



Wasted childhoods: the impact of COVID-19 asylum delays on children in the North West of England

Introduction

For all of us, 2020 was a year like no other – a year of hopes put on pause and futures altered. Yet, among common experiences, we know that COVID-19 has affected different people very differently. The mental health impacts on children and young people, for example, have been well documented and particularly acute. For children on their own in the UK claiming asylum, the last year has been extremely challenging. Dislocated from family and support networks, having made precarious journeys as a result of painful events, children arrive in the UK seeking safety and security – hoping to find a place to be a child again.

At Greater Manchester Immigration Aid Unit (GMIAU), at any one time we provide legal advice and representation to over 200 children seeking asylum on their own in the North West of England. We have seen that instead of finding the sanctuary and stability they crave, over the last year many children have been stuck in limbo. Their childhood has been wasting away - not just because of the lockdowns and school closures that have affected their peers, but because their asylum claims have ground to a halt.

This report shows the impact of COVID-19 delays on this group of extremely vulnerable children – stuck in a backlog of asylum claims at the Home Office, because the system for interviewing children stalled. The statistics are stark. But the lived reality for individual children has shocked both solicitors and social workers: our children have been emotionally and physically falling apart.

How COVID-19 has affected children's asylum claims

In normal times, Home Office procedure for deciding most children's asylum claims would be for a child:

- ▶ to attend a welfare interview in person and register their biometrics
- ▶ to complete a Statement of Evidence Form (SEF) and submit any further legal statements
- ▶ to attend a substantive interview in person

The Home Office would then make a decision on their asylum claim. However, COVID-19 protection measures meant the system for interviewing children about their asylum claims was suspended in March 2020. While interviews for adults re-started in the summer of 2020, interviews for children in the North West did not.

This appears to be because of logistical difficulties finding space for children's interviews to take place in a safe way. As well as the Home Office decision-maker, children are accompanied by a responsible adult during their interview (a social worker or a foster carer for example), their legal representative, and they may need an interpreter.

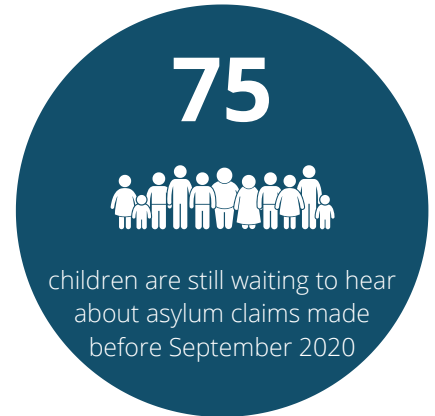
As a result of the pause on interviewing children, increasing numbers of the children we support have had no progress on their asylum claim for months. In March 2021, movement to start interviewing a small number of children in the North West has only just begun. **But for far too many, no interview has still meant no asylum decision.**



The data

Between September 2018 and September 2020, we supported 307 children on their own in the UK to claim asylum.

As of February 2021, 232 children have had their case concluded - for 200 of them this meant a successful grant of status.



75 children have their asylum claim ongoing.

Of those 75 (where we have data, n=31), the average time a child has waited for a decision on their asylum claim is 410 days - well over a year. The longest a child has waited is 564 days - over a year and a half.



The children who are still waiting for a decision were between 13 and 17 years old when they made their asylum claim (average age, 16). Their ages now range from 14 to 19 years old (average age, 17).

27 of the children still waiting have turned 18 while waiting for an asylum decision. Over 40% of the children still waiting are from Iran or Iraq.



Home Office timescales for deciding children’s asylum claims

While there is no absolute time limit for the Home Office to make a decision on someone’s asylum claim, there are some clear indications of what might reasonably be expected. Paragraphs 333 and 333A of the Immigration Rules say “written notice of decisions on applications for asylum shall be given in reasonable time” and “the Secretary of State shall ensure that a decision is taken by him on each application for asylum as soon as possible”, with six months being the cut-off point after which an applicant must be informed of a delay preventing a decision. UKVI’s website also advises people seeking asylum that “your application will usually be decided within 6 months.”

Paragraph 350 of the Immigration Rules talks specifically about children’s asylum claims concluding that “in view of their potential vulnerability, particular priority and care is to be given to the handling of their cases” to ensure that “the best interests of the child are a primary consideration at all times” and that “protection is granted swiftly to those who need it”.



The impact of delays on children

Behind the statistics are hundreds of individual struggles and hardships. But because of the pandemic, the impact of delays on children has often been apparent only to foster carers, supported lodgings staff, social workers and solicitors. As part of our legal representations to the Home Office, we have worked with social workers to provide evidence about the impact of delays on the children they care for. Their observations are sobering.

► **Mental health: self-harm, emotional breakdown, anxiety, depression, insomnia, inability to concentrate**

"His mental health has deteriorated, including him struggling to fall and remain asleep, inability to concentrate and engage in his learning. He also reports feeling worried about his asylum claim the majority of the time which causes him to feel anxious, tense and upset. Whilst he has the support of the child and adolescent mental health service his difficulties remain and it is my view that once a decision is made on his claim for asylum this may go some way in resolving the emotional difficulties he is currently facing."

"His mental health has declined significantly. He has expressed desires to harm himself, he feels low, and is clearly very anxious and depressed. Having discussed the issues contributing to his poor mental health at length, it is clear to me that the anxiety around his status in the UK is by far the most significant factor."

"The delay in resolving her claim is understandably beginning to have a detrimental impact on her emotional and psychological wellbeing due to the uncertainty. She has expressed worries about her future and her ability to plan and prepare, as well as the basic need to want to feel settled, safe and secure."

