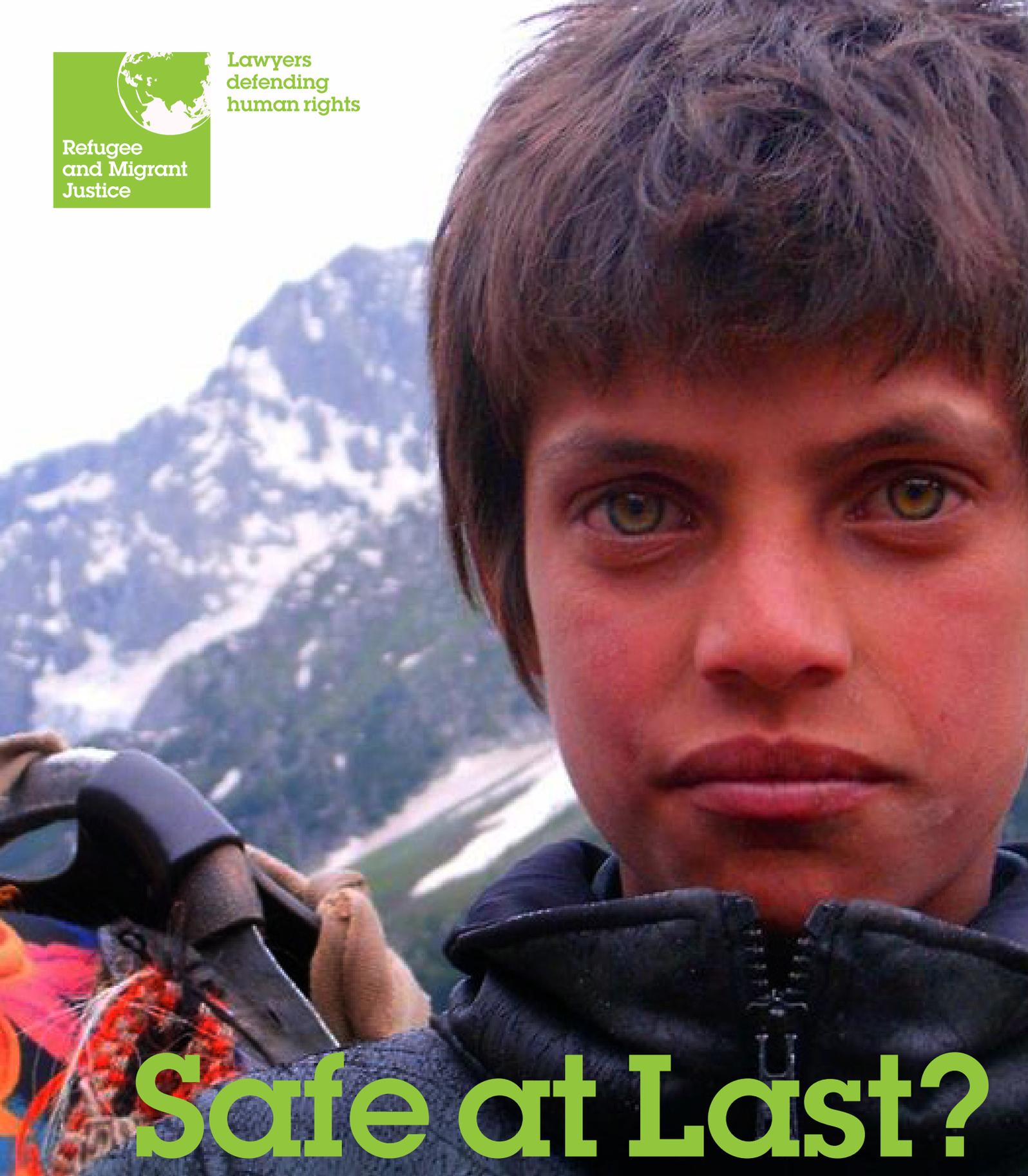




Refugee  
and Migrant  
Justice

Lawyers  
defending  
human rights



# Safe at Last?

Children on the front line  
of UK Border Control

**Refugee and Migrant Justice (RMJ) is committed to securing justice for asylum-seekers and other vulnerable migrants in the UK who need protection or help to secure their human rights and fair treatment under the law. For them quality legal advice and representation are vital.**

Since our establishment as a charity in 1992, we have built up an unparalleled reputation for the quality and professionalism of our work. So much so, that in 2005, we won the Liberty/Justice Human Rights Award for our 'consistent and fearless use of the law to protect human rights'. We also actively campaign for a faster, fairer asylum system and seek to use our expertise to make put the facts and the human stories at the centre of public debates around asylum.

The Diana, Princess of Wales Memorial Fund continues the Princess' humanitarian work in the UK and overseas. By giving grants to organisations, championing charitable causes, advocacy, campaigning and awareness raising, the Fund works to secure sustainable improvements in the lives of the most vulnerable people in the UK and around the world.



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# Safe at Last?

## Children on the front line of UK Border Control

### Introduction

Every week at British ports, vulnerable children are found crammed in the boots of cars, hidden in lorries and found hanging underneath trucks. Many have travelled for months, alone, under the control of abusive smugglers. They arrive exhausted, traumatised, hungry and often sick or injured. Many have not slept or eaten properly for days.

