



Greater Manchester
IMMIGRATION AID UNIT

"We lost our lives when we arrived here"

Children in the UK's asylum system

June 2023

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Introduction

When a child grows up in Greater Manchester, as a city-region we have hopes and aspirations for them: to be safe from harm; to be happy and healthy; to get a great education and be able to follow their dreams.¹ We don't want to see our children held back, struggling with their mental health, feeling isolated and scared, at risk of exploitation and with uncertain futures. And we certainly don't want this to happen to our children because of the failures of central government.

But that's exactly what is happening to children seeking sanctuary. They are being systematically failed. A combination of incompetence, and deliberate hostility – whipped up by the government and its pernicious new legislation – has meant that our unaccompanied children are facing increasing harm and injustice. These include children from Afghanistan, Eritrea, Sudan: they cannot return to their home countries. They are looked after by our local authorities, living in communities in our region, in need of support and encouragement to help them grow and thrive here. They are our children. And yet, their identities as children are too often forgotten, their rights as children too often denied them in a context where immigration enforcement and the hostile environment are put first.

Government schemes – wild, unworkable, and deliberately headline grabbing – deflect from the central truth that the people entrusted to run our asylum system are failing to do so. And that it is children who are suffering as a result – not this time because of the actions of people traffickers, but because of their experience while in the care of the state in the UK. And the common thread that runs through the experiences of these children is how long they are waiting in limbo in the asylum system, the erosion of their rights during the time they are waiting, and the devastating impact that this has for them and their futures.

The impact on children of being treated as a political pawn, a number rather than a person, and of indefinitely waiting, living with uncertainty, is immeasurable. And it is our local authorities – these children's corporate parents – who are trying to pick up the pieces, emotionally supporting children who are facing acute mental health challenges and financially supporting young people who would much rather be allowed to work or study and learn to be independent. This report addresses the scale and impact of delays for children in the UK's asylum system, by looking at the experiences of children in our region. It also looks at the impact the government's anti-refugee legislation is having on children's lives – spotlighting the creation of silos of injustice that make no sense to children or the adults supporting them.

Who we are

Greater Manchester Immigration Aid Unit (GMIAU) is the largest not-for-profit provider of immigration advice and representation for people in the North West of England. We support thousands of people every year, including unaccompanied children seeking asylum. This research is part of our work – funded by the Paul Hamlyn Foundation – to expose how children and young people are often invisible in the Government's system of immigration control. To create positive change, we work collaboratively with other organisations and with local authorities to ensure that children are seen as children first and foremost, and have their immigration needs met at the earliest opportunity. We want our region to tell a different story – rooted in our ambition for all our children and young people to thrive.

¹ See Greater Manchester Combined Authority's [Children and Young People strategy](#), 2019–2022

Methodology

The quantitative and qualitative data in this report comes from:

- Our casework and referrals data up to the end of April 2023
- The Home Office's published immigration statistics: Immigration Quarterly Statistics, Migration Transparency Data, Statistics relating to the Illegal Migration Bill
- In-depth interviews with young people
- A national survey of legal practitioners, local authorities and social workers we conducted in March 2023
- Participation work with the All4One youth group
- Interviews with young unaccompanied people in the asylum system, social workers and legal practitioners, from the [Lives on Hold, Our Stories Told \(LOHST\) project](#), led by the University of Liverpool.

Context

New legislation

Nationality and Borders Act 2022 and Illegal Migration Bill 2023

Children in Greater Manchester are at increasing risk of facing immigration enforcement. The **Nationality and Borders Act** was introduced in 2022. For people who arrive to seek safety "irregularly" (without a visa), it introduced new "inadmissibility" measures, from which unaccompanied children were exempt, and "differential treatment", from which they were not. This means children who arrived after 28 June 2022 (many of whom will currently be waiting for decisions) were at risk of being designated "Group 2" refugee status, involving shorter periods of leave and a longer process to settle in the UK. But in June 2023 it was announced that the government will be U-turning on this formerly flagship differential treatment policy, despite previous insistence that it was necessary. All of the people who had been given Group 2 status will be contacted to inform them that they have ordinary refugee status.

The **Illegal Migration Bill** introduced to parliament in March 2023 denies all people seeking safety who arrived "irregularly", including children, access to the UK's asylum and modern slavery protection systems. For unaccompanied children, if they are not removed from the UK as children they will grow up knowing they face removal when they turn 18; living a life stuck permanently in the shadows at hugely increased likelihood of exploitation. They will be at risk of detention, potentially even while under 18. This law is expected to be in force by the end of 2023.

As well as these very real risks introduced through these laws, all children, whether they are directly affected by them or not, are hearing about the government's plans to extinguish the right to claim asylum, to increase detention and to continue to pursue removal including to Rwanda, causing significant anxiety.

Streamlining

In early 2023 the government introduced a new streamlining process for some unaccompanied children's asylum cases, as part of its drive to make asylum decisions faster and clear the backlog by the end of 2023 – a commitment made by the prime minister in parliament. We welcome the attempt to make the asylum process easier and the commitment that the huge backlog of **"legacy" cases (claims made before 28 June 2022)** will be cleared by the end of the year. But this policy is:

Limited – the current children's streamlining pilot is only for children of one of five nationalities, who claimed asylum before 28 June 2022. This means it only covers a maximum of around 920 children in the UK, 200 of whom are in the North West: by no stretch in its current state will this policy help all children. While children who have been waiting a year and much longer must have decisions soon, some of the children with **"flow" asylum cases – claims made after 28 June 2022** – have now been waiting nearly a year themselves, and this backlog continues to grow.