“

He is very upset and distressed.

”

“

He feels forgotten, and rightly so.

”

"The staff in his current placement have observed his behaviour closely and have noticed that he always seems to be in low moods and spends most of his time in his bedroom. He does not seem to be motivated by anything and is quite absent when conversations about his future are discussed. He has expressed that when he feels low, he even feels like self-harming. I believe the ongoing delay and his fear of being removed from the UK is having a significant factor. I believe that significant further delay in his case will result in him having a mental breakdown which could potentially put him at risk of harm."

"He has started to experience considerable anxiety and his carer has suggested that he is at times experiencing low mood due to the ongoing uncertainty. This is exacerbated due to his awareness that he will shortly be turning 18."



"He is becoming increasingly worried about the lack of progress of his asylum claim. I feel this is magnified by the fact that he will be experiencing more change in this life as he will be moving to independent living accommodation around his 18th birthday. I am concerned that the longer this feeling of uncertainty and anxiety continues, the more it will have a detrimental impact on his emotional wellbeing."

► **Physical health**

"She has started to experience hair loss in addition to irritation and pain with her skin, all of which may be attributed to the stress she is currently experiencing."

► **Damaged friendships: isolation, loss of support networks**

"The other person he travelled with, his closest friend, has received letters and been granted asylum. The difference in treatment of the two, presenting at the same time and from the same region, is stark. While I am aware that no two cases are the same, I am the social worker for both and have struggled to help him reconcile this situation."

"The friendship has been strained as the difference in immigration status has changed the future for them. Normally a loss in friendship would not be a major concern, but these two were a support network for each other and were key to each other's resilience."

"When asked about social activities and friends he has mentioned that he has no friends and barely engages with other young people at the placement."

► **Relationships with supportive adults: lack of trust, blame, disengagement**

"His relationship with professionals supporting him is also declining; he now appears to have developed a lack of trust of those working with him. Many of his friends have been recognised as refugees, and he considers that those supporting him are responsible for the delay in his case."

"He is becoming increasingly distressed with the circumstances surrounding his asylum claim and it is impacting his wellbeing and engagement with education services. His engagement with education continues to worsen along with other professionals seeking to support him."

No one wants this situation. Not the Home Office, local authorities, solicitors and most of all not the children stuck in limbo while adults struggle to work out how to decide their asylum claims during a pandemic. That children, who have had the resilience to seek safety in the UK, are now falling apart because of delays in the UK's asylum system is a tragedy. The actions needed to resolve this situation are not complicated – but what they need is attention and urgency.

Our recommendations are **to make decisions on all children's asylum claims without interviews where it would not cause them harm to do so** and **to expedite the roll out of remote asylum interviews for children**. Anything less than that, should result in **immediate grants of leave to remain** for those children waiting in the pandemic backlog.



Recommendation 1: The Home Office should make decisions on all children's asylum claims without interviews where it would not cause them harm to do so

It is not necessary for the Home Office to interview all children in order to make a decision on their asylum claim. Paragraph 339NA of the Immigration Rules sets out when an interview is unnecessary. It includes cases where the Home Office "is able to take a positive decision on the basis of evidence available" (for example on the papers submitted) and where someone is "unfit or unable to be interviewed owing to enduring circumstances beyond their control". Home Office guidance on children's asylum claims also says: "where it is not possible to interview a child, decision makers must consider visiting the child in the legal representative's presence to gather the necessary information or contact individuals who have had sustained contact with the child and may be able to elaborate on elements of the child's claim....If an interview at an alternative location is not possible, the decision maker must consider making a decision on the information already available."

As our statistics show, some children's asylum claims are being decided on the basis of the papers they submit – usually their Statement of Evidence Form (SEF) and a statement prepared with their legal representative. We encourage the Home Office wherever possible to decide children's asylum claims without waiting for substantive in-person interviews to resume or remote interviews to be rolled out.

Recommendation 2: The roll out of remote asylum interviews for children must be expedited

When the Home Office decides they are unable to make a decision on a child's asylum claim based on the papers, they are signalling their intention to start remote interviewing at an unspecified date in the future: "A Substantive Asylum Interview will need to be conducted to progress XXX's asylum claim."

During 2020, a pilot to trial remote asylum interviews for children was conducted in Kent. The Home Office is trying to roll out this pilot to other local authority areas and in November 2020 (five months ago) wrote to local authorities to set up the process. However by January 2021, in answer to a parliamentary question asked by Manchester MP Afzal Khan, Kevin Foster (Parliamentary Under Secretary at the Home Office) said only that "early indications are there is significant interest" but that "discussions are still ongoing with Local Authorities."

We understand that local authorities in the North West have been approached to set up remote interviewing and many are, understandably, keen to resolve the delays that mean their children's mental health is deteriorating. At the time of writing, no interviews have taken place in the region but we were informed on 4 March that seven local authorities in the North West have now 'signed up'. As a result, three of the children we support have had dates booked for asylum interviews. There has been no news on what happens to children, including those in this report, looked after by local authorities who have not agreed a process for remote interviewing.

We encourage the Home Office to expedite discussions with local authorities to enable remote interviews to start as soon as possible, in as many local authorities as possible. While remote interviews will not be appropriate for all children, the option would enable many to progress their claim where the Home Office has decided an interview is needed. As the Minister's comments acknowledge, there is good will from both central and local government for this to happen – it cannot be left on the backburner because of challenges finding appropriate venues. **Children cannot wait that long.**

Please contact amanda@gmiau.org with any questions or for further information about this report.