

Protecting children's interests in the asylum process



Summary

Research on the welfare of children in the asylum process has improved policy regarding the legal duty of those involved in managing the process, leading to greater protection of children's interests, particularly those whose age is disputed.

Challenge

The welfare of children in the asylum process continues to be of concern to professionals working with asylum seekers in the UK. Every year the age of nearly half of all asylum seekers who arrive claiming to be separated from children is disputed, and thousands of children are treated as adults. This can lead to significant effects on mental and physical health, and education.

Solution

Professor Heaven Crawley (University of Coventry; then Swansea University) undertook research on behalf of the Immigration Law Practitioners Association (ILPA) in collaboration with the UK Border Agency and 14 social service departments, and with close involvement from the Children's Commissioner for England.

Professor Crawley's report for ILPA, '[When is a Child not a Child](#)', helped to more clearly identify the legal duties of those involved in managing the asylum process, identify children more effectively, and promote their welfare within the asylum process.

Save the Children led a coalition of organisations in its *No Place for a Child* campaign, and Professor Crawley provided further research and analysis for a detailed report on the UK's immigration detention policy and its impact on children.

This report highlighted the significant effects on mental health, physical health and education, both before and after detention, and led to the government's reconsideration of detention practices for both children and families.

Benefits

Raising awareness

The research was instrumental in helping shape policy within the UK, Europe and Australia, improving awareness of the reasons why age is difficult to assess for children from different social and cultural backgrounds.

Better decision-making and governance

In the UK, the Home Office established an internal age assessment working group and the publication of a UK Border Agency Code of Practice for keeping children safe from harm.

There was also improved guidance and training for lawyers, social workers, paediatricians and other practitioners (see for example, the [Scottish Government's guidance](#)), alongside changes to policy and improved procedures for the assessment of age, published by the Home Office in '[Better Outcomes: The Way Forward –](#)

[Improving the Care of Unaccompanied Asylum Seeking Children](#)' (2008).

Improved protection and welfare outcomes for asylum-seeking children included a significant reduction in the number of children whose age was disputed in the UK during the period of research, interaction and policy changes.

In 2006, around half (2,279) of those claiming to be children were age disputed and treated as adults. Home Office Immigration Statistics show that there were steep drops in the percentages recorded as age disputed, beginning in 2009 with a fall of 57%. In 2012, just 328 individuals had their age disputed, a decrease of 12% compared with 2011 (374).

Policy insight and regulation

According to a Principal Policy Advisor at the Office of the Children's Commissioner, "Professor Crawley's research on age assessment has had a huge influence on the subsequent policy debate around age assessment and has been enormously influential in establishing and clarifying the 'fault lines' of the debate... While a system of age assessment that works for young people remains elusive, the influence of Professor Crawley's work in this area continues to be felt."

Further reading

[No Place for a Child](#) report

Professor Crawley's continued work with the ILPA has [yielded a number of reports](#), and best practices guidelines on children and young people subject to immigration control.

Statutory guidance for local authorities on the care for unaccompanied and trafficked children was introduced in 2014, and revised in 2017. The ILPA responded to the consultation on the 2014 draft regulations. A [safeguarding strategy for children seeking asylum](#) was introduced in 2017.

Crawley, H. (2007) *When is a Child not a Child? Asylum, Age Disputes and the Process of Age Assessment*, London: ILPA www.ilpa.org.uk/data/resources/13266/ILPA-Age-Dispute-Report.pdf

Crawley, H. (2009) Between a rock and a hard place: negotiating age and identity in the UK asylum system, 89-106 in Thomas, N. (ed.) *Children, Politics and Communication: Participation at the Margins*, Bristol: Policy Press