Risky – a large proportion of the children eligible for this pilot do not have legal representation. The crisis in legal aid-funded immigration representation, which this report explores, means many hundreds of children will be going through the asylum process without advice from a lawyer, a dangerous precedent. This could impact future applications for leave to remain, permanent settlement, or family reunion, or damage their prospects if they are receive a poor Home Office decision, and are rejected.

Consider how this chaotic system will work in practice.

Three children from the same country, Sudan, escaping escalating conflict, and taking the same route, arrive in the UK at different points within a one year period: one in May 2022, one in September 2022, one in April 2023. Due to a lack of safe routes, all of them arrive by small boat. By May 2023 their futures look radically different.

After 28/06/22, before 07/03/23

The second child, when their claim is eventually heard, is told they will be given "group 2" refugee status, making it far harder to fully integrate and feel safe here. But a few weeks later they're told this policy has been reversed, leaving them even more confused. Because they arrived after 28 June they aren't part of the officially defined "backlog" who have been promised decisions by the end of 2023.

Before 28/06/22

The child who arrives in May 2022 faces an unacceptably long wait for an asylum decision, and may not have seen a lawyer. But in May 2023 they are eligible to have their claim streamlined and receive a positive decision. They get refugee status and once they're 18 they have options: they can access higher education, get a job, and after 5 years can settle permanently.

After 07/03/23

The third child, arriving in May 2023, has unknowingly fallen foul of the Illegal Migration Bill. It says that they will never have their asylum claim considered, never go to university or get a job in the UK, never receive refugee status. They may be detained at any time: once they turn 18, they will be subject to a duty to remove them from the UK. They will be forced to live an undocumented life, only able to undertake unregulated, exploitative work, no access to healthcare, education or any support or services.

Confusing? We agree.

It's a system so complicated it's no wonder adults struggle to understand it, let alone the children affected by it. But it's already started to be the reality for children in Greater Manchester. At GMIAU we are representing children who have received Group 2 refugee status, and who wonder what they have done wrong, to be given a lesser form of status. What they see is their friends, their family and other children around them all being treated differently, being offered or denied a chance at a future, entirely depending on arbitrary dates. **What gets lost is that these are children.**

In May 2023, Sudanese young people we work with, who are caught up in this very system, wrote an open letter to the Immigration Minister about how they were feeling, seeing violent conflict erupting in their home country. They wrote:

"we have no contact with our families – mothers, fathers, siblings – and no way to know if they're safe. On the news we see pictures of people screaming, burning. We see that some people have escaped Sudan. But we have no connection, no news. All of us are struggling to sleep at night.

We never felt safe or confident in our home country, but now the fighting is worse than ever. So many people are dying for nothing. We really want the fighting to stop, and for our families to be together somewhere safe. It is the same situation as in Ukraine but it feels like there is no help for people in Sudan."

The government have offered no extra help for the people undergoing this nightmare. People fleeing Sudan still have no safe route to get the UK. They have no choice but to take the irregular routes which will put them at the mercy of the Illegal Migration Bill, meaning the UK is no longer a place of sanctuary for them.

Age Assessments

A further part of the nightmare facing children arriving in the UK to claim asylum is the Home Office's reluctance to acknowledge them as children at all. At the border, hundreds of children are being classed as adults after inadequate and adversarial "assessments" by Home Office officials.²

In the last year, hundreds of children have been sent to adult contingency accommodation, often hotels, after these assessments. We only know about these children if they find their way to the local authority care to which they are entitled. In Manchester alone between January and April 2023, over 60 children have been accepted as children after being placed in adult asylum hotels.

Children tell us how distressing this process is: being scared, interrogated, distrusted and alone. It's a clear failing in safeguarding. Measures in the Nationality and Borders Act 2022 and the Illegal Migration Bill 2023 make it clear that rather than committing to fixing the deep systemic problems leading to children being treated as adults, the Home Office will double down, making the process of assessing age more invasive by introducing coercive "scientific" tests.

The context in which we are writing this report is one of system-level violence towards children seeking asylum. When a child has entered the UK fleeing violence and abuse in their home country and on their journey, we should be looking after them in line with our international obligations. Instead the government is resistant to putting children's best interests first, to making decisions that allow them to move on with their lives, to providing a safe and secure place to grow up, and to treating children as children at all. In other words, the government is creating a racialised system of abuse for children arriving in the UK. With this context in mind this report will focus on the delays for children in the asylum system and what we can do about it.

What is happening?

Delays in legal representation

The immigration legal aid sector is currently in crisis. Research has shown that the North West is the region most badly affected by the gap between the need for legal advice and its availability.³

The crisis has been caused by the erosion of sustainable funding for legal aid, causing many firms to close, and the Home Office backlog clogging up capacity for remaining legal aid providers. Children, adults and families with all kinds of immigration issues are being affected by this lack of representation. Our advice line, which runs three times a week, receives up to 30 callers per session who are unable to get through to us. In 2022, we saw an increase of 137% in new referrals, reflecting the lack of available representation elsewhere.

