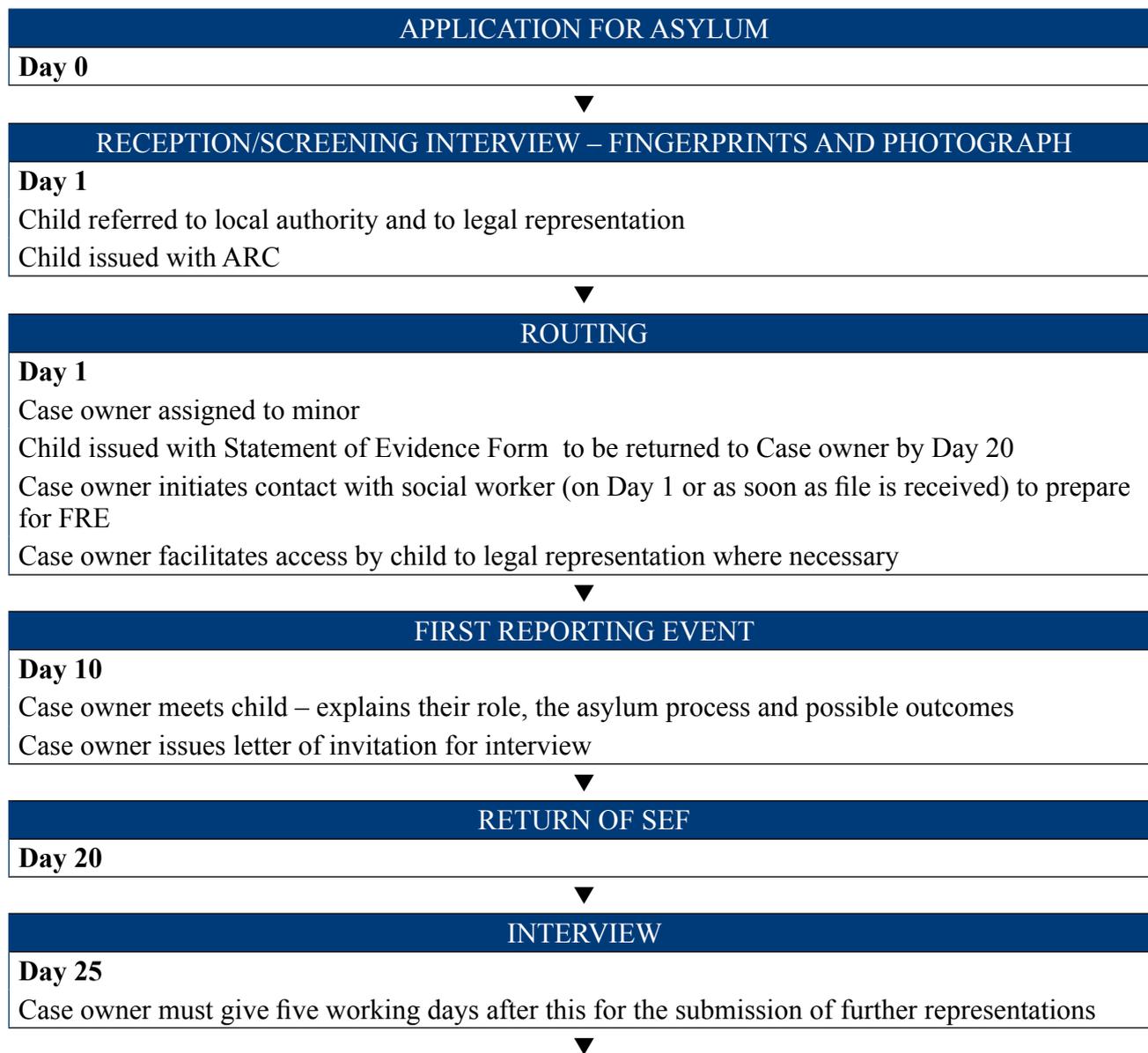
### *Applications from unaccompanied asylum seeking children 2002-2008*

