



# MILLION

## CLAIMING ASYLUM AT A SCREENING UNIT AS AN UNACCOMPANIED CHILD

**“You don’t know what to answer...”  
Ali, aged 16 from Afghanistan**

March 2008

This document is aimed at:

- ❖ Border and Immigration Agency
- ❖ Local Authority Children’s Services/ADCS
- ❖ Association of Chief Police Officers
- ❖ Local Safeguarding Boards
- ❖ Legal Services Commission
- ❖ Children’s and refugee organisations



**“The 11 MILLION children  
and young people in  
England have a voice”**  
Children’s Commissioner for  
England, Professor Sir Albert  
Aynsley-Green



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# 1 Who are we?

**11 MILLION is a national organisation led by the Children's Commissioner for England, Professor Sir Al Aynsley-Green. The Children's Commissioner is a position created by the Children Act 2004.**

## **The Children Act 2004**

The Children Act requires the Children's Commissioner for England to be concerned with the five aspects of well-being covered in *Every Child Matters* – the national government initiative aimed at improving outcomes for all children. It also requires us to have regard to the United Nations Convention on the Rights of the Child (UNCRC). The UNCRC underpins our work and informs which areas and issues our efforts are focused on.

## **Our vision**

Children and young people will actively be involved in shaping all decisions that affect their lives, are supported to achieve their full potential through the provision of appropriate services, and will live in homes and communities where their rights are respected and they are loved, safe and enjoy life.

## **Our mission**

We will use our powers and independence to ensure that the views of children and young people are routinely asked for, listened to and that outcomes for children improve over time. We will do this in partnership with others, by bringing children and young people into the heart of the decision-making process to increase understanding of their best interests.

## **Our long-term goals**

1. Children and young people see significant improvements in their wellbeing and can freely enjoy their rights under the United Nations Convention on the Rights of the Child (UNCRC).
2. Children and young people are more highly valued by adult society.

## **Spotlight areas**

Asylum and Trafficking is one of 11 MILLION's 'spotlight' areas for 2007/08. These are areas in which we will influence emerging policy and debate.

## **For more information**

Visit our website for everything you need to know about 11 MILLION: [www.11MILLION.org.uk](http://www.11MILLION.org.uk)

## **Easy to read**

We aim to make our publications easy to read for people without specialist knowledge. The final section of this document contains a list of words and abbreviations that might need further explanation.

## 2 Executive summary



This report looks at what screening is like for asylum seeking children who have arrived in England without their families.

Children need to have their basic needs for accommodation, food, cleanliness and rest met before they undergo this intense and lengthy sequence of events. They also require legal representation and information to help them understand the process better.

The oppressive nature of large parts of the asylum screening process makes it difficult for children to give a full and accurate account of themselves. This may have implications for the decision made on their asylum claim.

It would be possible to redesign the screening process to the mutual benefit of both children and the Border and Immigration Agency (BIA) who would benefit from higher quality information as a result.

This report is issued under section 2 of the Children Act 2004. Where the Children's Commissioner has published a report under this section containing recommendations, he may require a person exercising functions under any enactment to state in writing what action the person has taken or proposes to take in response. The recommendations in this report are made under these statutory powers.

Screening is the process of establishing the identity of an applicant, and their route to the country in which they are seeking asylum. In 2006, 5,515 applications from asylum seekers claiming to be unaccompanied children<sup>1</sup> were recorded. Of these, 4,915 – nearly 90% – made their claim once they were inside the UK. The vast majority of these asylum seekers will have claimed asylum at one of the Asylum Screening Units in Croydon or Liverpool, although no figures have been published on this.

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<sup>1</sup> 2006 is the last year for which figures are currently available. Of the 5515 applicants claiming to be unaccompanied children, 3245 were initially accepted as such while 2270 had their age disputed. Source: Asylum Statistics UK 2006, Home Office, 21.08.07.

## **Policy framework for screening children**

Formal written policies and procedures guide many aspects of the screening process for children and age disputed applicants. Guidance could be clarified and improved in respect of:

- how children are interviewed;
- the procedural requirements for staff to follow when disputing age and;
- the processes that apply to children or young people who have been detected for illegal entry or presence prior to lodging an asylum claim in the UK.

### **We make the following recommendations to the Border and Immigration Agency:**

- 1. Written guidance should be produced on the conduct of children's screening interviews.**
- 2. Immigration Officer's discretion to bypass formal age dispute procedures by treating a claimant according to adult procedures if their appearance or demeanour suggests they are 'significantly' over 18 should be removed.**
- 3. The policy and practice of facilitating local authority age assessments at the Screening Unit should be reconsidered.**
- 4. Policy and procedure on handling of child and age disputed applications by the Third Country Unit should be published.**
- 5. Children who have been detected as having illegally entered or been present in another EU country, but who have not claimed asylum there, should be routed to a Children's Case Owner in the Asylum Casework Section rather than to the Third Country Unit.**
- 6. Age disputed applicants detected as having illegally entered or been present in a safe third country, but who have not claimed asylum there, should be routed in line with the policy instruction 'Disputed Age Cases' (rather than to the Third Country Unit) until such time as they have been assessed by children's services.**

### **From entry to the UK to arrival at a Screening Unit**

Most unaccompanied children arrive in a 'clandestine' manner, for example in the back of a lorry. There has been little research on children's experiences between arrival and presentation for screening. Most will have come into contact with the police, children's services or adults from their own communities prior to arrival at a Screening Unit.

The BIA can build on its current policies for dealing with children who arrive for screening with an adult who is not their legal or customary carer but also needs to consider the current grant arrangements for Unaccompanied Asylum Seeking Children (UASC) in relation to this

group of children. The local authority needs to clarify its role at ASUs in these cases. An agreement is needed as to the procedure to be followed where an applicant claiming to be a child first encounters the police. Local authorities need to develop a consistent practice on age assessment and communication with the ASU as to the results of assessments. Central Government should develop statutory guidance to facilitate this. The current arrangements for dealing with children who arrive late in the day at ASU's need reconsideration.

**We make the following recommendations to those agencies who may have an involvement with children before they present themselves to claim asylum, and to the BIA:**

- 7. Border and Immigration Agency (BIA) policy on referring concerns about the suitability of an adult who brings a child to claim asylum to the local authority should be clearer and more robust. It is unclear what further action the BIA staff should take when a local authority fails to follow up on a referral satisfactorily.**
- 8. Where a child is interviewed separately from an adult who has brought them to claim asylum, the child should be interviewed in the presence of a responsible adult. Children's services are best placed to fulfil this role and clarification is needed on whether they are able to do so at Asylum Screening Units and elsewhere.**
- 9. Both the Border and Immigration Agency and local authorities should collate statistics on referrals by Asylum Screening Units and other immigration staff that raise concerns about a child. These statistics should be evaluated and overseen by local safeguarding children boards to determine if local authorities are following up referrals.**
- 10. There should be adequate recognition in the central Government component of the grant to Local Authorities for children's services to follow up referrals from the immigration authorities.**
- 11. The definition of an 'unaccompanied asylum seeking child' for Home Office grant reclaim purposes must be changed. It should allow local authorities to make a claim when they separate a child from an adult and accommodate them following a referral.**
- 12. The Association of Chief Police Officers and the Association of Directors of Children Services should develop a protocol based on the principle that an asylum applicant claiming to be a child should be referred to local authority children's services for assessment.**
- 13. Where a child is already being accommodated by a local authority, the Border and Immigration Agency (BIA) should normally assume that a Merton-compliant age assessment has taken place. Asylum Screening Unit staff should therefore route these applicants to a child-trained case owner accordingly.**

**14. Where the age of an applicant has been disputed by a local authority prior to their arrival at the Asylum Screening Unit (ASU), 'Merton-compliance' should be checked with them where the pro forma sheet providing the result of the assessment does not, on the face of it, indicate compliance. Where the authority is unable to confirm a Merton-compliant assessment, referral for a further assessment should be made.**

**15. Training, guidance and standards should be given to social workers on the conduct of lawful age assessments and the communication of results to third parties, in particular Asylum Screening Units.**

**16. Statutory guidance should be developed on the assessment of age.**

**17. Where an age assessment is conducted prior to contact with an Asylum Screening Unit, a local authority form should certify that the assessment has been lawfully conducted and provide the result of the assessment. The form should contain the names and contact details of the social workers conducting the assessment, and should be counter signed by the applicant to confirm that they understand that the information will be forwarded to an Asylum Screening Unit.**

**18. Better arrangements for conducting age assessments need to be developed. A key requirement is to 'de-link' the assessing body from those responsible for the applicant's future care. In line with government proposals, the concept of regional assessment centres needs further exploration.**

**19. There should be dedicated children's accommodation provided in Croydon for those who arrive unaccompanied at the Asylum Screening Unit after 4.00pm.**

**20. That the Asylum Screening Unit obtains feedback from applicants on whether the current arrangements for directing them to the out-of-hours duty service and Migrant Helpline are adequate. Arrangements should be adjusted if necessary.**

### **Processes at Croydon Asylum Screening Unit**

Screening is made up of a series of 'events' which together make up the screening process. The core events include basic information gathering, interviewing, recording of personal details and issuing of documents. However, these are frequently supplemented by additional interviews for various reasons.