At GMIAU we currently have over 300 children on our waiting list waiting to be allocated a legal representative. 42 of them will be turning 18 between now and mid-August 2023. The number of new referrals for children is increasing month on month. Our average waiting time for unaccompanied children between receiving the referral and allocating them to a representative is 124 days. Out of necessity, we have decided to prioritise cases for children who are 17.5 and above, for reasons explored later in this report about the dangers of turning 18 while still in the asylum system. But this means for children who arrive aged 15 or 16, the wait for representation can be far longer than the average.

While our waiting list grows, children who have managed to secure representation with us are waiting years for a decision on their asylum claim from the Home Office. The asylum backlog and legal aid crisis are intertwined – our caseworkers cannot open new cases while their existing cases have not been resolved. And the lack of capacity in the wider system means that the most appropriate thing is to keep children on our waiting list. Children and social workers tell us that having to wait many months for representation – during which time there can be no movement on their case – is making children more vulnerable. **Members of the All4One group have had to wait 10 or 11 months for legal representation; one member has waited for 2 years.**

² The Guardian, '[Home Office age disputes putting child asylum seekers at risk, reports find](#)', 2022

³ Jo Wilding and Refugee Action, '[No Access To Justice](#)', 2022

Faheem's story⁴

Faheem arrived in the UK in June 2022. He is 16. He never anticipated that after the long journey to the UK, he'd still be in limbo nine months later, waiting for a lawyer. "Before I came, I thought that as soon as I arrived they'd welcome me and give me nationality and that's it. I had no idea about this process. I didn't know that I'd have to find a solicitor. It's difficult, very difficult. When you are around people in Calais, you see how they are excited to go to the UK and you think as soon as you arrive to the UK everything is going to be easy, and then you are shocked."

"When children come to the UK they come with lots of struggles and problems. Not only in their country, but their journey to arrive to the UK - they've been in Libya, and then in the sea, and then in Europe, Italy, other countries. And Calais is a big problem. I spent three days in the jungle without food. You might stay there maybe 10 months before you arrive to the UK. So when they arrive here they are really tired and mentally unwell. And then they find that big delay here. That puts them under pressure as well."

I don't know why I'm waiting or what's going on, or what I'm doing here. I feel very low.

Faheem says waiting in limbo for so long is having a severe impact on his mental health and wellbeing. "I don't know why I'm waiting or what's going on, or what I'm doing here. I feel very low. I'm a foreigner here, I'm in a strange country. I left my mother, I don't know anything about her. Every day I've been waiting and waiting, but I don't understand. They told me that if you don't get your status, you are not allowed to work, you are not allowed to stay in this country, you are not allowed to study, and they might send you back to your country. And that really influenced my mental health."

He hopes he will feel calmer once he knows he has a solicitor on his side. "When I find a solicitor, I will tell them everything that happened to me, they will start the process, at least you feel you are going in the right way." But he also worries, anticipating that this is the point where he'll have to relive experiences that he tries to keep private. And he knows that it will likely be the start of another wait. "It's like you've been waiting and then when you have a solicitor you are going to wait again, and wait again. It's like you move from one waiting to another. I don't know, I don't know the process. Maybe this is how it works here in this country. But all I want to tell them is that waiting is very very difficult." Faheem thinks 3 months would be a reasonable amount of time to wait after arriving in the UK. "If they knew how we are struggling in our countries and our journey and how we've been in difficult situations, I think the maximum should be 3 months."

He sees the uncertainty having an impact on his education: "I am happy that I go to college, I am trying to learn, but the problem is that you keep thinking about your family, waiting and waiting. All the books in front of me, but I can't concentrate. You are not sure whether you are going to have a solicitor soon or not. You don't know what's gonna happen to you." He didn't speak any English when he arrived in the UK last June, but he has been working hard to learn. Although an interpreter is there, he speaks in English for this part of the interview. "Every time I try to learn, I go to school, I speak to people, I listen to music, every time I try. But sometimes problem is coming in my head, blocking all these things. Three days or four days I stay at home." He struggles to see the point of all the effort he is putting in, if the threat of removal is hanging over him.

He worries about the impact he sees on the other young people around him who are also waiting. "I've got many friends here, and everyone I talk to says they have no solicitor. It's the biggest problem my friends are facing as well." Faheem isn't only worried about himself. "It affects me. I feel like my heart is broken for them. I've heard a lot about how they struggle with the waiting. **They told me, we lost our life. Some of them said we lost our life as soon as we arrive here.**"

Everyone I talk to says they have no solicitor... They told me, we lost our life as soon as we arrive here.



