

A young girl with her hair in two buns, wearing a blue school uniform consisting of a cardigan, dress, and shoes, sits on a blue carpeted staircase. She has a serious expression and is looking directly at the camera. The staircase has a white wooden handrail on the right side. The background shows a doorway and some items on a shelf.

Executive summary

Like any other child?

Children and families in the asylum process

John Reacroft

BELIEVE IN CHILDREN



Barnardo's

Foreword

Reading the horrifying accounts in *Like any other child?* – and the sober analysis which accompanies them – three things are clear. First, asylum-seeking families come to the UK with high hopes for their future. They seek protection from a perilous past. But too often they find themselves facing abject poverty, racial harassment and demoralising uncertainty.

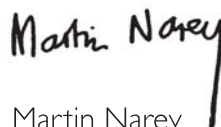
Second, they are often desperately keen to contribute to the communities where they are placed. They are keen to work and to pay their way. Often they are resourceful individuals with skills which would be of immense benefit to the UK. Their children are eager to learn and are highly motivated.

Third, this country should be able to treat more humanely the relatively small number of children and families who arrive in the UK to seek asylum. For contrary to what some say, we are not 'flooded' with asylum seekers. Asylum applications are currently at a 15-year low – for which the Home Office deserves much credit – and taking into account the size of our population we come 12th of the 25 countries of the European Union in the numbers of applications received. We do not take more

than our fair share of asylum-seeking families.

When Thomas Barnardo got to work in the harsh conditions of London in the 1860s he made it his business to turn no child away. Every child mattered to him. But 150 years later the shocking truth is that, despite all our assertions that every child matters, children in asylum-seeking families do not seem to matter to our society quite as much as others.

Barnardo's does not challenge the reality that not all families applying for asylum can be allowed to stay. Indeed – although some will be surprised at this – Barnardo's welcomes new procedures which mean many families will be returned to their country of origin more promptly. But when families are here awaiting decisions about their future they should be respected and their children protected, and they should be treated with dignity. Most importantly, the children of asylum seekers should always be treated as children first and asylum seekers second.



Martin Narey
Chief Executive, Barnardo's, January 2008

Introduction

This report is about one of the UK's most marginalised groups – asylum-seeking and refugee children and families. Since 2002, we estimate more than 40,000 children have arrived or been born in the UK in asylum-seeking families. There could be over 100,000 in total caught up in a backlogged asylum system which includes cases going back more than 10 years (see box opposite). They have received little attention from policy makers. In dealing with their parents' asylum claims, we have largely ignored the needs of the children as children. One asylum-seeking mother asked why her disabled child couldn't be treated like any other child, which provided the title for our report.

These children should be treated as

children first and asylum seekers or refugees second. They have all the same needs other children have. In addition, they are living in families which have experienced trauma, loss and displacement. Some of them face racial harassment in the UK. They live in temporary accommodation with no say about where they live or how long they will stay in an area, and no control over the conditions in which they have to live. Even if they get leave to remain, they can then spend years in temporary accommodation, or in unaffordable and insecure private rented accommodation, usually the poorest quality available.

Asylum seekers are invariably very poor and live below the minimum benefits levels

The number of children involved

Over the past five years 47,300 dependents have sought asylum with their families (Bennet et al 2007). Around 81 per cent are under 18 so 38,300 are children (extrapolated from Bennet et al (2007) Summary Table). Families continue to have children after arriving in the UK. It is quite difficult to estimate the numbers of these accurately. To arrive at an approximation, we have assumed that this is at a similar rate to the average national birth rate for the rest of the population (11.74 per 1,000 average rate over the five years – see Table 1.1 Crude birth rate: all births per 1,000 population of all ages, in National Statistics, 2006). There have been 262,910 asylum applications over that period, an average of 52,582 a year so an average of 617 births/year; 3,087 in total. We estimate that since 2002 there have been around 41,387 children in families seeking asylum in the UK.

