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SPECIAL ISSUE

Child and Family Social Work  
with Asylum Seekers and Refugees

Guest editor RAVI KOHLI

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# CHILD & FAMILY SOCIAL WORK

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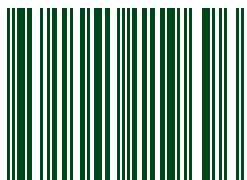
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## Editorial

This special issue of *Child and Family Social Work* focuses on the lives and circumstances of refugee and asylum seeking children and families in several countries – Australia, Ireland, Norway and the United Kingdom. The predominant focus is on unaccompanied or separated children who come to these countries without an adult to look after them. But equally importantly, many children are accompanied by adult family members who seek asylum, and sometimes achieve their goal of full refugee status. These children and their carers are also present here.

The contributors look at laws, policies and practices that exist within these countries, and the ways in which they help and hinder the process of resettlement after flight. Overall, the news that the contributors convey is not good, if fluency and ease of resettlement are measures of goodness. Broadly they show us that in seeking asylum and getting refugee status, people have tall fences to jump over, and threadbare safety nets to land in as they travel towards and within their chosen country. Restrictive laws, suspicious border guards, bureaucratized lawyers and welfare providers hem them in. They live in circumstances of material deprivation, and carry the psychological burdens of forced migration. Social workers faced with the complex task of caring for them are advised to connect in ways that are practical and helpful on the one hand, and emotionally balanced on the other.

Each paper analyses the strengths and weaknesses of systems and practices in working with people who have dropped anchor after a period of being uprooted and highly mobile. As one of the contributors points

out, social workers are used to responding to indigenous locals who do not move far. In contrast, the trans-national asylum seeker or refugee can come over as a fresh challenge, revitalizing or threatening, depending on the practitioner's own capacity to deal with the unfamiliar, and based on their own sense of a common humanity.

The papers in this issue share a humanism which assumes that an urgent welfare task is to bring justice to the lives of those who have had to flee their countries of origin, and that justice has ethical dimensions, not just legal ones. Particularly in a climate of distrust of people seeking asylum, where the 'something must be done' brigade charges towards battering down the hatches, the thematic counterpoints in these papers are clear – something must be done, but it must be done to protect and care for asylum seekers and refugees. In that sense, whilst maintaining balance, many of the contributors are not neutral.

In terms of what we know, a picture emerges of a field of study that is itself unsettled. There are many things that we do not yet know about the best strategic and operational elements that aid resettlement. In research terms at least, there are still many details of the landscape to illuminate before we have a confident sense of what social work with asylum seekers and refugees is really like in the 21st century. In the meantime, these papers offer a step along the way. We hope that they will resonate with readers in the countries on which the authors focus, and also with those who live in other industrialized nations where sanctuary is being sought.

**Ravi Kohli**



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# Asylum, children's rights and social work

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## ABSTRACT

**Although it is only a minority of displaced and persecuted people globally who seek refuge in 'Western' countries, they meet an increasingly hostile reception. This paper focuses on the situation facing children seeking asylum with or without their families in Britain and Australia, and the implications for children's rights and for social work. The policy background and its racist foundations in both countries are outlined. Despite geopolitical differences, there are unnerving parallels. Legislative changes and policy complexity signal increasingly punitive attitudes towards asylum seekers. The situation of children and families in the community is discussed in terms of the exclusion of asylum seekers from basic rights, and specific issues for separated children. Even more damaging is the incarceration of children and families in detention centres, and the emerging research is explored. In both countries there is widespread flouting of children's rights, and children also feature as pawns in ideological contests. However, they also act autonomously and illustrate an inclusive model of citizenship. The role of social workers in the statutory and voluntary sectors is considered, and the paper concludes with a discussion of the challenges for social work of avoiding collusion with repressive policies and actively promoting human rights.**

## INTRODUCTION

This paper considers experiences of children seeking asylum in two 'Western' countries, Australia and Britain, and their implications for a rights-based approach to social work. There are numerous differences between the two countries related to their geopolitical situation, and to their treatment of asylum seeking children, which are reflected in varying emphases in the paper's coverage. However, there are also unnerving parallels which are currently drawing closer.

In recent years the relationship between protection, autonomy and individual and cultural rights in relation to children has been a key issue for social work theory, research and practice. Asylum sharpens many of these issues. Children's experiences are often analysed in terms of their treatment as victims. Children are also used in political and ideological argument in ways which sometimes promote and sometimes detract from their rights. In addition there is a grow-

ing emphasis on children as autonomous actors in the struggle for human rights. Moreover, asylum highlights questions about the direction and value base of social work in this area of global and intensely personal significance.

Human rights is a contested concept, largely stemming from its roots within Enlightenment thinking, and reflecting Western dominance (Ife 2001). However, there are compelling reasons why social workers should operate from a human rights basis, broadly conceptualized, when dealing with refugee issues. First, the major critiques of the way refugees and asylum seekers are treated in both Britain and Australia are from organizations with a human rights framework. Second, human rights provide a benchmark for good policy and practice. The various international conventions are held up as a model of how asylum seekers should be treated and there is increasing commentary that implies a breach of provisions of the relevant instruments. Third, social workers tend

to frame their practice in terms of social justice or anti-racist constructs. Although these remain important, they are not adequately enshrined in documented principles that steer how the profession engages with asylum seekers.

Social work codes of ethics in Australia and Britain are explicit about human rights. The Australian Association of Social Workers (1999) Code states:

The social work profession subscribes to the principles and aspirations of the United Nations Declaration of Human Rights and other international conventions derived from that Declaration.

The Code of the British Association of Social Workers (2002) contains a similar endorsement of international instruments, and additional elaboration, including the duty to:

Seek to change social structures which perpetuate inequalities and injustices, and whenever possible work to eliminate all violations of human rights.

Uphold not only civil and political but also economic, social and cultural rights.

However, social workers are also limited by organizational contexts and regulatory codes, such as that of the General Social Care Council (2002) in England, with its limited view of 'the rights of service users'. Husband (1995) argues that social workers seeking to implement anti-racist practice need to fulfil but not be limited by such codes in order to be 'morally active practitioners'. Husband's emphasis on personal moral engagement with the Other reflects, at the level of individual practice, the framing and development of human rights through dialogue and human interaction.

Australian social work academic, Jim Ife, is a strong advocate for social workers to adopt a discursive human rights stance. He argues that such a perspective 'reinforces and validates the traditional understandings and practices of social work, while in other cases it challenges some of the assumptions of the social work profession' (Ife 2001, p. 1). The challenge set by Ife holds sway for us as he proposes that human rights can be loosened from the constraints of Western modernism and reconstructed 'in more dynamic, inclusive and cross-cultural terms' (Ife 2001, p. 2).

Nowhere is the case clearer for a human rights approach than in the treatment of children seeking asylum, as illustrated by two recent reports. In October 2002, the United Nations Committee on the Rights of the Child reported its concern that the UK's asylum and immigration system 'fails to

address the particular needs and rights of asylum seeking children' in terms of detention which violates children's rights under the Convention, dispersal which may inhibit integration and increase racist incidents, lack of access to stable accommodation, education and health services, and the length of time taken to process applications (United Nations Committee on the Rights of the Child 2002). In December 2002, the Economic and Social Council of the United Nations released a report on civil and political rights, which reported on the visit to Australian detention centres of the Working Group on Arbitrary Detention. The report expressed concerns about the numbers of children held in detention. According to the testimonies gathered, most of these children find themselves detained after having experienced a first traumatic episode such as persecution, flight and rupture with a family environment. Detention exacerbates their distress, and the oppressive environment caused recurrent behaviour problems for children (United Nations Economic and Social Council 2002).

## THE GLOBAL AND NATIONAL POLICY CONTEXTS

The global spread of capitalism, poverty, instability and war are leading to increased migration and flight across the world (Robinson 1996; Khan 2000; Sivanandan 2000). In 2001 nearly 21.8 million people were displaced worldwide, including almost 10 million children (United Nations High Commissioner for Refugees 2001), some of them separated from their families (Ayotte 2000). The majority of displaced people find refuge in or near their countries of origin, in the poorest countries of the world, but those whose flight takes them to 'Western' countries find increasing barriers to entry (Joly *et al.* 1997; Rutter 1998). These are exemplified in the two countries which form the focus of this paper.

Asylum policy in Britain has been built on the racist foundations of previous immigration policy (Solomos 1993). Measures to keep people out or contain them in their country of origin have been escalating since the mid-1980s, in the form of visa requirements, 'safe' third country policies, and carriers' liability (Bloch 2000; Hassan 2000). Equally, measures to deter people from entry are gaining in intensity and extent. These include expedited procedures, reduced access to appeals, surveillance approaches such as fingerprinting, monitoring and identity cards, and detention. During 2002 there was a renewed surge of such

policy announcements, including using the military to deport or intercept people (Milne & Travis 2002).

A key issue for social work is that since the early 1990s a main plank of deterrence has been a progressive dismantling of social rights for all asylum seekers, removing them from the usual provisions of citizenship. Cohen (2001, 2002) argues that this also builds on a century-old relationship between immigration control and welfare. In 1993 eligibility for social housing was restricted, and in 1996 access was denied to welfare benefits and accommodation when asylum was not applied for at port of entry. Subsequent court cases ruled that destitute asylum seekers were entitled to assistance from local authorities under the Children Act 1989 for children and families, and the National Assistance Act 1948 for adults.

Ignoring their stance in opposition, New Labour has intensified this process. The 1999 Immigration and Asylum Act increased measures to deter and stigmatize and removed future asylum seekers from all mainstream social and welfare benefits. The segregated National Asylum Support Service (NASS) provided vouchers worth only 70% of Income Support levels, with restrictive conditions, no access to other passported benefits, no choice accommodation, and dispersal away from southeast England to 13 regions. This system ignored evidence from government and other sources about the vulnerability of asylum seekers (Carey-Wood *et al.* 1995; Brinkman 1998; Parker 2000), the linking of their health and welfare with the extent of their integration (Department of Health 1999a), and warnings of hardship, racism and exclusion (Audit Commission 2000; Clements 2001). Woodhead (2000) voiced particular concerns about health and identity issues for young refugees.

The 2002 White Paper *Secure Borders, Safe Haven* (Home Office 2002a) and the subsequent Nationality, Immigration and Asylum (NIA) Act 2002 retained dispersal and introduced a new system of centres for induction, accommodation, reporting and removal. Residence and reporting requirements and segregated services in accommodation centres may make them quasi detention centres, in rural locations, exposed to local hostility (Bright & Harris 2002; Campsfield Monitor 2002) and remote from community support. The introduction of Application Registration ('smart') Cards (Home Office 2002a) replaced the damaging vouchers, but increased the emphasis on monitoring and surveillance. Even children as young as five may be required to have these cards (National Children's Bureau 2002).

Children have featured strongly and often contro-

versially in the continuing raft of proposals and legislation. Plans to extend dispersal to unaccompanied children were withdrawn in the face of a strong lobby from children's and refugee organizations. Accommodation and 'removal' (detention) centres have been designed to house children and families. In April 2002 the government claimed that schools were being 'swamped' and announced measures, subsequently enacted in the NIA Act, to debar children in accommodation centres from local schools (Dennis & Smith 2002). However, schools are often the major source of safety, recovery and integration for such children (Bolloten & Spafford 1998; Fox 1998; Lodge 1998). They are also the base for some community campaigns against deportation, which can be crucial to the progress of asylum seekers' claims (Cohen 2001).

The NIA Act also introduced measures which would have recreated the destitution arising from the 1996 Act, but with the previous safety nets of other legislation withdrawn. Asylum seekers who do not apply for asylum at the port of entry or 'as soon as reasonably practicable' afterwards were to be ineligible for any support (Refugee Council 2002a). Although families with children were exempt, this extraordinary measure would have affected pregnant women, young people whose age is disputed, and families applying in-country while they await a decision on eligibility. As this paper goes to press (March 2003) a court appeal has just been won which declares these provisions contrary to human rights.

Politicians and the media have competed with each other to demonize and generate panic about asylum seekers. Indeed that term itself reflects the denial of status and legitimacy meted out to those seeking refuge. European reports have found that racism against asylum seekers and refugees was particularly acute in Britain, a situation to which many politicians contributed (Black 2001; European Monitoring Centre on Racism and Xenophobia 2001). New Labour has perpetuated the language of fear, division and criminalization through terms such as 'bogus' and 'crisis', while sections of the media have actively fed xenophobia, and magnified politicians' language (Chapman 1999). This was rampant in the period prior to the 2001 general election, and refugee and community groups reported a rise in racist incidents every time the race card was played. In 2002, with the rise of right wing politics in Europe, New Labour rushed further to pre-empt the right wing (Milne & Travis 2002).

In Australia, racial exclusion was evident from the time of colonization by the British, as evidenced in



the treatment of the Aboriginal population. The Immigration Restriction Act of 1901, better known as the White Australia Policy, excluded people of non-European origin from settling in Australia. With the gradual disappearance of all vestiges of this policy by the 1970s, Australia now appears on the surface to be a multicultural nation with a non-discriminatory approach to immigration. However, current practices contradict this illusion.

In recent times, Australia has received adverse publicity from within and from the international community for its treatment of asylum seekers. Much of this criticism derives from policies aimed at protecting Australia's borders from 'invasion', with particularly virulent attacks on people from Middle Eastern countries. Although the government is intent on tackling the problem of people smuggling, those who suffer most from policies of deterrence are the men, women and children who have fled oppressive regimes to seek refuge in Australia. Many are incarcerated in detention centres where they are stripped of their autonomy and basic rights; some are in the community on 'bridging visas' while awaiting determination; while others, deemed to be refugees, live in the community, granted a category of visa that provides few benefits or services. As in Britain, the impact on children of these policies is of increasing concern to professional groups, particularly teachers, psychologists and social workers.

Another parallel with Britain is the way the media and government compete and collude in generating fears of invasion. Negative terminology applied to asylum seekers, such as 'illegals' and 'queue jumpers', is extended to community activists labelled as 'ferals' and 'do-gooders'. Through dubious polling and other means, sectors of the media have contributed to fueling division and stifling reasoned debate. In seemingly bizarre twists and turns, the government has played into the hands of the media and the community at large, through the introduction of increasingly restrictive measures embedded in policy and legislation. These include billing released detainees for the cost of their board, and the excising of some of Australia's islands from the Migration Zone. In its 'Protecting our Borders' package, the federal government has allocated more than \$175AUS million to 'secure Australia's borders' (Liberal Party 2001).

Detention centres in Australia are operated by the private Australasian Correctional Management (ACM), a subsidiary of Wackenhut Corrections Corporation. Asylum seekers are held here until a final decision is made. The appeals process is slow and arduous, and many are held in one of the six immi-

gration detention centres within Australia, or the recently established facilities in Nauru and Papua New Guinea. Australian legislation is extremely complex and subject to frequent revision (Mares 2001).

The category of Temporary Protection Visa (TPV) curtails the potential for direct support which social workers and other professional groups offer. Introduced in 1999, TPVs are seen as a deterrent to unauthorized entry into Australia (Mansouri & Bagdas 2002). Even though TPV holders have had their refugee claims recognized, the visa provisions stand in stark contrast to those associated with Permanent Protection Visas. As TPV holders have to apply for a new visa after a three-year period, they are faced with ongoing uncertainty as to their future. TPVs deny access to a range of benefits and legal status and exclude family reunion, a policy that is a flagrant violation of human rights of children (Sidoti 2002). Under the United Nations Convention on the Rights of the Child (UNCRC), children are entitled to the care and protection of both parents, and their families are entitled to support from the state to ensure this occurs. However, the Australian government keeps children separated from their refugee parents, which may result in the children remaining in circumstances of deprivation and danger. It also results in children being brought to Australia by boat, in dangerous circumstances (Mansouri & Bagdas 2002).

Asylum seekers in the community are generally on bridging visas that have almost no entitlements. As in Britain, they lack access to services that meet their basic needs. Housing, jobs and social security provision may be out of reach, and many resent the level of dependence created, as well as the extremely lengthy periods for claims to be heard, appealed and reviewed.

## CHILDREN'S RIGHTS

Australia and Britain have both ratified the UNCRC, and several other international human rights covenants which are applicable to the situation of refugees and asylum seekers, although the UK government has entered a reservation to the UNCRC in respect of immigration legislation. The UNCRC provides a baseline for the analysis of policy and practice in relation to refugee and asylum seeking children. Its wide-ranging economic, civil, cultural and social rights have been broadly categorized as provision, protection and participation (West 1997) or alternatively as entitlements, protections and affirmative freedoms (Korr *et al.* 1994). Child asylum seekers face many addi-

tional problems because of their age and vulnerability, and a huge range of challenges and adaptations (Melzak 1995; Richman 1998; Williamson 1998; Ayotte & Williamson 2001; Stanley 2001; Dennis 2002). Therefore most of the UNCRC articles are applicable to the situation of asylum seeking children, often relating to basic rights to provision and protection: examples of denial of these rights will be given as the paper progresses.

However, the UNCRC is not a one-dimensional framework: there are broader issues involved. One of these concerns the relationship between children's rights and 'adult' citizenship. All children are entitled to protection, to services which meet their needs, and to participate both in decisions affecting them and in wider social and cultural activities. However, children have mostly been seen as outside mainstream citizenship rights, although this exclusion is being challenged (Holden & Clough 1998). In 'Western' countries the protection agenda and support for children's development can predominate over affirming children's rights as autonomous citizens. Cockburn (1998) discusses this in the context of the exclusion of less powerful groups and argues for a model of citizenship which recognizes social interdependence.

A second issue specific but not exclusive to asylum seekers concerns the relationship between individual rights and wider issues of equality and justice. The UNCRC has been criticized for ignoring the reality of global poverty (Ennew 1995; Lyons 1999). Echoing the approach of Ife (2001) to human rights issues, Jones (2001) argues that a children's rights perspective often emphasizes individual rights at the expense of attention to the macro context of national and global inequalities. In the context of asylum, this is inadequate and, Jones argues, helps to explain the apparent inattention by the social work profession to abuses of refugee children's rights. Asylum seeking children are systematically denied rights in a way which reflects national and global inequalities. Despite this they sometimes demonstrate an active assertion of a more inclusive and socially interdependent model of citizenship, as will be demonstrated below. This paper argues that social work needs to respond more actively both to this broader context of denial of rights and to the specific injustices experienced by children.

## CHILDREN AND FAMILIES IN THE COMMUNITY

Because of the length of time taken to deal with asylum claims in the UK and the complexity of the

process, families and children in the community find themselves subject to different systems of subsistence or moving between them. None are now allowed to work and so are forced into dependency. A minority with claims outstanding from before 1996 or who subsequently applied for asylum on entry claim mainstream benefits. Others who arrived after that date receive vouchers and accommodation from social services, while from 2000 all applicants and those whose asylum applications are refused have been dealt with by NASS. Some of the latter choose 'support only' in order to stay with friends or relatives, but this option is to be withdrawn, forcing more families towards dispersal or into destitution.

The majority of post-1996 applicants are subject to discriminatory and stigmatizing provisions and below poverty level support. Changes between systems often result in a hiatus of funding (Dunstan 2002), and sometimes sudden forced dispersal. For families registered with social services, there is great variability between local authorities' practice. There are indications that some teams, no doubt overwhelmed and undersupported, act minimally as a benefits agency and sometimes treat asylum seekers with distrust. Others, within the system's restrictions, seek to apply social work values and skills of more holistic assessment, anti-oppressive practice and interagency advocacy.

The second class system which social services found themselves pioneering was institutionalized nationally through NASS. Within this new Poor Law (Cohen 2001) the level of support and lack of access to other benefits in themselves produce great poverty. However, the chaotic implementation failures and obstructionism of NASS left many families, particularly those with special needs, further deprived of support or even the means of subsistence for weeks or months (Dunstan 2002). In one study (Penrose 2002) 34 out of 40 asylum support organizations (85%) reported their clients experiencing hunger, while 36 (90%) reported inability to buy clothes or shoes (despite insufficient clothing for the climate). Pregnant women and new babies have been found to be especially vulnerable (McLeish 2002). A particularly sharp example is HIV positive mothers who could not afford formula milk for their babies and were ineligible for welfare tokens (Penrose 2002), though this has been successfully challenged in court. These studies also illustrate indirectly the role of the voluntary sector, supporting asylum seekers in both London and dispersal areas to negotiate a nightmare system.

NASS accommodation is often substandard (Audit Commission 2000; Garvie 2001), and private contractors frequently fail to provide contracted services such as furniture, paying utility bills or facilitating information about services (Penrose 2002). In dispersal areas with less cultural diversity, asylum seekers have been exposed to racist harassment and attacks, while NASS has failed to adopt any policies or strategies to address this (Institute of Race Relations 2000, 2002). Through isolation and lack of knowledge, and the pressures on social services teams, NASS supported families are effectively denied access to social work support which could assist their orientation and integration, except in severe child protection cases. Similarly some children are not accessing education, and schools in dispersal areas face challenges in meeting their needs (though there is much greater willingness to embrace these challenges than the government has suggested).

All these aspects of poverty, systematic deprivation, racism and lack of choice bear heavily on asylum seekers. People who have experienced persecution, trauma and loss of relatives and homeland face further disruption and loss. In addition to direct effects on children, stressed parents may be unable to meet their emotional needs (Richman 1998). There are widespread breaches of the UNCRC, including non-discrimination (article 2), survival and development (6), access to social security (26) and to adequate standard of living (27), and special protection for refugees (22). These policies also fly in the face of the British government's professed objectives to eliminate child poverty within 20 years and reduce social exclusion (Jones 2001; Institute of Race Relations 2002). If remote accommodation centres are established in future, families will be further isolated and disempowered. The provisions of the NIA Act 2002 generate an even more brutal and menacing policy context for all asylum seekers.

As in other countries in Western Europe, many separated children reach Britain each year. Numbers peaked in 1999 when the UK had the second highest (3349) of 10 surveyed European countries (Ayotte 2000, p. 16) with a subsequent slight decline. A few aspects of UK policy and provision have been acknowledged as helpful for these children, including the independent Panel of Advisers for Unaccompanied Children, specialist assessment of children's claims by the Home Office, and access to independent legal representation (Ayotte & Williamson 2001).

