



REAP is an independent, refugee-led organisation in West London that campaigns for refugees and aims to empower refugees and asylum-seekers to live as valuable and valued members of British society. We believe that it is essential to protect the right to refuge so people can escape danger and suffering caused by persecution, and that one implication of giving refuge is that there must also be reasonable level of effective and equitable support for people as they recover and rebuild. We work towards our aim by... promoting equality and equitable treatment for refugees in all their diversity.

REAP (REFUGEES IN EFFECTIVE AND ACTIVE PARTNERSHIP)

## Refugee Children and Young People (lessons from Hillingdon)

### Who do we mean by 'Refugee Children and Young People'?

This case study is about 'refugee' children and young people in the UK, which here means any child or young person who has come to the UK alone or with family, fleeing war, persecution or aggression. They might be waiting for a decision on their asylum claim, or the Home Office might have given them permission to stay in the UK ('leave to remain'). The Children's Society (web 19/2/14) estimates 3000 children arrive for refuge in the UK each year, of whom Refugee Council (web 19/2/14) estimates 1,100 are separated from parents or close family. Local authorities such as Hillingdon (Heathrow Airport), Dover etc. may receive and take on a duty of care for more than 800 unaccompanied refugee children per year. This case study also relates to children and young people whose parent or parents came to the UK for refuge. Individual children or young people might not have 'refugee' or 'asylum' status themselves but their lives have been shaped by their own or family experiences of fleeing persecution and seeking refuge and the consequences of that.

### Why does equality matter for refugee children and young people?

- Equality and inequality are very important for refugees: Can any issue demonstrate more clearly how much equality matters? Every year children, young people and families have to give up everything and flee because of inequality, persecution and aggressive discrimination often because of characteristics – ethnicity, disability, age, sexuality etc. - that the Equality Act 2010 would protect in the UK. Examples include Yemen, Somalia and others where genital mutilation is practiced (sex and age); marriage-related murder occurring in Pakistan (sex and age); young Eritreans, Liberians, Ugandans, Afghan boys fleeing forced conscription military groups (age). In many such cases families pay 'agents' or 'traffickers' to help their children escape to the UK. Once here, asylum-seekers often face disbelief, hostility, impoverishment, criminalisation and humiliation on top of what they have already lost.

Refugees generally, and refugee children and young people in particular are deeply affected by the experiences they have lived through. Young refugees must grow into adulthood miles from familiarity, family and all the support and knowledge they could once draw on. Young refugees have often adapted to and coped with years of difficulty which impact on their present and future lives in several ways:

*How experiences of different stages of seeking refuge impact on a young refugee's future.* Summary of workshop discussions, Hillingdon Refugee Children Network (HRCN) 12/2/13:

Changing Context	People's experiences and the impact on young people
<p>'Adaptation': (Still within the country of origin)</p> <p>'Departure': (Perhaps caused by some trigger: Crisis, Danger, Opportunity)</p>	<p>Surviving and resisting and tolerating growing and perhaps aggressive (state sponsored/ tolerated) discrimination, facing persecution. Cope and strategize, struggle, adapt, survival, reduce aspirations, reduced trust in other people.</p> <p>Adults and children could face violence, trauma, loss, bereavements, separation, powerlessness, prolonged stress and family distress, fear. Separation, loss Coping, adapting, changing life styles and livelihoods. Poverty, exclusion, Danger, maltreatment by authority, reduced trust in authority Temporary movement, insecurity, scattering family and peer networks.</p>
'Transit': (Movement beyond borders)	<p>Powerlessness, dependence, vulnerability Separation, dislocation Poverty, Destitution, Insecurity, waiting, ignorance, misinformation Poor physical conditions, nutrition, hygiene Separation and dispersal Transience and temporary residency, camps, insecure accommodation, Networks and connections, trafficking Costs, payment, sacrifice Arrival and departures, deportations, forced movements</p>
'Application': (Seeking and waiting for refuge in another country, includes appeals processes, and temporary protection.)	<p>Uncertainty, insecurity, all plans 'On hold', Stigma/hostility, discrimination Isolation, dislocation 'homesickness' Poverty, Dependence, powerlessness Having to negotiate and manage cases and interaction with powerful and unfamiliar authorities</p>