When they arrive, the children believe they are safe at last. Their treatment by the UK Border Agency undermines that belief.

This report reveals the experiences of children in their own words. Upon arrival in the UK they have been arrested, detained for up to 24 hours, denied vital medical attention and sometimes food before being subjected to an arduous interview about their immigration status by the UK Border Agency. These interviews, often described by UK Border Agency staff as Illegal Entrant Interviews, take place without a legal representative or independent adult present. Information obtained from the child is frequently used against their claim for international protection.

Refugee and Migrant Justice (RMJ) believes this treatment of children is not just inhumane, but unlawful.

Our report draws from the experiences of children helped by Refugee and Migrant Justice (RMJ), a charity that provides legal advice and representation to asylum seekers and other vulnerable migrants. With offices and surgeries in many different locations in England and Wales, we see significant numbers of separated children, most of whom are new to the UK.

### Does every child matter?

RMJ provides free legal advice and representation to asylum seekers and other vulnerable migrants. Many are unaccompanied and separated children, fleeing persecution, abuse, exploitation or widespread violence. Over 3,000 children arrive in the UK every year, many from countries like Afghanistan, Iraq and Somalia. These children seek protection in the UK under domestic law and international conventions to which the UK is a signatory. They may have lost parents as a result of targeted attacks, armed conflict or fighting and escaped in fear of their lives. Others may have been sent abroad by their families, who are desperate to secure their safety.

In March 2009, RMJ published *Does Every Child Matter?*, which examined the UK Border Agency's record in protecting and safeguarding children. This report analysed Government guidance set out in the UK Border Agency Code of Practice for keeping children safe from harm ('Code of Practice'), which was published in January 2009. We found the UK Border Agency was failing both in the principle and practice of protecting the welfare of children seeking asylum.

One of the problems highlighted in *Does Every Child Matter?* was the practice of Illegal Entrant Interviews on children as young as 12 who arrived in Dover. RMJ has been asking for these interviews to stop ever since, but we believe at least 20 take place each month. It could be many more.

In April 2009, RMJ met with senior officials at the UK Border Agency to discuss the findings of Does Every Child Matter. Amongst other things, we challenged the practice of children being subjected to Illegal Entry Interviews in Dover. The UK Border Agency claimed the interviews related to child welfare, and officials agreed to investigate whether this understanding was shared with its staff in Dover. There followed a protracted correspondence in which a picture emerged of senior UK Border Agency officials appearing to have little awareness of what was actually happening on the ground.

Almost 12 months later, RMJ lawyers are still meeting many children who have been left very distressed by their treatment at the hands of the UK Border Agency. We do not know whether all children have this experience but our research into the cases we have seen during that period has revealed a shocking disregard for children's welfare needs within the UK Border Agency.

Our lawyers have recently made an application to the High Court for judicial review on the lawfulness of the practice and policy of conducting Illegal Entrant Interviews, and on their use in the decision-making processes, that later affect the child's protection claim.

But legal processes take time, and more children arrive every day. The treatment that they face must stop immediately. Using the voices of the young people trapped in this process, RMJ has published this report to bring the issue into the public arena. We urge the UK Border Agency once again to stop conducting these interviews and make the welfare of children arriving in the UK an immediate priority. We hope that by providing a voice for these children, others fleeing to our shores from persecution or the threat of death will in future receive a welcome from the UK Border Agency that genuinely puts their welfare first.

## **Zubeir's<sup>1</sup> story, aged 16 when he arrived in Dover, now living in Birmingham.**

Zubeir's problems began when American and British forces invaded Afghanistan. His house collapsed when neighbouring buildings were hit in an allied bombardment. As a result of the blast, Zubeir sustained serious injuries to his legs. This has caused permanent damage, and consultants in the UK have said he may have to have one of his legs amputated. He remains in a great deal of pain. Zubeir's baby brother and younger sister were killed in this incident and his mother was also injured.

I was 16 years old when I first arrived into the UK. When the Americans and the British invaded Afghanistan our village was bombed. I was about nine years old at the time. The Taliban are bad people, and the Americans bombed them in our village, but the bomb was so big that it hit other houses. I was badly injured by the blast.

There were bad people in our village. Some years after the bombing my father was killed and after his death the Taliban and other Islamic groups started to use me. They forced me to hand out leaflets to tell people what they could and could not do. My father's family started to abuse and threaten me and the rest of my family. My mother's family arranged for me to be taken to a safe country. My uncle told me that the British would protect me because they believe in human rights. My uncle arranged my escape and instructed the agent. I had to do everything that the agent said. My family told me that I had to because they were taking me to a safe place.

The escape and journey was frightening and painful but all I could do was hope and pray to God that I would be safe. At times I was in agony. The agents beat me and the other boys a lot. We were passed from one agent to another like animals. The pain in my leg

would be so bad that I would faint and fall unconscious. Because of my injuries I was too slow and could not move at the speed they wanted, so they would beat me. They used to hit me with belts and sticks.

We travelled through lots of countries but I didn't know which ones. We also went through a country called Greece. I remember that we were in France and I had to live in a place called the 'jungle'. Lots of people lived there, adults and children. It was horrible. We lived outside and it was cold. Sometimes we had nothing to eat. Good people from a church used to give us food there. But sometimes the food was not enough.