Unaccompanied and separated children come within the remit of the Children Act 1989, and are entitled to equality of provision with other children.

A minority of authorities are providing good quality care with thorough assessment, planning, support, and creative schemes for meeting children's care needs. Many children express appreciation of the care and education they receive (Ayotte & Williamson 2001). Research by Stanley (2001) indicated the importance to young people of regular, committed and informed contact with social workers, who may need to extend well beyond their usual roles to support young refugees' rights to other services. Such an approach is most likely where local authorities have included asylum seeker issues in strategic planning and networking, provided sufficient training and resources, and based specialist refugee workers within mainstream children's services.

However, various studies have identified areas of concern (Parker 2000; Ayotte & Williamson 2001; Jones 2001; Stanley 2001). Reception arrangements may be non-existent or chaotic. Chance may determine which local authority they reach, and the growing body of research reveals a lottery in terms of treatment, with very variable standards and commitment (Ayotte & Williamson 2001; Jones 2001; Stanley 2001; Dennis 2002). While some children may receive a full assessment and culturally appropriate placement, many others do not. Some children have no contact with social services at all, or receive entirely inappropriate provision, such as adult hostel placements for young teenagers. Despite the centrality of family tracing and reunification, there is no positive policy; instead children have even fewer rights than adults.

The majority of separated children are aged 16 or 17, and most of these are provided with services under section 17 rather than section 20 of the Children Act. Instead of being 'looked after', young people are not accorded rights to protection as children. Instead they are provided with accommodation and basic subsistence and effectively left to fend for themselves as adults. Indeed in many local authorities they are dealt with by adults' rather than children's teams. Some receive no financial support apart from board and lodging, and others only vouchers, making the exercising of many rights such as access to education virtually impossible (Ayotte & Williamson 2001; Stanley 2001). This discrimination is government led, since significantly lower grant aid is provided for 16 and 17 year olds.

Moreover, many young people are being placed with private contractors in distant authorities. They are further disadvantaged by service failures, in terms of support from the accommodation contractor, social work contact, full-time education, and access to social

networks and leisure activities. Girls can be particularly isolated and vulnerable because they are few in number and lack peer support (Stanley 2001). Away from London, racist violence and harassment can compound young people's exclusion and vulnerability (Dennis 2002). Children's asylum claims still take many months or years, generating uncertainty and stress, but access to competent lawyers may be problematic or involve long journeys. Isolation, exclusion, poverty and boredom replace support, education and activity, and in turn may jeopardize recovery from previous loss and trauma (Stanley 2001). Several of these issues were criticized by the UN Committee (United Nations Committee on the Rights of the Child 2002).

Distant placements are a form of effective dispersal. At 18 the national policy of dispersal takes over as those with unresolved claims are transferred to NASS and may face the loss of any contacts they have established. Those who have been granted only Exceptional Leave to Remain face the possibility of deportation. Uncertainty and anxiety about the future characterize the transition to legal adulthood (Dennis 2002), another issue on which the UN Committee recommended change.

The majority of separated children are receiving a discriminatory level of provision, and many of their rights under the UNCRC are disregarded. A strong lobby around children (which includes social workers within voluntary organizations), and their legal inclusion in domestic legislation, are insufficient to protect their rights. The UK's reservation to the UNCRC, while not the only source of difficulty, represents a major policy problem.

The experience of services in Australia is that the first six months after arrival are the most critical to a young person's settlement and development. They have often escaped war-torn countries and harsh regimes, having witnessed or themselves experienced torture and trauma (Western Young People's Independent Network/Catholic Commission for Justice Development and Peace Melbourne 2002). Children may be conceived and born in situations of deprivation and uncertainty and with minimal or no health care (Australian Association for Infant Mental Health 2002).

Although there is scant published research in Australia on asylum seeker children living in the community, there are a number of issues raised about refugee young people in the context of education and schooling. The impact is greater for asylum seeker and refugee young people released from Australian detention centres as a result of limited access to federally funded

settlement services. Disrupted learning follows flight, transition in refugee camps and interrupted education in detention centres (Centre for Multicultural Youth Issues 2002). In addition, many face language barriers, isolation and disconnectedness in mainstream schools (Centre for Multicultural Youth Issues 2002). For parents the lack of English, qualifications not accepted by Australian authorities, and other barriers make gaining access to employment and hence secure housing difficult, with a negative impact on children. Policies applying to TPV holders, which deny access to Commonwealth funded language programmes, act as a barrier to having basic needs met.

Because of the lack of federal government financial support to TPV holders, some state governments have picked up responsibility. However, the degree of this support varies between jurisdictions. Not only has the federal government failed in its responsibilities, but it has directed federally funded migrant settlement services not to assist TPV holders. A fear of losing funding has resulted in the establishment of underground support services, with some of the financial burden resting with churches and the general community. Despite the fact that many asylum seekers suffered persecution in their home countries, have undertaken perilous journeys and suffer physical and mental stress, the organizations that try to help are thus inadequately resourced and do not receive the full cooperation of the authorities (Malcolm 2000).

There is little reported about the situation of unaccompanied minors in the community in Australia. Like other TPV holders they will have to apply for a new visa every three years. These children, while under the care of underfunded and overstretched welfare services, are disadvantaged through their lack of free access to a full range of services including counselling and tertiary education (Skelton 2002a). According to the Immigration Department's own sources, in February 2002 there were nine unaccompanied minors placed in alternative care of the South Australian Department of Human Services, while one was granted a bridging visa and placed in foster care. Thirteen unaccompanied minors are in detention facilities (Department of Immigration, Multicultural and Indigenous Affairs 2002). With the emphasis in Australia on detention, the story of those living in the community is yet to be elaborated.

## DETENTION

Immigration detention was introduced in Britain in 1971, and subsequently extended, for instance in

1999 to assist deportation. However, detention is occurring at all stages including arrival. It is an administrative power without legal process, without time limit, and no automatic right to bail hearings, contravening article 5 of the European Convention and UN guidelines (United Nations High Commissioner for Refugees 1999). Home Office (2002b) figures indicate around 1400 detainees at any one time. Despite strong domestic and international criticism, the government plans to raise this to 4000, increasing the number of detention (now 'removal') centres, most of which are privately run (many by Wackenhut, now incorporated into Group 4 Falck). However, NGO figures indicate that at least 9000 people are detained annually (Refugee Council 2000). Detention of asylum seekers occurs throughout Europe (Hughes & Liebaut 1998; Wolton 2000) but it is arguable that Britain detains more often and for longer than its neighbours (Hayter 2000; Rhys Jones 2001).

The British government has professed the intention not to detain torture survivors but this is poorly implemented (Dell & Salinsky 2001). The isolation, lack of support and loss of hope in detention prevent recovery from the effects of torture (Bracken & Gorst-Unsworth 1991). There are negative implications for the well-being of all detainees, arising from the lack of information about the reasons for detention and its duration, degrading conditions and racist attitudes, inadequate health care, and the replication of conditions of trauma, uncertainty and fear which led to seeking asylum (Hughes & Liebaut 1998; Chapman 1999; Hayter 2000; Wolton 2000). A health trust study found that 'Detention... recreates the oppression from which people have fled' (Pourgourides *et al.* 1996, p. 99). Pregnant women have been reported as experiencing particularly severe emotional, psychological and physical distress in detention (McLeish *et al.* 2002).

Some detainees are fathers of children, thus splitting families. Government policy interacts in negative ways: dispersal policies mean families may be sent far from the removal centre or prison and be unable to visit (Best 2001), undermining UNCRC articles 9 and 18 concerning family ties and parental responsibilities. In extreme cases families are divided through deportation of parents, leaving children to be cared for by local authorities.

The scope of detention has extended in other ways. The Oakington 'reception facility', for fast tracking of applications, the Harmondsworth and Dungavel centres and the now unusable Yarl's Wood were designed to house whole families including young children,

with on-site education and health facilities. The government does not provide figures on detained families, but NGOs and campaign groups seek to monitor the situation. Children and families are regularly in Oakington: for example 36 children were detained there between 10 May and 2 July 2000 (Save the Children-UK 2002a). Harmondsworth and Dungavel consistently detain babies, children, parents and pregnant women for longer periods (NCADC 2002; Cole 2003). One group has challenged the Prime Minister directly on the change of policy, which is unrelated to the risk of absconding (Bail for Immigration Detainees 2002), and contravenes the UNCRC, the UN guidelines on detention (United Nations High Commissioner for Refugees 1999) and those on children (United Nations High Commissioner for Refugees 1997), including the right to education outside detention (sections 7.6-7.8).

In relation to separated children, stated British policy is not to detain minors unless in exceptional circumstances, and then only for up to 24 hours. In practice children are regularly in detention, often because of disputes about their age arising from a range of reasons including the necessary use of false documents, and inadequate advice and interpreting (Jones 2001; Cutler 2002; Dennis 2002). Age determination is frequently a 'rudimentary exercise' (Stanley 2001, p. 30), and the government has hardened its attitude to giving people the benefit of the doubt (Ayotte & Williamson 2001; Refugee Council 2002b).

In the absence of official figures, various NGO and research sources provide evidence of a significant trend. Of these the Refugee Council Panel of Advisers for Unaccompanied Refugee Children saw nearly 250 detained children between 1994 and 2001 (Stanley 2001). Hayter (2000) refers to 'numerous' cases including 13-year-old girls in Campsfield. Social workers report that asylum seekers are likely to be detained if they get into trouble, unlike other young people. The period in detention, far from being only 24 hours, is often three or more months and sometimes up to a year. Detention of children flouts the United Nations High Commissioner for Refugees (1997) guidelines and the UNCRC, especially article 37 concerning deprivation of liberty and degrading treatment.

Unlike in Australia, there is little published British research specifically on the impact of immigration detention on children, despite the likelihood of the implications being more distressing than for adults, compounding previous traumatic experiences and separation from family and country. The most focused

study is by Chapman who interviewed a group of eight previously detained young people. Their perspectives included the mental distress of detention, poor training, lack of care and racist attitudes of staff, arbitrary punishment, and the absence of appropriate facilities for children. They felt a deep sense of injustice in being detained, and demanded political accountability (Chapman 1999). However, although more British research is urgently needed, and cross-national experiences are not identical, studies from Australia can begin to fill the gap. As discussed further below, these report on the direct effects on children of being in an abusive environment with a culture of self-harm (Western Young People's Independent Network/Catholic Commission for Justice Development and Peace Melbourne 2002), and the indirect effects as their parents suffer increasing stress and depression (Sultan & O'Sullivan 2001).

Chapman (1999) also explored the role of social work in relation to detention, but this is mainly in terms of assisting recovery from the damage wrought by detention. In the community sector a number of groups both visit detainees and campaign against detention, including supporting them in bail hearings for release.

Mandatory detention in Australia has raised concerns of human rights groups who see this policy as breaching the provisions of the Refugee Convention, the International Covenant on Civil and Political Rights and the UNCRC (Wilkie 2000). In February 2002, there were 365 children in detention in mainland centres alone (Department of Immigration, Multicultural and Indigenous Affairs 2002). Amnesty International emphasizes that the detention of children and their treatment within as contradictory to the provisions of the UNCRC (Kenny 2000). A report by UN envoy Justice Bhgwati, released in July 2002, talked of a great human tragedy at the Woomera detention centre and called for a more humane approach (Gordon & Debelle 2002, p. 1). However, his comments were discredited by the federal government.

A window of opportunity occurred in November 2001, when the Human Rights and Equal Opportunity Commission (HREOC) announced an inquiry into children in immigration detention centres. During 2002 public submissions were received and public hearings held in a number of states. A review of international research undertaken for the inquiry revealed a range of psychological symptoms displayed by child and adolescent asylum seekers, particularly those related to post-traumatic stress (Thomas & Lau

2002). Mental health issues were continually raised in submissions to the HREOC inquiry, including the effects of institutional living on parenting responses, exposure of children to adult violence, riots, hunger strikes, self-mutilation and attempted suicide by other detainees. Infants and children are placed in physically harsh and restricted environments, with inadequate space for safe play and development. The detention environment is dehumanizing, with children witnessing their parents and themselves being identified by number (Australian Association for Infant Mental Health 2002).

Arguably, the adverse effects of detention in children who are released will have serious long-term consequences for Australia. The burden on health and services is likely to be profound, with possible anti-social behaviour and adverse psychological development (Australian Psychological Society 2002). Lyn Bender (2002), a former psychologist at the Woomera detention centre, has spoken of acts of self-harm by children and an environment where adults are unable to create a safe, caring family space. Despite the increasingly documented mental health issues, access by mental health professionals is limited and repeated offers from those with the appropriate expertise to provide mental health services to detainees have met with an inconclusive response (Mares *et al.* 2000).

Education opportunities are limited and this has an impact on future well-being of children in detention and post release. Access to educational facilities varies. The National Catholic Education Office (2002) argues that the current conditions in some of the detention centres are adverse to learning, and that emotional and psychological stress has a negative experience on educational outcomes. A former teacher at a detention centre in remote Western Australia, Inese Peterson (2002), told the HREOC inquiry into children in detention that past and present trauma of detainees, compounded by conditions and treatment in detention, produced states not conducive to learning. In February 2002, after a visit to the Woomera centre in South Australia, the HREOC confirmed that Australia's detention of the then 236 children in the camp was a breach of the UNCRC. The Commission stated that the children were inadequately educated, and that health and general living standards were poor. In addition, in just two weeks, there were 13 threats of self-harm, five lip sewings, one attempted hanging and three self-slittings (Goddard & Liddell 2002a).

The media does not receive access to detention facilities. However, a journalist from a public radio

station encouraged child detainees to phone her in secret, and she subsequently recorded their stories. These were broadcast nationally. Children told of the limitations of detention and their aspirations. Among the comments were:

'Please, we are human. If Australian people come and see us they will understand.'

'We are not animals. No-one will visit us.'

'We just sleep, sit sit sit, eat, sit, sit, sit, sleep and then the same the next day.'

'We didn't come here to be treated like slaves. We came for freedom.'

'I spent my 17th, 18th and 19th birthday in detention. I lost my schooling, I lost everything, I forgot my learning.' (Australian Broadcasting Commission 2002)

The so-called Pacific Solution, that followed the 'Tampa affair' in 2001 when a Norwegian sea captain defied Australian government orders to stop the boat entering Australian waters, resulted in detention facilities located in Nauru and Papua New Guinea. Access to information about these facilities is restricted but conditions are believed to be even harsher than those in camps on the Australian mainland. Large numbers of children are believed to be housed in these facilities.

Although the Department of Immigration has provisions to release people from detention in 'exceptional circumstances', including children under 18 years of age, it consistently fails to exercise this option. Yet, in an unexpected turn of events, the federal government's own advisory group on detention has called for an extension of a limited trial, in which women and children had been released (with severe restrictions) into the community (Gordon & DeBelle 2002, p. 1), a practice that excluded husbands and fathers, who were considered to be absconding risks. Seemingly, this new recommendation, to include fathers, is based on a 'pro-family' stance, rather than couched in human rights terms. Many refugee advocates see this provision as little more than house arrest.

The plight of children in detention centres is in clear breach of established international covenants as children are denied access to a safe environment, adequate education, suitable housing and appropriate health provisions. These breaches follow those released into the community where the nature of TPVs (as opposed to permanent resident status) denies the adequate social supports necessary for proper child and adolescent development. Social workers are powerless to exercise their duty of care in the face of these harsh provisions. After release from a detention centre, the TPV holders find themselves

vulnerable to discrimination, homelessness and poverty and the associated long-term costs of these factors (Mansouri & Bagdas 2002).

The temporary life of those on TPVs, with their three-year time limit, has a severe effect on children. Although children have better access to education and health services than in detention, many suffer from the trauma of the harsh detention facilities. One family from Afghanistan, now living in Melbourne on a TPV, reported ongoing damage to their children following the detention experience (Skelton 2002b).

## THE DYNAMICS OF ASYLUM AND CHILDREN'S RIGHTS

Both the UK and Australia have widely flouted the UNCRC and other conventions in their treatment of asylum seeking children and families. Indeed the UK was one of only two countries to enter a reservation to the UNCRC in respect of immigration (Save the Children-UK 2002b), while denying that this interferes with its obligations (Department of Health 1999b; Jones 2001; Stanley 2001). It has received considerable criticism, not least from the UNCRC monitoring committee (United Nations Committee on the Rights of the Child 2002). Australia is also receiving widespread international opprobrium for its policies.

Child asylum seekers face great problems because of their experiences, age and vulnerability. They should be entitled to citizenship rights and to special protection rights. In the complex processes surrounding asylum seekers, children and their need for protection are sometimes separated off from other asylum seekers. This can lead to concessions: in Britain it has been the basis of lobbying to keep unaccompanied children with social services and under the Children Act. This is an important baseline though many other factors undermine the protection. In Australia, although protection is not a major plank of the mounting case against detention, it has been used by activists to draw attention to the impropriety of holding children in detention centres. As of August 2001, for example, there were more than 100 notifications of child abuse and neglect made to protection authorities in South Australia about detainees in the Woomera detention centre. These were not acted upon by the state (Perry 2002, p. 18).

The presentation of children as vulnerable, innocent and in need of protection can be used by different political forces to challenge or reinforce policies. In 2001 an overcrowded boat sank on the way to Aus-

ustralia from Indonesia, drowning 353 asylum seekers including many women and children. The images evoked in the media of three sisters who died, Eman, Zhra and Fatimah, stirred a public response but failed to shift the government's hard line. In May 2002 the case of six-year-old Iranian Shayan Badraie reached the press. The boy, held in the Villawood detention centre in Sydney for more than 15 months, stopped eating and drinking and was admitted to hospital where he was diagnosed with post-traumatic stress disorder. This led to a HREOC report which found that there was insufficient evidence that the Commonwealth government took appropriate measures to prevent Shayan from witnessing self-harm and riots (*The Age*, 9 May 2002, p. 4).

Alternatively the image of children can be manipulated by those hostile to asylum seekers as a further stick to beat them with. In Britain the media has vilified asylum seeking parents who beg with their babies, although the children were subsequently found to be competently cared for. In Australia the 'children overboard' scandal showing fabricated pictures of asylum seekers throwing their children into the sea preceded a federal election in October 2001. This event developed into a major scandal and is the subject of a formal inquiry. Children may also be directly involved as pawns: for instance, children have been separated from their families to contain protests within detention centres (Sultan & O'Sullivan 2001).

Children themselves are also actively involved in these dynamics. They may find themselves mediating between their parents and social agencies because they have learned language and customs faster (Woodhead 2000). They may be directly involved in struggles to assert citizenship rights or even at the forefront. There are numerous examples of children challenging their inhumane treatment. In a recent legal case study a 12-year-old boy who had been detained and was being deported from Britain, illegally, avoided removal only by his own assertive and disruptive behaviour, informing the passengers and crew about his pending legal action (Stevens 2002).

While many young people are isolated and disempowered, there is also a pattern of resistance and activity. Stanley (2001) gives examples of young people in the most desperate situations forcibly asserting their rights, or taking on the role of advocate for adults they are living with. Former child detainees in Australia reported threats of or actual self-harm as an effective tactic in asserting their rights to determination of their claims, and subsequently expressed empathy for and engaged in political activity on behalf

of other detainees (Western Young People's Independent Network/Catholic Commission for Justice Development and Peace Melbourne 2002). When children joined with adults in sewing up their lips during hunger strikes, it in fact represented one of the few means by which children could exercise their right to protest their conditions.

In Chapman's (1999) British study the young people were more politicized than their adult counterparts. In various parts of Britain children have been active and successful in stimulating community campaigns to defend their rights, and mounting legal challenges against deportation on behalf of themselves and their families. In Australia young people have joined break-outs from detention. However, an incident occurring in July 2002 brought Australian and British policies together in a stark and high profile way when two brothers, aged 12 and 13, who had escaped from Woomera, unsuccessfully sought asylum at the British consulate in Melbourne. A spate of media commentary from both Australia and Britain on this incident again failed to move the hard line of both governments.

## SOCIAL WORK

Asylum raises huge issues for those seeking it, but also considerable challenges for social work. Both nationally and cross-nationally there are great variations in its role, which find expression in the differences between Australia and Britain. Some of these differences concern whether there is a place for statutory social work with asylum seekers, the permutations of voluntary sector involvement with asylum issues, the degree to which social work principles can be implemented within a hostile system, and the extent of and strategies for political advocacy as a role of social work. The differences arise partly because of history and context, including the policy framework, and partly reflect the ideological underpinnings of social workers involved in or concerned about asylum seekers and refugees.

In Britain statutory social work has retained responsibility for unaccompanied children, with variable and often disappointing results, although there is some good practice especially when supported by strategic planning, resources, training and organization (Stanley 2001). The statutory social work role with families and adults was overwhelmed and distorted by developments after the 1996 Act. Again there are variations in practice, but there are indications that some teams seek to apply social work values and skills in defence



of asylum seekers. In a small study for this paper, social workers have reported basing their work on combatting racism, helping people negotiate the system, battling with other agencies to obtain their rights, and using their social work skills to understand the trauma people have experienced. These workers were based in authorities which had made reasonable strategic and organizational arrangements to respond to issues affecting asylum seekers.

However, in other authorities with minimally resourced and trained teams, such approaches seemed absent, with little evidence of resisting the oppression and racism inherent in the wider treatment of asylum seekers. More generally, the institutional response of statutory social work has been focused on managing the situation rather than challenging it (Jones 2001), and local government and professional bodies have not staked any colours to the mast on this issue. Understanding of the political and policy context and the complexities of asylum issues is limited. Statutory social work does potentially have skills to support asylum seekers (though these need developing and extending), but has limited control of the structures within which it can operate and is being excluded or is excluding itself from effective political and professional engagement with asylum issues. In various ways it has been coopted by state policies and practices into upholding an oppressive system of asylum and immigration control (Cohen 2002).