After receiving some form of 'leave to remain' children and young people continue to cope with the aftermath of their refugee experiences. In addition, they now start to cope with new experiences that are common to most migrants:

*Experiences after receiving 'Leave to Remain'*

- continuing impact of earlier experiences: eg. bereavement, PTSD, loss of identity, homesickness linked to:
- vulnerability, low ability to cope with crises or 'shocks' without longer term harm,
- long term health and poverty/livelihood difficulties (eg. lack of capital, lack of credit)
- isolation, lack of social, peer or identity-based support,
- few contacts, lack of familiarity with British systems/rights/rules, difficulty negotiating and accessing available support, inconsistent support and inaccurate advice,
- lack of English language, skills in communication, cultural understanding and capability
- hostility, suspicion, denial,
- caring for dependents

Across all refugee populations a disproportionately high number of people are disabled, relating to the physical impact of their persecutions and experiences in transit and by untreated or undertreated long term health conditions combined with chronic poverty and loss. This includes extremely high proportions of mental ill health related to trauma, bereavement and loss, prolonged insecurity and stress, isolation and vulnerability to abuse, including the impact of the prolonged stress of the asylum process in the UK which may include periods of detention.

Refugee young people face difficult experiences of stigma, hostility, of being criminalised, of uncertainty, instability and isolation. Identity and self-esteem are crucial, particularly as they impact on long term wellbeing and aspirations including the ability to develop health adult relationships with peer and with 'distant family' or parents. Struggles with identity and self-esteem are significant for refugee children and affect family relationships, and where parents are struggling to cope, communication can break down between generations, with serious consequences e.g. exclusion from school.

As well as their experiences of seeking refuge, refugee children and young people face the same diverse range of equality issues as anyone might: a young refugee also will be dealing with attitudes and different levels of awareness to their ethnicity (race, colour, nationality), gender (female/male), religion or belief and other characteristics. The intersection of multiple characteristics in any individual's life creates stresses and potential disadvantages that increase their vulnerability to discrimination. Such stresses can compound the disempowering impact of refugee children and young people's earlier experiences. "They are particularly vulnerable to discrimination as [unlike other migrants] they do not have the choice to leave the UK and go back to their countries of origin." (EDF/REAP 2011 p.2)

Thus to understand the experiences, needs and equality issues of young refugees it is also necessary to consider gender. Refugee girls and young women experience and face the consequences of gender and sex discrimination differently to refugee boys and young men. A Hillingdon Refugee Children Network (HRCN) workshop in June 2012 concluded that the low level of knowledge and confidence in the voluntary and statutory sector, when talking about refugees and asylum generally, undermines staff's ability to identify, differentiate and address girl refugees' interests as distinct from boy refugees'. Identity, self-esteem and refugee girls' aspirations are key to a good future, crucial as girls grow into adulthood, sexual maturity, parenthood. Girls' experiences of gender are connected with relationships to parents/older generations as well as peers and eg. School/college experiences. It is critical staff listen, with sensitivity and without assumptions about the individual in front of them, and build trust. It is very important to consider boys and men and relationships between male and females to develop better support and opportunities for refugee girls.

