



## **Briefing paper on the experiences of children from the Calais camp in the North West of England**

**March 2017**

### **Why are there children from the Calais camp in the North West?**

For over 15 years there have been transit camps in the French city of Calais, where people have gathered to cross the channel to the UK. Many of those who enter the UK from the Calais camp are fleeing conflict and need to claim asylum. When the French authorities cleared the camp in October 2016, they razed the homes of around 10,000 people, including over 1,000 children. As part of the clearance some of the children were transferred to the UK directly from the camp, some were scared off by the operation and disappeared, and some were bussed from the camp to reception centres around France with the promise of UK officials assessing their cases. Children are trying to claim asylum in the UK rather than in France for a range of complex reasons including: reuniting with family or friends; their ability to speak English; negative experiences with the French authorities; being unable to access the French asylum process; or because the decision about where to seek safety has been wholly/partly made by other family members or agents.

Since 2016 Greater Manchester Immigration Aid Unit (GMIAU) has represented a significant number of children who passed through the camp in Calais on their way to the North West. We have worked with other organisations across the UK, including Safe Passage and MiCLU at Islington Law Centre. One of our solicitors worked in the Calais camp and at one of the French reception centres to provide advice to young people on their legal options and to represent those applying to join family members in the UK. We have supported families in the North West trying to reunite with children in France, helping them to prepare the required documentation. We have organised training for over thirty social workers in Greater Manchester working with children from Calais. We continue to represent children in the North West with their ongoing asylum claims.

The children we represent arrived in the North West because they entered the UK

- through an EU Regulation called **Dublin III**. This allows children with certain categories of family member in the UK to be reunited with them. Some of the children in Calais were reunited with family members living in the North West.
- under Section 67 of the Immigration Act 2016, also known as the **Dubs Amendment**. This allows unaccompanied children to enter the UK from France, Italy or Greece if they meet certain conditions including their age, nationality, perceived vulnerability and the date they entered the EU. Some of these children have been transferred within the UK into the care of local authorities in the North West.
- **on their own**, for example by hiding in a lorry through the Eurotunnel. Some of these children are in the care of local authorities in the North West, either because they were transferred from local authorities in the South East or because they were first identified in the North West.

### **Who are the children?**

We looked at the experiences of 40 children who were referred to GMIAU in the year to February 2017. All of the children passed through Calais on their way to the UK and are living in a variety of settings in the North West, including with family members (17), in supported lodgings (13) and in foster care (7).

Twenty-two of the children had left Calais and entered the UK by their own means. Two had been transferred to the UK as Dubs children. Sixteen had been transferred through Dublin III to be reunited with family. Most of the children who were reunited came to join older siblings, uncles or aunts. The

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family members were in the UK already because they were either refugees, had become British citizens or were married to British citizens.

The children’s nationalities reflect well known areas of conflict and political unrest in the Middle East (Syria and Iran), East Africa (Eritrea, Ethiopia, Sudan) and Asia (Afghanistan). They also mirror the population of the Calais camp and the legal routes available to children to enter the UK. Safe Passage estimates 40% of children at the Calais camp when it was cleared were from Eritrea or Afghanistan, and the Home Office’s criteria to transfer children under the Dubs Amendment focused on Syria and Sudan.

The children range in age from 12 to 17 with the most common age being 16.

<b>How many children?</b> 40 children – 16 reunited with family and 24 unaccompanied (incl. 2 Dubs)		
<b>Where are they living?</b> Family – 17 Supported lodgings – 13 Foster care – 7 NASS – 1 Other – 2	<b>Where are they from?</b> Afghanistan – 13 Iran – 8 Eritrea – 7 Sudan – 6 Syria – 4 Ethiopia – 1 Albania – 1	<b>How old are they?</b> 12 years old – 1 child 13 years old – 2 children 14 years old – 2 children 15 years old – 5 children 16 years old – 16 children 17 years old – 14 children

**What challenges have the children faced in the North West?**

We have been privileged to share in the joy of families being reunited with their children and the relief of having them safe, and to see the support that skilled foster carers and social workers can provide to unaccompanied children starting their lives in the North West.

The children’s circumstances are all highly contextualised and depend on their particular ages, experiences, support networks and personalities. However some of the challenges they face in the North West relate to common experiences: travelling to the UK to seek safety; claiming asylum; and understanding and accessing services.

- **Fleeing to safety and the risks experienced travelling to the UK:** As well as coping with the loss of home and family, the trauma of events that caused them to leave, the practicalities of life in a new place, and (for some) a new language, the children have to deal with their experiences while travelling to the UK. Five had been accidentally separated from family members in the chaos of travelling across Europe and ended up making part of the journey on their own (including one who became lost during police action to clear a train). Some still don’t know the location of lost family members. Many had spent several months surviving in Calais on their own. Some had experienced the camp being cleared, being moved to French reception centres and the anxiety of waiting to hear if they would be transferred to the UK. Some had been street homeless in Paris. For six of the children, their GMIAU caseworker identified mental health issues as a primary concern. One caseworker described two brothers she was representing as ‘emotionally worn down’ by their experiences in Calais which were etched on their faces.
- **Claiming asylum in the UK:** All of the 40 children - whether they were transferred under Dublin III, the Dubs Amendment or if they entered the UK on a lorry - have had to make a claim for asylum to establish how long they will be able to stay in the UK and whether they will be granted refugee status. Most of the asylum claims are ongoing. Seven of the children who entered the UK by their own means also had their age disputed and faced a legal challenge to have their correct age accepted. Many of the Dublin III families expected their reunited children would arrive in the UK from France with refugee status. The need to claim asylum has been a shock. Our caseworkers have seen some excellent examples of individual Home Office officials processing