The backlog

There is no agreement on how big the backlog is. The Government estimate is that there is a backlog of 400,000 to 450,000 electronic and paper records and the National Audit Office estimates that there are 283,500 unsuccessful asylum applicants who are still here (see Home Office, Border and Immigration Department, n.d.e). The Government does not think that the backlog of records equates to the number of asylum applicants. If we assume that the proportion of asylum seekers with children is roughly constant (based on 2005 figures, Bennet et al (2007) Summary Table, we have used 16 per cent as an estimate of the proportion of asylum applicants who are dependent children) and that asylum seekers have children at the same rate as the general population (based on National Statistics, 2006, Table 1.1 Crude birth rate: all births per 1,000 population of all ages, we have used 11.74 per 1,000 as an average rate) and we go back 10 years, then out of 400,000 asylum applications (the lowest estimate of the backlogged records) there could be around 111,000 child dependents (64,000 arriving with their families and 47,000 being born here).

other households would receive, but the Government's pledge to halve the number of children in poverty by 2010–2011 and eradicate child poverty altogether by 2020 does not apply to children of asylum seekers.¹

Barnardo's has worked with large numbers of asylum-seeking families in London since before the Government's dispersal programme, which was established in 1999. Since the dispersal programme was introduced, Barnardo's services throughout the UK have been working with asylum-seeking families, offering support and assistance, including in some cases food parcels.

Asylum-seeking families from every part of the UK participated in this report and contributed their views to the recommendations we make. The stories of a small number of these families are told here. These stories illustrate the effects of asylum policy on children, from first arrival, through the asylum process and beyond the final asylum decision.

Asylum legislation over the past 15 years has increasingly restricted asylum seekers' access to support, both while their application is being processed and if they are turned down and then classed as 'failed asylum seekers'. There have been six major pieces of legislation over the past 11 years, with the sixth, the UK Borders Act, receiving Royal Assent in October 2007. There have been some improvements; for example, we welcome the proposed code of practice *Keeping children safe from harm*,² which has been introduced by the UK Borders Act, but would still like to see more done to protect the interests of children seeking asylum with their families. The overall

effect of asylum legislation has been to make it more difficult for families with children to have decent, or even tolerable lives. Children are living in increasing poverty and insecurity.

The UK Government has entered a reservation to the UN Convention on the Rights of the Child, so that it does not apply to children subject to immigration control in the UK. All the UK Children's Commissioners and major children's voluntary organisations in the UK, including Barnardo's, urge the Government to withdraw this shameful reservation. The Westminster Government strap line 'Every Child Matters' is a deceit while such a reservation exists.

Asylum numbers in the UK are declining and, contrary to predictable but hysterical media reporting, the UK does not take more than its share. When the relative size of the domestic populations is taken into account, the UK ranks twelfth out of the 25 EU countries in terms of asylum seekers per head of population. In 2006, including dependents, there were 210,000 asylum applicants in the 25 member countries of the EU. Of these, 28,320 were in the UK, with fewer than 4,000 being families with children.³ By comparison, there were an estimated 591,000 long-term migrants who arrived to live in the UK in the same year.⁴ The numbers of asylum seekers have continued to fall, and three-quarters of the way through 2007, they are running at seven per cent fewer than in 2006, the lowest level since 1992.⁵ Quite simply, we can afford to treat the relatively small number of children and families who arrive in the UK to seek asylum more humanely.

Barnardo's concerns and recommendations

The New Asylum Model (NAM)

'Maria was five and a half at the time. She didn't understand what was happening. She was crying.' Naomi (interviewee one) speaking about her immigration interview and her daughter's distress on witnessing this.

'When my son hears a bang at the door he runs screaming from the room... Even at home sometimes when you are upstairs and he is downstairs, he will bring something upstairs. You ask him why he can't stay downstairs and he says he's scared.' Olivia (interviewee ten) describing the trauma her son Michael, age seven, experienced following the family being taken into detention at 5.30am, prior to deportation (which was later postponed).

Concern

Since March 2007 all new asylum applications have been processed using the New Asylum Model (NAM). Barnardo's welcomes the NAM procedures and believes they could provide a more compassionate approach to families and children.

The NAM has introduced several features which should improve the asylum process in the UK. Cases are determined much more quickly, which removes the terrible effects of prolonged uncertainty for families and children. The NAM has the potential to be a much fairer and more humane system, providing of course that the quality of decision making is not compromised by the speed of the process and steps are taken to ensure that families receive adequate legal advice and representation. Another welcome development is that under the NAM every new asylum case has a single case owner who is responsible for the applicant's case throughout the asylum process.