## **Refugee Children and Equality in British Law**

Many people in the public and in the voluntary and statutory sectors are unclear about refugee and asylum-seeking children's rights and entitlements. *Refugees and asylum-seekers are fully protected by the Equality Act 2010 and all it contains*

(as are migrants and everyone in the UK). Though refugees, asylum seekers and migrants are not named specifically in the Act, they are protected under the characteristic of 'race' as it is illegal to discriminate against people because of their colour, their nationality (including citizenship), and their ethnic origins and national origins. Under 'race - nationality' the Act is not just banning discrimination against someone because she or he is Afghan, or French, but makes it illegal to discriminate against any person on the basis that s/he is not a British national, so long as they are in the UK. In other words, *non-British people in the UK must be treated as well as people with British nationality.*

The law allows some exceptions (mostly linked to benefits and services from Public Authorities ie. any body receiving money that originally came from tax) where some of an asylum-seeker's entitlements and rights are linked to her or his exact immigration status, but such discrimination is only allowed where the law explicitly says so and mostly only applies to people who are still waiting for a decision on their the asylum claim or who have been refused asylum, or are appealing against a refusal. People who have 'leave to remain' of any sort have broadly the same entitlements as any British national. Even so other areas of British law – such as Human Rights, Children's, Health and Community Care, Mental Health Law and certain points around Domestic Violence for example, over-rule immigration-based exceptions.

Most importantly, *children's law 'trumps' immigration law* – an asylum-seeking child (age 0-17) continues having rights to care and support at the same level as a British national where an adult asylum-seeker would not. Thus education is free and compulsory up to 16, asylum seeking children have the same rights to health treatment as British national children etc. Section 17 of the Children Act 1989 gives local authorities a duty to provide support for children in need, and Section 20 gives them a duty to provide accommodation for children who require it. Section 31 gives local authorities a duty to investigate and take action if it is believed that children are in need of protection. This is very significant for children who arrive in the UK for refuge without adults to support them - 'Unaccompanied Children Seeking Asylum' – who must be cared for by the local authority where they present. Any child who has been 'looked after' has rights that continue into early adulthood (18-25)<sup>1</sup> regardless of whether they were born in Britain, have British nationality or are still waiting for a decision on their asylum claim. Adult asylum-seekers or asylum-seekers aged 18+ who have not been 'looked after' by a Local Authority, do not have any comparable rights.

## **Refugee children, equality, discrimination and duties**

Refugee children and young people face discrimination of various forms. Seeing inequality as being about unequal power in relationships, it is easy to see how refugee children can be end up as the weaker party in interactions with other parties or institutions. It may be a matter of other people's attitudes: In a West London project for young LGBT people, a staff member reported hostility towards gay refugees because some people believed asylum-seekers were 'only saying it to gain asylum'. There is hostility and stigma attached to refugees, and discriminatory views can have a direct negative impact on refugee children: Hillingdon Refugee Support Group (HRSG) reports young people usually avoid being identified as 'refugees' and they and other organisations in Hillingdon

avoid the word, using project names such as 'Diversity' and 'BHUmP' partly to avoid putting off participants.

Professional staff and bodies have considerable discretion in decision making and planning, and there is always potential to use discretion in ways that discriminate. Although it predates the Equality Act 2010, in 2003, the 'Hillingdon Ruling' found Hillingdon Council was in breach of Children's Law as it had decided to give lower levels of care and support to asylum-seeking young people who had been 'looked after' or 'in care' than it gave British national children.

Refugee children and young people also face service providers who generalise and unreasonably exclude refugees from their activities because, in their perception, they 'don't do refugees': When REAP asked a charity that supports local families with disabled children in a West London borough, to support a family with a disabled child living in their area, their reply was simply: "We don't do refugees".

Uncertainty also leads to discrimination against refugee children. Immigration law and documentation have changed constantly for the past two decades, resulting in widespread confusion about entitlements which is set to worsen with the Immigration Act 2014. With pressure from Government not to employ, treat, serve or house people who are not entitled, there is pressure on 'frontline' workers and landlords to err to the cautious and refuse to serve a refugee, or refer them away, rather than risk making a mistake. But in this way mistakes are made: refugees who are entitled and in need are wrongly turned away. "We do not encourage refugees to access our services as our funders would not be happy about us providing services to people who are not supposed to be here...".<sup>2</sup>

Under the Equality Act 2010 organisations and service providers can take 'positive action' to assist equality populations in need. This is one of the great assets created by the Act. Any employer or service provider is allowed to take 'proportionate' or reasonable actions – in other words, treat a group of people more favourably than others – if they are doing it for one of three aims: enabling people with a shared protected characteristic to

- 1) overcome disadvantage (eg. translating leaflets)
- 2) participate in an activity (eg. providing interpreters), or
- 3) meet the different needs of members of that equality group (eg. train up bi-lingual counselors with special knowledge in the impact of trauma and torture on mental health).