The screening process is currently too long for children. Procedures do not build in sufficient protections. We recommend a re-structuring of the whole process so that the screening interview does not take place until after fingerprinting has disclosed any previous claim for asylum or illegal entry or presence. Some of the practices of the screening interview

need revising as they are unfair and children are not told how information obtained during the interview may be used. Children require legal advice and representation both before and during screening interviews.

**We make recommendations to the BIA in respect of the various elements and events that make up screening as well as to the structure of process itself:**

**21. There should be a facility to enable girls to be scanned or searched by female security staff. All security staff involved in searching children should be trained and have an enhanced Criminal Records Bureau (CRB) check.**

**22. All applicants claiming to be children should be given the benefit of the doubt when registering at initial reception. The authority of the Immigration Officer to dispute age at this stage should be withdrawn.**

**23. Applicants claiming to be children should always be accompanied to pre-screening by a 'responsible adult' as these are, effectively, interviews about an applicant's age. Coverage for such interviews should be in any agreement between the Asylum Screening Unit and the local authority.**

**24. Applicants whose age is disputed at pre-screening should have this clearly explained to them in the presence of the responsible adult. They should always be served with the appropriate age dispute documentation, even where the Immigration Officer believes that they are significantly over 18 and therefore fall outside the age dispute policy.**

**25. The screening interview should take place after fingerprinting and any resulting information regarding Eurodac 'matches' has been established. Contact should be made with the country where a match has been evidenced, and further information obtained. All this information should be disclosed to the applicant and their legal representative prior to any full screening interview.**

**26. Every child should have access to a legal representative before and during the screening interview.**

**27. The nature and purpose of the interview, including how the information may be used, should be clearly explained at the start. The impression should not be given that information provided about the basis of the claim will not be used in the decision.**

**28. A child who brings documents from a local authority that is caring for them should be asked to show the spelling of their name on that document. If it is an acceptable transliteration from a non-English script, it should be accepted by the Screening Officer as the name the Border and Immigration Agency (BIA) will use.**



**29. The practice of requiring children to sign their names at the bottom of each interview sheet should cease unless an accurate explanation of why the applicant is being asked to do so is given AND the interview record is read back to them.**

**30. An interpreter should be present, along with an appropriate adult, when the personal details of a child or age disputed applicant are being checked on the computer screen in preparation for the issuing of an Asylum Registration Card (ARC).**

**31. Private contractors working for the Secretary of State should never fill the role of the 'responsible adult' in interviews or when validating the personal details of a child.**

**32. Chief Immigration Officers should show flexibility in agreeing to small changes in the spellings of names recorded during screening when official documentation has already been issued by a local authority.**

**33. Where an age disputed applicant's fingerprints produce a 'verified match' on Eurodac that is not a previous asylum claim, they should be processed under 'Disputed Age Cases' procedures and referred for a local authority age assessment. If the age assessment finds them to be an adult, they can be returned to the Third Country Unit for processing.**

### **Caring for children at the Asylum Screening Unit**

The physical screening environment, and how children are cared for whilst at the Asylum Screening Unit, is of particular concern to 11 MILLION. This is because the screening process is very long and children may undergo it without their basic needs being acknowledged and addressed. Overall there is a lack of clarity over whose role it is ensure that children's needs are addressed in a timely and appropriate manner.

**Some of the following recommendations are for the Border and Immigration Agency (BIA), but some also concern children's services:**

**34. The screening process is shortened so that children do not have the chance to become too hungry.**

**35. A dedicated adult from either the Asylum Screening Unit staff or the social work team should communicate to all children coming into the unit as to where and how they can obtain food and water and find the toilet.**

**36. A range of simple foods are made available, free of charge, in the waiting area. If deemed necessary, the Border and Immigration Agency should take advice to reduce the risk of providing food which might cause an allergic reaction.**

**37. Any applicant claiming to be a child should, at the earliest opportunity, be asked whether they have suitable accommodation. If they do not, reassurance should be given that accommodation will be arranged for them later in the day.**

**38. Homeless applicants deemed to be adults should be assisted to find their way to emergency accommodation by provision of a map or directions from the Screening Unit.**

**39. Children should have access to accessible and appropriate information about the screening process. They could then absorb this whilst waiting to be interviewed.**

**40. There should be more for children to do whilst they wait. Consideration could be given to providing games, pencils and paper or videos.**

**41. Greater clarity is needed as to the roles of social workers within the Asylum Screening Unit and, in particular, whether they are providing a welfare service to applicants without an accompanying adult.**

**42. In the absence of another responsible adult, social workers should accompany children, and those claiming to be children on whom a decision has yet to be made, to all interviews including pre-screening interviews.**

**43. In the absence of another responsible adult, social workers should introduce themselves to children in the waiting area and explain who they are and what their role is at the Asylum Screening Unit. They should accompany the child into the interview room.**

**44. That local authority children's services reconsider whether it is professionally appropriate for them to be engaged in assessing age in a screening context.**

### **A different model for screening children**

This concluding section suggests a model for how the screening process might look if children's needs were to be properly accommodated and accounted for.

The principles underlying the proposed model are that children:

- should have their basic needs addressed before they enter the asylum process;
- have the right to understand what is going to happen to them during screening, and
- can access the support and advice needed to progress through the process.

The model also provides for procedural fairness where age is disputed.



### 3 Introduction

This report looks at what screening is like for asylum seeking children who have arrived in England without their families. The majority<sup>2</sup> of these young people are either smuggled or trafficked into the country. Therefore they do not lodge their asylum claim at a port of entry, but undergo screening at an Asylum Screening Unit (ASU) in Liverpool or Croydon.

#### The screening process

Anyone claiming asylum in the UK must first of all be 'screened' by an Immigration Officer. Screening is the process of establishing an individual's name, age and nationality. The process also considers *how* an asylum applicant reached the UK, as it may be the case that the UK Government has no responsibility for considering their asylum claim.

In 2006, the last year for which full figures are currently available, there were 5,515 applications for asylum from individuals claiming to be unaccompanied children. Of those, 3,245 were accepted as children by the immigration authorities whilst 2,270 others had their age disputed in the first instance. Most age disputes occurred at the 'screening' stage.



"Too often the children who are subject to immigration control are dealt with either as the adjuncts of those adults with whom they arrive in this country or by procedures designed principally for adults."

Liam Byrne,  
Minister of State for  
Nationality,  
Citizenship and  
Immigration,  
January 2008.



**"On arrival your main thoughts are you are in a new country. You don't know what to answer. You don't know why you are being asked questions. You might say nothing. You might be scared."**

**Ali, 16, Afghanistan**

#### The Children's Commissioner's visit to the Croydon Asylum Screening Unit

To find out more about what happens during the screening process, a team of staff from 11 MILLION led by Children's Commissioner Sir Al Aynsley-Green, and using his statutory power of entry, made an unannounced visit to the Asylum Screening Unit (ASU) in Croydon in June 2007. We were very grateful to the managers of the unit, who facilitated our visit and gave generously of their time, allowing the team access to any part of the unit we wished to observe.

Following the visit, an 11 MILLION team met with a wider range of people with a direct interest in the screening process. This group including staff from the ASU, Croydon Children's Services, police based at the ASU and policy makers from the Border and Immigration Agency (BIA). This facilitated meeting was extremely useful in finding out more

<sup>2</sup> Around 90% of all these asylum claims from unaccompanied minors and unaccompanied age disputed applicants were lodged once the person had entered the country rather than at a port of entry. Source: Asylum Statistics UK 2006, Home Office, 21.08.07

and airing many of the issues that had concerned us during the visit. The learning from this event has also contributed to the findings and recommendations in this report.

### **Background and reasons for the visit to Croydon Asylum Screening Unit**

Screening asylum applicants is an important job. To control the UK's borders, it must be known who comes into the country and how they got here. Establishing who someone is, where they come from and how old they are is a prerequisite for going on to consider how their case should be dealt with, and what support they should receive whilst their claim is being considered.

Our asylum system treats unaccompanied children in a different manner to asylum seeking adults, therefore establishing whether or not an applicant is a child is in itself an important task. The task is complicated by the fact that the majority of asylum seekers – adults and children – arrive in the country without any identity documents. Therefore they have no 'proof' of who they are, where they come from or how old they are.

We do not underestimate the importance, difficulty and sensitivity of screening, but nor do we think it has to be a frightening, confusing or intimidating experience for children. Children that we have spoken with, together with research we have seen, suggest that this is precisely how it is experienced currently.



**“No one told me what was happening. I had nothing to eat or drink, not even water. I went to the toilet, that’s where I got water to drink because at the time you don’t have any money... It was really bad. It’s how they treat you and deal with the other people and ignore you like you are not there. Then they ask you the same questions over and over again.” Angelina, 16, Uganda**

**“I arrived [at the ASU] in the morning and left around 8 o’clock at night. I was absolutely starving but that’s how every poor person is supposed to be. You are at someone’s mercy. I will never forget how they treated me when I went there.” Michel, 16, Rwanda**

**“I hated the first [screening] interview. They were so rude. They said just say yes or no. It didn’t make me feel good, it just make me feel bad. He [the Immigration Officer] wasn’t listening to me. He was so rude. I just hate him.” Faela, 15, DRC<sup>3</sup>**

<sup>3</sup> Quotes taken from ‘When is a child not a child?’, Immigration Law Practitioners Association 2007, with kind permission.