There is a somewhat different story in the voluntary sector in Britain, where some refugee groups, children's charities and community organizations have mounted a sustained lobbying, action and research campaign on behalf of children and families. This fits a broader conception of social work, but also exemplifies a struggle over social work identity. Such groups, although severely stretched, can be important to the support of asylum seekers in the community. They provide advice, counselling, therapy, advocacy in relation to basic subsistence and services and non-exploitative legal advice, and empowerment work with young asylum seekers, and work with campaigns against deportation. Their campaigns have also succeeded in mitigating some of the most damaging proposals of government.

There is also the danger of cooption into being a partner in immigration control, not least through government funding, which the government promoted under the 1999 Act (Cohen 2001). Some groups eschew such funding in order to retain a clearer advocacy role, though some have negotiated a middle path.

Recent legislative provisions will isolate some asylum seekers further from both mainstream statutory and voluntary support in a system of segregated centres, and deny any means of subsistence to others. It remains to be seen how the voluntary and community sector can respond to these latest challenges.

To some extent these examples all point to the importance of social work and its organizations becoming much clearer about the politics of asylum, building alliances with other radical professions, not least asylum lawyers and refugee groups, and developing a more informed and strategic approach to the possibilities (and limitations) of the social work role in asylum issues. This will involve the defence of human rights, and support of the self-advocacy of asylum seeking children and families, rather than subservience to legislation which flouts such rights. Rights-based micro practice has an important role to play, but must be framed by a wider commitment by the profession to political advocacy and campaigning, if social work, particularly in the statutory sector, is not to perpetuate collusion. At all levels of practice there is a need for social workers to embrace a global analysis, which can support appropriate assessments and responses, rather than focusing on refugee and asylum seeker issues in a national context alone (Ife 2001).

In Australia many social workers have minimal expertise with refugees and asylum seekers, and play a limited role. Because of the complexity of the visa system and the resulting confusion, most social workers in community organizations lack comprehensive knowledge and therefore have little basis on which to advocate for clients. Those working in specialized support services such as housing and employment may have knowledge of eligibility in those categories, but they lack a holistic understanding. Because of fear of jeopardizing their chances of permanent residence, many asylum seekers in the community resist drawing attention to themselves. Masking the difficulties of their work, many social workers operate quietly behind the scenes and do not publicly speak out about the plight of the asylum seekers or their own resource or knowledge limitations.

One exception is the recent exposure by service providers and refugee advocates to the plight of East Timorese families, many of whom have been living in Australia for almost a decade. As Australia has now deemed East Timor safe for return, children who have been raised in Australia may not have their claims for residence approved. Church groups, local government bodies and social and welfare workers are

among those who have combined to advocate for them to stay.

There is also a rift in Australia between those who advocate for priority to be given to service provision in community settings and those who believe that while mandatory detention remains in place, this should be the focus of all activities. Social workers are among the groups with different perspectives, although there is frequent engagement among those working at different levels. This tension is not necessarily unhealthy, as it keeps alive the contradictions that have always confronted social workers and contributes to policy and practice debates.

Recent research in Australia on refugees on TPVs in Victoria (Mansouri & Bagdas 2002) reveals an increase in the demands on service providers that are unmatched by increased funding and resource allocation. Despite efforts of some states and local government bodies to assist, these are not sufficient to meet demand. In trying to support those on TPVs, service providers participating in the research talked of confusion and overwork. Social workers reported great stress and anxiety in having to discriminate between those in temporary and permanent visa categories.

Social work has a negligible statutory role in support for child asylum seekers in Australia. Although child protection is a state responsibility, the Department of Immigration has responsibility for children within immigration detention centres. This was challenged by social work academics Chris Goddard and Max Liddell, who reported suspected abuse of the children in the Woomera detention centre to South Australia's child protection service (Davies 2002). In so doing, they drew on the South Australian government's own policy that 'emotional abuse is behaviour towards a child which destroys self-esteem, confidence and a child's sense of worth' (cited in Goddard & Liddell 2002b, p. 45). Yet, in what constitutes a clear conflict of interest, the South Australian government relinquished its authority for investigating such reports to the federal immigration authorities (Perry 2002, p. 18). This is contrary to established practices, where 'state rights' are sacrosanct, and rarely signed away (Briskman 2001).

Social work provides a limited public voice in collectively advocating for the rights of asylum seekers. The Australian Association of Social Workers issued media releases criticizing 'wedge politics' (Australian Association of Social Workers 2001) and requesting the establishment of an independent inquiry into the treatment of asylum seekers (Australian Association

of Social Workers 2002). In March 2002, social work academics throughout Australia placed an advertisement in a national newspaper calling for an end to mandatory detention. The International Federation of Social Workers sent a petition to the Australian government expressing its concern over the treatment of asylum seekers (International Federation of Social Workers 2002).

Social workers are among those who have joined movements to bring about change and to provide support to detainees. This includes memberships of refugee action collectives, cooperation with activist lawyers, participating in demonstrations, visiting detention centres in Melbourne and Sydney and writing to detainees in the remote centres in Australia, where visiting rights are denied. Undeniably, social workers are relatively powerless in the face of the raft of policies and legislation that confront social work ethics and values, and which limit their efficacy.

In both countries a much broader debate is needed both within social work and with associated professions to identify more clearly the challenges and possible ways forward. Asylum is a highly contentious area of national and international policy and will remain so. Social work at micro levels is playing a small part to alleviate some of the hardships of asylum seekers. Some voluntary agencies and some individual workers are contributing to protests and campaigns, which challenge government policies and practice. However, generally as a profession, social work has kept its attention on the management of problems on behalf of governments in the domestic sphere. Admittedly conceptions of 'abuse' are being gradually broadened domestically to include institutional actions and societal processes such as racism. Nonetheless these can usually be accommodated by adjustments to the dominant paradigm of protection. Lorenz (1998) speaks of social work with refugees and asylum seekers as one that challenges the profession ethically and methodologically to clarify its reference point for intervention. He argues that work with people whose citizenship status is in doubt tests the relationship of social work with the project of the nation state.

The gross abuses of the human rights of asylum seekers at national level and through international governmental collusion, which are exemplified in the cases of Australia and Britain, require a different paradigm and a much more clearly articulated response from a profession that proclaims its adherence to human rights (International Association of Schools of Social Work 2002). Social work strategies within such

a paradigm will need to incorporate a political dimension which involves campaigning, contributing to the debate on social rights, and submitting evidence to influence social policy, but also micro practice which enhances rights and contributes to substantial citizenship (Lorenz 1998). Social workers are struggling to find their place in this strongly politicized field. Yet social workers are ideally placed both to challenge existing practice methods and to develop alternative ways of working within a framework of rights, justice and cross-cultural principles. Unlike other professions, social work espouses a holistic approach that breaks down the dichotomies of individual/society, policy/practice, advocacy/casework. There will no doubt be as much contention within the profession as outside it on these issues, but the debate needs to be engaged.

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# The social services response to unaccompanied children in England

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**ABSTRACT**

In England, social services departments have a duty to provide care and protection to unaccompanied asylum seeking children from the point they arrive in the country. In recent years, research studies have identified a number of practice and policy issues of concern regarding the social services response to unaccompanied children. This paper focuses on three broad issues that emerge from the literature. The paper explores research concerns associated with (i) the referral and assessment process, (ii) the use of the child welfare legislative framework, and (iii) a number of issues arising from the provision of placements and other support offered to unaccompanied children. The findings of the research reviewed demonstrate that there are indeed clear grounds for concern. However, this paper argues that the evidence base is relatively weak and that as a result we know very little about the nature and context of the social work response to this group of children and young people.

**INTRODUCTION**

In recent years, media reports and representatives of children's charities have been highly critical of the social services response to unaccompanied asylum seeking children in England (see Note 1). Headlines have directed accusations both at local authorities and at central government (Revans 2001; Valios 2001; Hayes 2002). In addition, research studies have identified a number of practice and policy issues of concern regarding the care and protection of unaccompanied minors, some of which fall within the remit of the social work profession. The need to develop good practice in this area of social services has also been the subject of some discussion (Okitkpi & Aymer 2000; Parker 2001; Christie 2002; Kohli 2002). Yet, despite this growing body of literature, there is limited evidence to inform the much called for developments in policy and practice.

This paper explores three broad issues that have been identified as a concern, and aims to provide a critical appraisal of the evidence presented in the current literature. First, it discusses a number of research

concerns associated with the referral and assessment process. Secondly, the paper explores the ways in which the legislative framework is used to support unaccompanied minors. Finally, a number of issues arising from the provision of placements and other support are discussed. Before addressing these three areas the paper considers the context in which social services responses to this group of children and young people take place. Throughout this paper the terms 'children' and 'young people' are used interchangeably and refer at all times to unaccompanied minors, unless otherwise stated. An unaccompanied minor is a child under 18 years of age who has been separated from both parents and is not cared for by an adult who, by law or custom, is responsible to do so (United Nations High Commissioner for Refugees 1997).

**THE BACKGROUND**

**The vulnerability of unaccompanied children**

The arrival of unaccompanied children in the UK is not a new phenomenon (Williamson 1995; Ayotte

2000). Children and young people have travelled to the UK, and other countries both distant and neighbouring to their own, throughout the last century to seek refuge from political upheaval, war, disaster, abject poverty and persecution (Williamson 1995; Russell 1999). Their reasons for coming and for becoming separated from their parents vary, as do the countries they come from.

A recent study, based on 218 case studies drawn from interviews with young people and professionals supporting them, categorized children's reasons for movement and found that they came for varying and often multiple reasons (Ayotte 2000). Almost half of all the young people came from countries undergoing armed conflict or serious disturbances. A significant proportion (over two-fifths) were victims of direct or indirect forms of persecution (as defined in the 1951 UN Convention on the Status of Refugees). Similar proportions (around one-eighth) of the young people had left as a result of serious deprivation and poverty or had been trafficked for exploitation, or had been tortured.

The reasons and circumstances in which children become separated from their parents and carers differ. They may be sent out of the country by their parents in a bid to protect them or it may be that their parents are dead, missing, imprisoned or unable to provide care to their children due to illness (Ayotte 2000). Children may become lost while fleeing attacks on villages or while families or whole villages are on the move (looking for safety or food) (Bonnerjea 1994). Ayotte (2000) found that a third of the children and young people in her study had been separated from their parents in their country of origin or (in a few cases) in a third country.

Young people travelling to Western Europe use a variety of routes, many means of transport and may take days or months to reach their destination (Ayotte 2000). During their journeys young people may be exposed to a number of risks as a result of their various and precarious forms of travel, a shortage of basic resources, or by being subjected to abuse or exploitation (Russell 1999; Ayotte 2000; Candappa 2000).

Research focusing on the needs and circumstances of unaccompanied children and young people places considerable emphasis on their vulnerability (Russell 1999; Ruxton 2000; Stone 2000; Stanley 2001). These young people are considered to be vulnerable on three counts: first, as children; second, as children separated from those who provide them with care and protection; and third, as refugees in a country of

asylum (Russell 1999). There is some recognition of this in UK policy, which emphasizes that these young people are 'children first and foremost' and have the same essential needs as children everywhere (Department of Health 1995).

### The right to care and protection from social services

Local authorities in England have a duty to provide services necessary to safeguard and promote the welfare of all children deemed to be 'in need', under the provisions of the Children Act (England and Wales) 1989. Children who are defined as 'in need' are those whose vulnerability is such that they are unlikely to reach or maintain a satisfactory level of health and development, or their health or development is likely to be significantly impaired, without the provision of services (Children Act 1989, section 17(10)). Owing to the absence of their parent or customary care givers, unaccompanied minors are by definition children 'in need' and are therefore eligible for services (Department of Health 1995). Local authorities' duty to support unaccompanied minors is reinforced by the Nationality, Immigration and Asylum Act 2002, which precludes their eligibility to support under the National Asylum Support Service (NASS). NASS is responsible for providing accommodation and support to asylum seekers aged 18 or over and children who enter the country as part of a family (or together with another adult).

The Immigration and Nationality Directorate (IND) defines an unaccompanied asylum seeking child as a young person who is under 18 (or appears to be, if there is no proof); who is applying for asylum in his or her own right; and who has no adult relative or guardian to turn to within the UK (Home Office 2002a). This definition is crucial as it has implications for a young person's eligibility for services under the Children Act 1989 and for social services' ability to recoup some of the costs of providing services under the Special Grant (for unaccompanied asylum seeking minors). The Special Grant, administered by the Home Office, is available to social services departments providing support and accommodation to unaccompanied minors. There are two levels of support that differentiate between the age of young people at the point they first applied for asylum: those who were first supported when they were aged under 16 receive a higher level (up until they are aged 18) and those who were first supported aged 16 and 17 receive almost half that amount (Home Office 2002b).

The *Framework for the Assessment of Children in Need and Their Families* (Department of Health *et al.* 2000) places an emphasis on the need for particular attention to be given to the assessment of needs of unaccompanied asylum seeking children, and the guidance directs professionals involved in the assessment of unaccompanied children to the Separated Children in Europe Programme (2000) *Statement of Good Practice*. In addition to this, the Department of Health has recently endorsed a supplementary guide (Kidane 2001a) that takes account of recent developments in policy and law and updates an existing practice guide (Department of Health 1995) for working with unaccompanied asylum seeking children. Taken together, these constitute a substantial body of guidance available to practitioners working with unaccompanied asylum seeking children.

### The changing context

There are a number of data sources that provide an indication of the numbers of unaccompanied asylum seeking children in England, although the information is limited to those who make an application for asylum and those who fit the immigration authorities' definition.

National asylum statistical reports suggest that 3469 unaccompanied children applied for asylum during 2001, accounting for a 27% increase on the number who applied in 2000 (Heath & Hill 2002). These figures represent a dramatic increase on earlier years; for example, Williamson (2000) cites a total of 585 and 606 young people applying for asylum in 1995 and 1996, respectively.

The Department of Health *et al.* (2002a) estimates that there are 6500 unaccompanied children supported by local authorities in England, which is just over half the total number of all asylum seeking children identified as children 'in need' in the most recent survey of English local authorities. The overwhelming majority, between 70% and 80%, of unaccompanied children are aged 16 or 17 (Audit Commission 2000; Stone 2000).

The majority of unaccompanied minors are supported by London boroughs and a few local authorities in southeast England (Refugee Council and British Association for Adoption and Fostering 2001). However, there has recently been an increase in the number of local authorities, including many throughout England, responsible for the care of unaccompanied minors. These two factors – the concentration of extremely high numbers in a few authorities and an

increase in the spread of authorities responsible for unaccompanied children – together with the dramatic increase in the overall numbers of young people, represent a significant change in the context in which services are delivered to unaccompanied asylum seeking children.

### THE ASSESSMENT OF NEED

For many, the quality of the needs assessment and, in light of this, the sections of the Children Act 1989 under which services are provided represent the crux of the controversy that surrounds the provision of services and support by social services to unaccompanied minors (Munoz 1999; Audit Commission 2000; Refugee Council 2000; Stanley 2001; Dennis 2002; The Children's Legal Centre 2003).

### The referral stage

There is substantial concern surrounding the nature of the first point of contact between a young person and a social services department (Stanley 2001; Dennis 2002; The Children's Legal Centre 2003). A young person becomes the responsibility of the social services department of the local authority area in which they arrive or, if they have already entered the country, the area in which they are when they first seek assistance from either immigration or social services. Immigration officers have a responsibility to ensure an appropriate referral is made (Home Office 2002a).

Although the evidence is limited, what evidence there is has suggested that young people's experiences of arrival and referral tend to be haphazard and sometimes unsupported (Stanley 2001). Munoz (1999) describes the role of tracing work, conducted in the voluntary sector, which aims to find young people who seem to 'disappear' between being registered with the Home Office and the Refugee Council and arriving at the relevant local authority. The reason they go missing is not always clear. There is some indication, although often anecdotal, that some local authorities are reluctant to take responsibility for supporting young unaccompanied minors (Williamson 1998; Stanley 2001). Additionally, it is thought that uncertainty around the age of a young person may have a bearing on whether and how social services discharge their responsibilities (Audit Commission 2000; Stone 2000; Ayotte & Williamson 2001; Dennis 2002). Young people whose age has been disputed may not be accepted as entitled to services until there is some clarification (Munoz 1999).



### The question of age

Frequently young people seeking asylum, like their adult counterparts, do not have official papers documenting their identity or age. Consequently, officials and practitioners in both the immigration service and social services may be involved in making difficult decisions about a young person's age. If the immigration authority considers a person, who claims to be a child, to be over 18 (because 'his or her appearance strongly suggests' this to be the case) the burden of proof lies with the applicant (Home Office 2002a). Where social services disagree with this assessment, it is immigration authority policy to accept the social services' assessment. Age is clearly an important issue as it defines a person's eligibility and determines which agency is responsible for support. However, there are no national guidelines on age assessment. The international *Statement of Good Practice* provides some recommendations regarding age assessments (Separated Children in Europe Programme 2000).

The research studies reviewed indicate that age assessment is often a rudimentary exercise (Ayotte & Williamson 2001; Stanley 2001; The Children's Legal Centre 2003). In one policy review, derived from published reports and interviews with practitioners and policy makers, the authors identified a 'hardening of practice and attitudes in this area' and suggest in some local authorities there is a growing 'culture of disbelief in respect of the age of those claiming to be under 18' (Ayotte & Williamson 2001, p. 70). Dennis (2002) suggests the practice of disputing age is widespread across local authorities, and identifies 25 young people (from a sample of 90) who were age disputed by either immigration or social services. However, despite the clear concerns surrounding age assessment and the impact it may have for young people, there appears to be little research systematically documenting the criteria used by different agencies responsible for assessing age and the experiences of and outcomes for those whose age has been disputed.

Studies suggest that young people considered to be older than 16 are sometimes referred to, assessed and supported by adult asylum teams rather than teams responsible for working with children and families (Munoz 1999; Refugee Council 2000; Stone 2000; Dennis 2002). The Audit Commission (2000) suggests that with no reliable way of confirming their age, authorities often routinely place such young people in unsupported accommodation. Some go as far as to suggest that authorities have adopted these as *de facto* policies in response to uncertainties around age.

However, given the general response of social services to *all* young people in need aged 16 or 17 and other issues exclusive to this group, such as the structure and level of the grant available, it is possible that a number of factors influence the social services response to unaccompanied young people who are considered to be at least 16 or 17 years old.

There is a need for research not only to further explore the question of age alongside other factors that may influence the social services response but also to take account of how both social workers and social services can deal with this uncertainty. In the absence of official identification papers documenting their age, it is likely that there will always be uncertainty around the age of many of these young people. Indeed, specific guidelines for paediatricians emphasize that 'in practice, age determination is extremely difficult to do with certainty, and no single approach to this can be relied on. Moreover, for young people aged 15–18, it is even less possible to be certain about age... Age determination is an inexact science and the margin of error can sometimes be as much as 5 years either side' (Levenson & Sharma 1999, p. 13).

### Assessing need

A social services department can begin to address a child's needs only if their needs have been identified and assessed effectively. The current research has identified a number of factors that may affect the quality or effectiveness of an assessment. Some of the issues identified, such as the practical difficulties that social workers and others may encounter in assessing the needs of unaccompanied minors, contribute to a more constructive understanding of what problems may exist in practice. Other research presents evidence that indicates that some young people's needs have not been met and, as a result, seeks to highlight a number of policy concerns that may affect the assessment of need in practice. Some of the studies have suggested that the outcomes of assessments are often affected by resource constraints and others have presented evidence to suggest that local authority's approaches to assessment are neither systematic (within an authority) nor standardized (across authorities). Much of this research provides useful pointers for policy makers but perhaps more clearly for researchers, as the type of evidence available is often limited and does not provide a full understanding of what happens in practice in the needs assessment of unaccompanied minors.

Social workers may have to deal with a number of difficulties in undertaking assessments. The gathering of information in itself may be problematic given that the young people are displaced and therefore cut off from their social and familial networks. Social workers seldom have any recourse to gather information from anyone other than the young person him or herself. Young people themselves may be reluctant to talk to social workers, as perceived authority figures, or due to a limited understanding of the social work role. Kohli (2000) writes of the difficulties social workers may encounter in assisting young people to make sense of their situations, when they are often confronted with silence and (understandable) distrust. Their ability to gather information, particularly early on, may be further compounded by difficulties around language and understanding. One-third of the 54 local authorities surveyed by Barnardo's (Stone 2000) reported that language difficulties and lack of interpreters causes difficulties and, for some authorities, this was particularly the case at the initial assessment stage. Ayotte & Williamson (2001) place emphasis on the value of using interpreters who are skilled in interpretation that is child-appropriate, to enable young people to provide clear information for the purposes of needs assessments, but they also draw attention to the absence of an accredited source of interpreters trained to work with children.

There is little evidence among the studies examined to inform our understanding of the ways in which social workers assess the needs of this group of young people. Stanley (2001) draws attention to what should happen, outlining current national policy, and to what two social services departments intend to happen with the implementation of the Assessment Framework, but presents limited evidence to provide an understanding of what happens in practice with regard to how needs assessments are actually conducted (although, as the author points out, the number of placements that were identified as inappropriate – for example, due to the physical conditions of accommodation – in the study 'strongly indicate that *if* full needs led assessments are taking place, they are not being implemented consistently' (Stanley 2001, p. 39)). Another study, although it does predate the introduction of a national policy on assessment, found that local authorities differed in their guidelines and procedures for assessment of need (Munoz 1999).

Other reports suggest that some young people do not receive an adequate, if any, assessment of their needs, and present evidence of social services responses which they deem as inadequate on the basis

of data collected from young people themselves or from other practitioners involved in their cases (Refugee Council 2000; Kidane 2001a; Dennis 2002). For example, Dennis (2002) collected information (from practitioners) on 90 unaccompanied children and young people in touch with one of three charities. This study found that 13 young people had received no support from social services despite the fact that all 13 had been referred for an assessment. Each of these young people were entitled to benefits, due to their immigration status, but, as the author points out, it appears that they did not receive a full needs assessment as none received any assistance in finding accommodation or with any of their needs later identified by workers in the voluntary sector.