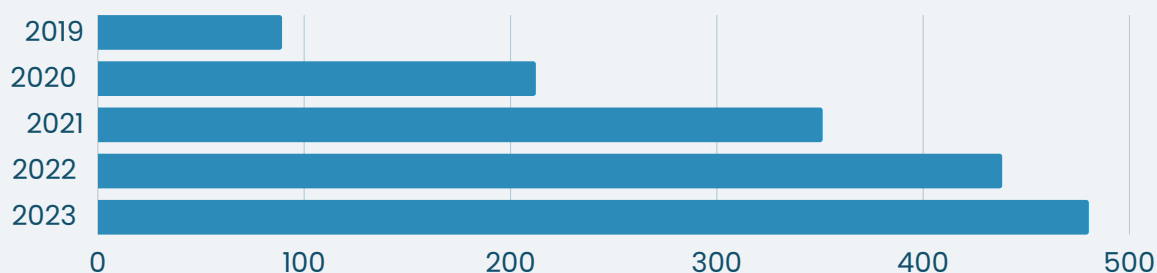
⁴ All names in this report have been changed

Delay in asylum interviews and decision making - GMIAU data

Our experience is that the delays to processing children's asylum claims by the Home Office have skyrocketed in recent years. There was once a service standard of 6 months for asylum decisions.⁵

In contrast, children represented by GMIAU who have received decisions so far in 2023 have been waiting on average 480 days, well over a year. The average in 2022 was 438, in 2021 it was 351, in 2020 it was 212, and in 2019 it was 89. For those who have received decisions in 2023, 56% had turned 18 before a decision was made on their asylum claim. For decisions in 2022 this figure was 52%; 30% in 2021; 19% in 2020.⁶

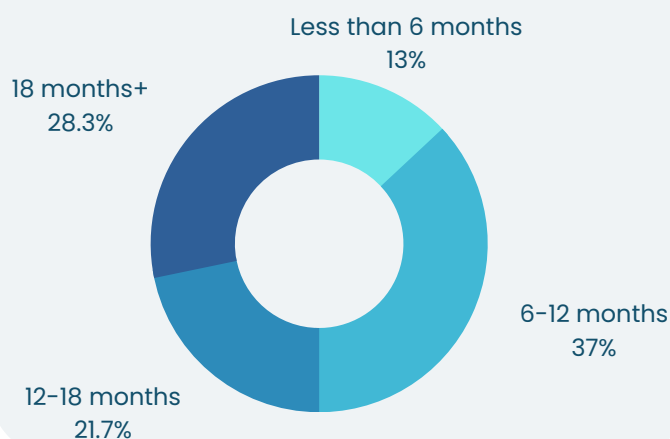
Time in days from asylum claim to asylum decision by year



For the 92 children we currently represent who are still waiting for an asylum decision, on average they have been waiting **423 days**. Their claims date from between January 2020 and February 2023. The longest wait is **1216 days**. Only **12** of those **92** have been waiting less than **6 months**; **34** have been waiting between **6-12 months**; **20** have been waiting **12-18 months**; and **26** have been waiting more than **18 months**.⁷

Time since asylum claim

(children currently waiting for decisions):



Our data at GMIAU matches up with what people are seeing elsewhere in the country. When we surveyed legal practitioners nationally, all said the children they represented were waiting well over a year between claiming asylum and getting a decision. The majority said children were either waiting 19-24 months or in excess of two years. The majority of social workers we surveyed were also seeing averages of either 13-18 months' or 19-24 months' wait for the children they were looking after.

Part of the picture of these unacceptable delays is the legal aid crisis, which legal providers and social workers frequently cited as a major problem. The vast majority of unaccompanied children still need to wait for legal representation before their claim can start to progress. However, when GMIAU's data is extracted by the date our caseworkers opened a case rather than by the date the child claimed asylum, it is clear major delay still lies with the Home Office. Of our **92** outstanding children's asylum cases, **11** children whose cases we opened in 2021 have been waiting an average of **662 days**, and **47** children whose cases we opened in 2022 have been waiting an average of **437 days** – all children who have legal representation.

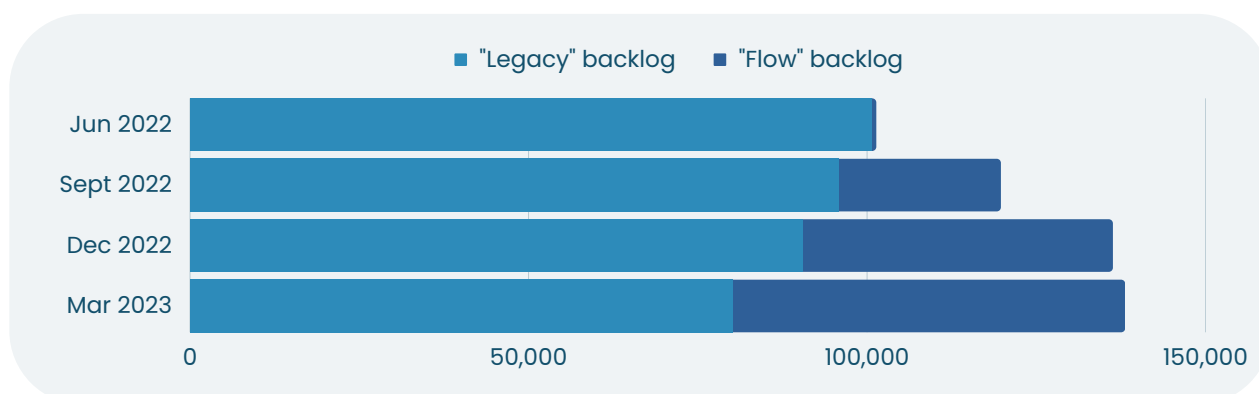
⁵ This standard was withdrawn in 2019.

⁶ The average age of the children we represent when they claim asylum is between 16 and 16.5. In 2019 it was typical that a child seeking asylum we represented would have their decision by age 16.8.