## Methodology

11 MILLION was aware that the views of children we had previously spoken with about being screened, as well as research evidence we had read, pre-dated very recent changes the Border and Immigration Agency (BIA) had introduced to the screening environment for children at Croydon. We wanted to consider how much the welcome development of a separate screening area for children at this Asylum Screening Unit (ASU), as well as other changes we had been told about, would improve children's experience of the process.

In order to experience what a child goes through at the Screening Unit, the 11 MILLION team followed, as closely as possible, the 'journey' a child would take through various processes they would encounter throughout the day. These processes are explained in some detail in chapter six.

We arranged to meet a child who was being accompanied for support by a children's panel advisor from the Refugee Council. The Refugee Council provided us with an interpreter so we could communicate with the child. This particular child was already in the care of a local authority. He had travelled to London earlier that morning, and had been met by the advisor as soon as he left the train. We also met other young asylum seekers during the day, and were able to watch their progress. Two of the young people we observed and spoke to were not yet being cared for by anybody, and brought with them a host of unmet needs. We consider the different experiences of children between the time they enter the country and their arrival for screening in chapter five. We hope this reflects at least the last stages of the child's journey before they undergo screening.

We start by considering the policy framework for the screening of children and young people.

## 4 Policy framework for screening children



The Immigration Officers (IOs) who screen asylum applicants work within a framework of policy instructions and process guidance issued by the Border and Immigration Agency (BIA). Most of these are publicly available on the BIA's website. Some aspects of the instructions and guidance are of particular relevance to the screening of children.

### 'Processing asylum applications from children'

The instruction above<sup>4</sup> only deals with children whose age is not disputed. It says that the purpose of screening 'is to establish identity, nationality and route to the UK. The screening process will also establish the identity of the child's sponsor if they have one and their connection to the child'.<sup>5</sup>

The instruction sets out what actions Asylum Screening Unit (ASU) staff must take when children arrive at the unit on their own, and with no-one to care for them, and the timescales for completing actions. It also tells staff what to do when children arrive for screening with an adult who 'by law or custom does not have responsibility for their care'.<sup>6</sup> This second group of children are considered to be 'unaccompanied' for immigration purposes.

The instruction does *not* provide any guidance on the *conduct* of screening interviews. There appears to be no published policy on this. Detailed instructions on fingerprinting children are contained in a different policy instruction.<sup>7</sup>

### We recommend:

- **The Border and Immigration Agency should produce written guidance on the conduct of children's screening interviews.**



The purpose of screening 'is to establish identity, nationality and route to the UK. The screening process will also establish the identity of the child's sponsor if they have one and their connection to the child.'

### 'Disputed Age Cases'

An asylum applicant who claims to be a child may have their age disputed by the Screening Officer. The procedures for handling these cases are dealt with in the policy instruction 'Disputed Age Cases'.<sup>8</sup> This states that the Border and Immigration Agency (BIA) bases its age assessments on 'physical appearance, general demeanour, evidence gathered during interview and available documentation'.<sup>9</sup>

<sup>4</sup> Home Office (2007) 'Processing Asylum Applications from Children'

<sup>5</sup> Ibid, page 10

<sup>6</sup> Ibid, page 12

<sup>7</sup> Home Office (2006), 'Fingerprinting'

<sup>8</sup> Home Office (2007) 'Disputed Age Cases'

<sup>9</sup> Ibid, page 3

The BIA 'will dispute the age of an applicant who claims to be a child but whose physical appearance and/or general demeanour very strongly suggests that they are aged 18 or over, unless there is credible documentary or other persuasive evidence to demonstrate the age claimed'<sup>10</sup> (emphasis in the original).

In 'borderline' cases, the policy is to give the applicant 'the benefit of the doubt and treat them as a child.'<sup>11</sup> While the BIA can dispute the age of an asylum applicant at any stage of the asylum process, 'the vast majority of age disputes occur at the screening stage.'<sup>12</sup>

Not all applicants claiming to be children will be dealt with under this instruction: 'If the applicant's physical appearance/demeanour very strongly suggests that they are **significantly** over 18 years of age the applicant should be treated as an adult and be considered under the process instructions for adults. These cases **do not** fall within the age dispute process.'<sup>13</sup>

This gives significant discretion to Immigration Officers to bypass the age dispute process instruction. The instruction is open to the interpretation that there is no requirement to inform applicants claiming to be children that their age is being disputed<sup>14</sup>. It is unclear whether applicants claiming to be children but processed as adults need to be served with the relevant paperwork required in age dispute cases, or told that they can approach a local authority for a social work assessment. These applicants also become liable for detention. Of the four cases of applicants claiming to be children and detained at Oakington Immigration Removal Centre directly from Croydon ASU between September and December 2007, none had been served with a BP3 and only one with an IS97M. These applicants had claimed to be aged 14, 15, 16 and 17 respectively<sup>15</sup>.

As well as setting out the procedures to be followed during screening where age is in dispute, this instruction outlines what evidence would normally be accepted by the BIA as proof of an applicant's age. Evidence normally accepted includes 'a Merton-compliant'<sup>16</sup> age assessment carried out by a local authority that establishes the

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<sup>10</sup> Ibid, page 3

<sup>11</sup> Ibid, page 3

<sup>12</sup> Ibid, page 4

<sup>13</sup> Ibid, page 3

<sup>14</sup> Age disputed applicants dealt with under the age dispute policy are served with form IS97M informing them that their stated age is being disputed and form BP3 (Screening Officers pro-forma report indicating the reason for the age dispute).

<sup>15</sup> Source: Refugee Council, January 2008.

<sup>16</sup> The Queen on the application of B v London Borough of Merton [2003] EWHC 1689 (Admin) (14<sup>th</sup> July 2003). The judgement provides guidance as to the requirements of a lawful assessment by a local authority of the age of a young asylum seeker claiming to be under the age of 18 years.

applicant as less than 18 years of age'.<sup>17</sup> The BIA retains the right to reject such an assessment in certain circumstances.<sup>18</sup>

At the time of our visit to the ASU in June 2007, it was BIA *policy* to undertake the screening process and have an age assessment conducted on the same day where possible.<sup>19</sup> It remains the *practice* of the BIA at Croydon to request that, in cases regarded as 'borderline', the social workers based there conduct their own age assessment before a full screening interview takes place. It is hard to see how a child or young applicant would be able to identify this local authority assessment as being anything other than a component of the screening process which, for all intents and purposes, it is.

We see a problem with the local authority conducting its own age assessment at the ASU during the screening process. These assessments are undertaken to determine whether the person is 'a child in need', and therefore whether the local authority should accommodate them under the Children Act 1989. Conducting an age assessment for this purpose, but at the request and within time scales designed to meet the administrative needs of the BIA, may lead to a conflict of interest. For example, there may be pressure to complete an assessment when further interviewing of the child is required or where, in other circumstances, the interview might be stopped or curtailed for the time being. For reasons we explore further below, we do not consider the Screening Unit to be the right environment for young people to be age-assessed.

#### **We recommend:**

- **The removal of the Immigration Officer's discretion to bypass formal age dispute procedures by treating a claimant according to adult procedures if their appearance or demeanour suggests they are 'significantly' over 18.**
- **The Border and Immigration Agency reconsiders its policy and practice of facilitating local authority age assessments at the Screening Unit.**

#### **Safe third country cases**

Neither the 'Processing Asylum Applications from Children' instruction or the 'Disputed Age Cases' instruction contain any reference to processing claims from children or age disputed cases identified, through the fingerprinting process, as being possible third country cases<sup>20</sup>.

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<sup>17</sup> Op Cit, page 7

<sup>18</sup> where it has documentary evidence that the applicant is an adult that the local authority has not taken into account, has reasons to doubt that the age assessment refers to the applicant or is not satisfied that a 'full assessment' has been carried out

<sup>19</sup> Op Cit, page 4

<sup>20</sup> In this context, 'third country cases' refers to individuals that have passed through, or claimed asylum in, another European Union country before arriving in the UK.



Asylum applicants, including children, are identified as third country cases if there is a fingerprint match with the Eurodac fingerprint database. The database was established in 2003 as the EU-wide fingerprint database of asylum applicants and certain other third country nationals. It allows for the computerised exchange of fingerprints solely in order to support the application of the 'Dublin arrangements' by identifying those applicants already known to other participating states.

Because 'asylum claims may be refused without substantive consideration of the application if the applicant can be returned to a safe third country', asylum applications from children or age disputed applicants with a fingerprint match appear to be passed to the Third Country Unit rather than routed to a case-owner for consideration in the UK.

The policies and procedures that ASU staff should follow when a fingerprint match is confirmed have not been published. In particular, there is nothing published that says whether children and age disputed cases displaying a fingerprint match on Eurodac are issued with an Asylum Registration Card (ARC) at the end of the screening process. Since this is effectively their 'identity card', providing access to some services, this is an important issue.

The policy instruction 'Safe Third Country Cases' only considers policy on 'asylum applications from nationals who have made a previous asylum application in a safe third country' (emphasis added). However, not every match on the Eurodac database represents a *claim for asylum* in a safe third country.

