

Failed child asylum claims in the UK

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Research from the University raises concerns that many young people who are refused asylum in the UK are not being advised appropriately and are not appealing against decisions even when they have an arguable case.

Young people refused [asylum](#) are granted leave until age 17 ½, but further applications for leave are generally refused. The Home Office often repeats the original reasons for refusing the first claim, adding that the applicant must have accepted their first decision by not appealing the first refusal.

The research, presented in a report entitled 'How children became 'failed asylum-seekers', has been conducted by specialist asylum and immigration solicitors from the University's Kent Law Clinic. The report aims to improve outcomes for children seeking asylum in the UK.

The research also found the 'best interests of the child' were rarely considered during asylum cases, other than by inserting standard text often used repeatedly across claims. It revealed some young people endured long-drawn-out appeal processes, with some turning 18 by the time their case went to tribunal, by which time different legal considerations apply.

Family tracing - an EU Law setting out a duty on the receiving country to try to trace the family of a child asylum-seeker - was not carried out in any of the cases which were investigated. The Home Office also admitted that family tracing was not possible in Afghanistan. Despite

this, the issue of family tracing was often used to attack the young person's credibility.

Most Home Office refusals and Tribunal dismissals in the research were found to be on the grounds of 'incredibility' and 'implausibility', despite guidance that children's claims should be treated with special care.

Sheona York, an immigration and asylum solicitor from Kent Law Clinic, said: 'This report reveals worrying facts about the asylum determination process faced by children and young people in Kent.

'We hope these findings will raise greater awareness about how [young people](#)'s claims are considered and determined, and in particular encourage those working with young unaccompanied asylum-seekers to be alert to the problems and ensure they get good legal advice as early as possible in the asylum process.'

The research involved critical examination of Home Office and Tribunal decision-making and reflects on current case law dealing with important aspects of child asylum claims. It is based on an examination of 20 casework files of young Afghan 'failed asylum-seekers' who arrived in Kent.

More information: The report is available online: [issuu.com/universityofkent/doc...come_failed_asylum-s](#)

Provided by University of Kent

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