Financial considerations, including both general resource constraints and, in particular, the structure and level of the Special Grant, are also considered to affect *how* social services become involved with an unaccompanied child (Williamson 2000; Stanley 2001). For example, some have suggested that, as a result of the structure of the Special Grant, the age (i.e. whether they are under 16 or not) of a young person may predetermine the type of services they are provided with.

#### THE USE OF THE LEGISLATIVE FRAMEWORK

In England, the section of the Children Act 1989 used to provide services is likely to have significant implications for the nature and level of social work support that children and young people can subsequently expect to receive. For example, this may affect where young people are placed and how placements are monitored. It may also lead to variations in allocated social work support, individual child care planning and in young people's eligibility for aftercare support and assistance under the Children (Leaving Care) Act 2000. As referred to before, there are an estimated 6500 unaccompanied asylum seeking children supported by local authorities in England; however, it is unclear precisely how social services departments use the different sections of the Children Act 1989 to support them. This part of the paper provides a brief introduction to the different sections of the Act, reviews the available data and explores some of the issues associated with the use of the legislative framework.

Generally, local authorities may decide to 'look after' after any child 'in need'. The term 'looked after' refers to a child who has either been accommodated

by voluntary agreement, usually in foster or residential care (under section 20 of the Children Act 1989), or has been placed in care by a court, by means of a Care Order (section 31). In practice, unaccompanied children are not generally placed in care under a Care Order. Any child 'in need' may be provided with support under section 17 of the Act, which is concerned with the provision of support to children in the community with a view to avoiding the need for admission to care.

Recent figures issued by the Department of Health *et al.* (2002a) suggest that 15% of *all* (12100) asylum seeking children are looked after in care placements, with the remaining proportion being supported in families or independently. These figures do not differentiate between asylum seeking children who are accompanied and those who are unaccompanied. Other Department of Health *et al.* (2002b) statistics identify unaccompanied asylum seeking children but only those who are looked after. These statistics report that there were 2200 (out of an estimated 6500) unaccompanied asylum seeking children in the care system on 31 March 2002. These figures provide no information on those who are supported under section 17 who are not placed in care.

It has been suggested that the overwhelming majority of unaccompanied children (i.e. those who are aged 16 and 17 when they enter the country) are provided with services under section 17 of the Children Act 1989 and in many of these cases young people may receive only accommodation, with minimal support from social services (Refugee Council 2000; Stone 2000). Social work representatives have called for some investigation of the use of section 17 for the support of asylum seeking children (Metcalfe 2000). Until recently, in addition to concerns over the adequacy of the services provided, there has been some expression of doubt as to the legality of providing accommodation alone under section 17. However, as a result of an amendment to section 17(6) of the Children Act 1989, introduced by the Adoption and Children Act 2002, local authorities may now provide accommodation (and no other services) under section 17 (The Children's Legal Centre 2003).

Analysis of survey responses from 54 authorities in England and Wales found that the majority of local authorities provide services to young people using a combination of sections 20, 17 and 24 (see Note 2) of the Children Act 1989 (Stone 2000). The survey found that 19 of the 54 provided services under section 17 to between 76% and 100% of the unaccompanied minors that they supported. Only a very small

number (7) of local authorities provided services mainly under section 20. Consequently, a majority (54%) of the 2718 young people identified in the survey received services under section 17 while only 30% received services under section 20.

A smaller scale study found that 82% (80 out of 97) of 16- and 17-year-olds were receiving support through section 17 (Stanley 2001). The Refugee Children's Consortium monitoring project identified that around a quarter of the unaccompanied minors included in their study were supported under section 20 and a third were supported under section 17 (Dennis 2002). Studies have suggested that many local authorities almost *automatically* provide services to 16- and 17-year-olds under section 17 and to those below 16 years old under section 20 and that often this practice is resource led rather than based on need.

A fuller understanding of how the legislative framework is used is important as local authorities duties to children differ for those that are looked after in the care system and for those who are supported in other ways.

## PROVIDING PLACEMENTS AND SUPPORT

Research into the lives of unaccompanied asylum seeking young people has identified the use of different types of placements including foster and residential care, placement with extended family members and semi-independent and independent accommodation. The last ranges from 'temporary' accommodation (in hostels, bed and breakfasts) to longer-term placements in shared housing. However, from the available data it is difficult to determine an accurate breakdown or to gain an understanding of the exact nature of the different placements offered to both younger and older unaccompanied asylum seeking children.

### Foster care

There is little indication of the proportion of all unaccompanied minors who are placed in foster care. A national statistical report indicated that 60% of unaccompanied asylum seeking children in the care system are in foster care (Department of Health *et al.* 2002b). Rutter (2001) suggests that some unaccompanied minors are fostered, particularly if they are very young, but provides no indication of what proportion are actually fostered or the age of these young people.

Some of the issues identified with the use of foster care are particular to unaccompanied minors, others

are relevant to the wider population of children supported by social services. There is often a limited choice of available placements due to a national shortage of foster carers. Local authorities often depend on independent fostering agencies, which may affect the location and the cost of the foster placements on offer. This has a number of implications for the placement of unaccompanied minors. Young people may be placed in areas some distance from the local authority with responsibility for their care, which may affect the frequency and ease of contact with their social worker (Audit Commission 2000). Young people may find themselves living in areas distanced from their own communities and places of worship and, although this is not necessarily a problem, in one study it was the most common difficulty reported by the children and young people who were placed in foster care (Dennis 2002). The high cost of fostering generally, but of independent foster care in particular, means that local authorities are less likely to place unaccompanied minors over 16 in foster care due to the lower level of support allocated by the Special Grant (Stanley 2001).

Local authorities are often faced with the difficult task of finding foster placements that are appropriate to a young person's religious, cultural and linguistic needs. There is some awareness among local authorities that they are often failing to take account of these young people's ethnic and cultural needs (Gilroy 2001). But there is also evidence of attempts by local authorities to meet these needs. Williamson (1998) suggests that some local authorities have invested considerable resources in recruiting carers from refugee communities and, in some cases, have succeeded in closely matching children and families from the same clan or village of origin. She also suggests that some local authorities may be able to match placements according to region or only according to ethnicity or religion. Williamson (1998) provides examples of an Angolan child being matched with a Nigerian or Jamaican family or an Afghan child with a Pakistani family. However, such practice is the subject of criticism by others (Rutter 2001) as crude and potentially inappropriate. Rutter (2001) suggests 'research shows' that among refugee children there is a high level of breakdown of cross-cultural foster care, but provides no citations of this research. Others claim that sometimes such cross-cultural placements work well (Williamson 1998) and that, in some cases, young people prefer to be placed with carers who do not reflect their national, cultural, ethnic or linguistic origins (Stanley 2001).

### Residential care

Research suggests that these young people are less likely to be placed in residential care, although there is limited evidence to support this assertion. One report estimates that 40% of unaccompanied minors who enter the care system are accommodated in residential homes (Rutter 2001, p. 154). However, Stanley (2001) suggests that unaccompanied minors are not generally placed in residential homes and found that only 11 of the 125 young people interviewed had lived in residential homes at some point (Stanley 2001, p. 42). There is a suggestion that residential care is most often used for short-term placement of unaccompanied minors during which period their needs are assessed and an appropriate placement is found (Williamson 1998; Rutter 2001; Stanley 2001).

Unaccompanied children may be placed with other 'looked after' children or in a specialist children's home in which only unaccompanied minors are resident (Williamson 1998). In one study this latter development is cited as an example of good practice (Stanley 2001). Yet, there are conflicting accounts of the potential such a care option offers. Social workers in one study (Stanley 2001) suggest a specialist children's home represents a 'safe haven' and an opportunity to meet 'their specific cultural needs', but another study (Khan 2000) warns against the danger of assuming refugee children are a homogeneous group and cites an example of young people whose parents were from opposing factions in an ongoing civil war being inappropriately placed together in a refugee children's home. These conflicting views highlight a further need to explore and evaluate the use of residential care for the care of these young people to identify whether and in what contexts it is an appropriate model of care.

### Placements with extended family

Social services may be presented with an opportunity to place a young person with a relative who is already settled in the UK. The young person may or may not have previously known their relative (Williamson 1998). However, there is very little empirical evidence available to establish the methods social services use to make such an assessment, nor when such an arrangement would be deemed adequate or satisfactory.

Gilroy (2001) raises concerns about placing children with friends and extended family who have not been adequately vetted. Social workers are presented

with the difficulty of assessing adults who may have recently arrived in the UK and who may have no evidence to substantiate their familial relationship. Social workers are confronted with limited options to explore the nature and quality of such relationships and may encounter adults, particularly from cultures where familial ties and obligations are strong, who are reticent in response to an intervention they may view as unnecessary.

Williamson (1998) notes that there is no statutory requirement for the ongoing monitoring of situations where close family ties are concerned, and after the child is settled and immediate practical matters are sorted out, a social services department is likely to have no further involvement. Concerns have been raised that young people may be at risk of abuse or exploitation (Ayotte & Williamson 2001; Dawson & Holding 2001; Stanley 2001).

### **Independent and semi-independent accommodation**

Young people may also be placed in independent or semi-independent living arrangements. This varies from what is intended as temporary accommodation, such as bed and breakfast accommodation, to shared living arrangements in hotels, hostels and houses. It is difficult to determine the scale on which this occurs.

For a number of years the Refugee Council have expressed concerns about the apparent increase in the use of bed and breakfast accommodation to house unaccompanied minors (Williamson 1998; Refugee Council 2000). Munoz (1999) found, in three different local authorities, that 'in all instances' bed and breakfast accommodation was used to initially house unaccompanied minors (and in two authorities there was no specified time span). In 1999, the Audit Commission (2000) surveyed 171 authorities and identified that over 50% of those who were 16 or older and 12% of those who were under 16 were placed in bed and breakfast, hostel and hotel annex accommodation.

Often the physical conditions in hostels and private rented accommodation (such as shared houses, bed-sit or bed and breakfast accommodation) have been identified as poor and inadequate: conditions are cramped, overcrowded and lacking in basic necessities, such as hot water or heating (Stanley 2001; Dennis 2002). Young people have been placed in unsupervised accommodation with adults who have not been assessed for their suitability to share accommodation with minors (Stanley 2001). There is also concern that increasingly young people are being

placed in private accommodation some distance from the responsible authority and that private housing agencies are being contracted to provide some support (Refugee Council and BAAF 2001; Stanley 2001). There is little evidence documenting the nature of this support but there are indications that what is provided is poor and that young people feel they do not then have adequate access to social workers (Humphries & Mynott 2001; Kidane 2001b; Stanley 2001).

One study highlights the development of semi-independent accommodation – where young people have their own self-contained accommodation but also have access to a support worker who is on site and available 24 hours a day – as an example of good practice (Stanley 2001). The Audit Commission (2000) has proposed the consideration of small hostels, such as those provided in the early 1980s for Vietnamese unaccompanied children.

### **Young people's experience of placements and support**

Some of the research draws directly from the experiences of young people, and although these samples are not necessarily representative of all unaccompanied children, they clearly indicate that in many cases young people are not receiving care and support appropriate to their needs (Kidane 2001b; Stanley 2001). These young people may have recently arrived in the UK, may have limited knowledge or understanding of the English language or their rights in the UK, and may have complex needs resulting from their unique circumstances. The support, either by social work staff or by carers, is likely to affect young people's opportunities for participating in education and leisure, their access to appropriate health care and their ability to adjust and develop in their new circumstances.

Young people's experiences appear to vary greatly and may be influenced by a number of factors. These include: the type of placement and the nature of the support that different placements offer; the location of a placement; the frequency and nature of the contact between a young person and the social services department; and the type and level of financial assistance provided to a young person.

Generally, young people living in foster and residential placements appear to receive more support from both their social workers and their carers, although research has identified some negative, as well as positive, experiences among these young people (Stanley 2001; Dennis 2002). Young people appear to

have experienced differences in the quality of support that was offered to them, and as a result of the degree to which their placement was culturally appropriate (Kidane 2001b; Stanley 2001).

Young people who were living independently in unsupported housing appeared to encounter more difficulties in their lives (Dennis 2002). In circumstances where the care of young people has been 'contracted out' to a private service provider (either within the authority area or outside it), young people have reported difficulties in trusting private landlords and experiences where landlords have been unresponsive to requests for help (Dawson & Holding 2001).

The geographical location of a placement may have some bearing on a young person's experience. Many young people reported being isolated in communities where they have no contacts, friends or relevant refugee community organizations (Humphries & Mynott 2001; Stanley 2001). Although this sense of isolation may be common to all young people who have no contact with their own community, it may be more marked for young people living in unsupported and independent living arrangements, as they may be less likely to be involved in education or leisure pursuits.

In many cases, young people have reported that they did not know who their named social worker was, they have had problems contacting their social worker, or social workers had changed plans without consulting with them. This was particularly the case for young people in independent living arrangements (Dennis 2002). The location of a placement outside of the local authority area responsible for the provision of care may also affect a young person's access to other services (such as health and education) (Stanley 2001) and may impact upon the frequency and ease of contact between a young person and their social worker or other social services support worker.

Young people living in independent and semi-independent accommodation are usually provided with an allowance by a local authority (or, if their immigration status allows, they may be in receipt of benefits). One study (Stanley 2001) identified that the type and amount of financial assistance differed according to local authority practice and that young people received either cash, vouchers or a combination of both, or, in some cases, were given full board accommodation with no additional financial assistance. Some young people, particularly those among the latter group, reported experiencing severe hardship as a result of the low levels of cash or vouchers received and as a result of restrictions inherent in the voucher system (Kidane 2001b; Stanley 2001).

## CONCLUSION

In examining the response made by social services to the presence of unaccompanied minors in England, this paper has focused on three broad issues and summarized what we know so far. The findings of the research in relation to these three areas demonstrate that there are clear grounds for concern regarding the nature of the care and support that is offered by social services to unaccompanied asylum seeking children and whether it is sufficient to meet their needs. However, the evidence base is relatively weak. Most of the research, valuable though it is, has focused on mapping the problem and the review of legal frameworks and policy responses.

First, this paper has considered research findings associated with the referral and assessment of unaccompanied asylum seeking children. The research reviewed indicates that some young people have chaotic experiences on arrival, they may be denied access to services or may not have received a full assessment of their needs. The evidence also suggests that, to some extent, uncertainty around age may affect this. As yet, there is no empirical evidence available to determine whether or not assessments are taking place or to evaluate the quality of assessments if they have taken place.

This paper has also considered the legislative framework used to support unaccompanied children. The legal and policy framework is clear: unaccompanied children are by definition children 'in need'. However, the research identifies some variability in local authorities' interpretations of their duties under the Children Act 1989. The research focuses on social services departments' propensity to support young people under section 17 which makes provision for support to children living in the community. However, from the available evidence it is difficult to determine the exact nature of the support provided to young people both under section 17 and under section 20 (which concerns the provision of a placement in care). This needs to be explored further.

Similarly, the existing research has identified considerable variability in the types of placements offered to young people. The research has pointed to difficulties associated with foster and residential care, in addition to semi-independent and independent placements. However, from this evidence it is difficult to identify appropriate models of care for this particular group of young people.

The research has succeeded in identifying a range of policy and practice issues of concern and has raised

awareness of the difficulties that many unaccompanied children may face after arriving in the UK. However, from this research it is clear we know very little about the nature and context of the social work response. Kohli (2000) refers to the 'intense level of complexity' that social workers on the ground are dealing with. Others also make recognition of the complex nature of working with this group of children and refer to social workers' need to acquire and integrate knowledge of migration, family and identity matters with their knowledge and practice in child care and family support (Parker 2001). It is important that research builds on the existing knowledge, taking account of the context of the social work response, to provide a solid empirical base to identify what is happening in social work practice, and subsequently to inform the development of both policy and practice.

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## NOTES

1 The majority of unaccompanied children arriving in the UK arrive in England and are consequently supported by English local authorities. This paper is concerned only with the social services response in England.

2 Section 24 concerns the provision of services to young people who leave care at age 16 or over.





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# The child's – or the state's – best interests? An examination of the ways immigration officials work with unaccompanied asylum seeking minors in Norway

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## ABSTRACT

This article questions the way in which Norwegian immigration officials apply the principle of the child's best interests in cases concerning family reunion for unaccompanied asylum seeking minors in Norway. It is claimed that the official definition of child migrants and the interpretation of what is in their best interest does not take the child's background and circumstances into account with sufficient detail and sensitivity. This paper further discusses the bureaucratic procedures that turn an individual child with individual interests into a judicial and generalized prototype that appears to have the same interests as the immigration authorities. Thus the combination of a culture-blind and context-free consideration of an abstract child's best interests primarily serves to justify increasing restriction of family reunion for child migrants, and thereby serves the state's best interest at the cost of the individual child.

## INTRODUCTION

### *Only a child*

The boy is sitting in front of us with the interpreter at one side and his guardian [see Note 1] at the other. He has just arrived alone from Sri Lanka to a reception centre in Norway. This centre is his first stop on the long journey from his native village to a better future. This is his first official interview. It acts as the basis for the decision of his application for asylum. He looks a bit pale and anxious and responds shyly to the immigration officer's [see Note 2] questions. He tells her he is 11 years old and that is the way he looks. During the interview he sometimes grows a bit impatient and starts kicking an imaginary ball. He doesn't quite seem to understand why he is here on the other side of the world. He tells a long and slightly incomprehensible story about aggressive soldiers, parents that have disappeared and a long journey. He seems, however, more preoccupied with a scar on his leg. He tells the caseworker that he got it playing football with his mates in the village and that the government soldiers saw his scar and accused him of being a scout for the Tamil Tigers. That's why he had to flee his home, his family and his sisters and brothers and go to Norway. When asked whether he has kin in Norway,

he nods his head and says happily that his uncle lives here.

Then he adds a bit mischievously that he wants to stay with his uncle even if his uncle doesn't want him.

He is first and foremost a child in a way that makes him familiar to all of us in the room. As a child he evokes strong feelings of protection and care in every person present. Yet his life and experiences are quite different from our lives and experiences and these differences limit our understanding. We know that many unaccompanied minors come to the West on a mission: to seek protection, get an education and/or a well paid job and in that way contribute to their own and their family's future. We further know that many child migrants arrive with substantial debts to relatives or to strangers that have to be repaid during the first years in Norway.

According to the Norwegian government's White Paper about asylum and refugee policies (Stortingsmelding nr. 17, 2000–01), 'the child's best interests' (article 3 in the United Nations Convention on the Rights of the Child 1989) shall be the guiding

principle for government decisions concerning unaccompanied asylum seeking minors. The Convention is incorporated into Norwegian asylum policy, but several legal cases have demonstrated that when Norwegian law and the Convention clash, Norwegian law is given priority.

Immigration officers handling applications for asylum and family reunion are generally lawyers, experts in the interpretation of legal texts and bureaucratic procedures. Decisions concerning children's well-being and psychological adaptation do, on the other hand, require knowledge and skills within psychology or child care. This expertise is mostly lacking. This study indicates that most decisions are instead based on judicial and political criteria that set aside the cultural and psychological aspects that should serve as guidelines. In cases concerning Norwegian children, where there is disagreement between parents and social services about who should care for a child, the legal expertise is supplemented by expertise in child care, exactly because this expertise is lacking. This is generally not the case when family reunion for child migrants is concerned. It is then the child's adversary, here the state, which represents his or her interests. Thus legal protection of migrant children is weaker than that of Norwegian children in similar cases.

In this article I wish to discuss how culturally patterned ideas of care and good parenting in Norway are implicit models that govern the way unaccompanied asylum seekers are interpreted and understood by the Directorate of Immigration (UDI). I will further discuss how the principle of the child's best interests is interpreted and how it is applied as a judicial principle in decisions about family reunion for unaccompanied minors.

The article is based on my study of government policy and practice concerning unaccompanied minors in Norway carried out for the Norwegian Research Institute (NOVA). The study has a transnational perspective, concentrating on how the backgrounds and transnational family relations of child refugees are understood and handled in government policy. The study was based on 25 interviews with officials in government agencies and in non-government organizations working with child migrants, on observation of a couple of asylum interviews with child migrants, and on 20 filed cases of applications for family reunion with child migrants in the legal department of the UDI.

In the first section I will discuss how immigration authorities understand child migration and how they interpret what is the child's best interests. My argu-

ment will be that the definition of child migrants and the interpretation of what is in their best interests does not relate to the individual child's cultural background and circumstances. In the second section I will discuss the legal process of an immigration official's work that makes the individual child disappear and then reappear as a judicial and generalized prototype who appears to have the same interests as the authorities. Finally I will question the value of the principle of the child's best interests as a decision-making principle. My basic argument drawn from this research is that the way this principle is practised primarily legitimates immigration policy and prevention of child migration in general at the cost of the individual applicant's right to individual treatment. But before taking up the discussion, I will present the legal frames and practices concerning unaccompanied minors in Norway.

#### SOME ASPECTS OF LEGAL CONDITIONS AND PRACTICES

As is the case in several other European countries, the number of unaccompanied minors to Norway has increased recently. In the early 1990s there were around one hundred applications a year, while in 2001 more than five hundred unaccompanied minors applied for asylum in Norway. In Norway asylum seekers under the age of 18 'who are separated from both parents and are not under the custody of an adult that by law or tradition has this responsibility' are categorized as *enslige mindreårige asylsøkere*: literally 'minor single asylum seekers'. The increase in child migration is regarded as a serious problem by immigration authorities and by organizations working with the children. In part, this is because growing up alone in a foreign country far away from family and kin is assumed to be traumatic; it is also because of what is seen as a misuse of the asylum institution. The term 'anchor children', children who serve as anchors for their parents' and family's later asylum applications, is presented as an explanation by government officials for the increase in child migration.