However, we do not think that this will be enough to protect children's interests. In order to ensure that children are treated as children first and asylum seekers second and that their needs are addressed throughout the asylum process, we think that families with children who apply for asylum should be allocated

specially trained case owners, as already happens for unaccompanied asylum-seeking children.

Recommendation one

To give the responsibility for processing the cases of asylum-seeking families with children to specialised case owners; these case owners should receive training to enable them to address the needs of children throughout the asylum process.

The 'legacy' cases

'It has been so, so difficult for all of these years to imagine that we could be sent home to die.' Pauline (interviewee eight) who is a 'failed asylum seeker', but cannot return to her country of origin and has been in the UK for six years.

Concern

Although the NAM will deal much more quickly with new asylum cases, there remains a backlog. There is no agreement on how big this is. There could be 400,000 cases with around 111,000 child dependents which need to be resolved.⁶ We support the Government's aim to clear the backlog by 2011. In doing so, we urge the Government to take account of the needs of children who have settled in the UK and who may have spent years attending schools here, or have been born here. Many of these children will be unable to cope with deportation to countries they can barely remember, or in which they may never have lived.

Recommendation two

In clearing the asylum backlog, the Government should take into account the needs of children who have spent several years living in the UK, or who have been born here.

The right to work

'You have no right to work. You just sit home waiting for benefits and you can't do anything... I became sick and started treatment with antidepressants.' Serena (interviewee five), who was not allowed to work for four years.

Concern

Most asylum seekers in the UK are denied permission to work and as a result of the asylum backlog many have waited years for decisions on their cases. These families want to support themselves and contribute towards society and the UK economy. Many of them have skills which would be of benefit. It makes very little sense to force them to remain on very low levels of state support. The poverty they experience combined with feelings of worthlessness can make it very difficult for parents to provide happy and secure homes for their children. If asylum seekers were allowed to work, we would expect to see improved family life, more opportunities for children, and families who are able to regain their pride and work their way out of poverty.

Recommendation three

To allow asylum seekers to apply for permission to work if they have waited more than six months for their application to be finally determined and where the delay in reaching a decision cannot be attributed to the applicant.

Asylum seekers' support

'We are among the poorest of the poor... we live on very little money, the bare minimum.'

Pauline (interviewee eight)

'Why can't she just be treated like any other child?' Mary (interviewee three) speaking about her daughter Ann, who has cerebral palsy.

Concern

Asylum seekers are supported by a benefits and housing agency called Asylum Support, which is part of the Border and Immigration Agency in the Home Office and runs parallel to the benefits and housing systems used by the general population. Adult asylum seekers receive 70 per cent and children 100 per cent of standard Income Support levels. The 70 per cent rate is intended to reflect the fact that asylum seekers in Asylum Support accommodation do not pay utility bills. However, asylum seekers who are not living in Asylum Support accommodation may be responsible for their own utility bills and some

asylum seekers receive subsistence-only support, with nothing towards the costs of their accommodation or utility bills. We believe that asylum seekers should be paid the same level of benefits as other claimants and simply be responsible for their own utility bills.

Asylum-seeking children and families are only entitled to limited additional payments and not to the full range of benefits paid to other families such as Child Benefit, Educational Maintenance Allowance or the Family Premium, which together could give a family with one child an extra £64.00 a week. If they are looking after children with special needs, asylum-seeking families are also not entitled to benefits such as Disability Living Allowance or the Disabled Child Premium which can be paid to other families; even at the lowest payable rates, these allowances would give a family with one disabled child an extra £80 a week in addition to the other benefits. These benefits are an acknowledgement of the extra costs of caring for a disabled child; asylum-seeking families also need to meet these extra costs.

Benefit levels in the UK are modest, necessitating many UK families' existence at well below the Government's own poverty line. To pay benefits to asylum-seeking families at below these modest levels is cruel and forces some families into severe poverty. We believe that asylum-seeking children and families should be able to access the same level of benefits that other families with children receive.