<sup>1</sup> All names have been changed to protect the children's identities

The agents were very abusive and would hit me and the other children. I was also attacked by a group of men when I was living there. They stabbed me in the back. This was three or four days before I arrived into the UK.

Thankfully I didn't die but later my stab wound became infected and blood and pus was coming out of it. I felt so alone and threatened. It was terrifying there. I was surrounded by older men and had nobody to support me. I was very ill.

We could not have wash or a shower. I had not had a shower for about one and a half months. I had a rash all over my body. I kept itching and itching but then I started to get big lumps on my body that also had pus in them. My thighs were the worst but I couldn't stop scratching them. I think that they were abscesses.

The agent finally forced me to hide in a refrigerated lorry. It was very cold and it made me feel very ill. I was in the lorry with adults and another young person. We were forced to stay on top of some boxes. The boxes had yellow stuff in them. It could have been yoghurt or butter, I can't be sure. We got into the lorry during the evening, and the UK officials found us not long before sunrise the next day. It was so cramped and I was so cold. I was also in a lot of pain from my old leg wounds, the stab wounds and the abscesses.

When I arrived in the UK, I was in such a bad way. The UK officials put some stairs on the lorry so that we could get out. When we got off the lorry we were put into cars. It was hard to walk but no one said anything to me. We were then driven to a place in Dover; I am not sure what the place was. I did not understand what was happening and no one told us.

All of us were then taken into a big room. We had to sit in chairs and wait for a long time. I was searched and had to take all my clothes off. I was in my pants for some time because the UK officials were searching my clothes. It took a while before they returned my clothes.

Then each of us were interviewed. I waited from the early morning until the afternoon before I was interviewed. I think it was in the early afternoon but I cannot be sure exactly. I waited a long time and I was in a lot of pain but I had to do what the UK officials said. I was very frightened and I didn't know what would happen to me.

I remember that someone came in and gave us something small to eat, which was in plastic. We were not asked if we needed to see a doctor or if we were well. I did not know that a doctor could come there. No one asked me about my health. I just sat in the chair.

When I went into the interview the interpreter was on the telephone. I was trying my best to help the officials understand all that had happened to me. It was so hard in the condition I was in and I was scared and confused about what to tell them first but I did try my best. I promise I tried my best. The interpreter on the telephone told me that I was talking too much and told me to only give short answers to questions. I was so scared by what was said. I felt that I had to obey him because he was working with the UK government. I couldn't say everything that I wanted to and I felt frightened and did what he said.

I told the interviewer straight away about my injuries. I was asked if I was well at the start of the interview, and I told him that I was in a lot of pain and that I had injuries from a bomb on my leg and from the attack in France. I had a cut on my hand from the attack and I showed them. I was not asked to show them my injuries. They kept going on with the interview. They didn't stop.

They kept asking me questions about why I came here, my journey and what happened in Afghanistan. I tried my best. I kept apologising and said that I was feeling very ill from my journey, and was in a lot of pain and I needed help and treatment but they kept asking me lots of questions. After the interview I was told to wait for some hours. They did not tell me that I could see a doctor and I was never asked if I wanted to see one.

I was then taken to a hotel and after a couple of days a lady came to see me and I think she was from social services. She took me to the doctor straight away because I was very ill. I have been in the care of social services ever since.

My asylum claim was later refused because the UKBA said that I did not offer enough information during the interview that took place when I first arrived. But because I am a young person I was given special leave to remain.

My social workers have helped me so much since I came here. They look after me and care for me. They are like my family. If I need anything I can call them. Sometimes I think I am being a burden on them so try not to call all the time. I do not know where I would be if I did not have them to call.

Since being in the UK I have found out that one of my brothers has been killed by the bad people in Afghanistan. I would be dead now if I was not here. Sometimes I think I should be dead. My key worker and social worker have tried their best to find me help and support for my problems. Sometimes I have panic attacks and I get scared easily. I have to take a lot of pills that the doctor has given me and they make me very drowsy but I still can't sleep. My key worker explains to me that it is important that I take these pills.

I have also made some friends here in the UK and they help me too. They don't always let me sleep over at their house because I scream in my sleep. My neighbours also complained about my screaming but I don't know I am doing it. I just hurt so much. The pain in my body and heart is too much for me sometimes. I have started to hurt myself to get rid of the other pains that I have but my key worker talks to me a lot and tells me I can't do this.

I recovered from the stab wounds, but my doctor here says that my leg wound is so bad I need an operation. I don't know where I would be without the support I have from my friends and social services. I feel blessed and I feel protected by those around me. But the government here does not want me. I am scared that that they want to return me to Afghanistan. I am scared that if I return I will be killed like my brother. When I look on the TV I see that British soldiers and government ministers are being killed in Afghanistan and they have all this protection around them. How would I protect myself? I can barely walk for more than 15 minutes without pain.

## The new statutory duty on the UK Border Agency to safeguard and promote the welfare of children

In 2009 the Government introduced new legislation to protect migrant children arriving on our shores. Section 55 of the Borders, Citizenship and Immigration Act 2009 placed a statutory duty on the UK Border Agency to carry out their functions with regard to the need to safeguard and promote the welfare of children<sup>2</sup>.