Unaccompanied child migrants are very seldom granted asylum under the provisions of the UN Convention for Protection of Refugees; instead they are given a temporary residence permit for one year at a time for humanitarian reasons. After three years they are generally granted a permanent residence permit, if their parents cannot be found and/or they cannot be united with them in their home country or region. Only refugee status, in accordance with the Geneva

Convention, guarantees the legal right to family reunion for children under 18 in Norway. When unaccompanied minors or their relatives apply for family reunion, the formal requirement is that the child's parents make the application to the local Norwegian officials. Applications are determined on the basis of considering whether there are 'strong humanitarian grounds' that support the claim, from the child's present 'care situation in Norway', their past relations to their parents and from the immigration official's assessment of 'the child's best interest'. The legal practice in Norway up to 2000 was to grant children under the age of 12 at arrival family reunion with parents and siblings; children between 12 and 15 had their application tried individually, while children over 16 were generally not granted family reunion.

After the increase in asylum applications from unaccompanied minors during the 1990s this policy was changed, and today very few such applications are granted. The overall official reason for this change in policy is twofold. First the government wants to prevent child migration in general. Migration of unaccompanied minors is not considered to be in the child's best interests (Stortingsmelding nr. 17, 2000–01) and is sometimes even referred to as 'abuse' of children ('*Søknader om familiegjenforening...*' Brev fra Justisdepartementet Des., UDI 08.12.00). Secondly the government considers repatriation the best way of preventing 'illegal' and unwanted migration, and repatriation is officially stated to be in the child's best interests generally. So 'when family reunion is possible in the child's home country', or wherever the child's family is currently living, 'family reunion will not be granted in Norway' is the formulation in the new guidelines from the Department of Justice in 2000 (ibid., my translation). Now that this new policy has been implemented the crucial criterion is whether the child's homeland is considered safe enough for settlement, not the child's or the family's individual situation or need to be reunited. The new regulations do not take the child's age into consideration. The normative message is clear: parents who are responsible and care for their children will agree to be reunited with them in their home country. Parents who do not choose this option misuse their children and will not be accepted in Norway. But is the logic in this message universal, or is it grounded in specific economic conditions and specific models of child–parent relations? Before discussing this question I will take a closer look at the way child migrants are made into a specific social category.

## LABELLING AND UNIVERSALIZING PROCESSES

The French sociologist Pierre Bourdieu discusses the special legal instruments that are at work in legal cases and argues that they disguise the power contest between the state and the individual citizen (Bourdieu 1987). These legal instruments include (among others) labelling and universalizing processes. Bourdieu claims that labelling and universalizing processes contribute to present the legal field as independent and separated from general social processes and particularly from the relations of power that the legal system supports. This separation, he argues, is based on a general conceptual separation between laypersons and professionals and supports the dichotomy between judgements based on the law and those based on what is often termed 'a naïve sense of justice'. Legal and bureaucratic practice is based on certain ways of categorizing the social world. Such categorizing processes transform individuals into certain legal classes tailored for bureaucratic or legal treatment. Bourdieu claims that the power to name, or to define a social category, is also the power to set conditions for how the social world is to be understood and treated in legal procedures (Bourdieu 1987).

Susan White (1998) has discussed how the use of theories of child development in legal decisions gives a certain factuality to such theories. White discusses how models and discourses of child development in cases of child care seep into the legal field where they acquire legitimacy and permanence and appear as impregnable. She argues that models and discourses of child development are expressions of certain interests and power relations that become blurred when they are presented through the apparent neutrality of the judicial system. These insights shed light over the bureaucratic procedures concerning the categorization and interpretations of child migrants.

### The abandoned child and the 'anchor child'

'Unaccompanied asylum seeking minor' is an example of legal classification as discussed by Bourdieu, created to be treated by certain rules and regulations and by certain bureaucratic procedures. Asylum seekers who are given this label are granted a residence permit in Norway based on their being 'alone' and without parents, and coming from areas that are considered politically unstable. One of these criteria alone is not enough to secure them a residence permit, but children who arrive from non-conflict areas and claim

to be 'alone' will generally not be sent back, but will be granted residence on humanitarian grounds. So being 'alone' or 'single' (*enslig*) is the decisive criterion for obtaining a residence permit in Norway for persons aged under 18 and without accompanying parents. Given this definition, children seeking asylum who have parents alive and know where they are do not have a legal right to residence in Norway. To be a legal migrant, an unaccompanied child has to be without parents. This act of labelling has some important consequences. First, to be accepted as an unaccompanied minor implies that one is not defined as a refugee and does not have the right to family reunion, should one's family turn up or be located at some time. However, officials working with child migrants in refugee centres, in schools and in psychological counselling claim that most of these children do in fact have parents and that they try to maintain their relations with them as best they can. As most of them have well rehearsed stories about deceased or missing parents, meant for the immigration authorities, these relations tend to be secret and a cause of much anxiety. The anxiety of revealing the whereabouts of one's family may be at the basis of what the Norwegian social anthropologist Karin Harsløff Hjelde (1995, 2000) has called the 'silence' surrounding these children. She claims that because of fear of revealing their family relations and real backgrounds, some children tend to keep to themselves and avoid close relations with anybody during their first years in Norway. So the basic problem for many child migrants from this perspective is their legal definition and their subsequent fear of being exposed and sent back home. The authorities in Norway do not send children back to their parents against their will once they have been granted a residence permit. However, as Zolberg & Benda (2001) point out, for European governments in general there is an increasing interest in repatriation as a solution to what is perceived as a migration crisis. This perhaps irresolvable conflict between the reality of most child refugees as members of transnational families that they try to maintain contact with, and the official definition of them as 'alone' without parents, seems to be a serious impediment to many children's well-being in Norway.

The other consequence of defining child migrants as 'single' is that it seems to lead to a general suspicion that children, in spite of their label, are really 'anchor children', victims of their parent's deliberate effort to misuse them for their own later migration. This general suspicion seems to be strengthened among UDI officers when children apply for family reunion in

Norway. Nowhere is it officially stated that child migrants in general are to be regarded as illegal or as anchor children. Neither is there any statistical material concerning the percentage of unaccompanied children seeking family reunion or the percentage that is granted such reunion. Research and experience indicate that these children do actually have very varied backgrounds and life histories. Some children have come to Norway with relatives after having been separated from their parents because of war, illness, etc. Some eventually find their families with the help of relatives in Norway, and some through the International Red Cross. Some children neither have parents alive nor close kin that they know of, but are 'alone'. Most child migrants do, however, probably have parents in their home country or other places and try to keep in contact with them, and most of them also have close or distant relatives in Norway. Only a small percentage of child migrants do, in fact, apply for family reunion.

There is nonetheless a firm understanding among UDI officials that children who do have their families in their countries of origin are in general to be regarded as 'anchor children', and that this practice must be stopped. The term 'anchor children' appears to be applied both to children who are sent by their parents for security and economic purposes and to children who are actually sent as anchors for their parents' later migration. Thus the danger of encouraging the practice of 'anchor children' is, both in the White Paper and in other official documents, the basic justification for a general refusal of family reunion for child migrants.

These two definitions – that of the legal child migrant as 'single' or 'abandoned', and that of child migrants as 'anchor children' – are based on Norwegian cultural assumptions about childhood, parenthood and caring. These definitions appear to cause a great deal of suffering for child migrants and form the basis for a policy and practice that makes it difficult for separated families to be reunited.

### Cultural assumptions about proper childhoods

The model of childhood, parenting and care in Norway is not very different from the models developed in all modern welfare states in Europe (James & Prout 1990; Andenæs 1996; Lidén 2000). The anthropologists Panther-Brick & Smith (2000) argue that the abandoned child is a threat to the ideal of security and control that is at the heart of these models. Modern, proper childhood is domesticated; it takes place inside

society, inside a family and inside a house. The child is thus totally dependent on adults' considerations and work to have a proper childhood. This 'ideal type', she claims, make us unable to see other childhoods, childhoods that take place on the outskirts of society, outside families and outside houses or other proper family dwelling places. Such experiences are seen as 'lacking' and are often characterized as 'lost childhoods' (Panther-Brick & Smith 2000). In line with this general analysis of modern childhood models, the Norwegian model is seen to revolve around the child as innocent, vulnerable and in need of constant guidance and protection (Andenæs 1996; Lidèn 2000). According to this model the child is first and foremost a nurtured receiver of carefully considered care from adults, preferably parents and most importantly the mother. Individuality and independence are, however, also valued aspects of Norwegian childhood models. As the child is seen to be naturally vulnerable and dependent, an important aspect of caring is to help the child to gain gradual independence and thus be able to express her true self (Lidèn 2000). As in other modern welfare states, the discourse on childhood in Norway has turned from ideas of children as objects for their parents and other adult caregivers' care and socialization strategies, towards a discourse of the child as an active agent with its independent ideas, interests and rights (Andenæs 1996; Frønes 1998; Lidèn 2000). The combination of the idea of the vulnerable and nurtured child with the strong normative weight put on individuality and independence forms the Norwegian ideal of childhood. So how are these models influencing immigration policies and considerations of the child's best interest?

Two arguments keep reappearing in cases and discussions about family reunion with unaccompanied minors. One is that children who are granted family reunion and get their families to Norway tend to take on a responsibility that they are too young to handle, according to theories of child development. The other argument is that parents who have left the responsibility for their children to family members in their home country before migrating or in order to migrate are not emotionally tied to their children and thus not suited to act as parents in Norway. According to the first argument a child who has responsibility for parents and siblings may not develop the ideal individuality and independence cherished in Norwegian children. According to the second argument, being separated from one's parents may, on the one hand, cause psychological trauma to children, while parents who more or less voluntarily separate from their chil-

dren are, on the other hand, not seen as suitable parents. According to both arguments their children are seen to be better off without them. The contradiction of this logic is that these parents are seen as good enough to be sent back to, but not good enough to be parents in Norway. Although children should, according to the ideal model, be emotionally tied to and live with their parents, once separated the quality of the parent is questioned rather than the precarious situation that makes such separations necessary.

The problem here is the way the principle of the child's best interests is interpreted. The principle, as it is laid down in the UN Convention, is a universal and general ideal that nonetheless is grounded in cultural models about children, childhood and parentage. To apply the principle in a meaningful way, immigration officers should know about the actual children's lives and situations together with their own and their parents' conceptualization of their situation. Most child migrants belong to families and communities with different social, material and cultural conditions from children in Norway, with other expectations and different evaluations of their situation. The implication is not that immigration officers in the immigration department do not know that, just that this research shows that it is generally not taken into consideration when decisions are made about unaccompanied minors.

### Other childhoods, other places

The general criteria for deciding about the child's best interests are based on a culture-specific understanding of children as 'nurtured' by their parents or other adults. According to this way of thinking, a child cannot itself be a nurturer because it will destroy or disturb the reception of care and love that is seen as a necessity for a sound maturing process. The special value put on individuality and independence that emphasizes the child as an active agent is based on this continuing nurture. From this idea it follows that a child who is given responsibility for others, and certainly for parents, may be disturbed in developing an individual self.

We do know, though, that most child migrants come from societies where children, from an early age, are expected to contribute to their families' prosperity as best they can. Such families are based on other economic and cultural conditions than the modern Norwegian family, and other cultural models with different expectations and considerations govern relationships. The idea that children should be nurtured

is only one aspect of such relationships; the child in these communities is also a nurturer, often with life-long responsibility for parents and siblings. To have responsibility for one's parents is one of the costs, but also one of the benefits, of such family systems. Of course this limits the child's choices in some respects, but so do all family systems. It is also worth emphasizing that migration changes these relations in different ways. Being reunited with one's parents after many years of separation and after having enjoyed independence (and suffered loneliness) in Norway for the best of one's youth can often lead to problems. However, the best interests of the child in such cases cannot be decided without considering the whole situation. This includes aspects of the child's culturally patterned relation to parents and the child's and parents' expectations of the future, including the possibilities they see for fulfilling their expectations separately and together.

The notion that it takes a village to raise a child is widespread in African society and points to the joint responsibility of a community to transform an individual into a responsible community member. This notion implies other ideas and expectations of relations between parents and children, relations that may not be understood with a model based on emotional intimacy. In social systems where parents are considered only one source of care for children, living with relatives for short or long periods of one's childhood is an ordinary experience, but this will normally not change the mutual dependency between parents and children. Many Somalians, for instance, have for a long time experienced a transnational lifestyle, where family members have worked outside Somalia in places such as Saudi Arabia and other Gulf States. Family members in Somalia have sent their young sons to live with their overseas relatives to give them a chance of an education and a better life than is possible in Somalia. This is how parents in many societies and in all times have provided for their children. Only during the recent decades have more and more people in the West experienced a life where basic economic hardship is overcome. Children have enough to eat, they can have an education and will get a relatively secure job, and if this fails the welfare state will provide for their basic needs. The economic aspect of family life and interpersonal relations is not less important than before, but it is no longer a question of survival. The affluent society sees parent-child bonds expressed by degrees of intimacy and expressed emotionality. These qualities are not unimportant in any society, but they are taken for granted and not

problematized in societies where survival is a day-to-day challenge that binds people together in mutual dependency.

### Migration as a trauma

The general proposition that child migration leads to psychological trauma is also problematic. Several studies have reported that lack of support from family or other supportive networks is one of the main problems facing unaccompanied child refugees (Andersson 1994; Harsløff Hjelde 1999; Eide 2000). This lack of supportive networks appears to be difficult to counteract by implementing government integration policies, and is viewed as a major source of any psychological problems the children may have and perhaps the main obstacle to fulfilling their dreams and expectations (Eide 2000). This said, it is important to underline that there is no scientific research to substantiate this claim, and that research carried out in Norway indicates that the majority of unaccompanied minors seem to cope. Many manage to complete an education and most succeed in finding a job – it is only a minority that has serious problems in adjusting to Norwegian society (Eide 2000). It is, however, this minority which serves as an example of the difficulties the children encounter, influences the interpretation of what is 'the best interest' of child migrants, and justifies the present restrictive policy of family reunion.

I am not implying that all families should be reunited, nor am I implying that child migration is not generally problematic, but rather that a careful consideration of the individual child's best interests should grant more children family reunion than is the case today. The way the immigration authorities have grounded the principle of the child's best interests on an abstract child with an ideal childhood leads to a generalized and universalized use of the principle that is problematic.

### Labelling and psycho-legalism – a double veil?

To summarize this point, I have tried to argue that the definition of child migrants as 'single' is a bureaucratic label that is not based on most children's actual situation. Although some child migrants are alone, most continue to be members of families at home. As the label presupposes that the children are without parents, the children have no right to family reunion with parents. Children who do have parents and who apply for family reunion are regarded as illegitimate

immigrants, as 'anchor children'. This understanding is based on certain models of parent and child relations that motivate a strict policy of family reunion, justified by the principles of the child's best interests. Thus Bourdieu's (1987) claim that labelling processes justify certain legal procedures that make decisions appear as universal and just is relevant to this understanding. The labelling of child migrants as minor and unaccompanied spurs a chain of cultural assumptions that lead to decisions that appear to be objective and based on universal principles.

Thus far it has been argued that the principle of the best interest of the child, as it is used in cases concerning family reunion, is based on specific models of family, childhood and parentage. Psychological models and discourses together with specific labelling and universalizing processes may therefore be regarded as constituting a double veil presenting decisions about family reunion as disinterested and independent from power relations.

#### UNIVERSALIZING PROCESSES – THE CHILD'S BEST INTERESTS AS A LEGAL PRINCIPLE

In this section I will examine how the legal processes in the work around family reunion turns the individual child into an anonymous and invisible entity. I will also question the value of the child's best interests as a legal principle in individual cases.

I started my argument by referring to Bourdieu's sociology of the legal field and will pursue this line of argument further here. Bureaucratic procedures are regulated and standardized in order to guarantee every citizen fair and objective treatment. Categorization of cases and applicants is a necessary tool for effective and fair work carried out by immigration officers. However, as Bourdieu (1987) has argued, the focus on objectivity and neutrality also creates the legal language as a rhetoric tool that legitimizes decisions as objective and universal and thus unimpeachable outside the legal field.

#### Making the child invisible

The child's parents or some official at the Norwegian Consulate in the applicant's home country generally fill out application for family reunion with a child in Norway. Applications are often supported by a relative in Norway and sometimes by short letters or by drawings made by the child itself. The application is generally also supported by a lawyer, the child's teacher,

a social worker, psychologist, etc., stating the difficult situation and the child's suffering without his or her parents. These often very emotionally evocative tokens are then transformed by immigration officers into legal language and the application thus made ready for bureaucratic processing. In this process the child is transformed from an individual into an abstract and depersonalized legal object, that gives him or her a shadowy position in the case. The child is not referred to by name or as a child, but by the term 'the referee'. In this way age, gender and most personal signs are neutralized and the child is presented as secondary to the case. The parents, who are the principal parties in the application, are generally presented with only very sparse personal information in the official form. A case will typically be presented in this way:

The application is launched by X, who says he is the referee's father and that his now deceased wife was the referee's mother. This mother was the sister of the woman with whom the referee is staying in Norway. The referee has stayed with his maternal aunt since he was 8 because of the referee's mother's illness and later death. The family had to flee from Y when the mother was pregnant with the referee and they later lived in Z. Because the referee's mother is said to have fallen ill, the aunt took over the care of the referee. The aunt claims she took the referee to Norway without the father's knowledge and that the child now should be united with his father and siblings.

The fact that this father is made the principal figure in the presentation of the case, that there is very little information about him, and that the child's emotional condition in Norway is understated in the presentation, leaves very little room for the immigration officer to consider whether 'specific human considerations' and the child's best interests should lead to a positive decision. In this way the child is made into a universal legal category whose individual interests are neutralized or at least made to look less desperate than the way it is presented in the application. Instead the parent's situation, the immigration officer's interpretation of the quality of his parenting, is the central focus. Thus the child may stay invisible all through the application process unless she or he has a dedicated relative, lawyer or legal guardian in Norway. Because of the lack of a full hearing in cases of family reunion the child is generally not given the chance to voice his or her interest personally.

In these circumstances the difficult and ambiguous situation that many unaccompanied minors experience is not really taken into full consideration. The question arises as to whether it is possible to judge a



case based on the criteria 'specific human considerations', and at the same time neutralize the case by reformulating the human aspects into legal language. This may be interpreted as an example of Bourdieu's (1987) claim that legal practice serves to separate legal judgements from judgements based on a humanistic, 'naïve' sense of justice. Only when this separation is made explicit does it become possible to question the legitimacy of legal judgement.

The UN Convention on the Rights of the Child constitutes a near universal standard with regards to children's rights. Exactly because they are formulated in neutral terms and because they state general moral and legal principles concerning children, the articles must be interpreted contextually to be meaningful. The combination of a Scandinavian childhood model, a firm belief that child migrants are sent as anchors by their parents, and a deeply rooted conviction that a child's best interest is to stay at home with her parents serves to obscure the heterogeneity of interests and life situations of individual child migrants and thus to undermine their legal protection.

### The child's best interests as a judicial principle

The last point I wish to make in this article is that 'the child's best interests' is questionable as a judicial principle because it is incomplete as a decision-making instrument and thus may lead to decisions that do not serve the child's or his or her family's interests (Backe-Hansen 1995).

Lack of family support and loss of parents and siblings are reported to represent the greatest problems facing child migrants. As has already been stated, few children actually apply for family reunion and almost none are granted such reunion in Norway. We must suppose that for the children who do apply, these applications are of crucial importance to their lives and their future in Norway. Immigration officers say they are among the most difficult cases to handle, because they identify both with the separated parents and with the children who miss their parents. The principle of the child's best interests, so important as a guiding norm, is however problematic in several ways as a judicial principle for decision-making in cases of such vital importance as family reunion for unaccompanied minors. Firstly it is used to argue for political measures that increase migration control. In the White Paper and in the letter from the Department of Justice from December 2000, it was explicitly argued that by denying family reunion in Norway for unaccompanied minors, the government wishes to prevent or decrease

child migration and thereby implicitly meet a child's best interests. Although most immigration officers and professionals will agree that it would be better for children in general to stay with their parents, this is a general and normative stand that cannot serve as a norm for deciding the individual child's best interests.

The other problem arises when the child's best interests is used as something in between a judicial principle and a generalized norm in individual cases. This problem is raised by Backe-Hansen (1995), among others, concerning decisions according to the Child Care Act in Norway. Backe-Hansen argues that the principle is incomplete as a judicial decision-making principle, that it is based on a culture-blind understanding, and that decisions based on this principle may turn out to be self-destructive. These objections are also relevant to the way the principle is applied when decisions are made concerning unaccompanied minors.

When an immigration officer makes decisions about an application for family reunion, several aspects are usually taken into consideration. The child's present care situation in Norway, the closeness of the parent-child relation and the possibility of the child going back to her parents are, as already discussed, central. To be reliable, the decision must, however, rest on predictability. But how far is it possible to predict the future outcome of different decisions in any reliable way in these cases? Is it possible to predict the child's well-being in Norway if the parents should come compared with the child's well-being without them? A complete decision-making principle implies that the value of each alternative must be known or predictable. Backe-Hansen (1995, p. 111) claims that such predictions are not possible for Norwegian social workers in cases concerning custody of Norwegian parents. Such predictions may be even less reliable for Norwegian immigration officers, judging the quality of caring of parents living in other parts of the world, without any expertise in child psychology and without even meeting the child in person.

The second objection raised by Backe-Hansen (1995) is that the principle of the child's best interests is individualistic and culture blind. As already stated, it is a truism to state that it is always in children's best interests to have good and happy lives (Boydon 1990; Backe-Hansen 1995). To be able to fulfil such good intentions there must, however, be some general basic agreement about what a good life and happiness implies. As discussed in the previous section, decisions in individual cases have to be based on complex

understandings of ambiguous situations. Thus immigration officers need conceptual tools that take on board relationships and are not blind to cultural issues. The notion of the child's best interests is, however, deeply rooted in cultural models based on material conditions and cultural ideas in Norwegian society. As such they are at best questionable as decision-making tools concerning other life situations and life worlds.