Year	Total applications	Where application made		Gender			Age				Age dispute cases	Where application made	
		at port	in country	female	male	unknown	0-13	14 and 15	16 and 17	at port		in country	
2002	6,200	1,240	4,955										
2003	3,180	645	2,535										
2004	2,990	540	2,455										
2005	2,965	445	2,520	775	2,190	85	345	905	1,630	2,425	215	2,215	
2006	3,450	395	3,055	865	2,585	180	495	940	1,840	2,270	215	2,055	
2007	3,645	480	3,165	705	2,940	510	385	890	1,855	1,915	225	1,690	
2008	4,285	380	3,905	530	3,755	850	380	1,035	2,015	1,400	135	1,265	

Data was not collected on these categories between 2002 and 2004

1. Cases considered under normal procedures.
2. Figures (other than percentages) are rounded to the nearest 5 (- = 0, \* = 1 or 2).
3. Figures exclude cases where the age of the applicant is disputed.
4. Unaccompanied Asylum Seeking Child is defined as an applicant who at the time of application is, or (if there is no proof) is determined to be aged under 18 and is applying for asylum on his or her own right and has no relative or guardian in the United Kingdom.
5. Information is of initial decisions, excluding the outcome of appeals or other subsequent decisions.
6. Data for 2008 is provisional.

## Annex 2 Process Map for unaccompanied children seeking asylum in the UK from Unaccompanied Asylum Seeking Children



DECISION SERVICE EVENT

Day 31-35

GRANTED REFUGEE STATUS

CASE COMPLETED

GRANTED HP OR DL UNDER  
GENERAL POLICY

APPEAL

By Day 41-45

SUCCEEDS

FAILS

IMPLEMENT  
DECISION  
AND CASE  
COMPLETED

MAINTAIN  
DECISION  
AND CASE  
COMPLETED

REFUSED REFUGEE STATUS, HP AND  
DL UNDER GENERAL POLICY  
GRANT DL UNDER UASC POLICY IF  
CHILD CANNOT BE REMOVED

APPEAL

By Day 41-45

SUCCEEDS

FAILS

IMPLEMENT  
DECISION  
AND CASE  
COMPLETED

MAINTAIN  
DECISION  
AND CASE  
COMPLETED  
MAINTAIN  
CONTACT UNTIL  
CHILD CAN BE  
REMOVED

### Annex 3 Summary of initial decisions on applications made on from Unaccompanied Asylum Seeking Children 2002-2008

*Summary of initial decisions on applications made on unaccompanied asylum seeking children*

Year	Total Decisions	17 and under	Asylum	Exceptional Leave to remain	HP	DL	Refused	18 and over	Asylum	Exceptional Leave to remain	HP	DL	Refused
2002	6,990	6,220	540	4,640			1,040	770	45	190			535
2003	3,835	3,445	140	1,220	10	1,515	565	390	10	35	*	10	330
2004	3,440	3,055	75		20	2,490	470	385	10		*	15	360
2005	2,835	2,560	140		20	1,960	440	275	10		-	5	260
2006	2,880	2,655	185		10	1,950	505	225	10		-	10	205
2007	3,385	2,780	370		15	1,765	630	605	75		-	10	515
2008	2,675	2,675	285		15	1,790	585	705	50		5	5	645

1. Cases considered under normal procedures.

2. Figures (other than percentages) are rounded to the nearest 5 (- = 0, \* = 1 or 2).

3. Figures exclude cases where the age of the applicant is disputed.

4. Unaccompanied Asylum Seeking Child (UASC) is defined as an applicant who at the time of application is, or (if there is no proof) is determined to be under 18 and is applying for asylum on his or her own right and has no relative or guardian in the United Kingdom.