**Statutory guidance published under Section 55 states that UK Border Agency must act in accordance with a number of key principles, including:**

- Every child matters even if they are someone subject to immigration control.
- In accordance with the UN Convention on the Rights of the Child, the best interests of the child should be a primary consideration (although not necessarily the only consideration) when making decisions affecting the child.
- Ethnic identity, language, religion, faith, gender and disability should be taken into account when working with a child.

**The guidance states that UK Border Agency's work should:**

- Protect children from maltreatment.
- Prevent impairment of children's health or development (where health means "physical or mental health" and development means "physical, intellectual, emotional, social, or behavioural development").
- Be child centred and rooted in child development.
- Support the achievement of the best possible outcomes for children and improve their wellbeing.
- Be designed to identify and provide the services required, and monitor the impact their provision on a child's developmental progress.

**The guidance also defines Government understanding of the key features of an effective system, specifically:**

- Children and young people are listened to and what they have to say is taken seriously and acted on.
- Interventions should take place at an early point when difficulties or problems are identified.
- The wishes and feelings of the particular child are obtained and taken into account when deciding on action to be undertaken in relation to him or her.
- Communication is according to the child's preferred communication method or language.
- Where there are concerns about children and young people's welfare, all agencies take all appropriate actions to address these concerns.

<sup>2</sup> This statutory duty is supposed to mirror the statutory duty under s11 of the Children Act 2004, which is a duty placed on a number of other public bodies, including the police and social services. It still remains unclear why the UK Border Agency requires a separate duty.

## Safeguarding and promoting the welfare of children? What the Dover children say

### **Ali was 14 when he arrived in the UK. He had a very painful bladder condition and the UK Border Agency interviewed him without offering him medical care:**

When I arrived in the UK I was arrested and handcuffed. I think the police arrested me. I was feeling very ill and I was tired and hungry. I told the police officers that I was tired and needed to sleep but they said I could not.

I was interviewed that night and I don't know what time it was, maybe 11pm or midnight. I was asked how old I was and I told them I was 13. During the interview I said I felt ill. I had a pain in my genital area and I could not hold my bladder. I told the officers this, but they did not do anything. They just wrote something down and asked the next question. I found it difficult to concentrate as my mind was on this pain. I was also very hungry because I had not eaten anything. I didn't feel myself. I was too scared to say anything, I was scared that I would be sent back or maybe locked up. I didn't have anybody there to explain what the interview was about. I can't even say how long the interview lasted.

About five minutes after the interview finished I was given the opportunity to eat some food but then they locked me up for the night. They did not explain why. It was very cold. I had a short-sleeved t-shirt on. The floor was like concrete and it was freezing. I wasn't given a blanket or anything for my arms. I didn't sleep at all. A doctor did not come to see me.

### **Waseem was 17 when he arrived in the UK, having had little food or sleep on his long journey:**

I was interviewed a lot the first day I arrived into the UK. I was moved from one place to another and I had no idea what was happening. I didn't care because I was so tired I just wanted to sleep. I was so tired that I wasn't even hungry anymore. I'd only eaten a few biscuits on my journey and hadn't had any proper food for a long time.

I was asked more questions at Dover. I had an interpreter on the phone to help me but when I was interviewed the first times I didn't have an interpreter. I could understand the questions but I was very tired. I had only slept for one or two hours. I was scared during the interview. They said that I had to take it. They didn't tell me what would happen after. I wish that I'd been given some time to rest before the interview. I wish I'd had a solicitor, someone to support me. I felt isolated and alone.

### **Faroukh was 14 on arrival:**

When I arrived into the UK I was in a bad state. I felt very weak and I had a bad headache. I went with another person to hand ourselves into the authorities. I just wanted to be safe.

It was strange when I was interviewed. They used a telephone. I have never used a telephone before and I don't think I was listening properly and I couldn't understand the interpreter. It was all very confusing and I found it hard to concentrate. I did not really understand what was going on around me. I was waiting around a lot in chairs and I was told that I could not go to sleep because I had to go here and there. I think I would have been much better if I had some food and if I had a rest and if my head wasn't hurting. No one said anything about a doctor and I never saw one until I was in the care of social services.

## **Sami, aged 16 on arrival**

The interpreter was from Iran, and I am from Afghanistan. I told the interpreter that I did not understand him properly but he said that they did not have another interpreter. I remember that I was trying to say 'uncle' and he did not understand me. I felt powerless and frustrated. Even my identity card that was given to me by the Home Office said that I was a Pashtu speaker, but I speak Dari.

I didn't know what any of these questions were about and I thought that I was going to be taken to prison. I was very upset at being interviewed in a language I didn't understand. I felt that no one understood me. No one understood what I was going through.

## **Sohail, aged 14 on arrival**

Before I arrived in the UK the agent stuffed me into the back of a lorry. I was so cramped that when we finally arrived and were found by the UK authorities I could not walk. They had to put their arms under my shoulders to help me. I was so exhausted and I was just slouching everywhere because I was so weak.

I was interviewed and then told to wait again and again. They used a Farsi interpreter. That language is from Iran, but I am from Afghanistan. I understood a little bit because I had been in Iran before, but not a lot. I was just too tired to try to explain. I remember one thing from all the hours I was kept there that I cannot forget, and the other things are not that clear. I was very hungry and no one gave me any food.