There is also a mandatory requirement for member states to record 'every third country national of at least 14 years of age who is apprehended in connection with the irregular crossing ("illegal entry") by land, sea or air of the external border of that Member State, having come from a (third) country outside the EU, Norway or Iceland and who is not turned back,...'. In addition, Member States *may* record 'any fingerprint data which it may have taken of any third country national of at least 14 years of age who is found illegally present within its territory in order to check whether the person concerned has previously lodged an application for asylum in another Member State'.

Eurodac is able to distinguish between a fingerprint match disclosing a previous claim for asylum and a match showing illegal entry or presence in another state. This is highly relevant for both unaccompanied children and for age disputed applicants. This is because the rules on which Member State has the obligation to process the asylum application in the light of a match to a previous asylum claim or illegal entry/presence will hinge on whether the applicant is a child or an adult.

Under the 'Dublin II' regulation, an application from an unaccompanied asylum seeking child should, in the first instance, be handled by any Member State where the child has a close family member legally present. This should take place only if it is in the child's best interests. In the absence of such a close family member, the claim should be dealt

with by the first country in which the child claims asylum. It is only in the case of an adult applicant that the claim should be dealt with by the first safe country that the person can be shown to have travelled through, as demonstrated by illegal entry or presence.

The absence of published policy regarding children and age disputed applicants who have been detected for illegal entry or presence (as distinct from detection for having claimed asylum) elsewhere in Europe leaves these young people in an ambiguous position. It is not known what happens to them at the end of the screening process and, in particular, whether their applications are substantively considered in the UK or passed to the Third Country Unit for removal.

Additionally, there are no published procedures on how children might be 'routed back' from the Third Country Unit to the Asylum Casework Section (which considers claims substantively) where necessary. This is particularly important where an age disputed applicant is later proved to be a child and they have not been shown to have already claimed asylum elsewhere. The lack of published policy, and therefore transparency, on what happens to this group of children and unresolved age disputed applicants is, in our view, a serious omission which leaves children at risk of unlawful treatment.

**We recommend:**

- **The Border and Immigration Agency publishes policy and procedure on Third Country Unit handling of child and age disputed applications.**
- **Children who have been detected as having illegally entered or been present in another EU country, but who have not claimed asylum there, should be routed to a Children's Case Owner in the Asylum Casework Section rather than to the Third Country Unit.**
- **Age disputed applicants detected as having illegally entered or been present in a safe third country, but who have not claimed asylum there, should be routed in line with the policy instruction 'Disputed Age Cases' (rather than to the Third Country Unit) until such time as they have been assessed by children's services.**



## 5 From entry to the UK to arrival at an Asylum Screening Unit

**Most unaccompanied children arrive in the UK in a 'clandestine' manner, for example in the back of a lorry. Because of this, most will undergo screening at one of the Asylum Screening Units (ASUs) in Croydon or Liverpool.**

This report does not examine the reasons for clandestine entry, but the following reasons are often cited in the literature and by young asylum seekers themselves:

- inability or unwillingness to obtain a legitimate travel document from the country of origin
- no legitimate way to travel as an asylum seeker (there are no 'visas' for asylum)
- fear of being returned immediately from a port of entry (if claiming there) on arrival.

The Home Office often cites examples of young asylum seekers deliberately destroying properly obtained travel documents in order to frustrate establishing identity and removal. Although this may be true in some cases, it is well established that children are regularly smuggled or trafficked by organised gangs, and may not ever have obtained a travel document. Also, many children will never have been issued with any form of identity document, for example a national identity card or a birth certificate, let alone a passport.

There is little research on children and young people's experiences from arrival in the UK to their presentation at a Screening Unit. We know that children will sometimes have been in contact with their own communities, or with the police or local authority children's services, before they lodge their asylum claim.

### **Prior contact with a member of the child's own community**

Some children are allegedly found by members of their own communities (or others) wandering the streets or at places of worship. Children may then be provided with accommodation and helped to go to the Screening Unit. The adult will often accompany the child when they are screened, and tell staff that they are prepared to continue accommodating them. There is Border and Immigration Agency (BIA) policy in place to deal with cases where a child is brought to claim asylum by an adult who is not their parent or legal/customary guardian.

Police officers from Paladin, the anti-trafficking team, are based at Croydon Asylum Screening Unit (ASU). Paladin is a police project, working with Immigration Officers (IOs) and social workers, to protect vulnerable children who come to the attention of the Immigration Service. Paladin officers sit with the IOs when they interview children

brought in by adults to claim asylum, and are able to conduct checks if they are suspicious about the relationship between the adult and child.

Genuine altruism towards an unaccompanied child by an adult from within that child's community does occur. However, ASU staff and police officers from Paladin suspect that the majority of children who arrive for screening with adults who are not their legal or customary carers have, in fact, been trafficked into the country for the purposes of exploitation – most often benefit fraud, domestic servitude or child labour.

Following concerns that some adults may have presented themselves at ASUs as guardians for several different children on different occasions, IOs now take a digital image of the adult where their consent can be obtained. ASUs cannot ask for the fingerprints of these adults at present for legal reasons.

Policy states that ASU staff should, in communication with a local authority, refer a child as 'unaccompanied' where they are brought in by an adult who is not their legal or customary carer. It is not clear what the BIA expects the local authority to do with this information. Where ASU staff have concerns about the suitability of the adult, there is a referral form which must be completed (ICD 2558). ASU staff are, according to policy, required to follow up these referrals by telephone to ensure they have been acted upon.

Adults and children can be interviewed separately where there are concerns about the relationship, and children may get upset when this occurs. It is unclear whether the police or social services are involved in these interviews, or whether a child who has been separated from the adult who brought them is interviewed in the presence of a 'responsible adult' who is independent of the Secretary of State. It is our view that children should have a responsible adult present when this happens, but we have received contradictory accounts as to whether the remit of children's services at the ASU extends to this.

It is clearly good practice for IOs, where they have concerns about the adult's relationship to the child, to refer cases to the local authority. However, discussions with local authority staff have suggested that they are not sufficiently resourced to follow up ASU referrals, whether they have raised a concern or whether they are merely informing them that an unaccompanied child is living in their area.

We are concerned at the definition of an 'unaccompanied asylum seeking child' for Home Office grant reclaim purposes with regard to this group of children. The current definition may preclude a local authority following up an ASU referral, and finding the situation unsuitable for the child, from being able to reclaim the costs of the child's care through the grant<sup>21</sup>. This is a major disincentive for local authorities to look into

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<sup>21</sup> Home Office (14.08.07), *Grant Instruction to Local Authorities Financial Year 2007/8*, "The following cases are specifically excluded from the claims; a. Children who arrived in the UK in the care of a parent or other adult, who by law or custom, has responsibility for the

what many people agree may be the organised and large scale trafficking of children.

**We recommend:**

- **Policy on referring concerns about the suitability of an adult who brings a child to claim asylum to the local authority should be clearer and more robust. It is unclear what further action the Border and Immigration Agency staff should take when a local authority fails to follow up on a referral satisfactorily.**
- **Where a child is interviewed separately from an adult who has brought them to claim asylum, the child should be interviewed in the presence of a responsible adult. Children's services are best placed to fulfil this role and clarification is needed on whether they are able to do so at Asylum Screening Units and elsewhere.**
- **Both the Border and Immigration Agency and local authorities should collate statistics on referrals by Asylum Screening Units and other immigration staff that raise concerns about a child. These statistics should be evaluated and overseen by local safeguarding children boards to determine if local authorities are following up referrals.**
- **There should be adequate recognition in the central Government component of the grant to Local Authorities for children's services to follow up referrals from the immigration authorities.**
- **The definition of an unaccompanied asylum seeking child for Home Office grant reclaim purposes must be changed. It should allow local authorities to make a claim when they separate a child from an adult and accommodate them following a referral.**

**Prior contact with the police**

Children who make a clandestine entry into the UK will often be reported to the police, or will make their own way to a police station.

There is no agreed protocol on how the police should proceed in these circumstances. In some cases police will contact the local enforcement office in the first instance, whilst some will refer directly to local authority children's services if they 'assess' the person to be a child. We know that, where informal age assessments are conducted by police officers, the individual may then be directed and/or assisted to reach a Screening Unit. In other cases, the arrangements may be ad hoc and

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*child, or who arrived in the UK alone but were subsequently living with a relative or family friend, even in the event of a subsequent breakdown of this situation."*

dependent upon what information the child or young person provides to the police officer.



### Case study

Two unrelated boys aged 14 and 15, who had travelled part of the way to the UK together, were detected on arrival at a port where there was no immigration service presence. They were taken by port security to a local police station. The police questioned the children, and established that one of them had an older brother living in the UK. The police telephoned the brother and requested him to come and pick up *both* children and accommodate them. The brother did so, but the arrangement quickly broke down. The boys subsequently struggled to be accommodated by social services, who could not claim the Home Office grant because an adult had previously looked after them.



### Case study

11 MILLION staff met N at Croydon Asylum Screening Unit (ASU). He told us that he was 15 years-old and from Afghanistan. He had been in the country for two days and had spent the night before last in a police station cell. He wanted to tell the police that he needed a shower, but was unable to do so because of the language barrier. He said that an Urdu interpreter had been provided, but that he could not understand him. N had no evidence to suggest which police station he had stayed at, but he showed us a typed note which read: *“Please assist. My name is N... and I need to go to Croydon. I don’t speak any English so I would be grateful if you could help me to get there should I get lost.”* There was no indication on the note as to who had written it or where it had come from. N told us that the police had issued him with the note and had also bought him a ticket to get to London, but he did not know the name of the town in which the police station was.