The third problem raised by Backe-Hansen (1995) is that 'the best may be the enemy of the good'. The impossible task of determining the child's best interests often leads to a sacrifice of the child's interest because of lengthy processes based on culture-specific norms and because the child's view is not heard. Applications for family reunion are typically made a long time after the child has arrived in Norway and by the time the application is finally looked into, many years have generally passed. A child who was 12 when he or she arrived and 14 when his or her parents applied may have reached 16–17 when the application is finally denied, or in some rare cases granted. That means that the child has spent four years of his or her childhood and youth waiting for his or her parents. Should they arrive the reunion will probably be difficult due to the long separation, and such problems will serve as arguments for avoiding family reunion in general, 'in the best interests of the child'. Thus, finding the best solution, that often means years of investigation, often involving DNA tests of parents living in far-away places, may turn out to be worse than settling for the next best option.

#### **The child's best interests or the state's best interests? – a summary**

The combination of poverty and armed conflicts in many countries and the increase in migration as a result of environmental changes and a globalized economy in general, together with a decrease in the cost of transportation, is claimed to be resulting in serious pressure on wealthy welfare states (Schmeidl 2001). Others hold that this alleged pressure and the sense of insecurity that is felt by citizens in several countries in the West is exploited by right wing policies to increase protectionism by closing national borders towards poor migrants (Zolberg *et al.* 2001). The measure used by most EU states is to increase border controls by restricting the number of residence permits and refugee status to a minimum. The reaction to this by a global population of more or less mobile young people is illegal migration. This tendency is also

seen among unaccompanied minors. More and more children seem to be trafficked to Europe and some end up in Norway. This is a serious situation and it is important to find ways of handling migration in general and of preventing child migration. But what are the options? The theory at the base of the Norwegian policy concerning unaccompanied minors is that denying family reunion for these children will prevent child migration in the future. This prediction is, however, uncertain and at what costs is this policy implemented? The UN Convention on the Rights of the Child was drawn up to protect minors from abuse and neglect primarily from states and other powerful organizations on a global scale. The Convention is signed by most countries in the world, but the implementation of its principles are locally interpreted and the crucial question is on what basis these interpretations are made and whose interests they serve. For the Norwegian policy towards child migrants, especially concerning family reunion, it has been argued in this paper that these interpretations first and foremost serve the interests of the state. By discussing aspects of the interpretation of the principle in different contexts in the Directorate of Immigration, I have tried to argue that the principle is misused to serve the Directorate's main objective – immigration control. I do not question the Directorate's jurisdiction or the necessity of border control. Neither do I doubt the individual immigration officers' intentions to take care of the interests of child migrants. My aim is to point to processes on a structural level that contribute to strengthen the power of the state at the cost of the individual child migrant, by invoking the UN Convention for protection of children.

In a democratic state such as Norway, power is ideally exercised through consent, and according to social theorists consent can be achieved only when the power that supports it is not too explicit (Bourdieu 1987; Foucault 1991). In line with this claim it has been argued that the principle of the child's best interests has been turned into a justification for immigration officers who handle applications from parents, cases that they themselves describe as difficult. This argument does not imply any assumption of a conspiring state: it leans on Philip Abraham's (1988) assumption that the modern state exercises power through its laws, institutions and employees. To be able to carry out their work with a democratic human-rights-based ideology, immigration officers need to justify their decisions by humanistic and universalistic principles rather than by national interests such as border control. International conventions may repre-

sent such superior humanistic principles that state universal norms far above the more particular and secular interests of national legislation. In that way international conventions may serve, in Bourdieu's words, as a link in 'a chain of legitimation that removes [an immigration officer's] acts from the category of arbitrary violence' (Bourdieu 1987, p. 824). The immigration officer may contribute to the overall task of immigration control by denying a child reunion with her/his parents, thinking he/she is doing the right thing, because it is in the child's best interests. Interpreted in this way international conventions, such as the Convention on the Rights of the Child, may serve to weaken the legal rights of those they are meant to protect.

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## NOTES

- 1 A legal guardian appointed for unaccompanied asylum seeking children by the authorities.
- 2 In Norwegian generally termed caseworkers (*saksbehandler*). They may both conduct the first interview with asylum seekers and process asylum application in general. They are generally lawyers by training.

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# Promoting psychosocial well-being in unaccompanied asylum seeking young people in the United Kingdom

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## ABSTRACT

Unaccompanied minors looking for asylum in industrialized nations come with a host of psychosocial needs associated with separation and settlement. They are also resourceful, and willing to make the best of themselves in their new environments. This paper reviews literature concerning vulnerability and resilience that has emerged from refugee related studies, and those from social work with children looked after by local authorities. In combining these two areas of enquiry, the paper tests the messages they contain in reference to the work of a young asylum seekers project run in the United Kingdom. It confirms the view that unaccompanied minors are children first and foremost, exhibiting understandable vulnerabilities associated with separation and trauma, as well as being carriers of capacities that can help them to recover and settle after arrival. In this paper, it is proposed that promoting psychosocial well-being for unaccompanied minors involves entering the young people's inner and outer worlds with therapeutic care, to aid the processes of self-recovery. It also involves finding ways to regenerate a lost sense of belonging and of being in charge of their lives. Examples from the project's work with the young people are used to illustrate the complexity of helping them find a sense of home within their new territories.

## INTRODUCTION

Children coming alone to Western Europe from countries across the world become separated from their families for a number of reasons. Traditionally, armed conflict and persecution are cited as major factors leading to departure (Ayotte & Williamson 2001). But there are other reasons. Some children leave their country of origin because of economic hardship resulting from fragmentation after armed conflict. Some move because of trafficking for the purposes of sexual exploitation or other illicit and illegal activities. A few escape from dangerous families or kinship networks. While the reasons for departure differ, what unites the children is a sense of getting away from harm, and seeking asylum in countries that are far away from their roots, either geographically or culturally.

When they arrive in unfamiliar contexts, they have to deal with a bewildering set of circumstances. They have to cross three psychological barriers. Firstly, as 'strangers in a strange land', they may not know the habits, rules and customs of their new territories, and have to adapt quickly and fluently in order to settle. Secondly, they may be carrying memories of disintegration following war and be traumatized or haunted by ghosts from the past. They have to depend on the comfort and skills of strangers to make peace with these ghosts. Thirdly, if they are looked after by social services in the country of asylum, they have to find their way through a maze of systems of care and protection, having been through the immigration maze. Making their way through these mazes is known to be hard enough for indigenous children (Fisher *et al.* 1986; Packman & Hall 1998), but unaccompanied minors

enter them without knowing whether their claims for citizenship will succeed.

Given these three stressors these children often experience a series of fractures in their past, present and future lives that need to be healed. At the point of arrival, their sense of being in charge of their lives is seriously jeopardized. Having the comfort of belonging to someone, or somewhere, is known to sustain psychological well-being (Krause 1997), yet for these children circumstances have conspired to peel away the layers of connection, leaving them exposed and vulnerable in their new environments. In Kohli's (2000) research with social workers that care for these children, one young man said to his social worker that he had 'lost the steering wheel to his life'. The challenge for welfare professionals in these situations is to help the separated child find not just the steering wheel, but a sense of direction and a safe road to travel along in their journey of belonging, in a way that allows them to take charge of their past, present and future experiences. In reference to promoting psychosocial well-being, Howe *et al.* (1999) confirm that:

[t]he complex interplay between the past and the present, the psychological inside and the social outside, is the dance that practitioners have to understand if they are to make sense of what is going on and intervene appropriately and effectively. (Howe *et al.* 1999, p. 4)

In this paper we illustrate this dance for unaccompanied asylum seeking young people. These illustrations are used to illuminate their particular and distinctive circumstances as they search for settlement in the United Kingdom. Examples of practice are drawn from the work of a young asylum seekers project in the south of England (YAS) that provides a service to some of the steadily increasing numbers of children and young people who arrive alone in this country to seek asylum. In September 2002 the local social services department was assisting some 350 unaccompanied young asylum seekers who had arrived from a wide range of countries. In 1998, various agencies involved in working with these young people became concerned that the emotional needs arising from experiences of loss, bereavement, flight and sometimes torture were not being met. Some young people were experiencing mental health problems or difficulties in coping with day to day living. These agencies then approached a long established voluntary sector organization providing a range of mental health and family support services in the UK. A multiagency partnership approach was used to set up the project,

which began its work in July 2000 funded by the European Commission and the Diana Princess of Wales Memorial Fund. The services provided aimed to:

- help the young people make sense of what happened to them in the past;
- help them to identify and use their own capabilities and skills in integrating into their new environments;
- provide opportunities for learning new skills that would assist them to find emotional and practical stability, either in the UK or on return to their countries of origin;
- connect them to helpful people within their informal and formal networks of care, so that they were not isolated, and could be accompanied in their journeys towards settlement.

The young people using the project come from 15 nations, nine of which are African. Of these, there are relatively large representations from Sierra Leone and Nigeria. There are also significant numbers from Afghanistan and Kosovo. The vast majority do not have permission to remain within the UK for an extended period. A few have refugee status. Temporary Admission has been granted to many, while the authorities investigate their asylum claims. Where gender is noted, young men appear twice as frequently as young women amongst those making frequent usage of both structured and informal activities. This reflects the local and national picture of many more young men than young women seeking asylum within the UK. The majority of the young people are in the 16 to 18 year age group, which is in line with the general profile of young asylum seekers in the area. They are accommodated in foster families, residential units and hostels, or in shared houses and flats rented by social services.

In the planning and provision of services, the YAS project has been organized in reference to what is known about vulnerabilities associated with becoming a refugee. Equally importantly, taking account of their resilience matters to the young people themselves. The image of 'victims of trauma' is a small part of a broader picture. Within the panorama, workers observe ruggedness, hope and creativity alongside great pain. As the project's work has grown, young people search out ways of balancing vulnerability with resilience as part of the process of settlement and psychosocial well-being. The project has evolved from a position of viewing 'mental health difficulties' as a set of prescribed, diagnostically based terms associated with trauma, to a more 'holistic' approach, that

takes their strengths and hopes into account, as well as their fears and worries. The workers' own journey, therefore, runs alongside that of the young people, in creating a complex and safe set of interventions that aid the process of settlement.

### REFUGEE CHILDREN: MESSAGES FROM RESEARCH ABOUT VULNERABILITY AND RESILIENCE

The following section reviews some key messages from research about vulnerability and resilience in relation to refugee children, before describing the project's work. Research findings relevant to the work are blended from several sources within the refugee field, as well as those that have emerged from research into the care and resettlement of indigenous looked after children. The young people come, as William Utting (1997) said about children living away from home, from *People Like Us*, ordinary people making difficult decisions in testing circumstances. Research undertaken by Stone (2000) also confirms that refugee children are children first and foremost, who come with sets of needs and capacities that all vulnerable children carry in their search for sanctuary. So the project's work takes account of them as children and young people in need of protection and care, not just refugees in search of asylum.

#### Vulnerability and refugee children

Vulnerability arises through coming face to face with traumatic events. For children and young people who become refugees, the effects of war or natural disasters are punishing in various ways. They may, as Petty & Jareg (1998) note, have been through exceptionally troubling experiences, including witnessing the deaths of close family members, or torture and sexual assault of parents, siblings and friends. They may themselves have participated in acts of violence. Summerfield (1998) emphasizes that those forced into exile experience 'a rupture in the narrative threads running through their lives' (p. 16). Far more than indigenous children entering local authority care, who experience a dislocation of the threads of connection between themselves and their families, unaccompanied minors may have lost the whole collective plot by living through 'total war', where

... mass terror becomes a deliberate strategy. Destruction of schools, houses, religious buildings, fields and crops as well as torture, rape and internment become commonplace. Modern warfare is concerned not only to destroy life, but also ways

of life. It targets social and cultural institutions and deliberately aims to undermine the means whereby people endure and recover from the suffering of war. (Bracken & Petty 1998, p. 3)

Yule's (1998) research into the impact of such events on refugee children can be summarized in the following ways:

- Children are troubled by repetitive, intrusive thoughts about the traumatic event or events, particularly at times when they are quiet or reflective. Flashbacks, sleep disturbance and recurring nightmares are widespread.
- Difficulties in concentration are reported, especially in schoolwork, as well as memory problems in grasping new material and remembering old skills.
- They carry a *sense of a foreshortened future*, finding it difficult to plan, or *survivor's guilt*, being disorientated by their own good fortune in comparison to those who were left behind or killed. Life is experienced as fragile.

Montgomery (1998) reviews the literature in relation to age specific responses to war, and demonstrates that pre-school children may act regressively, with clingy behaviour and heightened anxiety when left alone or with strangers, and that their adolescent counterparts may act aggressively, towards themselves and others, or enter pseudo-mature adulthood before their time, particularly in coping with younger siblings. In noting that 'the central character of trauma is that of disconnection', Melzak (1995) confirms that refugee children often show uneven development, in that they appear to have both strengths characteristics of older children and vulnerability characteristics of younger children, so that chronological age is at variance with the child's developmental age. Girls and boys appear to differ in their responses to trauma, with some studies showing higher rates of depression and anxiety amongst girls caught up in 'single event' natural disasters (Lonigan *et al.* 1991; Yule 1992), and boys responding to 'multiple event' stressors such as war with greater anxiety than girls (Milgram & Milgram 1976).

In some instances, higher cognitive abilities and a track record of achievement at school are associated with lesser degrees of trauma for children (Yule & Gold 1993). The presence or absence of adult caregivers for children during trauma and flight is strongly associated with their capacities to adjust. In some instances, when family members have fled together, caregivers act as buffers against adversity (Montgomery 1998, p. 193), and provide continuity of roots. But in situations where the caregivers are themselves

traumatized, children carry a multiple awareness – of needing to represent the adult in the asylum context, of caring for them, and of remaining sensitized to ways in which the caregivers may re-enact their own abuse by becoming passive or aggressive within the new family home (Pynoos *et al.* 1995).

For unaccompanied minors – those who are sent to countries and authorities with whom parents have no direct contact – the effects of leaving are also complex. Christiansen & Foighel (1990) consider that unaccompanied children are packed up and sent, not only with the bundle of fears associated with war and suffering, but also with a series of messages that are paradoxical and difficult to comprehend. For example, in being sent away to safety because they are loved and treasured, they may feel discarded. Or being told that they must move away from a situation of danger, whilst the family remains exposed to it, can leave them preoccupied with worry for the family's well-being, guilt at achieving sanctuary, and not knowing how the family is surviving. They may have been seen within the family as its best, most adaptive members, able to fulfil potentials that the parents were not able to realize for themselves. Becoming the carrier of hope for the family as a delegate in this way may be experienced by them simultaneously as an honour and a punishment. On the other hand, being involved in political activity at home, and being seen by the family as a saboteur and a risk prior to leaving, may mean that they carry a self-image of turbulence or dangerousness into exile. The family funding the flight may result in the children expecting to give the family a return on the investment. An economic subtext to exile is generated which they may try to live up to by carrying all the expectations of the economic migrant, on top of the particular pressures of being an asylum seeker. Finally, they may have been sent away with a promise of reunification, which may remain unfulfilled. They may grow up within a culture so different from their culture of origin that settlement results in a desiccation of roots and connections with their families left behind. In summary, by becoming fragments from distant explosions, unaccompanied minors may silently carry heavy and complex experiences into their new territories, and not know what to do or who to safely turn to in order to feel untangled.

### **Resilience and the promotion of psychosocial well-being in refugee children**

The above aspects of vulnerability are beginning to be reappraised in light of other paradigms within

research with refugee communities that emphasize survival, not just victimhood (United Nations High Commissioner for Refugees 1994). One aspect of refugee children's lives that is under-reported in clinical and research literature, in comparison to the emphasis on vulnerability, is their capacity to respond robustly to the stresses that surround them, confirming an increasingly held view that becoming a refugee is a purposeful act of strength and capability (Muecke 1992; Ahern 2000). If they are compared to indigenous children looked after by social services we find that whilst a minority are deeply troubled and need psychiatric intervention, the vast majority are not as psychologically dishevelled as indigenous children who have been harmed by their families (Kohli 2001). Indeed, their willingness to succeed and overcome the challenges of settlement has become an important part of the characteristics welfare professions encounter when they work with them (Richman 1998a). In short, many demonstrate resilience in conducting their day to day lives. In considering the fluidity of the concept of resilience, Gilligan (2001) offers the following version of three important dimensions, initially identified by Fraser *et al.* (1999). Resilience is:

- Overcoming the odds – being successful despite exposure to high risk.
- Sustaining competence under pressure – adapting to high risk.
- Recovering from trauma – adjusting successfully to negative life events.

In accepting the proposition that 'a resilient youngster is one who adapts successfully to risky circumstances' (Gilligan 2001, p. 5), we can enter a territory shared by researchers in social work in the UK and Ireland (Howe 1995; Daniel *et al.* 1999; Cairns 2002) and their counterparts who study the lives of refugees worldwide (Barudy 1990; Apfel & Simon 1996; McCallin 1996; MacMullin & Loughry 2000; Mann 2000). They focus on a practical and meaningful approach that welfare workers can take to capacity building in children in adverse circumstances. For example, Howe (1995) groups together a range of responses under the terms 'understanding', 'support' and 'psychotherapy', that can be used as building blocks to promote psychosocial well-being:

- Understanding from people around the child, including workers, who demonstrate a capacity to be kind, compassionate, steady and reliable.
- Support that is practical, nurturing, status building, clear and informative, companionship, group and community based – that weaves people back into the social fabric of the society and context they live

within. It generates and sustains a sense of belonging. Gilligan's (1999) valuable exposition of the role of mentors who enhance resilience clarifies and specifies the practicalities of such support.

- Psychotherapy within which understanding the self – the *psychological inside* referred to earlier – leads to reformulations of patterns of connection in the inside and outside worlds in a way that makes peace with demons and ghosts, and allows a safer passage into a liveable life.

The emphasis in these responses is in sympathy with the notion of helping people to relocate, pick up and re-weave the lost *narrative threads* referred to by Summerfield (1998), so that knowing where they have been, where they are, and where they need to get to, become part of the broad (re)construction of their lives in contexts that offer them opportunities to thrive. Blackwell & Melzak (2000) make a similar point in reference to refugee children when they say that the following factors help in ameliorating distressing experiences:

- Belonging: feeling they belong to at least one adult who is emotionally attuned to their feelings, to a family, to a community, to a school, to a social group.
- Thinking: being able to think about their experiences in safe relationships with adults and peers.
- Agency: feeling they can make some active choices in their lives that help to shift a sense of helplessness. Apfel & Simon (1996) extend this notion to allowing the child or young person to experience a sense of *learned helpfulness*, by moving on to helping not just themselves, but others in similar circumstances. Sen (1993) confirms that well-being is closely associated with this *ability to do valuable acts or reach valuable states of being*.
- Cultural integration: finding a sense of continuity between the culture of their own country and that of their new one. Being able to mourn aspects of their culture that is now inaccessible (Eisenbruch (1992) refers to a process of *cultural bereavement*), while continuing to explore their own niche within their host culture.

These processes are built upon in other aspects of refugee research by linking psychosocial well-being to material and practical resources and opportunities. For example, refugee children are known for their hunger for education (Rutter & Jones 1998; Williamson 1998), refugee status (Russell 1999), citizenship (Stanley 2001), and a determination to succeed by aiming for high social status and wealth (Armstrong 1988). It is the balance that they generate and are

helped to sustain between the social outside and the psychological inside that creates a sense of comfort, of home, of sanctuary. Belonging somewhere, and to someone, fits with the need to have belongings that symbolize a successful transition from a time of deep vulnerability to a period of relative coherence and calm after the storm.

### The complexity of helping

However, a number of complications that unaccompanied young people encounter in their progress towards settlement also need consideration. For example, a wealth of writing within social work and in the therapeutic arena (for example Kareem & Lipsedge 1992; Rashid 1996; Krause 1997) warns workers against rushing like amateur and colonizing anthropologists to a homogenized and static view of culture, because by doing so they risk turning complex experience into artefactual information, and thereby miss the specific meaning of cultural ties to an individual in a particular context in a particular time. There is a danger of replacing the search for meaning in each child's inner and outer worlds (Schofield 1998) with a general label that only illustrates a partial recognition of the complexity surrounding the processes of belonging. For example, an unaccompanied young person may well experience integration into the host community alongside disintegration from the community of origin. The pace, focus and pattern of these shifting and fluid affiliations will vary according to individuals' personal choices and their capacities to manage changes that are thrust upon them. The choices may be mediated, for example, by sensing safety in the anonymity of an unfamiliar culture and locality, or they may, conversely, be signalled by re-creating a strong affiliation with others from similar cultural backgrounds. Both similarity and difference may offer dangers and opportunities in relation to belonging, but neither will in itself provide a complete 'one size fits all' guide to the well-being of each individual. Promoting cultural integration as referred to by Blackwell & Melzak (2000) may mean taking account, in a non-colonizing way, of an individual's story and its current re-enactment in the UK context, without reducing the culture of origin, the processes of re-integration, or the powerful impact of the host community into good and bad ciphers added blandly to the delicate, rich and personal equation of settlement.

Similarly, evidence from practitioners indicates that despite the catastrophic psychological consequences of



surviving war, not all unaccompanied minors respond positively to an undiluted version of westernized therapies. There are reports that they may not want or use therapy (Stanley 2001), or need it (Richman 1998b), depending on a number of factors. They may not understand the notion of therapy; they may be busy with the practicalities of life during the initial period of settlement when emotions about separation and loss are controlled in order to manage what is most pressing (Richman 1998b, p. 179); they may not be able to distinguish clearly enough between enquiry and interrogation, and be silent or suspicious of interventions; they may resent their experiences being turned into symptoms and may not be so traumatized as to warrant psychological or psychiatric intervention (Summerfield 1999); they may not be ready to talk, particularly in a context of substantial uncertainty about their asylum status; specialist services may be far away from the locality or local services may be overburdened with indigenous demand; services may not understand them in terms of their heritage and experiences. These clusters of contextual and individuals' reasons may result in the need for psychotherapeutic services that weave into their ordinary experiences in the new context rather than being offered as part of a refined and intensive 'therapeutic encounter'.