Recommendation four

To give all asylum seekers entitlement to the same benefits as other claimants in the UK, or to levels of support equivalent to this, including all allowances for children.

Concern

Section 9 of the Asylum and Immigration (Treatment of Claimants) Act 2004 allows the withdrawal of asylum support from failed asylum-seeking families. Although there are no plans to implement this provision widely, we are very concerned that the New Asylum Model allows case owners to use section 9 at their discretion and suspend asylum support. We think that it is both inhumane and

ineffective to use, as tools of asylum policy, the threat of destitution and of taking children into care because their parents cannot then support them. Section 9 should be repealed.

Recommendation five

To repeal section 9 of the Asylum and Immigration (Treatment of Claimants) Act 2004.

Concern

It is demeaning that some asylum-seeking families who are 'failed asylum seekers' can be paid subsistence in the form of vouchers, rather than cash. These vouchers have to be used in specific shops. Families can end up travelling long distances, although they have no cash to pay for transport, to supermarkets which do not always have the items they need. They then have the humiliation of having their shopping checked to see that they have only bought allowed items. We think that subsistence for families with children should always be paid in cash.

Recommendation six

To end the practice of providing some asylum-seeking families with vouchers instead of cash benefits.

Asylum seekers' accommodation

'When I moved into the temporary accommodation, I couldn't believe I was in the UK. The house was infested with cockroaches, there was no heating, and there was bad dampness.' Mary (interviewee three).

General concerns

Asylum-seeking families with children are housed in temporary accommodation while their asylum applications are determined. Life in temporary accommodation can be very difficult and children often do not have a decent family life as a result. There are five areas where we recommend improvements:

- to the dispersal process
- to reduce racial harassment
- to the standards of accommodation
- to the stability of accommodation
- to the process after leave to remain is granted.

Dispersal accommodation

'I received a letter from NASS⁷ giving me a week's notice to say you are being moved to Yorkshire... In the letter they sent they said that you are not allowed to say "no".' Mary (interviewee three), who was caring for a disabled child and wanted to stay in Manchester where she knew someone who could help her.

'The reason I stayed with my niece was really my mental state. I needed support and I felt much better staying with someone I knew.' Carol (interviewee nine), who wanted to remain in London, but was dispersed to Glasgow. Her daughter, Diana, had four changes of school in four years as a result of this.

Concern

Following the Immigration and Asylum Act 1999 asylum seekers began to be dispersed away from London and the South East to every part of the UK, except Northern Ireland.⁸ The majority of refugees and asylum seekers remain in London, with up to 500,000 in the capital.⁹ Whilst accepting that it may be very difficult to accommodate families in London and the South East, we think that there are many legitimate reasons why families might prefer one dispersal area over another – for example they may have family or friends, or members of their own communities in particular locations. If a family has a reason for preferring one dispersal area over another or compelling reasons for staying in London, they should be able to have this taken into consideration when it is decided where to house them. At present, families get one offer of dispersal accommodation on a 'take it or leave it' basis. If they refuse, they receive no support to find or pay for housing.

Recommendation seven

To allow asylum-seeking families with children a right to express reasonable preference about the regional location of their accommodation before dispersal and for this preference to be taken into account.

Racial harassment

'There was a lot of trouble. People outside throwing stones, writing on the walls telling us

“get out of here”. I lived there for two years.’ Carol (interviewee nine) describing what happened to her and her daughter when they were dispersed from London to Glasgow.

Concern

Some families experience very serious problems as a result of racial harassment, which can occur in both the dispersal regions and in other areas. Several of our interviewees were housed in areas which had a record of such harassment and we think that this should be a consideration when deciding where to house asylum-seeking families.

Recommendation eight

Not to house asylum-seeking families with children in areas where there is a history of harassment or reason to believe their presence will aggravate community tensions.

Standards of accommodation

‘There are nine families in this house, with one kitchen and three bathrooms.’ Meiyong (interviewee two), who lives with her son and eight other households, all with children, in a hostel.

Concern

Many asylum-seeking families are housed in very poor quality accommodation. We would like to see the temporary accommodation used to house asylum-seeking families with children meeting the same minimum quality and managed to at least the same standards required for housing statutorily homeless households with children.