When I was in Dover I was taken into a room by a female official. I was just slouching on the chair and I was so tired. I was not looking at her face and she asked me why. She then asked me why I was staring at her chest. She asked if it was because I was not used to seeing a woman without a hijab. I was so embarrassed because I swear that I was not looking at the lady's chest, honestly I wasn't. I was so ashamed with what was said and I was so nervous about speaking. After this I felt uncomfortable being around women in the UK, including social services. I didn't want them to think I was a bad person. I did not mean to look at her chest, honestly. I didn't want anyone else to think I was. I am not an animal, I am an Afghan.

## What's in a name? UK Border Agency correspondence on Illegal Entry Interviews

One of the problems with stopping the practice of Illegal Entry Interviews is confusion within UK Border Agency about the purpose of the interviews. This problem may well have been exacerbated by the UK Border Agency's removal of its official guidance (Asylum Policy Instructions) on dealing with children's asylum claims from its website several years ago. This guidance has never been replaced.

In a series of letters from senior UK Border Agency officials, RMJ noticed major inconsistencies between them about why the interviews took place. Where one senior official states they were held to assess the legality of entry, another claimed they focused on welfare. The only real consistency was that officials working on the ground often called them Illegal Entry Interviews. The use of this title suggests interviews took place with a view to possible prosecution.

By the end of our correspondence with senior UK Border Agency officials it became clear these interviews were intended to focus on the child's welfare. However, having examined over 30 cases in detail we have found no evidence this intention was put into practice. In fact, in the cases we looked at, very immediate welfare needs were simply disregarded.

**Having received no response from the UK Border Agency after our initial meeting of April 2009, RMJ wrote to the UK Border Agency on 19 June 2009, providing details and reference numbers for six cases to demonstrate that interviews were not being used to secure the welfare of the children. In the letter we asked for the practice of Illegal Entry Interviews to be suspended. We wrote:**

It is clear there is a common understanding [on the ground]... that these are Illegal Entrant Interviews. Not only are interviews commonly described as such... but the interview questions clearly concern issues around illegal entry and not the child's welfare.

Some cases show a very disturbing disregard for the child's welfare and the UK Border Agency's Code of Practice...

I would be grateful if you would confirm by return that the practice of conducting illegal entrant interviews has ceased. Please also confirm within seven working days that guidance has been issued to caseowners not to rely on information used from these interviews and to withdraw reliance on information already improperly used...

**On 15 July 2009 RMJ received a response from a senior UK Border Agency official, which contradicted the UK Border Agency's claim in April that the practice would be investigated:**

I cannot agree to suspending Illegal Entry Interviews. These are essential in determining how an individual entered the UK and key to us maintaining an effective Border Control...

**On 30 July 2009 RMJ received another letter from a more senior official in the UK Border Agency, this one contradicting the first:**

The interviews in question took place after illegal entry had been established and papers served. Our primary aim then was to establish welfare needs for the child ahead of their transfer into the care of social services. I believe these interviews are necessary to ensure we provide the appropriate support.

What is unsatisfactory is that the purpose of the interviews concerned has been muddled – not least in my correspondence with you – and that that purpose has subsequently been unclear to (our) case owners too.

**On 19 October 2009 the UK Border Agency wrote to RMJ again:**

The initial interview... is really about identifying the most appropriate way of addressing immediate welfare concerns and of processing an application.

We intend to make our position on the presence of responsible adults at interviews much clearer... including making it clear what should happen if there was no adult with a role on behalf of the child present during the initial interview. In these circumstances asylum decision makers should not rely on information obtained from it unless the information has been raised during a substantive interview in the presence of a responsible adult or legal representative. This will be specified in the new instruction when it is published. In the meantime I am arranging for an immediate message to staff to go out to this effect.

**A subsequent letter from the UK Border Agency, dated 23 December 2009 stated:**

We are satisfied that these are not Illegal Entry Interviews... Nevertheless we think it is important we consider how to proceed where there is an immediate need for our staff to have conversations with children in Dover in the absence of a responsible adult... I have asked for our professional advisors to look at this practice one more time – and specifically in the light of our safeguarding duty.

RMJ welcomed this review but in the meantime, our clients have confirmed that the practice has not stopped. In our experience, information taken from these interviews is often compared with later interviews, and any inconsistencies then used against the child to refuse their claims for international protection. There should be no circumstances in which information obtained from a child interviewed without an independent adult and legal representative should be used against them. In cases where RMJ is acting, the UK Border Agency has withdrawn refusals of protection which relied on such information, but only when threatened with judicial review proceedings.

**RMJ received its most recent correspondence from the UK Border Agency in a letter dated 4 March 2010, providing the outcome of the review promised in December. The letter promised new guidance but also stated:**

Initial interviews should primarily be to establish whether a person is an unaccompanied child and to identify any welfare issues to help us deal with the applicant properly. The initial interviews are not intended to produce a decision on the application of a claim. What the child says at such an interview can be used as part of asylum determination but only if the issue in questions has also been put to them at substantive interview.

We look forward to seeing the draft guidance, but RMJ believes these interviews should not take place at all. There remain very serious concerns about the UK Border Agency's failure to attend to children's welfare needs and we believe that they should simply be referring children to the relevant local authority children's services department for that purpose.

## Amir's story, aged 13 on arrival, now living in London

My elder brother and I escaped from Afghanistan together and our journey to the UK took about five months. We were instructed to follow the agents at all times. We travelled with a group of 10 or 20 others at first- the number changed depending on where we were.