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the children's asylum claims flexibly, fairly and compassionately. There have also been examples of bureaucratic decisions that put the children's needs second. For example, whereas the Home Office had previously allowed children to be screened locally in Salford, from autumn 2016 all the children GMIAU supported had their asylum screening interview scheduled in Croydon. This meant that in many cases children were expected to travel unaccompanied to London, either because local authorities in the North West would not fund social workers to accompany them, or because their family were unable to make the journey (as in the case of two young children reunited with an elderly grandparent who was physically unable to travel). All of the children were expected to face their screening interview without their legal representative as the Legal Aid Agency would not fund lawyers from the North West to travel to Croydon. GMIAU and others pressed the Home Office to reverse the policy; in February 2017 the Home Office resumed local screening for children in the North West.

- **Understanding and accessing services in the UK:** The type of services children from Calais have been able to access in the UK has depended on how they came into the country and who they came with. The unaccompanied children are all 'looked after' by local authorities, in accordance with duties to children under the Children Act 1989. They all now have access to legal aid, although for those screened on arrival it is unclear whether they had legal advice prior to their transfer to the North West. The experience for children reunited with family members has been more complex.

**Social work support** - While all children joining relatives should be assessed under section 17 of the Children Act 1989 if it appears they are in need, in GMIAU's experience, not all the Dublin III families have a named social worker and they often need more proactive support than they are receiving. For example in one family we work with, a sister (who herself has a small child) is supporting her younger siblings who arrived from Calais, and feels overwhelmed by the logistics of finding legal advice, understanding the asylum system, registering with a GP, accessing college places, sourcing English language support, and navigating any entitlements to financial support. The families are all working through complicated emotional and practical issues arising from their changing family dynamics. Without an appropriate level of support the risk of family breakdown clearly escalates – this has already occurred in one of the families.

**Financial support** – The Dublin III families have all been in need of specialist advice in order to access appropriate financial support, as their circumstances straddle welfare benefits, community care and asylum support. Families have commonly been confused about their eligibility to claim welfare benefits to support the child who has joined them. Many presumed eligibility was dependent on the immigration status of the child rather than the adult who is applying, as is the case with child benefits and tax credits. GMIAU caseworkers identified financial strain as a primary concern for 44% (7/16) of the Dublin III families.

**Legal aid** – Nearly a fifth (3/16) of the families were also ineligible for legal aid. The Legal Aid Agency sets a threshold on families' financial means, above which the reunited child will not have access to legal aid. Children in families who fall on the wrong side of the legal aid threshold - such as one family who had been saving for years to send the sister to college - face serious risks to their immigration status. Without legal aid, they either have to rely on newly reunited family paying for private legal help, or will go through the asylum process unrepresented, or may even end their asylum claim. This could have disastrous consequences for their safety, their ability to remain in the UK and their future access to the job market, higher education and welfare benefits.

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## What needs to happen?

- **The UK must protect children from trafficking and exploitation by establishing safe and accessible legal routes to the UK for children claiming asylum**
  - In February 2016 the government announced that the number of Dubs children entering the UK would be capped at 350, despite discussion during the passage of the Immigration Act 2016 that up to 3,000 children could be allowed in. The government must enable children to be transferred to the UK under the Dubs Amendment from France, Greece and Italy, and should work with local authorities to capitalise on public support for these extremely vulnerable children.
  - There must be clear structures to uphold the rights of children in the EU to apply to join family members in the UK, in accordance with the government's Dublin III obligations.
- **Every child claiming asylum in the UK should have access to an experienced immigration lawyer throughout their asylum claim**
  - Social workers need to be aware that the Home Office and the Legal Aid Agency will not automatically allocate children a lawyer and that it is part of a 'best interests' assessment to connect children with a legal aid lawyer experienced in children's asylum claims.
  - The Legal Aid Agency should take a flexible approach to the means threshold for Dublin III children. In some cases it is not reasonable, appropriate or safe to assess a child's eligibility for legal aid on their family's income.
- **Children seeking asylum in the UK should have financial support and social work assistance regardless of how they entered the UK.**
  - All children reunited with family in the UK should be assessed under section 17 of the Children Act 1989, and properly supported by statutory services who have an obligation to safeguard children in the North West.

## Who is GMIAU and why are we involved?

Greater Manchester Immigration Aid Unit (GMIAU) is a registered charity (112390) based in the North West of England providing free, confidential, independent legal advice and representation on immigration and asylum. Every year we represent more than 1,000 people claiming asylum in the UK. We also run specialist support services for children and young people, for refugees trying to reunite with family members who are overseas, and for women who are particularly at risk of violence and exploitation.

For more information on GMIAU's policy work contact [amanda@gmiau.org](mailto:amanda@gmiau.org)

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