Place of Safety?

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national youth advocacy service

New ways to protect, support, empower and safeguard unaccompanied asylum-seeking children in Wales

Introduction

At NYAS Cymru we work to protect, support, empower and safeguard every child and young person who we come into contact with. This report seeks to support the commitments of Welsh Government in the current Refugee and Asylum Seeker Plan, by providing four recommendations to improve the 'asylum journey' for unaccompanied asylum-seeking children in Wales.[1] These are by no means the only improvements that can be made to ensure the wellbeing and positive integration of children in Wales, but they are designed to build on the infrastructure that already exists, and the ambitions of Welsh Government to provide a nation of sanctuary for refugees.

**All names have been changed to protect identities*

Our Recommendations

1. Protect children and young people's mental health and wellbeing.
Unaccompanied asylum-seeking children are provided with clear summaries in their native language as to the mental health and wellbeing offer in Wales, including how to access that support.

2. Support children and young people through the Age Assessment process.
Welsh Government should create clear guidance for Local Authorities and practitioners on the role of the Appropriate Adult in Age Assessments and ensure that every unaccompanied asylum-seeking child has the right to an independent Appropriate Adult who has been trained for their role.

3. Empower children and young people with independent advocacy.
Every unaccompanied asylum-seeking child must have an active offer of independent advocacy so that their rights and entitlements are protected throughout their asylum journey.

4. Safeguard children and young people from trafficking and exploitation.
Welsh Government should make statutory provision for every child in Wales to be offered an independent return interview after a missing episode, conducted by someone independent of the police and local authority. Every unaccompanied asylum-seeking child must be given information about trafficking and exploitation in their own language.

"I'm in touch with my family [back home] every week but they are in a really bad situation and I'm really worried about them. I talk to people but it doesn't help."

- Hassan, 18 years old

Background

Whilst the child population of Wales has reduced by 0.2% since 2014, the percentage of 'looked after children' has increased by over 10%.[2] Welsh Government officials estimate that there are around 100 unaccompanied children seeking asylum at any one time. This estimate excludes asylum-seeking young people who have been given care leaver status and leave to remain in the UK on a long-term basis. An unaccompanied asylum-seeking child is any child who is "applying for asylum in their own right; separated from both parents and not being cared for by an adult who by law has responsibility to do so".[3]

Unaccompanied asylum-seeking children arrive in Wales under different circumstances. In a small number of cases, they may have been transferred from a Local Authority upon arrival in the UK under the National Transfer Scheme.[4] They could have arrived from a refugee camp through the UNHCR's Syrian Vulnerable Children's Resettlement Scheme, which seeks to identify and protect children at significant risk of harm and exploitation along with their families.[5]

Over 80% of unaccompanied asylum-seeking children across the UK identify as having Eritrea, Sudan, Vietnam, Albania, Afghanistan, Iran or Iraq as their country of origin.[6] Sometimes, they have lived in the UK for a number of years before being identified, remaining hidden as a result of trafficking or exploitation.

Asylum-seeking children often have complex needs and are among the most vulnerable group of children living in Wales. They are at high risk of trafficking, abuse and exploitation, and are subjected to different procedures to verify their right to asylum under immigration law, such as the age assessment procedure, which can be difficult to navigate while vitally important to their future.

These experiences, including the "age assessment process, being refused asylum, [immigration] court appearances, reporting and detention" have the capacity to bring unaccompanied asylum-seeking children to mental health crisis points, compounding long-term anxiety and stress.[7] The effects of this can sometimes result in missing episodes.

Protect children and young people's mental health and wellbeing

- **Over half (54%) of unaccompanied and separated children in the UK are thought to be suffering from PTSD, and almost one in three (30%) have depression.**[8]
- **One in three (31%) CAMHS Wales (Children and Adolescent Mental Health Services) patients waited over four weeks for their initial mental health appointment.**[9]

Many unaccompanied asylum-seeking children have experienced traumatic events on their journey to Wales, including separation from parents and family, trafficking, sexual exploitation, or exposure to armed conflict. These children often have a greater traumatic stress response than other refugees that arrive within a family unit.[10] The trauma of parental separation can underpin future mental health difficulties, and long periods of separation can have significant adverse mental health consequences such as post-traumatic stress disorder (PTSD).[11]

Trauma can be compounded multiple times for unaccompanied asylum-seeking children. The UN Refugee Agency said trauma can occur "pre-departure triggering flight, secondly as a result of experiences and hardships encountered on the journey, and lastly trauma on arrival in the EU and UK, upon realising that they have not found the safety and stability that they were hoping for."[12]

"I've been very lonely and depressed and crying all the time. I can't sleep at night. I think a lot."
- Darius, 15 years old

Once in the care of a Welsh Local Authority, unaccompanied asylum-seeking children will undergo a Health Assessment, where if appropriate, a referral to CAMHS will be made for mental health support. There is a clear need to increase access to services for unaccompanied asylum-seeking children to ensure mental health needs are met, and to ensure they are not faced with further traumatic events for example within the asylum system or with housing whilst in host countries.[13]

There are barriers to timely and effective mental health intervention. Unaccompanied asylum-seeking children can experience difficulty in understanding and relaying their mental health needs to professionals, and in navigating support services. Vizard states that "a large gap appears to exist between the mental health needs of unaccompanied refugee minors and their ability to access mental health services", citing that "as few as 11.7%-36% of unaccompanied refugee minors report contact with mental services within host countries." [14]

Recently, Welsh Government committed to ensuring that "refugees can access health services, including mental health services, which they require throughout the asylum journey, ensuring barriers to healthcare for refugees and asylum seekers are reduced" as part of the Refugee and Asylum Seeker Plan.[15] As such, children must be provided with clear summaries of their entitlement to mental health support in Wales as early in their 'asylum journey' as possible, including how to access that support.