We got passed to different agents along the journey who all treated us badly. They shouted at us and didn't give us enough food. If we didn't do things on time they'd beat us, or kick us and slap us. I was really scared and had to do just as they said or I'd get beaten even more. All of the agents were very aggressive. During my journey they would give us food, but only bread and it wasn't enough. Sometimes we would go without. Once we all went three days without food, and the whole group got very ill and weak.

We then stayed in France, in a woodland area that everyone called the jungle, for about 20 days I think. We'd get food from a church once a day. One early evening when it was raining heavily the agent put my brother and I underneath a lorry, and told us to hide for the night until the lorry left. We had no idea where we were going, and just had to follow the agent's instructions.

We spent the whole night underneath the lorry. There was not a lot of space, and I just lay on my side on the lorry frame. If I moved a little bit I could have fallen off the frame, and once the lorry was moving I could have got crushed under the wheel. I was so scared. I tried my best to sleep. It was raining and so cold. My brother tried to make me feel safe and told me not to be scared. But I was. When the lorry left in the early morning it drove onto a ferry. Me and my brother stayed on the lorry the whole time. We were too scared to move or talk because we thought someone would find us.

When the ferry arrived in the port, another lorry in front of us started to drive off. But some people came to our lorry and looked underneath with a torch. They found us and shone the torch on us. They poked us with a stick.

When we got off the lorry we were taken inside the back of a car, which had a metal guard on the windows. We waited in there until daylight. No one said what was going to happen. I only said a few words to my brother because I was so scared. I was cold from my journey, my teeth were chattering and our clothes were soaking wet, but we weren't given anything warm to wear.

We were driven to somewhere where our pictures and fingerprints were taken. We were taken to a room with some other boys and given a cup of tea. I was really hungry and I wanted to ask for some food but I was too scared, and I didn't speak a word of English.

No one came to explain to us what was happening. I had a very bad headache, a sore throat and a cold. I'd breathed in all the smoke from under the lorry. I was cold and wet and hadn't had the chance to wash my face or warm up.

I waited here for about 20 minutes before a female officer grabbed me by the hand and led me away. She kept taking me to different rooms until we arrived in the office where I was interviewed. I had no idea what she was saying to me.

When I was waiting in this room another lady came in and the two women talked to each other. I became more nervous because I didn't understand them and I didn't know if they were talking about me. After a while they turned on a loudspeaker and I could hear an interpreter.

The interpreter was speaking Pashtu, but I didn't really understand him. His accent was completely different and I didn't recognise it at all. I only understood about 80 per cent of what he said. I didn't feel I could tell him that I didn't fully understand him, because I was scared of the ladies and didn't feel like I could ask any questions.

I just wanted it to be over so although I did my best to answer the questions I gave short answers. It still felt like such a long interview though because I was so unwell. Even though when I was asked if I had any medical problems I told them I had a headache, and that I was unwell, they did not do anything.

I felt relieved when they said we'd finished because I was getting tired. I'd been sitting in a chair for such a long time and then before that I'd been under a lorry for my entire journey to the UK. I hadn't had the chance to stretch my body, and I was aching all over.

After the interview I went to the toilet and used the hand dryer to dry my clothes. I couldn't get them completely dry though, just a little bit better. After the interview I was offered a waterproof plastic coat, but I didn't take it because it wouldn't have made me any warmer or dryer. A long time afterwards, I was given a plate of rice.

I was then told that Social Services had been contacted. I did not know who they were at the time but now I know that they look after children and young people. I was told the Home Office believed my brother was an adult so the authorities took him away. I didn't understand what was happening. I was 13 at the time and my brother was 15, so I don't know why they thought he was an adult. They took my brother away.

I have not seen my brother since that day. My lawyer and Social Services tried to look for him. I was later told that he had been taken to the North of England, and then I found out that the week after we arrived, he went missing.

I try my best to keep happy with my foster family. I know they care for me a lot. I don't want to get upset because I know that they might get upset if they see me upset. I think about my brother every day, how can I not? He was my world. I sometimes think he went missing because he came looking for me. I do not know where he is now. I want to find him. I am now in a safe country and I know that we are lucky to be alive and I also have a very caring foster family, but I do miss my brother. It hurts that I never got to say goodbye.

When my lawyer told me my asylum claim had been refused I didn't want to appeal against it. The Home Office didn't believe me so I felt that there was nothing I could do about it. Everyone thought that it was best if I appealed the decision because I had a strong case for asylum. Even my foster parents tried to convince me to appeal, but I didn't want to.

I know the reasons that the Home Office gave for refusing my asylum claim, but I gave the information I knew as far as I could and as best as I could. The Home Office said that there were differences between my first interview when I arrived into England and my second interview, when I was with my lawyer and my carer. But I'd always said that I was ill and scared. I felt that I wouldn't be believed a second time even though I was telling the truth. I didn't want to argue once the Home Office had made it clear that they didn't believe me.

## **Abbas's story, aged 15 on arrival, now living in London**

I was 15 years old when I arrived into the UK. I was forced to leave Afghanistan because the Taliban attacked my family home. They tried to kill me. They shot me in the shoulder and I still have not recovered properly. I was very ill after I was shot and I felt paralysed afterwards. When I started to recover my family arranged for an agent to take me to a safe country.

