Claiming Asylum as a Child

What is meant by Immigration status?

- If you are not from the UK or certain countries in Europe you need permission to stay in the UK

- Everyone needing permission to stay in the UK is given an ‘immigration status’. Your immigration status determines how long you can stay in the UK and what rights you have when living here

- Permission is given by the Home Office, which is part of the UK Government

- If you are applying for asylum to stay in the UK, this briefing will help you to understand what this means and what is involved

What is Asylum?

- Asylum is the protection granted by the government to someone who has left their home country as a refugee

- You can claim asylum if you are treated very badly in your home country

- You may have been treated badly because of something outlined in the Refugee Convention. There are 5 reasons in the Refugee Convention which explain why you are treated badly; your race, religion, political views, where you are from, or because you are from a particular group (for example if you are gay)

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The asylum process is very complicated. For children, the process can be even more difficult. It is important you are supported throughout the process and have legal representation (a solicitor = a person who is trained specifically in law and has been approved by the authorities to advise you on the law and take legal action on your behalf) to help you understand the legal system.

After making a claim, you are known as an Asylum Seeker until the Home Office decides on your claim. An Asylum seeker is a person at risk of being persecuted (treated very badly) in their home country who wants protection and to live somewhere safe - such as in the UK.

UASC defined

- Unaccompanied children or young people who claim asylum in the UK may be called separated children or UASCs (Unaccompanied Asylum-Seeking Children).

- A UASC can claim asylum in their own right as they are separated from both parents and are not being cared for by a parent or adult who has legal responsibility to do so.

- Some children and young people who apply for asylum may be granted UASC leave instead of refugee status.

How do UASCs claim asylum?

- Unaccompanied Asylum Seeking Children (UASC) can claim asylum at the ‘port of entry’ or ‘in-country’. If children do not claim asylum at the port, they can do it at the Asylum Intake Unit in Croydon or at a local immigration centre. If you are being screened locally, a solicitor should be obtained to accompany you.

- You should be supported to find legal representation to support you throughout your asylum journey.

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Your legal representative will be a solicitor - a professional who advises you on the law and take legal action on your behalf. They will act on your behalf in court matters too.

Is the process different for children than it is for adults?

- According to the law, the Home Office and others have a duty to protect you, and keep you safe and well, while you are living in the UK.

- The policies and practices of all agencies working with you have a duty to put your interests first regardless of your immigration status. E.g. - the government would need to think about your best interests when conducting an interview, finding and providing somewhere for you to live and considering evidence.

- Children’s asylum claims should be considered more quickly than adults - the service standard time to make a decision is under review. The HO have stated that they will focus on cases with acute vulnerability and those in receipt of the greatest level of support, including unaccompanied asylum-seeking children (UASC).

The Substantive Interview - know your rights!

What is a substantive interview?

- The substantive interview is a very important interview where you will be asked questions to help the Home Office understand whether you have been treated very badly (persecuted) in your home country and cannot return.

- The interview can be confusing and so you should be helped to understand what will happen.

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You should be interviewed by a specially trained member of staff

You should have your legal representative there

You should be accompanied by a responsible adult you trust. This might be a
  - Social worker
  - Someone who works at another organisation or charity
  - Foster carer
  - Legal guardian

*Remember* - both your legal advisor and responsible adult should be present! Both are important and have a job to support you on the day of your interview

- You have the **right to an interpreter** you understand and who understands you

- You have the **right to choose** whether the interpreter is **male or female**

- You also have the **right to take breaks** if you need to. You can ask for these yourself or your solicitor or responsible adult can ask about these on your behalf.

- If you are **aged 12 or over**, you will normally be interviewed and asked questions about your asylum claim

- If you are **under 12** you can be interviewed if you are willing and considered mature enough but are normally not interviewed at all - always speak to your legal representative

**Video Conferencing**

- Some interviews are now done via a video conference (VC). If this happens, you, the interpreter and interviewing officer may be in separate locations – the responsible adult must be in the same location as you. It is optional that

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the legal representative and, if relevant, the legal representative’s interpreter are also in the same location.

- Video interviews can be very difficult, so you should always speak up if you feel uneasy and need to take a break. You are also free to say if you are concerned about having your interview done via a video. Your concerns should be taken seriously - remember to speak to your responsible adult and/or your social worker if you have any concerns.

- If your interview is being done via a video conference, the interviewing officer should explain what will happen in a clear way. You will be asked to wear a headset and you should be able to clearly hear - always tell someone if there are any problems with the technology/headset being used.

- Please note, there is no video recording of the interview, just an audio recording.

- A transcript (written copy) of the interview and an audio recording will be sent to you and your solicitor by post or email after the interview.

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