Based on his clinical experience, Papadopoulos (2002) makes a significant contribution to the understanding of therapeutic engagement with refugees that allow this weaving process to take place. He recommends *therapeutic care* for refugees, rather than therapy, as a way of promoting psychosocial well-being. He asserts that 'loss of home is the only condition that refugees share, not trauma' (p. 9). This is a complex assertion because home is not just a physical entity, or a geographical location, it is a *sense* of home as a psychological, deeply felt foundation of well-being. Home is a place that connects inner and outer worlds, where habits of the heart are practised and understood by the people who form the home community. It is a flexible and 'protective membrane' (p. 16), which offers containment for good, bad and ugly experiences and feelings. It is the loss of this everyday foundation through forced migration that leaves people temporarily disorientated, as if they were frozen – a type of 'psychological hypothermia' (p. 33) – and they need to thaw out, in order to proceed with ordinary living again. The frozenness itself is seen to have protective functions, not psychopathological ones.

This temporary withdrawal can provide unique vantage points from which to renew and reassess their lives, their past,

present and future; it may also assist them by allowing them to digest the impact of their losses, by creating the respectful stance to mourn the dead, by enabling them to regroup and direct their energy more appropriately. All this activity usually happens in an unnoticed way, if the right conditions and circumstances can contain the disruptive potential of the primary loss of home. In effect, all this imperceptible work could be understood as a reworking of their own lives and community stories. (Papadopoulos 2002, p. 33)

This reappraisal of a type of positive frozen watchfulness allows the sense of agency referred to by Blackwell & Melzak (2000) to be present from the outset. It also offers helpers room for an optimistic shift away from diagnostically based interventions. In elaborating the meaning of *right conditions and circumstances*, welfare workers are invited to resist the temptation to impulsively 'rescue' people from their experiences, because it makes *them* feel better and less frightened to do so. Instead, they are asked to engage with the process of 'therapeutic witnessing', that Blackwell (1997) describes, in reference to psychoanalytic ideas, as having three elements – *holding, containing* and *bearing witness*. In essence, workers are asked not to become action orientated helpers in the face of 'muck and bullets', but stay still enough to bear the pain of listening to stories of great loss as they emerge at a pace manageable for the refugee. Blackwell's (1997) contention is that containing pain is hard, and some of the muck sticks in an uncomfortable fashion. One way in which workers mishandle this discomfort is to respond by becoming split into sentimentality or suspicion of refugees' experiences, thereby losing a chance of hearing the complex, real and heartfelt stories that people can bring. The position of being a witness – that is being still, unafraid, honest, kind and emotionally robust – is harder than rescuing, but ultimately more productive because it lets refugees name and exorcise their demons and ghosts in the process of self-recovery. Standing still enough to absorb the emotional impact of refugees' experiences is something that allows the movement hidden beneath the frozen state of psychological hypothermia to emerge in a tolerable way at the right time. Therefore the 'dance' referred to by Howe *et al.* (1999) has a paradoxical element in the work with young asylum seekers. Their surface stillness and silence hide movement in their inner worlds. The worker's stillness in the provision of an open space that allows them to remain the agents of their own recovery becomes an important aspect of the processes of re-ordering their lives. The stillness of the dancers is the foundation of movements towards settlement in a new environment.

The capacity to contain, hold and bear witness does not mean that workers have to forego Howe's (1995) recommendation that practical support and understanding matter in the creation of the right conditions and circumstances. Indeed, much of the research into the lives of refugees emphasizes that the practical kindness of strangers acts as a key element of psychosocial well-being (Fozzard & Tembo 1996; Ljubomirovic 1999; MacMullin & Loughry 2000). Williamson (1998), in her research within four London boroughs, describes unaccompanied young people she interviewed as wanting caring adults who kept them safe, who understood the complexity of their experience, and connected them to networks that were meaningful for them, as key aspects of support. In addition, young people wanted opportunities to eat 'home food', or keep up with cultural affiliations, teachers who were strict but fair, and recognized that failing in education would be 'a disaster'. They wanted good legal representation in the asylum process, sympathetic welfare workers, careers advice, to learn about 'the British way of life', and plenty of social activity to keep their minds off their problems. This exposition of these wishes fits neatly with what is known about the repertoire of strategies that can promote resilience for looked after children. For example, Daniel *et al.* (1999) identify six 'domains' within which interventions can be framed – namely, the promotion of a secure base, educational success, friendships that have a positive impact, nurturing talents and interests, promoting 'positive values' including empathy for others, and being and becoming socially competent. These domains, taken together with messages from research into the lives of refugees, lie at the heart of a number of activities that the YAS project has undertaken with unaccompanied minors.

### THE YAS PROJECT

Below, examples of the project's work are offered in relation to the individual and group activities. None of the work of the YAS project is specialist in the sense of being relevant only to refugees. However, there are particular twists and turns to the work that illuminate the meaning of 'promoting psychosocial well-being' for this group of young people. The work of the project is divided into two complementary sets of activities – direct work with the young people themselves, and building and supporting formal and informal networks of care – that are aimed at capacity building in inner and outer worlds. The project has been designed so that these activities blend together,

within which single interventions are experienced by the young people as part of a pattern of integrative experiences that cross the domains referred to by Daniel *et al.* (1999).

### Recovering from isolation and finding a sense of security

One of the greatest problems for the young people is loneliness and isolation, associated not just with a lack of friendships but also with loss of home, as described by Papadopoulos (2002). When they come into the country, they feel isolated not only from other people, but also, in significant ways, from their origins and past. For example, very few of the young people bring anything with them like a memento or artefact, a photograph or passport that anchors them to the past. They carry very few possessions and are anonymous at the point of arrival, apart from the stories they tell about themselves. They are often looking for 'something to do' or 'someone to play with' in the first few months after arrival. But far away from a familiar home, they can sometimes simply sit and wait to be approached. They can be afraid to reach out in a period of great uncertainty. These common features have led to the YAS project developing strategies for reaching out to them, rather than waiting for them to come to the project's base location. Services offered by YAS have become 'portable', going in to places where the young people are initially placed, to offer low key 'activities' using art and craft materials, and providing food, music and drama workshops. Many of these do not rely on complex communication in English, are part of the recovery of ordinariness, and do not intrude into those parts of the lives of the young asylum seekers that they need to be silent about while they orientate themselves.

The project staff operate a policy of not pursuing the details of the asylum stories with the young people unless they choose themselves to disclose them. This is partly because they may have already been through an arduous process of 'trial by application' with the immigration authorities, where the stories are told as credibly as possible to maximize the chance of success, but also because many are not ready to talk about their possibly traumatic experiences until they have reached a 'safe' stage of settlement. Silence is functional in these instances.

However, workers have held on to the importance of helping the young people to minimize feelings of disconnection between the past, present and future. For example, they aim to find safe ways for them to

talk about their home country or their past life, which do not necessarily involve discussing painful or traumatic experiences. In individual and group work, the young people are often asked simple questions about how aspects of their lives were lived at home. In the case of one young man who had been unable to talk in any detail about his experiences, talking about playing football at home was the catalyst for him to begin to talk in depth about other, more painful experiences before he arrived in this country. A 'casual' enquiry to someone in a hostel about how food was prepared and served back at home elicited a very animated account of how much she enjoyed the way people ate and prepared food together back at home and how much she missed this way of doing things in this country.

Taking art materials and clay to a group of young women produced an unprompted series of handmade reminders of life back at home. From cooking pots and implements to African masks and pictures of their previous homes, all of the group members made or painted something connected to their lives in their country of origin. On a cold, grey February afternoon a young man attending one of the groups rather surprisingly said '... It reminds me of Africa here'. This prompted a discussion about the similarities and differences between his country of origin and the UK. It was while the young people were engaged in one of these types of activities that Ami stepped forward to ask for help.

#### *Ami's story*

18-year-old Ami arrived from Sierra Leone and referred herself to the YAS project after meeting YAS workers who were running an informal group in her hostel. Ami asked if she would be able to come and see a worker 'in the office' as she wanted someone to talk to.

Ami told her project counsellor that she was pregnant as the result of being raped shortly before leaving Sierra Leone and that she was unsure whether or not to keep the baby. In the first sessions Ami spoke about her fears about motherhood in a new and different culture to the one she was used to. She also spoke about having a child with no extended family network to support her. Following her decision not to keep the baby, Ami continued to meet the counsellor weekly and over 12 sessions she spoke about her traumatic experiences in Sierra Leone, her feelings about living in this country, her family, her desire to return home one day and her hopes for life in this country.

Helping the young people make sense of what happened to them in the past, and providing a secure base

from which they can progress in the present and in the future, is an intricate task. Establishing a rhythm of meetings with Ami, within which the counsellor could bear witness to stories of catastrophic abuse, arose out of a series of 'safe' and ordinary encounters in the hostel, that were brought to the young people with whom she was living.

Overall, a common feature of the project's work is that the young people want to face the present first, the future next and the past last, unless there are compelling reasons to talk about the past if it is intruding into their capacity to live their day to day lives. In Ami's case, the history emerged relatively quickly after arrival, because she was deeply distressed by her pre-flight experiences. While many of the young people keep up with the low key activities, and remain silent about past trauma, remembering their ordinary lives remains an important feature of settlement.

#### **Using capabilities and skills, and promoting talents and interests**

The project works on the assumption that the young people have capabilities and skills that they can use to integrate into their new environments, even if they are frightened or bewildered at times. This assumption is based in a reality that consists of working with this group of young people in care who are often experienced as polite, kind and socially skilled. Project staff also recognize the effort that is expended in keeping up a level of civility because they want to belong, and want to succeed so much, that they are on their guard against behaviour that may be seen by the authorities as bad. They sometimes show the type of uneven development referred to by Melzak (1995), bringing strengths and vulnerabilities at variance with their chronological age. While being mindful of their vulnerabilities, and the protective and burdensome carapace of politeness, the YAS project works towards helping them to identify 'islands of competence' (Daniel *et al.* 1999, p. 11) that already exist within themselves, that they can use to fit into their new environments.

#### *The 'Living Here' photography exhibition*

With the 'Looked After Children in Education' team from social services, YAS workers ran a photography project culminating in an exhibition to celebrate Refugee Week in June 2001. The exhibition consisted of photographs taken by both asylum seeking and non-asylum seeking children in the care

of the local authority. Young people were given disposable cameras and invited to take photographs illustrating their experiences of 'Living Here'. The brief was intentionally very broad in order to allow people maximum creative freedom. Many photographs were taken. The asylum seeking young people within the group focused on local scenes and local people, perhaps looking at things as if they themselves were tourists in an unfamiliar landscape. The indigenous young people took photographs of the rooms that they lived in and artefacts that belonged to them, generating a personalized sense of ordinariness. They kept the photographs they took. All of the participants reported high degrees of satisfaction from the experience. One young woman said afterwards that she had been so excited to be part of an exhibition that she had told everyone she knew about it. Another said '...do not hesitate to contact me next time you are doing something this important'.

The opportunity of contributing to and leaving a mark within their new contexts appears to be of fundamental importance in the process of settlement. These single event markers have been supplemented with other contributions such as painting a mural for a local hospital wall, and introducing life and colour into drab environments. The theme that has emerged from this type of work is one of allowing them to experience a step beyond survival into a space that validates and recognizes that they have been here, even if one day they have to go back and can no longer see what they achieved.

### **Learning new skills and connecting with helpful people**

A vivid feature of the young people is their commitment to education. They prioritize learning, and link it to worldly success in a way that is substantially different from the impoverished hopes and outcomes associated with a substantial proportion of indigenous children in local authority care going to school (Jackson 1995). They sacrifice other activities, including some on offer by the project, in order to attend school or college. They sustain a singular, linear commitment to learning in such a powerful way that the project has had to consider not only amending its schedule of activities to fit around their educational imperative, but also what purpose and meaning education holds for them. In many ways their will to learn English, and to achieve academically, can be seen as a therapeutic endeavour, that helps them to find some justification for coming so far away from home, as well as providing daily, structured activity as a counterpoint to periods of 'psychological hypothermia'. But the YAS workers also recognize that for some of the young

people, commitment can outrun capability when they are emotionally drained, or intellectually unable to manage the goals that their desire for success has set for them. Part of the project's work has been to work alongside other service providers to run a small 'support group' for trainees on 'preparation for employment' schemes run locally, in order to match their will to succeed with the emotional capability to do so. Particularly at times of substantial uncertainty, a hesitant command of English, and of dealing with ghosts that come and go, the project works alongside the young people in providing practical help to attend the group, a forum for sharing their concerns and achievements, and in listening to their stories of balancing their hopes of success with the rigours and demands of everyday living.

There are other practical ways in which the project has worked to provide some outer world symbols of success, and belonging. As has been noted, the young people come with very little by way of personal possessions and the project staff have run a successful scheme reclaiming and refurbishing bicycles that they can own and use. Old bicycles, unwanted by local businesses and individuals, were collected by project staff and volunteers from the local community, who provided a workshop and expertise in refurbishment, and invited young people to attend. Over time, the young people who participated organized themselves into a Bicycle Club, with membership cards. They have taken part in a Road Safety and Bicycle Competence Scheme, that leads to a certificate of achievement on completion. These small steps in generating belongings have profound meanings for the young people, still struggling with applications for membership of the UK, as illustrated by David's story.

### *David's story*

David (aged 14) was helped to escape from Sierra Leone by an uncle before his parents were killed. His younger sisters escaped before him. He lost touch with an older brother and does not know if he is alive or dead. He was referred to the YAS project because his social worker and foster carer were concerned about the amount of time David spent alone in his bedroom, sometimes going to bed as early as 7pm. When the YAS worker visited David at home, David said he didn't understand why people were concerned about him. He liked his own company. He spoke about difficulties between himself and his foster carers feeling they didn't understand him. The foster carers spoke about feeling at the end of their tether with David, finding his withdrawal from the family and lack of communication impossible to tolerate.

The YAS worker, in conjunction with the social worker, helped David and the foster carers to separate, and for David to settle into a new placement. Attendance at the Bicycle Scheme was offered to David as part of the new settlement process. He travelled by train each week between the scheme and the foster carers' house. He chose to paint his bicycle red, the same colour as his bicycle at home. When his bicycle was finished David continued to go to the project every week and took increased responsibility for welcoming and helping new members of the group. David is now an official helper in the bicycle project. Those running the group have noticed a change in his manner, from being quiet to becoming a 'cheeky' member of the group. David talks occasionally about his home and family in Sierra Leone when working on the bicycles, but has not spoken to anyone in depth about his life.

## SUMMARY

Ami and David's individual stories, and the project's work with groups of young people, illustrate and confirm many messages from research in relation to vulnerabilities and resilience for asylum seeking children. Repetitive and intrusive thoughts at times of quiet reflection, sleep disturbance, and poor concentration, worry and guilt all feature as part of everyday existence for many of the young people. Equally, they sometimes experience life as fragile, and are afraid about the future and haunted by their past experiences. Some of the young people weave protective membranes around themselves that have the outward appearance of disconnection and vagueness, or regression, aggression or politeness. At different times, any of these can be seen as signs of being distressed, as well as signals of coping in adversity. In their everyday lives they also appear to rely on a sense of adaptability, a hunger for education, and a capacity and stubborn willingness to succeed despite the odds. Where possible, they use their emotional and intellectual capabilities and a sense of humour to shape the world around them so that it fits as comfortably as it can. Over time they acquire belongings that they look after with care, and relationships that help them sustain the rhythm and flow of interdependence. The project's work in promoting psychosocial well-being amplifies the benefits of making sure that the young people experience a sense of agency as they pick up the threads to their lives and re-establish connections in their worlds. It also confirms the importance of offering practical support that allows them to talk

about home and to own the things they have made or repaired. A sense of ownership and processes of reparation can then have a physical manifestation in their outer worlds, while acting as a balm towards the processes of psychological healing. Activities that keep them busy are helpful, as is a sense of not being intruded on at a time of uncertainty and questioning by immigration authorities. The young people say that they want to get back their sense of living ordinary lives again, with a family, a community, and a regenerated sense of home. The YAS project workers make small and practical contributions to the process of settlement that recognize the balance that the young people need to strike between inner and outer worlds. They need to carry forward a sense of a safe future that begins at a time of receiving notice of Indefinite Leave to Remain within the UK. In the meantime, portability of possessions, of relationships, and of status become markers by which success in the process of integration is measured, and psychosocial well-being aimed for and sometimes achieved.

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# Social work with African refugee children and their families

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**ABSTRACT**

This article explores the issues and dilemmas that arise when social workers attempt to work with African refugee and asylum seeking children and their families. There is a complex interplay between social workers' skills and knowledge in this area and the prevailing social attitudes towards these groups of service users. By initially setting the context of mass movement of peoples from situations of danger in their countries of origin, the discussion highlights the key issues and shows the tensions of practice intervention in this area. Drawing on a small-scale research study with social workers and discussions with immigration officers and workers in voluntary agencies working with refugees and asylum seekers, the article draws some conclusions about the lessons that can be learnt in order to improve practice.

**INTRODUCTION**

Social services departments, social welfare organizations and the social work profession seek to work effectively with those who are vulnerable, disenfranchised and socially excluded. In the main the social work profession champions the rights of those for whom the wider society appeared to have very little interest or concern. With its history of concern for those who are oppressed, disadvantaged and on the margins of society it is therefore surprising that it has taken a while for social work to become fully involved with refugees and asylum seekers. Although social workers were involved in the resettlement of Vietnamese refugees and Ugandan Asians in the 1970s, it was in the middle of the 1990s that the scope of social services involvement with refugees and asylum seekers became broader and deeper. Currently social workers are involved with refugees and asylum seekers at different levels, including providing advice, food and financial support and, in some cases, accommodation. This active involvement with refugees and asylum seekers is borne out of the realization that as a client group their problems and needs cannot be addressed piecemeal and that they require a range of strategies if their needs are to be met. So rather than viewing

refugees and asylum seekers as a transient group whose needs are best met by voluntary organizations, NGOs and UN sponsored organizations, social service departments and social workers now recognize the long-term nature of the phenomenon and the importance of being proactive and engaging early with the presenting problems.

**PROBLEMS OF DEFINITION**

The previous reluctance of social services to 'get actively involved' with those classified as refugees or asylum seekers stems, we would argue, from the problem of definition and the uncertainties about people's status as well as the confusion about who, both locally and nationally, has the primary responsibility for providing for their needs and for how long (Aymer & Okitikpi 2000). Unhelpfully, but perhaps understandably, the terms 'refugees' and 'asylum seekers' are often used as if they mean the same thing. Such interchangeable usage has become so widespread that it has developed national and international currency. However, it is important to make the distinction because it is this lack of clarity that often causes the greatest confusion and anxiety amongst the general population. For example, there is an assumption that



all asylum seekers are refugees and that being an asylum seeker automatically means that one will be granted refugee status (Leapman 2002). This confusion about terminology and the lack of transparency about the process by which someone claiming asylum is screened and their case assessed by the immigration authority (Home Office) has added to the overall impression of a dysfunctional immigration system that is a 'soft touch' for organized human trafficking. In reality, the situation is quite complicated and the implementation of the asylum process and the interpretation of the rules, by immigration officers, is far more robust than is often given credit by those outside the system (Travis 2002; Cohen 2003).

At its most basic an asylum is a sanctuary, a place of refuge, a place to seek safety, help and shelter. It is a place that provides protection for those who believe themselves to be in danger and, as a result, have to flee their country of origin. An asylum seeker is someone who has crossed an internationally recognized border and is looking for sanctuary, because they face persecution and they believe they are in danger. Article 1 of the UN Convention (1951) relating to the status of refugees and the New York Protocol (1967) on refugees see a refugee as someone fleeing persecution, torture or war, and who applies for refugee status. More specifically the UN Convention and the UN Protocol defined a refugee as someone:

... who owing to a well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. (Kahin 1997, p. 34)

Although the 1951 Convention and the 1967 Protocol appeared to provide a precise and comprehensive definition, the African Union (previously called the Organization of African Unity) viewed both the Convention and the Protocol as inadequate because in their view the definitions did not give due consideration to people who are compelled to leave their homes and country of origin by aggressors from neighbouring countries rather than fearing persecution from their own government. The African Union (1969) preferred definition included 'those who have been forced to leave their home country as a result of external aggression or domination, occupation, foreign domination or events seriously disturbing public order' (Kahin 1997, p. 34).

Okitikpi & Aymer (2000) acknowledged that the African Union's definition provides a more inclusive approach because it recognized the fact that threat to life and persecution is as likely to emanate from within as from without. In essence, they suggested: 'it is an attempt to provide a more realistic definition of what actually happens to people who are caught in a social environment that threatens their very existence' (Okitikpi & Aymer 2000, p. 52).

The African Union's criticism of the UN's definition dates back to the 1970s. However, more recently there has been a groundswell of opinion, from all sides of the political spectrum, questioning the relevance and appropriateness of the 1951 Convention and 1967 Protocol in the current social, economic and political landscape. For those on the left of the political spectrum, human rights legislation has, in essence, rendered the 1951 Convention and the 1967 Protocol defunct while for those on the right the definition is unworkable because it has been much abused by 'bogus claimants'. There is a belief, amongst the critics of current approaches, that all Western European governments are held as hostages to fortune by the catch-all nature of the current definition. To complicate matters further, some asylum claimants sometimes bypass the Convention and the Protocol and ask for protection and a place of safety under the 1989 UN Convention on the Rights of the Child and the European Convention on Human Rights (ECHR), particularly articles 3, 4, 5 and 8. The United Nations High Commissioner for Refugees suggests that the current questioning of the Convention and the Protocol stems from the view that, because the 1951 Convention did not define the term 'persecution', the definition has been subject to restrictive interpretations (United Nations High Commissioner for Refugees 2003). Many European governments argue that the world context has changed dramatically from when the Convention was agreed in 1951. In their view people are fleeing not just wars and persecutions but also poverty and economic hardship. However, despite these criticisms and the call for a new definition, the current definition is the one in place and the one to which all signatories to the Convention are still expected to adhere.