Recommendation nine

To house asylum-seeking families with children only in conditions which would be acceptable for UK families living in temporary accommodation.

Stability of accommodation

‘It was very difficult for the children. We wanted them to be able to settle in one place, but as soon as they settled they decide to move us... after we moved three times we decided not to have any more friends because it is too painful to leave the loved ones behind.’ Tina (interviewee seven), who has had six different temporary addresses.

‘Please I can’t change the school; my youngest has been in counselling for five years, he can’t open up to people. There is something sad inside him. I can’t change his school.’ Ardiana (interviewee four), who has leave to remain but is now homeless, pleading unsuccessfully not to be moved into temporary accommodation where her son would be unable to continue to receive the counselling his school has arranged for him.

Concern

Many families are repeatedly moved from one temporary accommodation to another. Children’s schooling is disrupted and support services the family has managed to find may become inaccessible. Even after receiving leave to remain in the UK, families may continue to be moved from one temporary accommodation to another.

Recommendation ten

To ensure that asylum-seeking families with children are allocated to accommodation which they can occupy for the duration of their asylum applications.

Recommendation eleven

If asylum-seeking families with children have to be moved during their asylum applications, or have to move areas after being given leave to remain, they should not be required to move distances which entail children changing schools.

Accommodation after leave to remain is granted

‘We obtained this flat, but it was empty and we were sleeping on the floor.’ Naomi (interviewee one).

‘The worst thing is the housing. I’m struggling, struggling.’ Tina (interviewee seven), who is still homeless four years after being given leave to remain in the UK.

Concern

Once a family has been given leave to remain in the UK they will have 28 days’ notice to leave their temporary asylum accommodation, but they do not automatically have anywhere permanent to go. They will have to apply to the local authority for assistance and are entitled to make a homelessness application.

However, some households do not receive even basic advice on how to go about this.

Recommendation twelve

To give asylum-seeking families with children who are granted leave to remain in the UK assistance to obtain decent, secure and affordable tenancies.

Recommendation thirteen

To allow asylum-seeking families with children who are granted leave to remain in the UK to stay in their temporary asylum accommodation until they obtain secure accommodation.

Conclusion

We have a great opportunity now to improve life for children of asylum seekers, who are some of the most disadvantaged in the UK.

Fewer asylum seekers are applying to remain in the UK than at any time in the past 15 years and only a small proportion of these are families with children.¹⁰ The New Asylum

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Model will ensure that new asylum applicants are dealt with quickly, with dedicated case owners overseeing individual cases throughout the process. And a start has been made to clear the backlog of unresolved cases.

Until now, policy makers have not given children seeking asylum with their parents the consideration they deserve. We can change this. Because there are fewer applicants, we can now give these more attention. We should be able to put more resources into making sure that asylum-seeking families understand each stage of the process and receive proper legal support, and that the decision-making process is fair and safeguards the welfare of children. These children should not have to live in poverty and sub-standard housing. We can treat children in asylum-seeking families as children first and as asylum seekers second; and we should do this.

If implemented, the recommendations in this report will enable us to make progress towards ensuring that every child in the UK matters, regardless of their immigration status.

Notes

- ¹ See H M Government (2007) page 3 footnote 3 'In line with the definition used in the national statistical collection, the Family Resources Survey; this Delivery Agreement is focussed on children under the age of 16 (or under 18 in formal education or training), and therefore does not include those aged 16 and over who are not in full time education, employment or training and does not specifically cover the children of asylum seekers.' (Our emphasis).
- ² Home Office, Border and Immigration Agency (2007).
- ³ All these figures are from Bennet et al (2007).
- ⁴ National Statistics (2007).
- ⁵ Home Office (2007).
- ⁶ See page 3, The backlog.
- ⁷ National Asylum Support Service, now Asylum Support in the Home Office Border and Immigration Agency.
- ⁸ Only asylum seekers who apply for asylum in Northern Ireland are housed there.
- ⁹ It is difficult to estimate numbers, but the GLA's 'guestimate' is that up to 500,000 refugees and asylum seekers, including dependents, are in London; see Mayor of London (2007) page 9.
- ¹⁰ See Introduction and footnote 5.

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