Before England, I think I was in France. I was under the control of agents and they forced to stay wherever they said. The agents used to be cruel to us. They shouted at me and the other children and they used to beat us. One day I was told by the agents to hold onto the bottom of a lorry. I travelled on my own, beneath the lorry, by the axle of the wheels. It was very scary and very cold. My arm was in great pain and the shot wound hurt so much. It took about three hours and I was holding on for my life. I didn't know where I was going and whether I would stay alive. It was night when I arrived into the UK, but I don't know exactly what the time was.

When I arrived the driver asked me to get off. A security guard called the UK officials and they took me away. I was in a lot of pain and my body felt frozen. I lost all sense of time so I don't know how far the officials drove me. My chest and shoulder were hurting a lot because the shot wound had got worse on my journey.

I had learnt not to trust anyone on my journey to the UK, not even the police. I'd had money stolen from me and I'd even been beaten up. The agents and the police had both beaten me up during my lengthy journey. When I met the UK officials I was scared of them and I thought that they too were going to beat me.

I was detained for a long time. I was moved from one place to another and asked lots of questions by different people. One person would ask me questions but if I tried to explain anything they told me to tell the other person. I was so disorientated and confused. I didn't know what was happening. I was afraid that I was going to be sent back to Afghanistan to be killed.

My chest and shoulder was hurting and I felt paralysed in my arm from the journey. My body felt quite itchy. I had some kind of skin condition that I caught in France. I had hardly had any sleep. I was not given anything to eat and they told me I had to wait and be interviewed. I was never asked if I was well. I wanted to tell someone I was not feeling well but no one cared.

I'd been wearing the same dirty clothes for two months and they were very uncomfortable. They were so dirty they had lice in them. I was not offered the chance to wash until after the interview.

I was then interviewed for a long time. The person who interviewed me was angry with me. They asked me how I got to England and warned they could send me back. I was so frightened. There were some expressions like 'asylum' and 'Home Office' that I didn't know the meaning of. I did not know what they were going to do to me and I did not trust them. They did not explain to me what the questions were about or what was going to happen.

An interpreter was used over the telephone and I didn't understand them very well. The line kept breaking up. Also, the accent and dialect of the interpreter was different from mine, and I had not heard anyone speaking that dialect before.

When they told me that they could send me back I started crying. I thought they were going to beat me up. They just carried on with their questions and did not care. When I think about it now I feel upset.

After the interview they took me to a car. It was only in the car that they told me they were going to take me somewhere I could rest. I felt exhausted and my mind did not feel in the right state at all. I was scared because I did not really know where they were going to take me.

I'd always told the truth in every question that I was asked. I explained about being shot by the Taliban. But in the questions on my first day I had missed the full details out because I was so scared. I felt saddened by my application being refused and the Home Office who used the interview records against me.

When I told the Home Office about my wounds they did not believe that I had been shot. They did even not even believe the doctor who examined my wounds. Now I feel like I am going to be sent back to face

the Taliban for another time. You either have to kill for the Taliban or be killed. They are forcing people and children to join them. The Taliban wrap bombs around them and make them blow themselves up. If they do not agree then the Taliban kill the members of the family. I am not an animal and will not kill another human being. The Taliban do not pity anyone, Muslims or non-Muslims. If I am sent back I will be a dead, especially if they know I have come back from the UK. They will think I am a traitor.

If the Taliban are killing the English who have all these weapons then I do not have a chance at all. I get upset that the UK authorities don't believe me. I feel helpless.

## **Jamal's story, aged 14 on arrival, now living in Brighton**

My father was a police officer in Afghanistan, and bad people in the village killed him. My family had so many problems with the Taliban and my family said that I had to leave Afghanistan for my safety. I didn't want to leave my home and the rest of my family. I was so scared and confused but my family said I had no choice. I was so sad and scared and I didn't understand what was happening but I just listened to my family.

I had a very difficult journey to the UK that took about seven or eight months. I was in the control of the agents and I had to do everything they said. They were very bad to me and other people. When we crossed the border between Afghanistan and Iran we were forced by agents to hide in very crowded lorries. There were many people in these lorries. It wasn't easy to breathe inside and some people lost consciousness. It was very hot in the day but very cold at night. There wasn't enough food or water, and we were only given something to eat when we got to a safe place. Once we went five days without any food.

When we got to Turkey we were arrested, and held in prison for three months. They didn't want to release us and didn't care that we were looking for safety so the adults that I was with said that we had to stop eating so that they let us go. I just followed what they said because I didn't want to be kept in prison. I was scared and I didn't know what was going to happen to me. I remember we stopped eating for about a week. They finally deported us back to Iran and we all spent two or three days in an Iranian police station. The Iranians said that they wanted \$50 from each of us because they wanted to deport us back to Afghanistan, but instead, they took us back to the border between Iran and Turkey.

There were lots of children and families there, and lots of people who threatened us and demanded money. I saw other boys who had had their nails pulled out and their fingers cut. I also met two Pakistani boys; one had been shot in the arm and one in the leg. It was extremely scary and I wasn't sure if I would stay alive. I used to think about my family all the time and this used to make me cry. I used to think that if I was killed then they would never know. Who would tell my family?