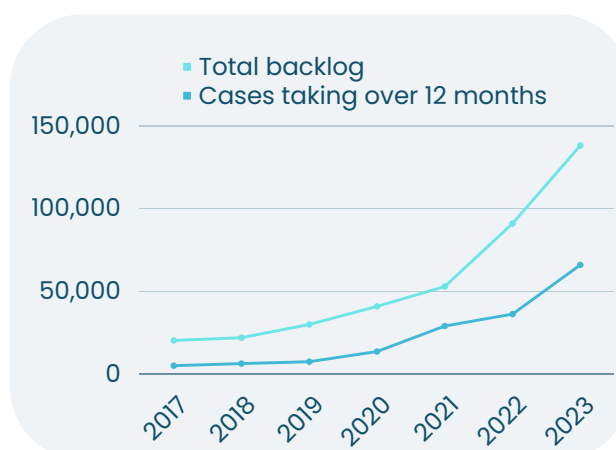
⁷ All GMIAU data is accurate as at April 2023.

Delay in asylum interviews and decision making – Home Office data

The Home Office's own statistics on the asylum backlog are equally shocking. At 31 March 2023, there were **138,052** people nationwide awaiting an initial decision on their asylum claim.⁸ **80,148 (58%)** of these applications were "legacy cases" made before 28 June 2022 and **57,904 (42%)** were made on or after 28 June 2022 (referred to as "flow cases"). The government talks a lot about the Prime Minister's commitment to clear the backlog of those "legacy" cases. And from June 2022 to March 2023, the legacy backlog decreased from 100,549 to 80,148. But in the same period the flow backlog, consisting only of cases from June 2022, grew to 57,904. This meant the overall asylum backlog has grown from 101,286 to 138,052. A new backlog is being created with the flow cases, some of whom have already been waiting nearly a year for an asylum decision.



The government's statistics show an overall steep decline in recent years in the Home Office's ability to make decisions. Their total "work in progress" for initial asylum applications was **21,441** at the end of 2016. At the end of 2022 it was **136,522**.⁹ **63,025** of those have been waiting more than 12 months. In 2016 this number was only **4,782**. The percentage of applications processed within 6 months of making the claim has also plummeted from **81%** at the end of 2014, to **67%** at the end of 2016, to just **10%** halfway through 2022. This increasing failure cannot be explained away by higher numbers of people claiming asylum.



These are all asylum applications, including those from unaccompanied children, because the Home Office's published data does not differentiate. But a 2021 ICIBI report found that **children were waiting even longer on average than adults in the asylum system**.¹⁰

Children facing the longest delays, of years or more, are often the most vulnerable, with complexities in their cases that mean they are doubly impacted by delays. Children who have come into contact with the criminal justice system tend to find their cases delayed indefinitely, and those who have survived trafficking become stuck in the National Referral Mechanism system. Age disputes are also often a reason for long delays. The longer a case is delayed – leaving the young person without the right to work, financial support, secure accommodation and stability – the higher the risk of future exploitation or ending up in the criminal justice system again. Government systems that should provide protection are instead colliding, meaning the asylum process grinds to a halt.

⁸ [Statistics Relating to the Illegal Migration Bill](#)

⁹ [Immigration and Protection Data](#), Migration Transparency data, ASY_01 and ASY_02

¹⁰ [An inspection of asylum casework August 2020– May 2021](#): "Claimants who received a decision in 2020 were waiting an average of 449 days, and this rose to 550 days for unaccompanied asylum seeking children."

Impact

Mental and physical health

Over several years, we have been told repeatedly by social workers, legal practitioners and by young people themselves that there is a mental health crisis for children waiting for asylum decisions.¹¹ Social workers warned us back in 2021 that children were suffering with self-harm, persistent insomnia, losing their hair, and inability to concentrate. They were disengaging from friendships and education, giving up on their future. In our March 2023 survey, social workers continued to emphasise this and expressed concern that the asylum process for children was not child-centred or trauma informed. Legal practitioners too told us that they had all seen either distress/anxiety, isolation and disengagement, diagnosed mental health conditions, and self-harm/suicidal ideation. Most had seen several of these impacts, several had seen all four among the children they represented. Social workers and young people themselves warn us explicitly about the risk of suicide.



While we work closely with local authorities who are eager to learn and provide the very best care for our children, children's services are overstretched and this means social workers are unable to provide the specialist and informed care that children who have often fled atrocities and have either lost their families or been separated from them need. Children we work with often tell us they feel alone and lacking basic information about their new life in the UK. Trying to navigate the complex asylum system while integrating into a completely new society creates secondary trauma. Members of our Manchester All4One youth group told us recently that they feel they cannot begin to feel safe or plan for their futures while waiting in limbo.

"I can't be relaxed until I know if I have the right to stay or not."

"With the right to stay we could get on with our lives and plan for the future."
All4One group members

"Having fled their countries and believing that they've achieved the objective of safety they are put in a position where actually their life is completely in question."

A legal practitioner

"The impact of the lack of interviews on the kids mental health, it was just phenomenal. I couldn't even describe it to you...they openly tell us "I can't sleep, I can't focus and I can't manage my day-to-day life."