5. Information is of initial decisions, excluding the outcome of appeals or other subsequent decisions.

6. Data for 2008 is provisional.

## Annex 4 Initial asylum decisions made on unaccompanied asylum seeking children 2002-2008

### *Initial asylum decisions made on applicants aged 17 and under at the time of initial decision \* 2002*

Nationality (top ten)	Total initial decisions		Total initial decisions made on applicants aged 17 or under		Recognised as a refugee and granted asylum		Not recognised as a refugee but granted exceptional leave to remain		Total refused		Refused asylum and exceptional leave after full consideration	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
Iraq	1,245		1,120	(10)	110	(10)	910	(81)	105	(9)	10	(1)
FRY	970		805	(9)	70	(9)	635	(79)	100	(13)	40	(5)
Afghanistan	820		730	(2)	10	(2)	660	(91)	55	(8)	15	(2)
Somalia	425		390	(48)	190	(48)	165	(42)	35	(9)	15	(4)
Albania	335		310	(1)	5	(1)	250	(81)	55	(18)	15	(4)
China	295		275	(1)	5	(1)	190	(69)	80	(30)	10	(4)
Eritrea	240		215	(11)	25	(11)	170	(79)	25	(11)	15	(7)
Angola	220		205	(3)	5	(3)	180	(87)	20	(9)	5	(2)
Vietnam	175		170	(4)	5	(4)	75	(44)	90	(52)	70	(40)
Ethiopia	170		150	(5)	5	(5)	130	(84)	15	(11)	10	(8)

1. The applicant is disputed.
2. Unaccompanied Asylum Seeking Child is defined as an applicant who at the time of application is, or (if there is no proof) is determined to be under cases considered under normal procedures.
3. Figures (other than percentages) are rounded to the nearest 5 (- = 0, \* = 1 or 2).
4. Figures exclude cases where the age of 18 and is applying for asylum on his or her own right and has no relative or guardian in the United Kingdom.
5. Information is of initial decisions, excluding the outcome of appeals or other subsequent decisions.

**Initial decisions made on applicants aged 17 and under at the time of initial decision\* 2003**

Nationality (top ten)	Total initial decisions		Total initial decisions made on applicants aged 17 or under		Recognised as a refugee and granted asylum		Not recognised as a refugee but granted exceptional leave to remain		Not recognised as a refugee but granted humanitarian protection		Not recognised as a refugee but granted discretionary leave		Total refused	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
Afghanistan	385		340		*	(1)	135	(40)	*	(-)	160	(46)	45	(13)
Iraq	390		320		10	(3)	240	(76)	-	(-)	30	(9)	40	(12)
Somalia	310		290		85	(29)	45	(16)	-	(-)	135	(47)	25	(8)
SAM (8)	330		275		10	(3)	155	(56)	*	(-)	90	(33)	20	(8)
Albania	195		180		-	(-)	80	(45)	-	(-)	75	(41)	25	(14)
China	195		170		*	(1)	45	(25)	-	(-)	75	(43)	55	(31)
Vietnam	160		150		-	(-)	*	(1)	-	(-)	105	(70)	45	(29)
Angola	145		145		*	(1)	45	(33)	*	(1)	80	(56)	15	(10)
Eritrea	145		135		*	(1)	40	(30)	-	(-)	80	(60)	10	(8)
Uganda	130		130		5	(3)	30	(23)	*	(1)	85	(66)	10	(6)

1. Cases considered under normal procedures.

2. Figures (other than percentages) are rounded to the nearest 5 (- = 0, \* = 1 or 2).

3. Figures exclude cases where the age of the applicant is disputed.

4. Unaccompanied Asylum Seeking Child is defined as an applicant who at the time of application is, or (if there is no proof) is determined to be under 18 and is applying for asylum on his or her own right and has no relative or guardian in the United Kingdom.