## We recommend:

- **The Association of Chief Police Officers and the Association of Directors of Children Services should develop a protocol based on the principle that an asylum applicant claiming to be a child should be referred to local authority children's services for assessment.**

### **Prior contact with a local authority children's services department**

Where a child has been in contact with children's services prior to screening, an age assessment will normally have been carried out. This will have been done in order to decide whether the local authority has a duty to accommodate and assist them under part three of the Children Act 1989.

When carrying out the assessment, the local authority must comply with guidance handed down by the courts in a series of judgements - most notably the Merton judgement. The Merton judgement provides guidance on the requirements of a lawful assessment of the age of a person claiming to be an asylum seeking child by a local authority.

It is normal practice for a local authority accommodating an unaccompanied child asylum seeker to arrange for them to be accompanied for screening by a social worker or other adult.



#### **Case study**

**11 MILLION staff met K at Croydon Asylum Screening Unit (ASU). K told us he was 14 years old and from Afghanistan. He had been in the country for about three months and was under the care of children's services. He had travelled by bus for several hours that morning to get to London. Once in London, he was met by a Refugee Council Children's Panel advisor who took him to Croydon. K said he had not been told about the purpose of the visit to the Screening Unit, and that his social worker had said that it would all be explained when he got there. The local authority had not yet arranged legal representation.**

Where a local authority assessment determines that the person claiming to be a child is an adult, they may be left to their own devices or merely provided with directions to a Screening Unit. There is considerable evidence from the Refugee Council's children's panel that significant numbers of asylum seekers who are initially assessed as adults by a local authority are later re-assessed as children either by the same or a different local authority. This will normally happen only if an advocate or lawyer becomes involved in challenging the lawfulness of

the original local authority assessment.



### Case study

**11 MILLION met M at Croydon Asylum Screening Unit (ASU). M told us he was 14 years and that he had been in the country for five days. He had slept at a police station, a Mosque and in telephone booths. M showed us evidence that he had been in contact with a local authority. We later found a faxed letter on his immigration file from the local authority stating that he had been assessed as over 18. He had been given £20 for two days worth of food. He could not name the town he had been in, and it was unclear who had paid his fare to get to London. He had first arrived at the ASU the previous day, but it had been too late in the day for screening to begin.**

### The communication of age determination decisions from local authorities to Asylum Screening Units (ASUs)

Both M and N had been assessed the previous day by local authority children's services, and we saw the faxed 'outcomes' of these assessments on each of their immigration files. We are reasonably certain that ASU staff were relying on these faxed outcomes as evidence that a Merton-compliant age assessment had been conducted.<sup>22</sup>

The first 'outcome' form was particularly poor. It had a simple tick box: 'assessed as over 18' (ticked) and 'assessed as under 18'. It had the address of the local authority office and the child's name but no other information. It would be impossible to tell from this information whether the assessment had been Merton-compliant or not.

The second referral form gave more detail. It contained the names of the two social workers who had conducted the assessment, and three basic reasons for its conclusions. One of these reasons stated that the applicant was thought to be lying about his journey to the UK. As this is not relevant to the issue of the determination of age, the assessment would be open to legal challenge and is unlikely to be Merton-compliant.

Given Border and Immigration Agency (BIA) policy is to only accept a Merton-compliant local authority age assessment, there is a real issue for ASU staff over how Merton-compliance can be ascertained. The issue may be less acute for those accommodated by a local authority, and therefore already accepted as children, than for those who have

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<sup>22</sup> Neither 'M' or 'N' were seen to have 'pre-screening' interviews which is where age is most often disputed. We know that neither of the boys had an age assessment conducted by social workers at the ASU and that 'N' had already been disputed by the time of his screening interview which we observed.



been assessed as adults. In both cases, BIA policy appears to place the onus on themselves to check Merton-compliance.<sup>23</sup>

**We recommend:**

***In the short term***

- **Where a child is already being accommodated by a local authority, a Merton-compliant age assessment should normally be *assumed* to have taken place. Asylum Screening Unit staff should therefore route these applicants to a child-trained case owner accordingly.**
- **Where the age of an applicant has been disputed by a local authority prior to their arrival at the ASU, Merton-compliance should be *checked* with them where the pro forma sheet providing the result of the assessment does not, on the face of it, indicate compliance. Where the authority is unable to confirm a Merton-compliant assessment, referral for a further assessment should be made.**

***In the medium term***

- **Training, guidance and standards should be given to social workers on the conduct of lawful age assessments and the communication of results to third parties, in particular Asylum Screening Units.**
- **Statutory guidance should be developed on the assessment of age.**
- **Where an age assessment is conducted prior to contact with an Asylum Screening Unit, a local authority form should *certify* that the assessment has been lawfully conducted, provide the *result* of the assessment and basic *reasons* if the applicant's age is disputed. It should contain the *names and contact details* of the two social workers making the decision, and should be *counter signed* by the applicant to confirm that they understand that the information will be forwarded to an Asylum Screening Unit.**

***In the long term***

- **Better arrangements for conducting age assessments need to be developed. A key requirement is to 'de-link' the assessing body from those responsible for the applicant's future care. In line with government proposals, the concept of regional assessment centres needs further exploration.**

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<sup>23</sup> "If a local authority submits an assessment and it is not clear whether it is a "Merton Compliant" assessment, the case owner must go back to the local authority for clarification." *Op. Cit. Page 3.*

### **Late arrival at Croydon Asylum Screening Unit**

The Screening Unit will generally not begin processing applicants who arrive after 1:00pm. However, vulnerable applicants arriving after this time will be prioritised and screened if possible.

Any child who has started the screening process, but not finished it by 4:00pm, will be accommodated by the social work team. Any children arriving after 4:00pm will be referred to the emergency duty social work team based elsewhere in Croydon.

Both M and N had first arrived at the Screening Unit the previous afternoon, and had been asked to return the following morning. They had each been given a letter signed by a duty manager from Croydon Social Services entitled 'Placement of Homeless Household – Unaccompanied Minors'. The letters authorised their stay in a twin room, to be provided by Migrant Helpline<sup>24</sup> for one night, pending a social services age assessment by the Unaccompanied Asylum Seeking Children (UASC) team. It was stated that this assessment would be carried out on the 'following working day'.

The letters had either been issued by the out-of-hours duty manager at a Croydon social services office, or by a social work manager on site at the Screening Unit. It is unclear how the boys found their way to the Croydon social services office/Migrant Helpline and whether the ASU issues a map or provides directions.

Both boys had been given breakfast at Migrant Helpline before setting out for the Screening Unit on the morning of our visit. In N's case, he had eaten no food the previous day except lunch, a mayonnaise sandwich, at the police station.

#### **We recommend:**

- **That there should be dedicated *children's* accommodation provided in Croydon for those who arrive unaccompanied at the Asylum Screening Unit after 4.00pm.**
- **That the Asylum Screening Unit obtains feedback from applicants on whether the current arrangements for directing them to the out-of-hours duty service and Migrant Helpline are adequate. Arrangements should be adjusted if necessary.**

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<sup>24</sup> Migrant Helpline provide *adult* emergency accommodation at a unit in Croydon. We understand that some bed spaces in the unit are reserved for 'age disputed' cases.



## 6 Processes at Croydon Asylum Screening Unit

This chapter looks at the 'events' a child may go through during a day at Croydon Asylum Screening Unit (ASU). The following chapter considers more general features of the ASU environment, and the care of children whilst they are there.

### Sequence of events

The sequence of events for a child arriving on their own may, at its most simple, look something like this:



Following entry to the building you provide basic details at initial reception and are then accompanied to a dedicated waiting area. You may have to wait for some time before anyone comes to see you.

An Immigration Officer then takes a few more details from you at a 'pre-screening' interview. You then have to wait again for some time for a 'full screening', which may last for anything up to two hours. Next, you have to go to another area and wait your turn to give fingerprints and be photographed. In the fingerprint room, an adult would certify that your details are correctly written on the computer screen. Then you would be fingerprinted and photographed, and wait for your Asylum Registration Card to be made up and various papers issued. If you have no accommodation, you would leave the building at 4.00pm with the social worker.

The process becomes longer and more complicated if the Immigration Officer decides to dispute your age. This would usually happen at the 'pre-screening' stage. You may then be sent to be interviewed by two social workers. Age assessment interviews are thorough, and can therefore be long. The result of the assessment would be passed to Screening Unit staff, and you would then wait again until being called for a full screening interview. The form this would take would depend on the result of the age assessment.

A further complication would be if, following fingerprinting, your fingerprints displayed a 'match' with Eurodac. You are then likely to be interviewed by an intelligence officer. It is not unusual for some applicants – particularly if they are age disputed or display a fingerprint match – to be at the Asylum Screening Unit (ASU) from earlier than 9.00am in the morning until 8.00pm in the evening. Even then, you may be recalled if the process has not been completed.

## Entry and initial reception at Croydon Asylum Screening Unit

When 11 MILLION visited the unit in Croydon, there was a designated entrance for unaccompanied children at the back of Lunar House. We have been told that the use of this door has now been abandoned, and that children now enter at the front of the building. We observed that the two guards operating the hand-held scanners were both men, which could cause embarrassment for girls.