Thus any body can put in place actions particularly aimed at assisting refugee children and young people, whatever their special focus - children, disability, sexuality, housing or any other specialism.

What is more, under The Equality Act 2010, public authorities must have 'due regard' to: Eliminate Discrimination; Advance Equality of Opportunity; Foster Good Relations for its constituents/service users. 'Due regard' in this case does not just mean considering refugee equality (as in an equality impact assessment), it means doing something about it. Based on evidence of need (and there is plenty of evidence) the public authority has a duty to act in ways that address refugee children's disadvantages and difficulties. In addition to meeting their

duties under children's law, authorities must plan and run services in ways that pay due regard to the inequality faced by refugee children, and should consider how to adapt services and access channels to ensure equality of opportunity for refugee children. This is not only for young refugees' primary needs for shelter, food, health resources such as specialist counsellors etc., but secondary access issues including language and interpreting, travel costs and third level issues (also 'Good Relations') about voice, inclusion, integration, representation, and young people having influence in decision-making processes that affect them.

An example of good practice in Hillingdon is the many primary schools in Hillingdon that are now increasing support to the rapidly increasing population of children with English as an additional language, introducing groups for refugee and migrant parents to help them engage in their children's learning, making connections with voluntary organisations who can advise and provide extra support and training for staff. Failing to pay 'due regard' reinforces inequality and discrimination.

Access and Negotiation with formal bodies Source Discussion Workshop, HRCN 10/2013

Refugee children and young people's access to both statutory and voluntary sector services, support and decision-making processes is a point at which inequality becomes easily visible. Participants in HRCN have repeatedly highlighted their serious concerns about how young refugees struggle to communicate and negotiate with formal services. On the young people's side this is related to gaps in knowledge and understanding, lack of belief in one's own ability to bring about change, and limited expectations plus simple weariness and wariness, 'hassle and fatigue'. On the 'professional-side' participants relate this to perceptions, assumptions and attitudes; paperwork, documentation, evidence; time, energy and effort and competing demands; information and misinformation, ignorance and knowledge; professionals' own confidence.

Source: Workshop discussions, HRCN 10/12/13: Refugee Children and Young People and Access

'Stage' of Access		Relevance to Young Refugees
'Pre-gate'	When people are not even aware that a service exists or that they might be entitled to it.	Unfamiliar with British systems, opportunities, local provision. Low connection with local information channels eg. libraries, peer networks.
Gate	The point at which a person first comes into contact with an agency (eg. Reception), and has to show they are entitled to be considered for the service	Language, documentation, credibility. Receptionist's perceptions of the refugee child – hostility, ignorance or confusion, erring to safety, Labelling? 'We don't do...'
Queue	Waiting to be considered; often includes persuading the agency to give you priority over others, eg. Waiting list.	Assuming young people will be supported by others of same ethnicity. Need to define selves in terms the agency recognises as urgent. Difficulty or failure to manage ongoing communications, letters etc.
Encounter	Face to face interaction with decision makers who decide whether and what service you will get, and when. The 'encounter' is often another kind of 'gate'.	Ability to articulate, understand what is required, different cultural background in face to face interaction. Knowing the right questions.