5. Information is of initial decisions, excluding the outcome of appeals or other subsequent decisions.

**Initial decisions made on applicants aged 17 and under at the time of initial decision\* 2004**

Nationality (top ten)	Total initial decisions		Total initial decisions made on applicants aged 17 or under		Recognised as a refugee and granted asylum		Not recognised as a refugee but granted humanitarian protection		Not recognised as a refugee but granted discretionary leave		Total refused	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
Afghanistan	340		310		*	(1)	5	(1)	250	(82)	50	(17)
Somalia	255		240		35	(14)	-	(-)	180	(74)	30	(12)
Iran	250		235		5	(1)	*	(-)	200	(84)	35	(14)
Iraq	310		190		-	(-)	-	(-)	165	(86)	25	(14)
Vietnam	190		190		*	(1)	-	(-)	165	(88)	20	(11)
Eritrea	165		165		5	(4)	*	(1)	140	(85)	15	(10)
Serbia & Montenegro	200		150		5	(2)	*	(1)	135	(92)	10	(5)
Dem. Rep. Congo	145		140		10	(6)	-	(-)	115	(80)	20	(13)
Ethiopia	125		125		-	(-)	-	(-)	115	(94)	5	(6)
Albania	120		110		-	(-)	-	(-)	90	(84)	15	(16)

1. Cases considered under normal procedures.

2. Figures (other than percentages) are rounded to the nearest 5 (- = 0, \* = 1 or 2).

3. Figures exclude cases where the age of the applicant is disputed.

4. Unaccompanied Asylum Seeking Child is defined as an applicant who at the time of application is, or (if there is no proof) is determined to be under 18 and is applying for asylum on his or her own right and has no relative or guardian in the United Kingdom.

5. Information is of initial decisions, excluding the outcome of appeals or other subsequent decisions.

**Initial decisions made on applicants aged 17 and under at the time of initial decision \* 2005**

Nationality (top ten)	Total initial decisions		Total initial decisions made on applicants aged 17 or under		Recognised as a refugee and granted asylum		Not recognised as a refugee but granted humanitarian protection		Not recognised as a refugee but granted discretionary leave		Total refused	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
Afghanistan	435		415		5	(1)	5	(1)	350	(84)	55	(13)
Iran	420		395		-	(-)	5	(2)	320	(81)	65	(17)
Somalia	205		195		85	(42)	-	(-)	100	(51)	15	(7)
Iraq	215		160		-	(-)	-	(-)	120	(76)	40	(24)
Eritrea	170		150		25	(16)	-	(-)	105	(68)	25	(16)
Dem. Rep. Congo	145		140		10	(7)	*	(1)	115	(84)	10	(7)
China	155		130		*	(1)	-	(-)	65	(49)	65	(50)
Vietnam	130		125		-	(-)	-	(-)	110	(91)	10	(9)
Nigeria	70		65		-	(-)	-	(-)	50	(76)	15	(24)
Turkey	60		45		*	(2)	-	(-)	35	(78)	10	(20)

1. Cases considered under normal procedures.

2. Figures (other than percentages) are rounded to the nearest 5 (- = 0, \* = 1 or 2).

3. Figures exclude cases where the age of the applicant is disputed.

4. Unaccompanied Asylum Seeking Child is defined as an applicant who at the time of application is, or (if there is no proof) is determined to be under 18 and is applying for asylum on his or her own right and has no relative or guardian in the United Kingdom.

5. Information is of initial decisions, excluding the outcome of appeals or other subsequent decisions.

**Initial decisions made on applicants aged 17 and under at the time of initial decision \* 2006**

Nationality	Total initial decisions		Total initial decisions made on applicants aged 17 or under		Recognised as a refugee and granted asylum		Not recognised as a refugee but granted humanitarian protection		Not recognised as a refugee but granted discretionary leave		Total refused	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
Afghanistan	855		810		5	(-)	*	(-)	690	(85)	120	(15)
Iran	335		305		5	(1)	*	(-)	250	(80)	60	(18)
Somalia	245		230		95	(41)	-	(-)	120	(51)	15	(7)
China	205		175		-	(-)	-	(-)	105	(59)	75	(41)
Eritrea	190		170		65	(37)	-	(-)	70	(42)	35	(21)
Dem. Rep. Congo	105		100		5	(5)	-	(-)	75	(73)	20	(22)
Bangladesh	80		80		-	(-)	-	(-)	75	(94)	5	(6)
Nigeria	65		60		-	(-)	-	(-)	45	(77)	15	(23)
Iraq	75		65		-	(-)	-	(-)	45	(72)	20	(28)
Pakistan	60		55		*	(2)	-	(-)	50	(86)	5	(12)
Algeria	50		40		*	(2)	-	(-)	30	(71)	10	(26)

1. Cases considered under normal procedures.

2. Figures (other than percentages) are rounded to the nearest 5 (- = 0, \* = 1 or 2).

3. Figures exclude cases where the age of the applicant is disputed.

4. Unaccompanied Asylum Seeking Child is defined as an applicant who at the time of application is, or (if there is no proof) is determined to be under 18 and is applying for asylum on his or her own right and has no relative or guardian in the United Kingdom.