'Initial reception' is a desk with an Immigration Officer (IO) sitting behind it. The child would walk through a metal detector (as used in airports) to reach initial reception. The IO will take basic details from the child, including their name, age and nationality. 11 MILLION was told that the IO at reception can dispute an applicant's age at this point and direct them to wait in the adult area, although we were told this was rare. More often, an IO designated as the children's co-ordinator will come to reception and accompany the child and any representative to an area called the 'podium', a separate area where all unaccompanied children are now screened.

### We recommend:

- **There should be a facility to enable girls to be scanned or searched by female security staff. All security staff involved in searching children should be trained and have an enhanced Criminal Records Bureau (CRB) check.**
- **All applicants claiming to be children should be given the benefit of the doubt when registering at initial reception. The authority of the Immigration Officer to dispute age at this stage should be withdrawn.**

## Pre-screening

Pre-screening is a process whereby basic personal information is collected and recorded directly onto the Border and Immigration Agency (BIA) database. By contrast, the screening interview itself is recorded by hand. At Croydon Asylum Screening Unit (ASU), pre-screening now takes place in the 'podium' interview rooms, where technology has been installed to enable this.

We did not observe pre-screening. An applicant claiming to be a child need not be accompanied to pre-screening by a 'responsible adult' in line with BIA policy on interviewing children. This is because pre-screening is not classed as an interview. Nevertheless, pre-screening of anyone claiming to be a child is conducted by a child-trained IO.

It was confirmed to us that pre-screening is where age is most often disputed. When this happens, a Chief Immigration Officer (CIO) must agree with the decision. The CIO will ask the applicant questions, note what is said and attach the notes to the applicant's file. Staff told us that some applicants say that they were only told their date of birth when they left their country. Such replies are regarded as 'rehearsed', and

may contribute to the decision to dispute age. When an applicant's age is being disputed, they may be probed for 20 minutes or more. IOs are not trained in assessing age but, we were told, bring their experience and knowledge to bear. Whilst there are questions that social workers recommend IOs to ask to assist age assessment, there is no 'checklist'. ASU managers expressed the view that IOs should not be trained in assessing age as this is the function of social workers.

In 'borderline' cases, we were told that IOs would not dispute age but would refer the applicant to the on-site social work team. They would continue to be treated as children by the BIA until after the social work assessment had been conducted. If, after that, a CIO wanted to overturn the social work assessment, the decision would have to be made at assistant director level. We were told this had not happened during the last 18 months.

It was hard to reconcile what we were told about how age is disputed at pre-screening with the two cases we observed during our visit. Although we did not observe whether either M or N had pre-screening interviews, neither had an appearance or general demeanour that 'very strongly' suggested that they were aged 18 or over. Yet neither were given the benefit of the doubt and treated as children. If these two applicants were being disputed on the ground of BIA being satisfied that a Merton-compliant assessment had been previously conducted, they should have been served with the correct age dispute documentation, but they were not. We conclude that there may be a gap between age dispute policy and the practice at the ASU.

#### **We recommend:**

- **Applicants claiming to be children should *always* be accompanied to pre-screening by a 'responsible adult' as these are, effectively, interviews about an applicant's age. Coverage for such interviews should be in any agreement between the Asylum Screening Unit and the local authority.**
- **Applicants whose age is disputed at pre-screening should have this clearly explained to them in the presence of the responsible adult. They should *always* be served with the appropriate age dispute documentation (an IS97M, a BP7<sup>25</sup> and the Screening Officer's report), even where the Immigration Officer believes that they are *significantly* over 18 and therefore fall outside the age dispute policy.**

#### **Screening interviews**

11 MILLION was told that the screening interview for children had recently been 'slimmed down', allowing for more open discussion rather than following a repetitive and lengthy standardised format. This was thought to be quicker and less distressing for children. We observed two screening interviews. One involved an applicant who had been accepted as a child (K), the other involved an applicant who was age

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<sup>25</sup> Please see the glossary for an explanation of the IS97M and BP7 forms.

disputed (N).

BIA policy is that all children must be accompanied at the screening interview by a 'responsible adult'. This adult should not be an Immigration Officer, a police officer or an employee of the Secretary of State and they must, 'for the time being', take responsibility for the child.

An important function of the screening process is to establish a correct name for the applicant. K had arrived at the ASU having already been in local authority care for some time. He had brought letters from the local authority with him giving his name. The interpreter in K's interview assumed a particular and different spelling of K's name. K could not check this because it was written using the English alphabet. The discrepancy in the spelling of K's name was not noticed at the time, but was raised at a later stage of the screening process.

In the observed interviews, the IO's introduction and explanation of the purpose of the interview and what was going to happen was poor and not at all reassuring to the young people. A strong general impression from the interviews was how repetitive they were. Extraordinary levels of detail were requested regarding descriptions of agents who had assisted them, and the number and type of vehicles travelled in. We did not get the sense that any of this was useful information from an 'intelligence' point of view, and we question whether this information is ever collated or analysed for this purpose.

There is a requirement that the applicant must sign their name at the bottom of each sheet as the IO asks questions and the answers are recorded. This implies that the applicant is agreeing to the accuracy of what has been recorded on the interview record. This cannot be the case, as the interview record is not read back to the applicant. Since the purpose of signing the sheets must be 'evidential', we assume that it is required for use in criminal proceedings or as part of the decision-making process on the asylum claim. In either case, the purpose of recording the answers and requiring a signature should be clearly explained at the start of the interview. The fact that it is not gives, in our view, a strong message to the young person: 'you will do this because I am telling you to do it.' This approach does not appear to work in encouraging a vulnerable young person, unsure of what to say, to be forthcoming.

Although screening interviews are supposed to only concern the establishing of the applicant's identity and route to the UK, the basis of the asylum claim was elicited in considerable detail during our observation of N's interview. He was asked a sequence of 18 questions about it. N had not seen a legal advisor beforehand. The information provided – as well as information not provided – could well be used in the decision on his asylum claim. Applicants are specifically told that the screening interview is *not* their asylum interview, but they are not told that information they provide at screening *may* be used in the asylum decision. This seems disingenuous. In our view, this is comparable to a police officer not informing a suspect under caution that anything they say may be used in evidence against them in criminal proceedings –

and the consequences may be as serious.

**We recommend:**

- **The screening interview should take place *after* fingerprinting and any resulting information regarding Eurodac ‘matches’ has been established. Contact should be made with the country where a match has been evidenced and further information obtained<sup>26</sup>. All this information should be disclosed to the applicant and their legal representative prior to any full screening interview.**
- **Every child should have access to a legal representative before and during the screening interview.**
- **The nature and purpose of the interview, including how the information may be used, should be clearly explained at the start. The impression should not be given that information provided about the basis of the claim will not be used in the decision.**
- **A child who brings documents from a local authority that is caring for them should be asked to show the spelling of their name on that document. If it is an acceptable transliteration from a non-English script, it should be accepted by the Screening Officer as the name Border and Immigration Agency (BIA) will use.**
- **The practice of requiring children to sign their names at the bottom of each interview sheet should cease unless an accurate explanation of why the applicant is being asked to do so is given AND the interview record is read back to them.**

### **Fingerprinting and photographing**

Applicants are sent for fingerprinting and photographing following their full screening interview. Those accepted as children are accompanied by a responsible adult, whilst those whose age is disputed are not.

In Croydon, the fingerprinting and photography room is off the main waiting area and is used by both adults and children. It is staffed by technicians who are private contractors. Their job includes asking applicants to verify their personal details on a computer screen, taking the fingerprints and photographs of applicants and processing a fingerprint check against the Eurodac database. Any match against Eurodac is reported to a Chief Immigration Officer.

We were told by one of the technicians that when a child is being fingerprinted and no other responsible adult is available (for example after 4.00pm when the social work presence ends), then they could call

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<sup>26</sup> See YI (Previous claims – Fingerprint match – EURODAC) Eritrea [2007] UKAIT 00054 for the view of the President of the Asylum and Immigration Tribunal

a colleague to act in this capacity to comply with Border and Immigration Agency (BIA) policy. They can do this and remain within BIA policy because they are not, as private contractors, employees of the Secretary of State. The independence of those contracted by the BIA to act in the role of 'responsible adult' is questionable.

Prior to fingerprinting, the technician asks the applicant to check their name, age and nationality details on a computer screen. From this information, the Asylum Registration Card (ARC) is generated. The details are written in English. The technician asks the applicant or, in the case of a child, the responsible adult accompanying them, to verify that the details on the screen are correct. This process presents a number of problems that we observed.



### **Case study**

**As K was a child, he was accompanied by his Refugee Council panel advisor who was asked to check K's personal details. There was a mismatch between the spelling on the screen – taken from the spelling written down by the interpreter in the screening interview – and the spelling of his name as appeared on the documentation issued by the local authority caring for K. The panel advisor asked for the spelling to be corrected, but a CIO refused to authorise the alteration. This left K with two different spellings of his name on official documentation. This is known to create problems when applying for a national insurance number, a bank account, employment etc. The CIO advised that he could apply to have the spelling corrected at a later date. This was poor advice as experience tells us that it is very hard to get details corrected once established on Home Office documentation.**

### **Case Study**

**As an age disputed case, N had no 'responsible adult' with him when asked to confirm his personal details on the screen. The 11 MILLION observer questioned why this was the case, as N could not read what he was being asked to confirm. The technician stated that N had been certified as age disputed by a CIO, and policy was that age disputed applicants are not accompanied by a responsible adult. The 11 MILLION observer was invited to act as the 'responsible adult' to confirm N's details on the screen. This offer was declined and an interpreter was brought in. With the help of the interpreter, N was able to verify that the details were correct. This took some time as the date of birth had to be transposed from the English date on the screen to the Afghan calendar in which N had given his date of birth during his interview.**

Fingerprinting takes place electronically. Where a check results in 'no matching record' with Eurodac, the Asylum Registration Card (ARC)



can be produced. The check may also result in a 'possible match', in which case a further search takes place resulting in either 'cancellation' (i.e. no matching record) or 'verified match'.