Participants concluded that it is useful to look at 'access' as a matter of the assets young refugees need to negotiate successfully with formal bodies (eg. knowledge, cultural and communication skills, time, determination and a sense of personal agency). People who have been through less might have more of these 'assets' and organisations who appreciate what young refugees are facing might arrange their services in ways that demand less of the service user. Perhaps it is more useful to look at young people's own sense of 'agency' (what they can change in their lives) rather than 'barriers' : those present at the workshop in December 2013 felt 'barriers' could be overcome, but exhaustion and pessimism could not. Whether a young refugee is successful in accessing the services and support s/he needs and is entitled to, depends on the ability of BOTH the individual and the professional to 'read' and manage the situation, policies and processes and their direct interaction effectively. Trust and willingness to build trust is essential in this relationship, but rapidly changing staff and policy priorities, targets, funding and demands for evidence make this difficult. Young refugees will often make contact with multiple agencies and individual professionals and concentrate on building relationships with those they trust. Additional 'intersections' such as gender add further complexity.

## **The Hillingdon Refugee Children Network (HRCN)**

Hillingdon Refugee Children Network (HRCN) grew out of efforts of individual professionals from several bodies who contributed to a well-attended, energetic workshop in 2009. Since then HRCN has brought together a constantly changing body of voluntary, community and statutory sector staff who support refugee children and young people in Hillingdon (includes Heathrow) and West London. Hillingdon Refugee Children's Network (HRCN) is for people who do NOT specialise in working with refugee children - but who find themselves in contact in the course of their work - and for people who DO specialise in working with refugee children and who are keen to build links. HRCN creates spaces and opportunities to promote contacts between these practitioners, campaigners and refugees, who share knowledge, concerns and ideas, news and opportunities through themed workshops event and other opportunities.

Over the years, reflecting cuts in projects, services and funding, the network has changed from regular meetings with occasional generic workshops, to a format that maintains contact and is highly accessible for new participants via 2-3 topic-focussed workshops per year (eg. Girl refugees; Mental Health in transition; Access issues for refugee young people). Activities are less frequent as there is no current funding (previously funded by Hillingdon Community Trust HCT) but when other opportunities make events possible (eg. 'Engage'/HRCN event 26<sup>th</sup> June 2014) they continue to promote exchange and interaction between diverse agencies and individual professionals and activities on key themes identified by network participants. This has been possible by holding joint workshops with other bodies (eg. HRCN/HEAR Dec 2013) or being supported and hosted by other bodies through their ongoing activities (eg. WL-YMCA May 2014). The HRCN mailing list is a crucial resource and used by professional and activist contacts to exchange information and requests for advice or assistance as well as gaining views on future topic-based events. A Directory of organisations that are concerned about refugee children and young people and have contributed or participated in HRCN was fully updated and circulated in Feb 2014, at the same

time as an HRCN briefing summarising key lessons and materials emerging from participants' discussions over the previous 5 years.

HRCN participants have repeatedly confirmed their key concern is *unaccompanied children seeking asylum* as they reach adulthood at 17-25, and move from local authority care on their 18<sup>th</sup> birthdays, to largely voluntary sector support with possibly nowhere to turn to after that. Refugee children and young people's *mental health*, ability to form positive relationships, sense of *identity* and self-esteem and fear of stigma are of great concerns. Also the way young refugees' experiences disadvantage them and leave them *vulnerable to further and long term harm* and potential abuse particularly following crises and times of transition. *Poverty*, lack of *knowledge* about available support and *access difficulties* are significant. In addition participants highlight the importance and also complexity of inter-generational relationships with families – often at distance, peer relationships and changing identity and relationships as children grow into adulthood including sexual maturity and parenthood.

Other ongoing concerns include lack of professional awareness about the issues young refugees face, and practical matters like entitlements and documentation. Also concern about the local impact of cuts, lost projects and rapid staff changes meaning that continuity, local specialist experience and contacts were almost completely lost over a period of 2-3 years from 2009. Children's Centres, schools and colleges are seen as key connection points with young refugees from babies up to the 16-25 age range. Libraries and Children's Centres in Hillingdon participate occasionally in the HRCN, but many from outside education find it difficult to communicate or establish working relationships with schools, though there was marked increase in interest from primary schools in the area from 2013.