A social worker

"They have to look at delays for young people, because so many people kill their own selves because of the status."
-Taiwo, whose story is on p. 10

As the legal aid crisis has deepened over the last year, children tell us that waiting for a lawyer is causing a particularly devastating impact on their mental health. Without representation children lose hope and feel forgotten. For children waiting for a lawyer this delay can feel more urgent than the wait for an asylum decision itself; they told us being finally allocated a caseworker felt like a real relief. Home Office streamlining processes being introduced are explicitly trying to strip out the need for legal representation rather than working with the Ministry of Justice to create capacity. One social worker said in our survey:

"As a social worker I feel that my young people need to be protected from the Home Office and ways in which evidence or answers could be used against them."

¹¹ See our March 2021 [Wasted Childhoods report](#) and December 2021 [public letter](#).

Taiwo's story

Taiwo arrived in the UK in January 2020, at the age of 16. He waited a while to get a lawyer, because Covid got in the way of things moving forward, but after a few months he got a legal aid lawyer. But then he faced a long wait, well over a year, before receiving refugee status at the end of 2021. But, he says, "I know a few people who came almost the same time, but still they are waiting."

Taiwo had been in the UK nearly two years before getting the right to stay. "At that time I was very scared because I want to go to college, then I want to go to uni." Taiwo's dream is to study architecture at university. "My thought is if I didn't get the decision and I didn't get the papers, I can't go to uni. Too much headache, too much thinking about how I'm gonna get the papers." As well as the fear of being refused refugee status, Taiwo felt a time pressure to be able to follow his ambitions. "I'm running out of time, because the funding for college is gonna be gone if I turn 19. They said in college I had to wait to get status before I could prepare to go to uni."

This stress impacted Taiwo's mental health. "I was very, very sad all the time. I wasn't sleeping. I see everyone doing their own thing but I can't do as much. It affects you mentally. Other young people who don't want to go to uni want to find a job and learn how to be a plumber, or a mechanic. But if you don't have documents you can't do that. If you don't have papers, people treat you differently."

"I wanna go to college, I wanna go to uni, I want to do good things with my life. I don't want to go and do foolish things around the city, drugs, fighting, police all the time. That's why at that time I couldn't sleep because I'm thinking okay, if Home Office say no, I'm wasting my time, what am I going to do? I can't do nothing. At that time my mental health was going very bad."

Taiwo feels that the Home Office could be doing more to make decisions faster for children. "A lot of young people are risking their own life coming to this country. They have to look at delays for young people, because so many people kill their own selves because of the status. My lawyer told me it was because of Covid, at that time that was why I was delayed. But now there's no Covid, everyone's doing their own thing, but still people are waiting. I think six months or five months is enough to check all the story and decide whether they get a paper or not. Why keep people waiting longer? To be honest, for me it doesn't make sense."

"And so many people quit going to college because of their status. Education is important to me because I know if I do well, I can help myself, I can help somebody. You can inspire some other young people, the next generation. For example, if I do good in my life, maybe the next generation can see me as a role model, to inspire them to go to college or uni. I think Home Office, if they can change something, even if you don't have a document they can allow you to go to uni to do education."

Taiwo hopes using his voice will make a change for the future. "Maybe because of me, some young people's life is gonna change."

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The cloud of delay hanging over children in the asylum system is getting in the way of their education. For children in the All4One group and others we represent education is of paramount importance. It is the key to building a new life in the UK, a way to provide hope for the future, but also on a day-to-day basis the way to make friends, learn English and battle isolation. We work with young people who have big dreams: to be doctors, police officers, and architects. They told us the anxiety made it difficult for them to concentrate in class. And for those whose asylum claims are rejected, or who under new legislation will not have their claims examined at all, it will be the end of their ambitions.

Every time I try to learn, I go to school, I speak to people, I listen to music, every time I try. But sometimes problem is coming in my head, blocking all these things... All the books in front of me, but I can't concentrate. (Faheem)

Despite a legal obligation that they are in education until 18 like any other child, children arriving in the UK to claim asylum often face a long wait to get into education. Members of the All4One group reported waiting as long as 8 months for a place at college. In the meantime they were bored and isolated, desperate to learn, meet people and practice English.

Ageing out

"Until the age of 18 they weren't completely in the shadows, in that they have relatively okay accommodation, they have support, they are allowed to participate fully in education, and then, all those things that enabled them to feel part of their new community, get wrenched away... they feel, you know, very profoundly discombobulated by it." (A legal practitioner)

Children represented by GMIAU who turned 18 before their asylum claim was decided



The combined wait for legal representation and for an asylum decision means that more children than ever are turning 18 before their claim is decided, or "ageing out". This is happening through no fault of their own and, caught up in the failings of two government systems, there is nothing children can do to prevent it. Our data shows this is affecting growing numbers of children GMIAU represents – 56% of the young people we represent who received decisions so far this year. In 2019, only 19% of young people we represented would turn 18 before a decision was made.

Home Office policy states that an "aged out" young person must still have their claim decided as if they were a child. But if they are over 18, legal aid funding from the Ministry of Justice is not available for their legal representative to attend their interview or for them to have an independent interpreter (both of which would be available were they still under 18), denying them key procedural safeguards for the fair determination of their claim. When we surveyed legal providers across the country, the majority of practitioners who answered the survey did not attend interviews with unaccompanied children if they were above 18. Even for those who did, they did not arrange independent interpreters.