5. Information is of initial decisions, excluding the outcome of appeals or other subsequent decisions.

**Initial decisions made on applicants aged 17 and under at the time of initial decision \* 2007**

Nationality	Total initial decisions		Total initial decisions made on applicants aged 17 or under		Recognised as a refugee and granted asylum		Not recognised as a refugee but granted humanitarian protection		Not recognised as a refugee but granted discretionary leave		Total refused	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
Afghanistan	1,035		910		25	(3)	*	(-)	740	(81)	145	(16)
Iran	335		270		10	(4)	5	(2)	185	(70)	65	(24)
Eritrea	355		275		165	(59)	-	(-)	75	(26)	40	(14)
Somalia	235		205		105	(51)	*	(-)	75	(37)	25	(11)
China	295		215		*	(1)	*	(-)	75	(34)	140	(64)
Iraq	195		135		5	(4)	-	(-)	90	(68)	40	(29)
Bangladesh	100		100		-	(-)	-	(-)	80	(82)	20	(18)
DRC	75		65		10	(18)	-	(-)	45	(66)	10	(16)
Pakistan	70		65		5	(5)	*	(2)	50	(78)	10	(16)
Sri Lanka	55		50		5	(8)	*	(2)	40	(73)	10	(17)
Algeria	50		40		*	(2)	-	(-)	30	(71)	10	(26)

1. Cases considered under normal procedures.

2. Figures (other than percentages) are rounded to the nearest 5 (- = 0, \* = 1 or 2).

3. Figures exclude cases where the age of the applicant is disputed.

4. Unaccompanied Asylum Seeking Child is defined as an applicant who at the time of application is, or (if there is no proof) is determined to be under 18 and is applying for asylum on his or her own right and has no relative or guardian in the United Kingdom.

5. Information is of initial decisions, excluding the outcome of appeals or other subsequent decisions.

**Initial decisions made on applicants aged 17 and under at the time of initial decision\* 2008**

Nationality	Total initial decisions		Total initial decisions made on applicants aged 17 or under		Recognised as a refugee and granted asylum		Not recognised as a refugee but granted humanitarian protection		Not recognised as a refugee but granted discretionary leave		Total refused	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
Afghanistan	1,290		1,065		40	(4)	5	(0)	840	(79)	180	(17)
Iraq	390		290		20	(6)	*	(1)	200	(69)	70	(24)
Iran	355		285		25	(8)	*	(0)	195	(69)	65	(22)
Eritrea	310		220		105	(48)	-	(-)	60	(28)	55	(24)
Somalia	120		95		35	(37)	*	(1)	50	(51)	10	(11)
China	150		95		10	(8)	-	(-)	45	(47)	45	(45)
Bangladesh	100		95		-	(-)	-	(-)	70	(73)	25	(27)
Sri Lanka	55		55		10	(15)	-	(-)	40	(69)	10	(16)
Pakistan	65		55		*	(2)	-	(-)	45	(81)	10	(18)
Nigeria	60		40		*	(3)	*	(3)	25	(68)	10	(26)
Algeria	50		40		*	(2)	-	(-)	30	(71)	10	(26)

1. Cases considered under normal procedures.

2. Figures (other than percentages) are rounded to the nearest 5 (- = 0, \* = 1 or 2).

3. Figures exclude cases where the age of the applicant is disputed.

4. Unaccompanied Asylum Seeking Child is defined as an applicant who at the time of application is, or (if there is no proof) is determined to be under 18 and is applying for asylum on his or her own right and has no relative or guardian in the United Kingdom.

5. Information is of initial decisions, excluding the outcome of appeals or other subsequent decisions.