'Verified matches' are reported to the CIO, who updates the case file to this effect. It has to be established whether the match is 'deceptive' or 'non-deceptive'. A non-deceptive match might be a match with someone who has previously applied for a visa. A CIO decides whether or not to proceed with issuing an ARC card. Applicants regarded as third country cases may not be issued with an ARC but, we were told by technicians, this is at the discretion of the CIO in the case of children or age disputed cases.

Both N and M displayed 'verified matches' against Eurodac. N had been fingerprinted at Poole in Dorset earlier in June, whilst M had been fingerprinted in Calais in late May. The conclusion must be that both boys had made previous attempts to enter the UK from France<sup>27</sup>. However neither had claimed asylum in France – an issue that raises wider questions.

Another interesting question is why N, fingerprinted in Poole, had not claimed asylum there but had, a few weeks later, voluntarily appeared at the ASU to make a claim. This suggests that N's knowledge of UK asylum law is not sophisticated enough to know that he would not have been returned had he claimed at Poole. It substantiates one of the reasons given by young asylum seekers for not claiming at the border - fear of being immediately returned.

N did not complete the asylum registration process. He appears to have realised that a previous fingerprint match came up and seems to have disappeared from the ASU before any further decisions regarding his case could be made. We can only speculate on why he made this decision, but it is of great concern that a young and vulnerable person is in the UK but outside of any legitimate support network. We were told by ASU staff that this is not an uncommon occurrence.

Under the Dublin II arrangements, if M and N were children - and had not claimed asylum elsewhere in Europe - their claims should have been processed in the UK<sup>28</sup> even if they had been detected for illegal entry or presence in another Eurodac participating state. However, both M and N were being age disputed. This means that they can be treated as adults, and lawfully returned to a country through which they could be proved to have travelled, e.g. France, without their asylum claim being considered in the UK. This provides a clear incentive for IOs to dispute the age of an applicant claiming to be a child in order to increase numbers of third country returns.

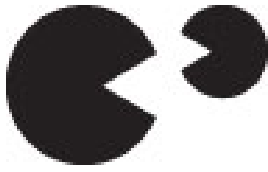
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<sup>27</sup> There is a direct ferry from Cherbourg to Poole.

<sup>28</sup> In the absence of close family members elsewhere in the EU.

**We recommend:**

- **An interpreter should be present, along with an appropriate adult, when the personal details of a child or age disputed applicant are being checked on the computer screen in preparation for the issuing of an Asylum Registration Card (ARC).**
- **Private contractors working for the Secretary of State should never fill the role of the ‘responsible adult’ in interviews or when validating the personal details of a child.**
- **Chief Immigration Officers should show flexibility in agreeing to small changes in the spellings of names recorded during screening when official documentation has already been issued by a local authority.**
- **Where an age disputed applicant’s fingerprints produce a ‘verified match’ on Eurodac that is not a previous asylum claim, they should be processed under ‘Disputed Age Cases’ procedures and referred for a local authority age assessment. If the age assessment finds them to be an adult, they can be returned to the Third Country Unit for processing.**



## 7 Caring for children at the Asylum Screening Unit

This chapter looks at how children and those who claim to be children are cared for whilst at the Asylum Screening Unit (ASU). It includes consideration of the environment in which children wait and are interviewed, how their basic or immediate needs are addressed and their interface with a social work function.

### Food and water

The screening process is a long one. Children and young people may arrive early in the morning and remain there all day. Some children who come for screening are already being cared for, but many are new arrivals in the UK and may have eaten little in the past few days.

Talking to both Asylum Screening Unit (ASU) and social work staff, we were not reassured that anyone saw it as their responsibility to be actively concerned about whether children waiting in the unit were hungry. We were told by ASU managers that Immigration Officers (IOs) could offer food, but this was qualified by concerns over faith and allergy issues. According to the understanding of the social worker, IOs could *not* offer food.

We were concerned at the passivity of this approach, which seemed to assume that, if children were hungry, they would ask for food. We don't think that most children would have the confidence to request food in a stern and serious environment in which they are required to do things to order and are unclear about the possible outcomes. In the interests of the screening process, this cannot be a good thing. At a practical level it may mean that children are attending interviews, and being required to concentrate and provide information, when their bodies are telling them that they need to eat.

The length of the screening process means that children's hunger becomes a more pressing issue as the day goes on. There is no cafe or restaurant on the same floor as the Screening Unit, and no directions to a cafe facility elsewhere in the building. Some of the young people we spoke to did not have any money to buy food anyway.

We think there should be someone with a designated responsibility to check whether children are hungry when they first arrive, and encourage them to ask if they become so. However, the real problem is the very length of the process itself. In a day crowded with so many events, taking children away for food could seriously disrupt interview schedules, and therefore affect targets for completing screening within the day. Further

thought needs to go into addressing this but, in the short term, providing some food free of charge in the 'podium' waiting area would help.

We were pleased to see that a water dispenser had been placed in the waiting area of the 'podium'. During our visit there were no cups next to the dispenser until we asked. An attendant went and found some and placed them on a counter nearby. We saw that one child then used the dispenser. Having drunk from a disposable plastic cup, he replaced it in the unused supply. This was not observed by staff. A diagram of how to use the dispenser and dispose of the cup would be useful, as some children will not have come across this equipment before. It could also be the duty of a designated member of staff to show each child where and how to obtain water, food and other facilities on their arrival.

**We recommend:**

- **The screening process is shortened so that children do not have the chance to become too hungry.**
- **A dedicated adult from either the Asylum Screening Unit staff or the social work team should communicate to all children coming into the unit as to where and how they can obtain food and water and find the toilet.**
- **A range of simple foods are made available, free of charge, in the waiting area. If deemed necessary, the Border and Immigration Agency should take advice to reduce the risk of providing food which might cause an allergic reaction.**

**Accommodation**

Whilst some children and young people will already be accommodated before they attend the Asylum Screening Unit (ASU), many will not.

M and N, who had arrived too late for screening the previous day, had been authorised to stay at Migrant Helpline's emergency accommodation for one night only 'pending an age assessment'. Therefore they did not know where they would be sleeping following their day at the ASU. This cannot be an unusual situation.

Where a child or young person arrives at the ASU not knowing where they are going to sleep that night, this is likely to be a cause of anxiety. This anxiety could be at the forefront of their mind during the day, and so it should be addressed early on.

In what way, and where, a homeless applicant is accommodated may depend on the outcome of the age assessment process. If they are found to be a destitute adult, they will be informed of emergency accommodation along with other adult asylum seekers. We observed this happen with M at around 7.15 pm. No map was provided and ASU

staff did not appear to feel any obligation to ensure he found his way.

If an applicant is assessed to be a child under 16 by Croydon Children's Services, we were told they would be placed in foster care immediately. If the applicant is assessed to be 16 or 17, or there is an unresolved age dispute, we were told that arrangements would be made for them to be taken by taxi to emergency accommodation. This accommodation, located in London, would be suitable for their age range and viewed as a temporary measure. If they are confirmed to be children, they would then be placed by one of the London local authorities.

We think the accommodation arrangements for arrivals are, by and large, adequate. This is with the exception of the arrangements for children or young people who arrive at the unit after the social work presence finishes at 4.00pm, as discussed in chapter five. More could also be done to assist those deemed to be adults.

#### **We recommend:**

- **Any applicant claiming to be a child should, at the earliest opportunity, be asked whether they have suitable accommodation. If they do not, reassurance should be given that accommodation will be arranged for them later in the day.**
- **Homeless applicants deemed to be adults should be assisted to find their way to emergency accommodation by provision of a map or directions from the Screening Unit.**

#### **Physical environment for waiting and interviews**

Children wait in a central area called the 'podium' prior to being called for interview in separate, private rooms that adjoin it. This is a vast improvement on the previous arrangement, which saw children interviewed in the public area by an Immigration Officer (IO) sitting behind a glass screen and asking questions through a microphone.

The central waiting area is much lighter than other parts of the unit. Natural light comes through glass bricks in the roof. This area has rows of plastic grey chairs fixed to the floor but these are configured to allow those waiting to see each other, rather than face other people's backs as in the main waiting area. During our visit we saw a number of bright, colourful posters on the wall (e.g. Disney characters and maps), which seemed more suitable for children and young people younger than those we encountered.

No information about the screening process, or where to get help, was displayed in the unit. It was unclear who or where you would ask if you needed anything, such as food or directions to the toilet. Also, there was nothing to occupy the children's time whilst they waited.