This is a problem that we have raised to the Legal Aid Agency repeatedly over a number of years, directly and through concerns raised to the Home Office. Now we're seeing the entirely predictable results: children who have waited and turned 18, now facing the asylum process without representation. While Home Office officials have told us that they do not want young people to be disadvantaged by Home Office delays, the Legal Aid Agency (who are part of the Ministry of Justice and responsible for funding legal aid for asylum) appears to take a different view. The Legal Aid Agency has recently refused applications from GMIAU for Exceptional Case Funding for attending interviews with young people who have aged out. Big arms of government not aligning their systems is leading to children getting lost in the middle.

The approach to 18, and turning 18, also causes a great deal of anxiety for young people who can see the time running out for their opportunities in education, and who are likely to turn 18 without the right to work, to rent, to claim benefits or enter higher education. It also marks the transition from being a child in care to leaving care services. In the words of one legal practitioner, they "kind of fall off a cliff edge with no support"; a social worker says "they become adults who haven't got the capacity or the capability to live as adults". And being an adult in the asylum system is different from being a child.

The older young people get without a decision, the further behind they get in their education, and more likely to be forced into exploitative work. We have received calls from social workers worried about their young people falling out of education, with no asylum decision, no legal representation, and being pulled into criminal gangs due to isolation and a feeling of having no other options. As adults they face the full impact of the Hostile Environment.

"All my friends who I studied with last year in level 2 English applied to uni, and then the uni accepted them. But for me because I don't have any residence the uni did not accept me."

"Young people would say, you know, 'I'm stagnating, I've got nothing to do. I need a job. I need to work. I need to; I need some sort of motivation' so I do think yeah it definitely pushed young people into possibly looking into exploring black market jobs." (a social worker)

It also means that they cannot go into mainstream housing as most 18 year olds receiving leaving care support can. It both stunts the young people's ability to start to build adult lives, and causes problems for the local authority who needs to keep supporting them financially.

And it, kind of, has taken away a chunk of your life, where you would have developed skills to be able to compete for jobs. (a social worker)

I was so worried about him... his mental health. I'm sure he's been exploited here now. A hundred percent sure. (a social worker)



Impact on local authorities

As government failures make the asylum system more broken and their laws make it more hostile, our local communities and our local authorities are bearing the cost of picking up the pieces. If the Illegal Migration Bill becomes law and creates a far larger class of undocumented people living in the shadows through no fault of their own the cost will be even greater.

Social workers tell us repeatedly of their fears and frustrations trying to provide care for children who are being let down by central government and of the impact this has on local authorities, who are the corporate parent of these children.

Safeguarding

- Local authorities are dealing with the safeguarding risks of children being sent to adult accommodation after erroneous age "assessments". When a child makes themselves known in a hotel, it is the responsibility of the local authority they are in to look after them, or to assess their age again. A system which, apparently as the norm, assesses children as adults and moves them round the country into adult asylum accommodation, is functioning as a parallel National Transfer Scheme - the official way for children to be sent to be looked after by local authorities after arriving. In Manchester alone, over 60 children were found in adult accommodation between January and May 2023.

Legal representation

- Local authorities are stepping up to fund legal representatives and interpreters for young people who have turned 18 before their asylum interview, because the Legal Aid Agency and Ministry of Justice refuse to recognise this gap in provision and guidance.
- In the North West local authorities are also stepping up to try to plaster over the legal aid crisis: the Regional Strategic Migration Partnership has set up a regional fund in the face of the legal aid deficit, to fund more caseworkers. This is funded by each of the 23 North West local authorities: funding that should come from central government.

Care leavers

- Those young people who turn 18 without status also have no access to mainstream services. Local authorities are bearing the cost of supporting them with accommodation and financial support while they are not allowed to work and cannot claim benefits. This cost would be saved if decisions were made in a timely manner.

Amara's story

Amara arrived in the UK in July 2021, and arrived in Manchester a few days later. But she wasn't able to get a lawyer until 9 months later, in April 2022, and then she waited a further 10 months before she was finally granted status in February 2023. "I didn't know why I had to wait such a long time. It has given me anxiety."

She describes how it felt to wait for so long: "When we wait long, without any response, we feel like we have been forgotten. That's what I want to show, that's the feeling that comes. Being forgotten." It was particularly difficult during the months where she was waiting for a lawyer. "It was better when I got a solicitor because when I was waiting for a long time at least she was updating me."

When we wait long, without any response, we feel like we have been forgotten. That's what I want to show, that's the feeling that comes. Being forgotten.



Amara wants to go to university and hopes to become a doctor. Her experience waiting for an asylum decision affected her education, she says: "It had an impact on my education. While I'm in class, I was just worried really, about it. Because I don't know how far I can go, if I'm allowed to continue in my education, and that worries me. And it even affects sleep as well." She felt herself comparing her wait to how long people she knew were waiting.

We spoke the day after Amara had been called by her solicitor to tell her she had been granted refugee status. "I am happy because I can continue my education now. I feel happy. As a woman I feel safe here." She thinks the Home Office could be making decisions more quickly. "What I feel is if they give it, like 3 months, maximum 6 months, and give a kind of boundary for the time, it will be good. Because we don't know how long we should wait as well, so that gives worry."