## **Conclusion: Young Refugees and their part in creating an equal society**

No one wants to face discrimination and no country can afford to ignore discrimination if it wants a healthy society in which people can fulfil their potential. The Human Rights Act and the Equality Act 2010 in the UK have reinforced the potential for a strong integrated country, but they only work if equality is made real, and everyone in the UK needs to be part of that process. Although few would disagree with this in principle, in practice many organisations and their staff are nervous about raising 'sensitive' or 'challenging' aspects of equality such as sexuality, changing gender relations, mental health with their members as they fear offended people or provoking hostility if members feel criticised, lectured or as if their 'culture' is not being respected.

In an experimental project to break taboos and raise positive awareness of LGBT refugees' equality amongst refugee groups, activities were arranged with a youth group that is part of a larger ethnically-based membership body. The volunteer youth leader was concerned that raising LGBT equality might lead to young people quitting the group. He felt both young people and their parents could be offended or hostile to the youth group discussing sexuality. He feared the topic would enhance existing tensions between British-educated and some second generation British youth and more recent migrants who had already clashed over different experiences and attitudes to British law and culture. He was also very

concerned that if there were young people in the group who were LGB they would be disturbed if peers expressed homophobic views. To avoid such tensions the project worker and leader together planned just a 20 minute section on the Equality Act in the group's full 2 hour meeting. They planned a few short role plays to clarify the nine protected characteristics, with some emphasis on sexuality and sexual identity.

On the day many of the newly arrived members did not attend, though there may have been several reasons for this. But those present engaged strongly in the activities and the whole 2 hour session was taken over by the discussions, questions and answers, personal examples and anecdotal cases, flowing into a warm debate about principles and very diverse personal views about equality. They particularly discussed LGB and transgender equality, with a lot of discussion also around sex/gender equality. It was clear that Citizenship lessons in schools had laid useful groundwork and though few members had knowledge in depth, there was no hesitation, resistance or hostility to discussing LGB equality. It was clear that equality is a live and engaging topic for young refugees, and that diverse views are a powerful source of engagement and interaction, and not necessarily a source of conflict. Refugee children and young people do struggle with inequality and discrimination, but they are important agents in creating a more equal society in the future.

## End Notes

1. Children Leaving Care Act 2000
2. Quote from 'Refugees into Equalities' Survey REAP 2009

**More Information/Sources** – contact [sarah@reap.org.uk](mailto:sarah@reap.org.uk) for any of the following

2014: Refugee Council / REAP [Introductory Briefing on Refugee Equality](#)

2014: REAP [Hillingdon Refugee Children Network Briefing](#)

2013: REAP [Equality for All Refugees - Supporting MRCOs to Support LGBT refugees](#)

2011: Equality and Diversity Forum (EDF) / REAP ['Equality Act 2010: a briefing for refugee and migrant community organisations'](#)

2011: Dr Phil McCarvill, IPPR, EDF ['Who's Still Missing? Refugees, migrants and the equality agenda'](#)

2010: National Equality Partnership / REAP ['One plus One: Supporting frontline organizations to work effectively with refugees'](#)

2009: REAP ["We don't DO Refugees"](#) - Refugees for Equalities Project Report

## Organisations

Refugees in Effective and Active Partnership (REAP) [www.reap.org.uk](http://www.reap.org.uk)

Hillingdon Refugee Support Group [www.HRSG.org.uk](http://www.HRSG.org.uk)

Refugee Council [www.refugeecouncil.org.uk](http://www.refugeecouncil.org.uk)

The Children's Society [www.childrensociety.org.uk](http://www.childrensociety.org.uk)

Equality and Diversity Forum [www.edf.org.uk](http://www.edf.org.uk)

*Disclaimer: This case study draws substantially on the knowledge REAP has gained through its facilitation of the Hillingdon Refugee Children Network (HRCN) and other ongoing related activities and connections, but the views expressed are REAP and the author's own. The author does not assume any responsibilities for the accuracy of this information. This is not a legal briefing and where advice or legal guidance is needed, specialist advice should always be sought from appropriate professionals. Specialist advice should always be sought for individual cases.*