Our Recommendation

Unaccompanied asylum-seeking children are provided with clear summaries in their native language as to the mental health and wellbeing offer in Wales, including how to access that support.

Support children and young people through the age assessment process

• Nine in every ten (88%) cases referred to the Refugee Council's "Age Dispute Project" were assessed to be children. [16]

On arrival to Wales, some unaccompanied asylum-seeking children will have to go through an 'age assessment' process, where there are concerns that they may be over the age of 18, or where a young person is presenting as an adult but there are concerns they are a child. For an age assessment to be 'Merton compliant', the standard required by the law, it must be undertaken by two social workers, an Appropriate Adult and an interpreter where reasonably practicable. The social workers assessment of age should take account of a range of factors, including physical appearance, history, education and behaviour.

An Appropriate Adult acts as an additional safeguard during this process. Their main role is to offer support, to ensure the wellbeing of unaccompanied asylum-seeking children and young people throughout the age assessment process, and to provide assurance that the young person understands their legal rights. The inclusion of an Appropriate Adult within the age assessment process has existed since 2011, following the landmark case of R (FZ) v London Borough of Croydon. [17]

The Wales Strategic Migration Partnership says that "an Appropriate Adult should be independent of the Local Authority and should have the right skills to undertake the role and be clear about it." [18] There have been instances across the UK of accommodation provider staff, foster carers, and interpreters acting as an Appropriate Adult. Unaccompanied asylum-seeking children must have access to a fully independent Appropriate Adult who has undergone training for their role, and clearer guidance must be published on the role of an Appropriate Adult.[19]

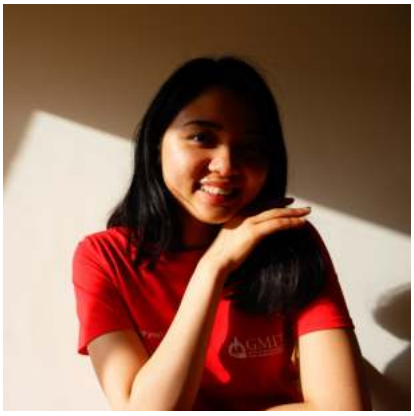
Our Recommendation

Welsh Government should create guidance on the role of the Appropriate Adult for local authorities and practitioners and ensure that every unaccompanied asylum-seeking child has access to an independent Appropriate Adult who has been trained for the role.

Empower children and young people with independent advocacy

- **Welsh Government sum up an 'active offer' as "the sharing of information about the statutory right and entitlement of a child or young person in certain circumstances to have access to an independent professional advocacy service."[20]**
- **Article 12 of the UNCRC Convention establishes the right of every child to freely express her or his views, in all matters affecting her or him, and the subsequent right for those views to be given due weight, according to the child's age and maturity.[21]**

Advocacy is about empowering children and young people to make sure that their rights are respected, and their views and wishes are heard at all times. Advocacy can play an important role in ensuring that the rights of unaccompanied asylum-seeking children are protected in Wales.



Unaccompanied asylum-seeking children must have an active offer of advocacy made available to them upon first arriving in Wales. That offer must detail how to access an advocate at key points in their asylum journey, such as when accessing mental health services, or awaiting asylum decisions. The active offer must be communication to children in their own language.

"I think I'm not able to make relationships because of the language barrier. Back home I couldn't and now with the language barrier it's even worse."
- Kamran, 15 years old

Advocates can...

- Guarantee their right to have their wishes and feelings taken into account in decisions made about them.
- Ensure that other rights and entitlements are being met, including an assessment of their physical and mental health, and access to an appropriate adult if required.
- Help them to navigate the system, and understand what is happening.
- Hold the Home Office answerable on services and waiting times, using trends and issues raised through advocacy to lead to continual improvement in the asylum journey.

Our Recommendation

Empower every unaccompanied asylum-seeking child with an active offer of independent advocacy so that their rights and entitlements are protected throughout their asylum journey.

Safeguard children from trafficking and exploitation

Recent data in Wales shows that almost half (44%) of children identified or suspected as being trafficked went missing in 2017.[22]

Unaccompanied asylum-seeking children are at an increased risk of both going missing and being criminally or sexually exploited compared with other children their age. For some, those trafficking them may be the only people that they know can speak their language. That is why every unaccompanied asylum-seeking child must be given information that will keep them safe from trafficking and exploitation in an accessible, child-friendly way.

When unaccompanied asylum-seeking children go missing, they are at greater risk of being exploited. Children and young people are more likely to go missing during times of instability, such as their first 72 hours of being in care or when a decision is being regarding their immigration status.

• Trafficked and unaccompanied children are 30 times more likely to go missing than other children their age.[23]

Welsh Government has made huge progress in recognising and safeguarding children at risk of exploitation through the independent Child Trafficking and Guardianship service. [24]

The offer of an independent return interview would provide another opportunity to identify victims of trafficking and connect unaccompanied asylum-seeking children with the Guardianship service, acting as a safeguard and reducing the risk of repeated missing episodes.

"From the day I came here I cried a lot every day. I feel desperate. I always hope to have someone to free me. I just want to sit in the corner. When I sit in the corner and I hear a car stop I just hope that person comes to take me away."

- Mai, 16 years old

Our Recommendation

Every child who returns from a missing episode in Wales must be offered an independent return interview, conducted by someone not employed by the local authority. Every unaccompanied asylum-seeking child must be given information about trafficking and exploitation in their own language.

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NYAS | August 2020

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