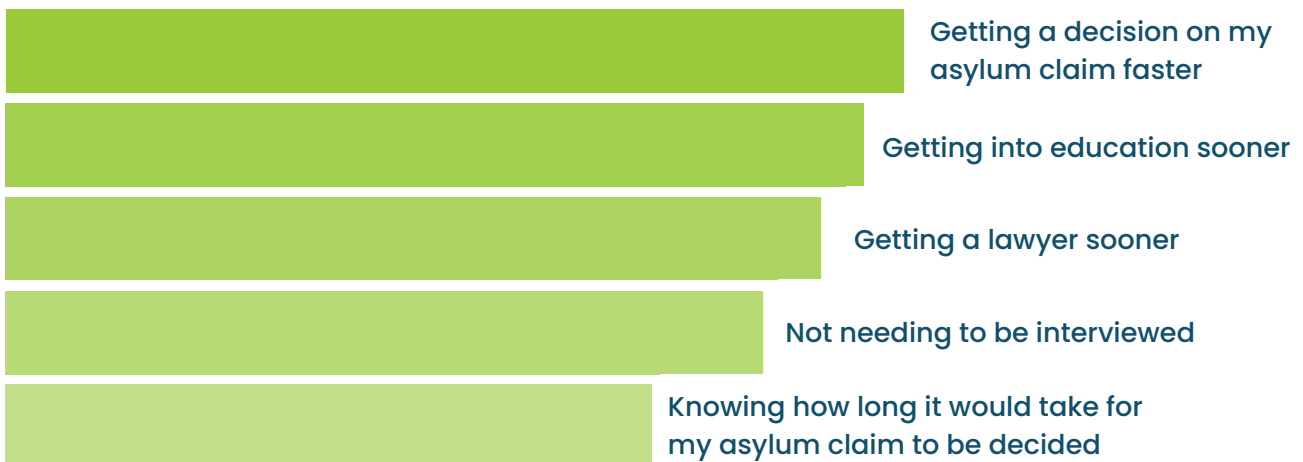
Conclusion

The asylum system is not working for anyone. And the blame for that lies not with children seeking asylum – no matter how they entered the UK. It lies with this government. In Greater Manchester, local authorities are struggling, legal providers and social workers tell us the system is broken, and the general public never asked for this cruelty. By far the greatest impact is on the children stuck in the system themselves, who tell us that the waiting they are enduring is impacting their daily lives, their mental health, their education, relationships and sense of hope for the future. We cannot state any more urgently that children are at risk of suicide and self-harm as a direct result of these delays and that the delays are a direct result of failures by the government, the Ministry of Justice and the Home Office.

Rather than address their failings the government has made it clear they intend only to deepen divisions and attack the rights of people seeking safety. The impact on children will be an ever more confusing maze of injustice, discrimination, exploitation and distress. They cannot afford to wait any longer. In defiance of the scapegoating and dehumanising of people who need our help, we continue to call for the changes that would make a difference. To scrap the legislation that is burning holes in our international commitments to refugee protection and to create an asylum system that allows people to safely and swiftly access representation, justice and protection, so that all members of our communities and all children in our care are safe.

What unaccompanied children say needs to change

We asked members of the All4One youth group what would make the biggest difference to them as they go through the asylum system. This is what they said:



We also talked about how long they feel it's reasonable to wait after claiming asylum. Above, Faheem said he thought 3 months was reasonable; Taiwo and Amara both thought five or six months would be more than enough to make a decision. For the All4One group:

*Some of us thought up to six months would be okay. Some of us think much shorter – 3 or 4 weeks. Between us on average, we think a child's asylum claim should take **3.3 months**.*



Recommendations

Decisions on children's asylum claims should be made within six months.

- Decisions must be made with the best interests of children at heart, which means expediting positive decisions without the need for a substantive interview wherever possible.
- The government must take urgent action to end the backlog of all children's asylum claims where they have been waiting longer than six months. A service standard of 6 months for all asylum claims should be reintroduced, with a more transparent system of accountability and communication between the Home Office and legal representatives.

All children in the asylum system must have legal representation.

- The Ministry of Justice and Legal Aid Agency must sustainably fund immigration legal aid so that everyone in the asylum system has representation.
- For children whose claims are eligible for the streamlining process, no information gathered without a legal representative should be allowed to negatively impact their claim.
- Any further measures to clear the backlog for children must be planned in consultation with legal aid providers and local authorities so that there is sufficient legal aid capacity and local authority support for children to engage with any process to time.

Children should be treated as children first and foremost, and their wellbeing seen as paramount.

- No child seeking asylum should be penalised for their method of entry to UK.
- An urgent investigation is needed at the Home Office in order to understand why children are being sent to adult accommodation in such large numbers and to ensure it stops.
- Training for Home Office decision makers must include the lived experience of children in the asylum system.

Children who "age out" of the asylum system due to delays should not be disadvantaged.

- Young people who turn 18 while waiting for a decision on their asylum claim should have the same access to legal aid funding for their substantive asylum interview as children.
- Local authorities should be equipped and funded to support young people seeking asylum fully even after they turn 18.

The Nationality and Borders Act 2022 and the Illegal Migration Bill 2023 must both be scrapped.

- MPs, councils and all community leaders must vehemently oppose asylum legislation which strips rights from children and adults and will make all of us less safe.
- The provisions in the Illegal Migration Bill must not be applied to unaccompanied asylum seeking children, regardless of their method of travel and including after they turn 18.

Thank you for reading our report. If you have any questions about it please email rivka@gmiau.org. You can follow our work on Twitter or by signing up to our newsletter.