We had lots of different agents throughout the journey. It's difficult to say how many we had because in Iran alone they had seven or eight. They all treated us badly, pushed us around and forced us to do as they said.

When we got to France I had to live in a place that looked like a jungle. It was horrible and frightening there. The agents used to beat us and I felt so alone. I tried to stay with other Afghan boys but I was still all alone. The agents would put us in lorries to leave France, but the police sometimes stopped us and took us back to the jungle. I finally got onto a container lorry – an agent put me inside with 10 others in the night, while the driver was sleeping.

We tried to hide in some boxes in the lorry. When I was in the lorry we were so nervous we were scared to breathe. It was really cold and we were wearing different layers to keep warm. I was scared that I would get caught and deported.

We spent 10 or 12 hours in the container lorry, although it didn't set off until the morning after we climbed in. Eventually a boy we were with told us that he thought that we were in England. We started banging on the lorry but it didn't stop for some time. We then waited for two to three hours before the UK authorities arrived with three or four cars. We were taken to a building and kept there for one day and one night.

At the place the authorities asked how we'd come here and why. I told them that I had a headache and was exhausted because I hadn't slept all night. They told me that later on they'd give me some medication, but for now I needed to answer the questions. I was taken to four or five different rooms and in every one somebody asked me questions.

I had a telephone interpreter to help me understand the questions. I understood most of what the interpreter said. He was either from a different region, possibly even Pakistan. I told him that I didn't understand everything he was saying but he told me to just answer the questions and he would tell the officers later on.

I don't know how long the questions lasted but I spent the whole night there and was interviewed by a few different people. It lasted until midnight. I wasn't given a bed, and that night I only managed sleep for a few moments on a chair. I hadn't slept at all the previous night.

The next day I was driven to a place in Dover by the authorities and I was given another interview soon after arriving. I kept saying I was sleepy, but the officers kept asking me questions and didn't listen to me. I felt powerless and unable to do anything. I had to do everything that they said. I wondered what was happening to me and where I was going to be sent. I had another telephone interpreter and I could understand him much better than the first one. They'd only told me that the questions were for my asylum case. I was asked the same questions, but there were more questions about why I'd come here. I explained that my father was a police officer in Afghanistan, and people in the village had killed him, and that I too would be killed.

They told me that another day I would meet a lawyer. I didn't know anything about lawyers and I didn't think I could even have one. I hadn't eaten since I was in the jungle and I was not given any food by the authorities. I was starving, but even more than that I wanted to sleep.

When I went to my asylum interview I was told that I'd said this in Dover and that I'd said that, but I couldn't even remember what I'd said. I remember just trying to end it as soon as possible because I was so exhausted. On that day I lost all sense of what I was talking about. I'd no idea that my answers would be held against me like this, or I would have given more detailed answers. The immigration officer made me feel like a liar.

## Is this treatment of children lawful?

It is clear from the accounts in this report that all too often the treatment of children arriving in Dover is inhumane. But RMJ argues that as well as being inhumane, these interviews are also unlawful.

The UK Border Agency is required to conduct interviews with children in accordance with domestic and international law and its own published policy and procedure. There is also now a clear statutory legal requirement for the UK Border Agency to comply with its Section 55 duty and accompanying guidance.

RMJ believes the practice of interviewing children on arrival, in the absence of an independent adult and legal representative and without safeguarding their welfare first and foremost as vulnerable children, is against Section 55 guidance and is therefore unlawful. RMJ believes that it is also unlawful for the UK Border Agency to hold information obtained at these interviews against the child.

RMJ has recently made an application to the High Court for judicial review of the practice and policy of conducting these interviews and then using the interview records in decision-making processes. But legal processes take time, and RMJ cannot stand back and allow children to be treated in this way. We hope that this report will persuade the UK Border Agency to stop urgently this inhumane treatment of children in Dover, and to make the welfare of children an immediate priority.

### RMJ is calling for:

- The UK Border Agency to discontinue immediately its policy of interviewing children before safeguarding their welfare.
- UK authorities, including the police, to refer children to the children's services department of the relevant local authority as soon as a child becomes known to them, to ensure their welfare needs are met
- Children to be offered appropriate medical treatment, rest and food immediately after being brought into contact with the UK authorities
- Interviews only to take place after children have recovered from their journey, are well, and have had access to relevant services
- Children to be given access to legal representation prior to and throughout any interview with the UK Border Agency.
- The practice of interviewing children alone, by an untrained interviewer and without an independent adult and legal representative being present to be stopped.
- The UK Border Agency to recruit a wider range of qualified interpreters to ensure children are safeguarded and correctly understood, as well as understanding the questions put to them. These interpreters should be trained to work with children and have Criminal Records Bureau clearance.
- The UK Border Agency to publish urgently its Asylum Policy Instructions on how to assess asylum claims of unaccompanied asylum seeking children. This guidance has been missing for a number of years and without clear guidance to staff on the assessment of asylum claims for children serious problems such as those documented in this report will continue.

RMJ has only used a small sample of our case studies in this report; many other voices remain unheard. The experiences of children we describe are not isolated and they are still going on today.

While carrying out our investigations, a number of children expressed their surprise at the fact that the UK authorities had a duty to promote and safeguard their welfare. When they arrived at our borders they thought that they were safe at last, but found that their first experience of Britain was far from a caring one.

**With thanks to all the Dover children who helped with this report.**



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