The interview rooms themselves had been significantly refurbished. In all but two of the interview rooms the big desks and chairs, which had

previously been screwed to the floor, have been removed and replaced with comfortable, movable furniture. The rooms appear a lot more comfortable for children. There were pictures on the walls in the interview rooms we saw.

**We recommend:**

- **Children should have access to accessible and appropriate information about the screening process. They could then absorb this whilst waiting to be interviewed.**
- **There should be more for children to do whilst they wait. Consideration could be given to providing games, pencils and paper or videos.**

**Pastoral care of children during the screening process**

Border and Immigration Agency (BIA) policy designed to ensure that children are safe, and staff protected, requires the presence of a 'responsible adult' during all interviews with children. This includes when they are fingerprinted and photographed. At the Asylum Screening Unit (ASU), social workers attend in this capacity where no other 'responsible adult' is present. Legal representatives and Refugee Council advisors may also act in this capacity.

Whilst it is important to have an independent adult at interviews, we think much of the value of this is lost to the child. This is because there is no system in place to facilitate the social workers introducing themselves to children and explaining their role prior to the interview situation. If the social workers have not introduced themselves and explained why they are there beforehand, a child is unlikely to turn to them for help during an interview should they need to.

11 MILLION believes it is important for a 'friendly' adult, whom a child would feel is looking out for their interests and with whom they can discuss their immediate needs or problems, to be on hand at the ASU. It is possible that social workers could fulfil this function, although other voluntary sector agents might also occupy such a role. However, we do not think this role would be compatible with the age assessment function, which would clearly place them 'within' the processing system.

**We recommend:**

- **Greater clarity is needed as to the roles of social workers within the Asylum Screening Unit and, in particular, whether they are providing a welfare service to applicants without an accompanying adult.**
- **In the absence of another responsible adult, social workers should accompany children, and those claiming to be children on whom a decision has yet to be made, to all interviews including pre-screening interviews.**

- **In the absence of another responsible adult, social workers should introduce themselves to children in the waiting area and explain who they are and what their role is at the Asylum Screening Unit. They should accompany the child into the interview room.**
- **That local authority children's services reconsider whether it is professionally appropriate for them to be engaged in assessing age in a screening context.**



## 8 Conclusion – a different model for screening children?

Chapters four to seven have set out our detailed concerns about policy and practice with regards to the screening of children claiming asylum. This chapter suggests a model for how the screening process might look if children's needs were to be properly accommodated and accounted for.

The principles underlying this model are: that children should have their basic needs addressed *before* they enter the asylum process; that they have the right to understand what is going to happen to them during screening and that they can access the support and advice needed to progress through the process. The outlined model also provides for procedural fairness where age is disputed.

### Stage 1: first screening interview

- The initial screening of those claiming to be children should consist only of: taking details of name, nationality and claimed date of birth ('pre-screening'); fingerprinting and photographing, and any initial questions that the applicant has about what happens next being answered. These processes should happen in the presence of a responsible adult. No documents fixing identity would be issued at the first screening interview.
- No interview should take place when a child is hungry, and so these initial screening processes could be completed within an hour or so. This would eliminate the need to address the issue of a child's growing hunger and distress during the course of a full day of events.
- If there is a chance or possibility that an applicant could be a child, the 'benefit of the doubt' should be applied and they should be treated as a child for the time being. Those who are age disputed by an Immigration Officer should always be served with the correct documentation and told of their right to approach a local authority for an age assessment. There must be a clear audit trail to the officer making the decision to dispute age.
- All those who could be children should be handed over to an Asylum Screening Unit (ASU) based social worker and appropriately accommodated where necessary. Different arrangements would need to be applied to unaccompanied children brought to the ASU by an adult with whom they were staying.



## Stage 2: local authority/regional assessment centre age assessment

- The local authority or regional assessment centres would conduct an appropriate assessment if it was necessary to determine age. Assessments should take place *outside* of the Asylum Screening Unit (ASU) setting, and only after the child or young person has had an opportunity to recover from their journey and slept, washed and eaten.
- If a lawful assessment determines the applicant to be a child, a local authority should assume care. They should inform the ASU of the child's age so it can be recorded on the Asylum Registration Card. The local authority should also make an appointment for the child to see a legal representative<sup>29</sup> as soon as possible.
- If a lawful assessment determines the applicant to be an adult, the local authority should contact the ASU and inform them of the result. An appointment for the screening process to continue could be made. Merton-compliance requires that the person should be given reasons for the decision and information on how the assessment might be challenged. On return to the ASU, they should be served with age dispute documentation if they maintain that they are a child.

## Stage 3: legal representative liaison with ASUs

- The legal representative would put themselves 'on record' with the Asylum Screening Units (ASUs) after the child's first appointment with them (assuming the child wished to instruct them after the appointment). The legal representative would liaise with the ASU regarding any second part to the screening process.
- The ASU should, as a matter of policy, disclose any fingerprint matches with Eurodac to the child's legal representative as soon as they are on record. This would comply with the requirements of the Asylum and Immigration Tribunal as expressed by the President of the Tribunal in *YI (Previous claims – Fingerprint match – Eurodac) Eritrea [2007] UKAIT 00054*<sup>30</sup>.

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<sup>29</sup> Through the legal aid contract, the Legal Services Commission could ensure sufficient supply of legal representatives near to ASU locations and impose contractual requirements for representatives to be trained in dealing with children.

<sup>30</sup> *“An Immigration Judge will also, as a matter of fairness, need to be satisfied that the Appellant has had the facility to access information about the assertion against him that would enable him, if he so wishes, to make a meaningful forensic rebuttal beyond mere denial. An Appellant may not want to use such a facility if the match is genuine and further evidence would only make matters worse for him. It is therefore the availability of the facility rather than the take-up that is needed in a fair system.”*

- If it was necessary to return the child to a safe third country because they had made a previous asylum application there, the lawyer and local authority should liaise with the Third Country Unit to ensure a planned and safe return to children's services in that country. Where such arrangements cannot be satisfactorily made, the BIA should exercise its discretion under the Dublin II arrangements and agree to the child's application being substantively considered in the UK.

#### Stage 4: screening interview/issue of documentation

- It may not always be necessary to conduct a full screening interview. However, there will be occasions when a full screening interview is regarded as necessary. For example, if there is evidence of the child's previous presence in another country through Eurodac, or if information concerning the whereabouts of the child's parent in a safe country has come to light, an interview may well be appropriate. In such cases, an appointment could be made through the child's lawyer.
- If a full screening interview is not necessary, the completed Asylum Registration Card could be sent to the child's legal representative along with details of the first reporting event. It has been suggested that the child could be interviewed about their journey to the UK at their first reporting event by the child's case owner, rather than at a screening interview.

**We accept that the model outlined above will require considerable political will and 'culture change' within the Border and Immigration Agency and within the Asylum Screening Unit itself. For children's sake and for the integrity of the asylum process, we hope the Border and Immigration Agency can rise to the challenge.**



## 9 Words used in this document

### **Asylum Registration Card (ARC)**

This is the card issued to all asylum seekers which contains their photograph and personal data. It effectively acts as an 'identity card' for asylum seekers, and is used to help them access services such as health care.

### **Asylum Screening Unit (ASU)**

An ASU is where an asylum seeker who has not claimed asylum or entry to the UK before will go in order to register their claim with the Government. There are only two ASUs in the United Kingdom, in Croydon and Liverpool.

### **BP7**

This is the screening officer's report form for use when the age of an asylum applicant is being disputed. Screening Officers must complete it for administrative purposes to ensure they are applying the correct criteria.

### **Border and Immigration Agency (BIA)**

The BIA is responsible for managing immigration control in the UK. The BIA also considers applications for permission to stay, citizenship and asylum.

### **Dublin arrangements**

The agreements between the EU states (and some other European countries) on which country is responsible for processing an application for asylum from a person arriving in the territory of one of the participating states.

### **Eurodac**

Eurodac is a fingerprint database. It was established in 2003 as the database of asylum applicants for EU countries and certain other third country nationals. It allows for the computerised exchange of fingerprints in order to support the application of the 'Dublin arrangements' by identifying those applicants already known to other participating states.

### **IS97 M**

This is the letter issued to an asylum applicant who is claiming to be a child, but treated as an adult because the Border and Immigration Agency do not believe they are a child.

### **Immigration Removal Centre (IRC)**

Previously known as 'detention centres', IRCs are designated places of detention for people who are 'subject to immigration control' and who are liable to detention under the immigration acts.

### **Local Safeguarding Children Board (LSCB)**

Since the Children Act 2004, LSCBs co-ordinate the safeguarding of children, and promote their welfare in local authority areas.

### **Merton-compliance**

The Merton judgement provides guidance as to the requirements of a lawful assessment by a local authority of the age of a young asylum seeker claiming to be under the age of 18 years. Merton-compliance is an indication that a local authority has conducted the assessment in accordance with the judgement.

### **Paladin**

This is a joint initiative by the Immigration Service, Metropolitan Police Authority and children's services authorities to counter the trafficking of children.

### **Third Country Unit**

This is a department within the Border and Immigration Agency (BIA). It is responsible for enforcing the return of asylum applicants to another European Country where their asylum claim should be examined under the 'Dublin arrangements'.



**“The 11 MILLION children  
and young people in  
England have a voice”**

Children’s Commissioner for  
England, Professor Sir Albert  
Aynsley-Green



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