Human Rights and Children Seeking Asylum

Janet Walker & Luke Geoghegan
A shift to the right..

• Viktor Orban

• Giorgia Meloni

• Geert Wilders
The UK too

• Brexit

• Culture Wars

• Immigration & Asylum
‘Stop the small boats!’

• Since other routes shut down (e.g. Channel Tunnel) asylum seekers been using small boats to cross Channel

• ‘Stop the small boats’ is one of 5 pledges by (the latest) UK Conservative Prime Minister Rishi Sunak
Significant changes to UK immigration and asylum law # 1

• Immigration legislation covers ‘formal’ routes into the UK, for example student visas, work visas, holiday visas, family reunion etc etc.

• Asylum legislation covers asylum seekers who arrive in the UK and then claim asylum – with the hope of being granted refugee status, right to remain and eventually citizenship.
Significant changes to UK immigration and asylum law # 2

• For asylum seekers who now travel by ‘illegal’ routes their claims are ‘invalid’. This includes small boat crossings.

• If over 18 liable for immediate deportation either to their home country or ‘a safe third country’ (Rwanda).

• If a child (under 18) you *may* be deported - once you reach 18 you *will* be deported.
OK, so I’m asylum seeker - how do I make a claim in the UK?

- With very few exceptions you need to be in the UK to claim asylum.

- So, you need an air ticket or ferry ticket, passport and a visa. Once you get to the UK you can claim asylum.

- But I don’t have any of those! Then you can’t enter!

- There are some approved schemes e.g. from Afghanistan. But they don’t work. Oh, and you need to go back to Afghanistan first.

- So - I’ll cross on a small boat! This is an ‘illegal route’, so your claim is ‘invalid’ - and you are liable for immediate deportation.
Note in passing that...

• The Home Secretary (Interior Minister) Priti Patel (2019-2022) is a first-generation migrant and child of refugees;
• The Home Secretary Suella Braverman (2022-2023) is a first-generation migrant;
• The current Home Secretary’s James Cleverley (2023- ) mother is a migrant; and,
• The Prime Minister is a first-generation migrant.
In the UK social workers have legal responsibilities to children seeking asylum – so will now focus on this.

• Children - i.e. under 18 - who are not with parents or other adult carers.
• In the jargon: UASC – Unaccompanied Asylum-Seeking Children.
• Undertake age assessments (more on this later)
• Accommodate and support children (foster care)
Should social workers be doing age assessment?

- Children have different needs to adults – the age of the child matters! It’s about meeting the needs of the child.
- Was always the case that children got better protection than adults in the asylum system.
- Under new legislation might be the only thing that stops a child being deported
- Open borders may be a long-term aspiration for some: but we are going backwards we *had* open borders with the EU until Brexit...
Other legislative changes

• The National Age Assessment Board (NAAB) age assessment done by social workers but working as part of the Home Office. BASW discouraging social workers from working from the NAAB.

• ‘Scientific Assessments’ using x-rays and scans to determine age. Involves doctors and dentists (x-rays and scans)
These legislative changes are...

• Complex. Law and policy so complex that often people don’t understand – including decision makers themselves.

• Chaotic. Often the implications of how the new scheme will work not thought through...

• Contested. Both politically and legally (both under group action and individual cases)

• Involves multiple stakeholders (doctors, dentists, refugee NGOs...)
Campaigning against...

• Using plain English to explain to politicians and media what the implications are
• Being clear about what social workers do and what expertise they bring.
• Which helps with campaigning with other groups
• Using a variety of tools: Parliamentary questions, briefings for Members of Parliament, giving evidence to committees, open letters...
• Boycotting the NAAB
Campaigning for....

• Setting up best practice around age assessment
• This is about the needs of the child.
• Regular briefings of social workers (one of many changes they are having to deal with)
• Developing a manifesto for what a new Government might do differently
Breaking news ....

• UK Supreme Court declares Rwanda is not ‘a safe third country’ and therefore Government cannot deport asylum seekers there.

• UK Government declares Rwanda is safe country and plans to pass law that declares Rwanda safe.

• First vote on this absurd law - Tuesday 12 December.
Final thoughts

• Immigration and asylum aren’t new issues.

• Immigration and asylum issues aren’t unique to the UK: EU, USA / Latin America, East Asia / Australia etc.

• Unless we move quickly to slow and then halt, for example, global warming many more people will be forced to leave their homelands...
Credits

• Slide 4 Photo source BBC

• Slide 8 Photo Source UK Houses of Parliament Official Portrait