## MOBILITY AND FORCED MIGRATION

Habermas (1994) suggests that an historical perspective is required in order that the meaning of contemporary social phenomena might fully be understood. This implies the importance of contextualization and

the need to provide a framework from which to understand the phenomenon under consideration. The movement of people from one country into another and indeed from one continent into another is one of the most consistent and predictable aspects of human evolution. During periods of prosperity people leave their country of birth and move to settle in another country for many different reasons but ultimately it is often about seeking a better or different way of life. During periods of conflict and social unrest the population shift is more marked, but there is a steady stream of movement everyday throughout the world as people get to understand the dangers they are facing and the gravity of their situation. Having exhausted other avenues, they are forced to come to terms with the inevitable conclusion that they have to leave their country of birth and seek safety in another country. In some cases, the whole process is gradual while in other cases people have had to (literally) flee with very little opportunity to contemplate where they are going or how they are going to get there.

According to the figures that are available it is estimated that there are 50 million people who have had to leave their country of origin because of threat or fear of danger to themselves and their family (United Nations High Commissioner for Refugees 2003). Although most people look, initially at least, to a neighbouring country for asylum, a smaller number, but still relatively substantial, look to Western Europe and other industrialized countries. There are no accurate figures of the true number of people seeking asylum in Western Europe, nor is there a clear indication of how many of those who apply are African children and their families. Although each country has its system of collating the figures there is lack of agreement as to how the data should be collected and who is included and who is excluded. However, the two countries in Europe with the largest number of asylum applications are Germany (105350) and Britain (103390), respectively.

Since the Second World War the wave of migration into Britain has changed dramatically. For example, following the end of the Second World War the chronic shortage of labour forced many European countries to look to Africa, the Caribbean and Asia for workers to rebuild the continent. Britain, because of its historical link to Africa, the Caribbean, Asia and the Middle East, looked towards its old colonies and its protectorates for her workers. In the 1940s and 1950s many of the African, African-Caribbean and Southern Asian people who entered Britain were migrants who both heeded the call for help from Britain and had a vision

of creating a new life in a country that was generally regarded as the 'mother country' (Hiro 1992). However, by the 1960s and the 1970s the enactment of successive excluding immigration and nationality acts ensured the tightening of the immigration rules in order to reduce the flow of migration into Britain (Hiro 1992; Seddon 2002). As a result of the tighter immigration controls, by the late 1980s onwards, not just in Britain but also throughout other European countries, the highest percentage of people gaining entry into European countries were asylum seekers and those given refugee status, rather than migrants. In Britain, up until the 1990s, the vast majority of refugees and asylum seekers were primarily people from Africa, Central America and Southern Asia. However, between the late 1970s, 1980s and the present time the pattern of flow into Britain shifted primarily from Africans (Somalis, Ethiopians, Eritreans, and Ugandan Asians), Central Americans (Chileans, El Salvadorians and Colombians) and from Southern Asians (Indians, Pakistanis and Bangladeshis) to people from Asia Minor, the Far and Middle East (Iranians, Iraqi Kurds, Turkish Kurds) and Afghanistan, and more recently people from the Balkans and Eastern and Central Europe. The upsurge of people from these areas was as a result of wars and perceived threat from within. Although there are still people from West Africa (Liberia, Sierra Leone, Cote d'Ivoire) who claim asylum, there are now more people from Eastern and Central Europe seeking asylum and refugee status in Britain than was the case in the 1970s and 1980s (Seddon 2002).

#### LANGUAGE AND EXPERIENCE OF ASYLUM

The discussion about the status of refugees and asylum seekers is often couched in language that sanitizes and cushions the reality of people's experiences. The attempt to get into Europe through illegal means is not something that is new. However, media reports have documented the extent to which people will place their lives in danger in order to make the passage into Europe and once in Europe into the country of their choice. For example, in October 2000, 400 Africans, mainly men, swam to safety in Andalusia, Spain, and asked for asylum. In Britain (June 2000), 58 Chinese people were found dead in a container (freezer) lorry in Dover, as they attempted to enter the country illegally. In France, 910 Iraqi Kurds were found, beached on the French Riviera. The group included 250 men, 180 women and 480 children, and

three babies were born during the voyage. In a report on the conditions on board the ship it was highlighted that the 'French officials from the marine prefecture in St Raphael, near Nice, who boarded the ship described scenes of appalling degradation. Up to 1000 [actually 910] Iraqi and Turkish Kurds were standing on their own excreta and vomit, many close to collapse' (Beaumont *et al.* 2001, p. 3). This of course was *just* the description of the conditions in which they were found. Little was reported about the social, economic and political situation and condition from which people were fleeing.

In another continent, Africa, a Somali boy recalled:

'We took a ship from Somali to Kenya. When we first went on the ship, it didn't move. Thieves came and they were shooting, they needed money. The thieves came with a boat. They were shooting guns and people were shouting. The captain of the ship was talking to them. He gave them something and they let us go. All my family were in the ship, all of my cousins and my auntie. It took one week and it was very cold. I was scared. My auntie was going crazy, she thought her baby would fall in the sea.' (Rutter & Candappa 1998, p. 32)

Another child talking about his experience to Human Rights Watch said:

'I was in Koidu with my father and mother. We went to hide from the rebels, but they captured my mother and father. I was by a coffee tree when they killed my younger brother. I had no one left, so I ran away and I followed people here [Guinea]. As I was crying, crying, a woman saw me and I explained my story...'. (Human Rights Report 1999, p. 24)

Although these are the stories of two children caught in conflicts of which they have little understanding, their experiences are not unique as there are countless numbers of children with similar stories (Rutter & Candappa 1998; Macedonian Welfare Workers Network of Victoria 1999). These different accounts testify to the harsh realities faced by many children and families. In essence the children and their families are victims of circumstances and they are caught in conflicts that have grave consequences for their physical, emotional and psychological development and well-being.

In an earlier study of African refugees we found that there was a perception amongst African refugees, asylum seekers and anti-racist organizations that the whole asylum application system, and the processes which have been devised, are primarily to keep Africans and other non-Europeans out of the continent (Okitikpi & Aymer 2000). Our respondent also stated that the immigration clampdown across all the Euro-

pean countries and the erection of what has been termed 'fortress Europe' fuels the suspicion that certain groups are targeted as 'bogus' irrespective of the harsh reality of their experiences.

The discussion about asylum seekers and refugees in Britain is characterized by negative attitudes, and emotive language that de-personalizes and criminalizes those seeking a place of safety (Taylor 2002; Wright 2002). Even people considered 'bona fide' asylum seekers and refugees also experience stringent tests and lengthy processes from the authorities (Aymer & Okitikpi 2000). We also observed that:

Having gone through what has sometimes been described as a dehumanizing and intrusive procedure they also find that they are unwelcome by the indigenous population because they are seen as competitors for what is perceived as limited resources. Their presence is seen, by some, as a threat to the continuing economic prosperity of individuals and an unwelcome burden on the social welfare system of the countries concerned. (Okitikpi & Aymer 2000, p. 52)

Caincross & Masani's (1999) observations further illustrate this view as they commented: 'Many people worry that immigrants [there seems to be no distinction made between immigrants and refugees or asylum seekers] take jobs from the "native" population' (Caincross & Masani 1999, p. 14).

## CONTEXT OF THE STUDY

There are some studies that look at the experiences of refugee children and their families, for example Trowell & Bower (1995). Other studies have concerned themselves with the children's schooling and the level of support available (Rutter 1994; Hyder & Rutter 1998). Rutter & Jones (1998) found that traumatic experiences of refugee children in their home countries are often compounded by their experiences in Britain. For example, restrictive asylum legislation leads to asylum seeking and refugee children 'living in conditions of continual stress caused by uncertainty about their future', and refugee children are often housed in temporary accommodation and placed in unpopular schools (Rutter & Jones 1998, p. 4). What is evident is that most researchers have focused primarily on the children's experiences (McCallin 1996; Kohli 2000; MacMullin & Loughry 2000). According to Yule (1998) there is some evidence to support the observations that children who have experienced life-threatening stresses can experience depression and anxiety reactions as well as symptoms of bereavement and post-traumatic stress disorder. These symptoms

can often go unnoticed by the people who are in direct contact with the children such as teachers and parents. Yule (1998) further states that the amount of research that has been done with refugee children to establish how they are affected by post-traumatic symptoms is very limited. In the work with children Yule found that sleep disturbance, vivid flashbacks, fear of the dark and nightmares were all common symptoms. Yule also found that children had memory problems and difficulty in concentration, which will directly affect their learning, and although refugee children can often feel a need to talk, they often find talking about their experiences difficult.

Although there is a growing body of literature that is concerned with refugees and asylum seekers there is recognition, particularly within the Home Office, that in general there are gaps in knowledge and understanding about refugees and asylum seekers in Britain (Home Office 2001). Thus, even a small-scale study such as this is important in establishing some key issues about working effectively with these children and their families.

Aside from the questionnaires and interviews with social workers some of the information used to inform this study was obtained from discussions with three immigration officers and five individuals in organizations that work with African refugee and asylum seeking children and their families in Manchester, Birmingham, Liverpool and Hull. From these discussions it became clear that some of the difficulties for the processing authorities emanate from officials who have become jaded and cynical by their daily encounters with people, who claim they are seeking asylum but who, on further investigation, turn out not to be who they claim to be nor from the country from which they claim to originate. Immigration officers interviewed expressed the opinion that people go to extraordinary lengths to destroy all documentation that may link them to a country, and people often refuse to give basic information in case the authorities pinpoint their country of origin. During initial interviews to ascertain the bases of people's claim for refugee status the immigration interviewing officers are often faced with obfuscatory responses, untruthful claims and people providing information that is not only difficult to understand but impossible to verify. Immigration officers reported that in some cases parents use their children in deliberate attempts to frustrate the process and make it impossible for the process to work effectively and for immigration officers to refuse their request for asylum. For example, in some cases they claim the child is a victim of torture,

that the child has chronic medical problems or the child is younger than is actually the case. In describing the lengths to which some people will go to frustrate and confuse the process our aim is not to blame the victims nor to reinforce the popular misconceptions about 'bogus' asylum claimants. But it is important to set out the difficulties that immigration officers experience in their effort to discharge their responsibilities of making the decisions as to the legitimacy of those making a claim under the 1951 Convention and the 1967 Protocol. As a result of their experiences it could be argued that immigration officers have become somewhat desensitized to the horror stories and tales of torture that people have to tell, and they may appear, from their actions, to be insensitive and uncaring in the way they carry out their duties. Thus their approach towards people seeking asylum can be perceived as unhelpful, officious and legalistic and, moreover, the process is made difficult for claimants in order to deter them. We would assert that their experience of the asylum process negatively influences the view that asylum seekers may have about other authority figures such as social workers with whom they next come into contact.

#### **SOCIAL WORK WITH AFRICAN REFUGEE CHILDREN AND THEIR FAMILIES**

This article draws on a small-scale study into how social workers work with African refugee children and their families. As previously stated, the evidence from which the study draws its conclusion was obtained primarily from analysing completed questionnaires from 20 social workers and semistructured interviews with an additional 15 front line social workers employed by two London boroughs, plus discussions with immigration officers and individuals in organizations that work with African refugee and asylum seeking children and their families.

The focus was on the experiences of African children and their families who have been granted refugee status and are therefore entitled to the same range of services and provisions as are available to other members of society. The difference between this group and the rest of society is the particular nature of their experience, and although they have been given the common bond of citizenship they may still feel a sense of disconnection to society despite the certainty that the refugee status infers.

Specifically the study was interested to discover:

- the kinds of problems the children and their families are experiencing;

- the way social workers identified the needs of the children and their families;
- the kinds of services that are available to them;
- the ways in which social workers were responding in this sensitive area of work and how they were influenced by the prevailing attitudes about refugees and asylum seekers.

The study also explored the kinds of problems the children and their families experience as they attempt to build a different life in Britain. There are few research studies in Britain that explore social workers' experiences of working with refugees and asylum seekers in general, and African refugee children and their families in particular.

## FINDINGS

Many of the social workers commented on the difficulties they experienced in engaging with some of the children and their families. They reported reactions from the children and their families that fell into two identified types: guarded and open groups. The first type of (guarded) reaction could be characterized thus:

- During the initial contact this group was seen to be well briefed before arriving in Britain and they had certain expectations about their rights and entitlements.
- They were guarded in their responses and they gave little information about their history and experiences.
- They also tried to keep all their contacts with the professionals to a minimum.
- Forming relationships with those who fell within this group was described as difficult.

In contrast, the second (open) group:

- Spoke more freely and were willing to work with the professionals.
- They were less guarded in their responses to questions and appeared eager to talk about their experiences and to cooperate with the social workers and other professionals.
- They could perhaps be described as having an 'open' stance to the authorities and professionals.

Overall what emerged from analysing the responses from the 20 questionnaires returned and the interviews with the 15 social workers was that refugee children and their families have a range of problems with which they have to contend. The social workers highlighted:

- psychological problems;
- emotional difficulties;

- health problems;
- social problems of cultural (adjustment) dislocation;
- housing difficulties;
- educational problems;
- loss of contact with their families;
- financial difficulties;
- language problems.

In addition many of the social workers felt that the uncertainties surrounding people's immigration status often caused anxieties, depression and a sense of isolation and disconnection from their social surroundings. It is worth highlighting that some social workers found it surprising that people still felt anxious about their status in the country even after they had been accepted as refugees by the authorities. This view corresponds with van der Veer's (1998) observation that asylum seekers and refugees are often uncertain about their future and they are anxious about their status. Similarly, like van der Veer, the social workers interviewed discussed how many of the adults they saw were experiencing a great deal of personal suffering so that in some cases they were emotionally unavailable for the children. Some of the social workers acknowledged and recognized that many of the children growing up under such conditions of parental depression, anxiety and uncertainty were unlikely to be thriving and rediscovering their childhood. Instead the children and their families are faced with a continuing sense of dislocation, isolation, fragmentation and fear of the unknown.

Some of the social workers spoke about the controversy surrounding cases where children's ages were challenged and the onus was placed on families to provide evidence that the child was indeed a member of the family and that they were the age claimed. Although social workers were reluctant to discuss this area with the researcher in this study, they acknowledged that this questioning and request for authentication were additional burdens that compounded an already fraught situation and caused further distress to the children and their families.

To ascertain the particular factors that would indicate that a child needed specialist help, social workers were asked to describe the indicators that they used. The responses were so wide ranging that it was evident that resource considerations and local politics were determining factors in the way each authority reacted. In other words local authorities were not only under pressures financially – they also had to deal with the political implications of providing services to a group of people who may well be perceived as unwor-

thy of support by the vast majority of their constituents. These pressures – and the availability, or otherwise, of resources within each local authority – influenced whether social workers were able to work with these families.

### SEEKING ASSISTANCE FROM ELSEWHERE

Many of the social workers identified that there were a number of other organizations and other professionals who possessed the necessary expertise to work with the children and their families. For example, some social workers said they often referred people to the Medical Foundation for the Victims of Torture because of their particular expertise in working with torture and trauma victims. They also referred them to child guidance clinics and to the child psychology service. In addition, many of the social workers stressed the important role that the Refugee Council and the many community organizations played in providing not just emotional support but also practical help. The use of counselling was important to some of the social workers when it was brought to their attention that a child and their family were in need of support because of their experiences. This was particularly important when there was a young person involved. Counselling, in this instance, covered counselling or psychotherapeutic services. This could include one-off sessions, crisis work, or short-term or long-term counselling to the children and their families. Many social workers said that they tended to refer families to voluntary/independent organizations that they believed would be best able to provide the necessary help and support required.

In their discussions many of the social workers highlighted certain issues which they believed impeded their attempt to work with refugee children and their families. For example, they recognized that in working with the very guarded types of families, it was difficult to distinguish between the 'true self' and the 'false self'. In the interviews it was evident that some of the social workers were concerned about the psychological damage being done when this involved people giving and maintaining a false story about themselves and their experiences and ensuring that the children were not able to speak about their true experiences.

There was also the difficulty associated with refugees and asylum seekers perceiving social workers as Home Office representatives or immigration officers, another means of the reinforcement of restrictive legislation. Social workers had limited access to inter-

preters within the boroughs, and waiting times were long for specialist services, particularly in the area of mental health. Even when counselling services and other specialist services were accessed they could be difficult to utilize because many of the families found it difficult to talk openly to practitioners (this being compounded when they were of a different social and cultural background). According to many of the social workers there was limited use of financial support from section 17 (family support under the Children Act 1989), and continuity of contact was disrupted by the mobility of refugee children and their families between boroughs and, in some cases, between regions.

### WHAT LESSONS HAVE BEEN LEARNT

The findings suggest that African refugee children and their families need access to a wide range of key services to support them from their arrival to their eventual settlement. Although there was an acknowledgement by social workers that the children and their families needed a range of services, a greater emphasis was placed on ensuring that practical services such as health, education and housing were given priority. Social workers interviewed reported that providing practical support meant little thought and time was available to look at the emotional and psychological aspects. It is argued here that an understanding of the reasons why people flee and seek a place of safety would signal a recognition of the vital importance of an individually based needs assessment that is comprehensive and holistic because it would be taking account of both practical and non-practical aspects. It was acknowledged by a small number of the social workers interviewed that the emotional and psychological aspects of the children's and their families' lives were more likely to be explored if the allocated social worker had a personal interest and commitment to this area of work.

Although many of the social workers accepted that there were underlying issues beyond the practical, they also commented on the difficulty of identifying and exploring the nature and extent of the problems being presented by the children and their families. Having identified that, amongst others, psychological and emotional problems are areas of concern, there was little evidence that some of the social workers attempted to assess and explore the associated problems with the children and their families. Some social workers said they relied on the Children Act 1989 and its requirements, which lays down the duties of local

authorities to assess 'children in need'. According to the Act, a child is in need if his/her health or development is likely to be significantly impaired without the provision of a service. The Act lays great emphasis throughout on working in partnership with children and their family. Some of the social workers said they did not use the formal structure of the Children Act for identifying the needs of the children and their families. As a result they relied on the observations and vigilance of those working with the children and their families, particularly teachers and nursery staff and other professionals who are in contact with them, to identify problems as they arose. In these instances they said teachers often looked for symptoms such as tiredness, mood swings, withdrawal, low morale, sleeplessness, and disruptive or antisocial behaviour as possible indicators of emotional and psychological problems.

It is apparent that the difficulty of not looking at the emotional or psychological aspects did not stem from lack of interest in the children and their families' experiences, but rather that social workers felt a sense of powerlessness in trying to address anything more than the practical needs of the children and their families. In addition, the social workers talked of an acute awareness of their skills and knowledge limitations and the fact that they were unlikely to be able to provide and sustain the required level of ongoing emotional and psychological support. What also emerged strongly was that while there was a high level of understanding of the experiences of the children and their families, many social workers appeared, from their responses, ill equipped to identify the trauma many of the children and their families may have suffered.

A key issue is posed here about how social work agencies and social work managers can enable social workers to fill the skill and knowledge gap in dealing with the personal histories of the children and their families. Asylum seeking and refugee families bring with them experiences of loss, violence, dislocation and alienation, and some may feel stripped of their dignity and self-respect. In such circumstances social workers can feel overwhelmed and disempowered in the light of this potential well of need.

The difficult and sensitive issues highlighted earlier demonstrate the complexities and tensions inherent in these types of practice interventions. Nevertheless, if social workers are to work effectively with African refugee children and their families in a supportive and non-stigmatizing way, this apparent lack of confidence in their skills and knowledge needs to be tackled.

In addition to this skill and knowledge deficit, social workers often work in contexts where local authorities are caught in a war of attrition with central government about who should have the responsibility for providing for refugees and asylum seekers. As a result of the uncertainties about funding and responsibility, social workers have had to approach work with African refugee children and their families as short-term, practical orientated pieces of work. The children and their families are dealt with as if they are in transit, and this has a negative effect on the ability to feel a sense of belonging in this country.

Respondents acknowledged that once the children and their families enter the country the process of gaining refugee status is not only complex and difficult but also emotionally draining for those involved. This finding reinforced the observation by Rutter & Jones (1998) that the children's experiences were not helped by restrictive asylum legislation which has led to asylum seeking children and their families 'living in conditions of continual stress caused by uncertainty about their future, thus compounding possible trauma experienced in the home country; they are likely to be living in temporary accommodation and attending unpopular schools' (Rutter & Jones 1998, p. 4). African refugees and asylum seekers are not spared from the added layer of institutional racism that affects the life chances of other black and minority ethnic groups.

The study points towards the need for a different approach for social workers to identify the precise needs of this group of children and their families. While Britain is falling in line with her European partners and taking a more stringent approach with the 1951 UN Convention and 1967 Protocol, many African refugee children and their families face a life of misery and acute depression, because social workers are unable to engage with their particular experiences. We would suggest that there is a need to develop a more comprehensive and sophisticated assessment process, and that social workers need a range of communication tools in order to work effectively with these children and their families.

## CONCLUSION

We are aware that drawing conclusions from a small-scale study such as this should be treated with caution. This discussion does not claim to report on a representative sample of work being undertaken by all social workers working with African refugee children and their families, nor indeed does it suggest that social

workers and local authorities are failing in their duties and responsibilities to provide help and support that is needed by the children and their families. Rather it has provided a snap-shot of how a small group of social workers, over-stretched and with limited resources, have begun to think about the kinds of problems that refugee children and their families experience; the way their needs are identified and the kinds of services that are provided for the children and their families.

The article draws attention to the extent to which social workers need to be confident that they are equipped to work effectively with African refugee children and their families. There needs to be a greater recognition that the enforced movement of people will continue to have a major impact on the global community and that millions of people are having to flee their home and country as a result of famine, persecution, oppression and war. As previously mentioned, it was estimated that there are some 50 million people who are refugees worldwide; this may be a conservative figure. There is little evidence to suggest that the situation is likely to be reversed – in fact the trend is set to continue. There is now an urgent need for a concerted effort within the profession to develop a different approach that relies less on providing just a basic and practical service and more on addressing some of the psychological and emotional issues which the families bring. Providing effective and appropriate services to African refugee children and their families represents a significant challenge, while current arrangements offer no guarantee that their needs will be met in a consistent way (Audit Commission 2000). There is a need to ensure that service provision for refugees is subject to the same value for quality assurance scrutiny as other services. African refugee children and their families can contribute positively to national life and need sensitive professional intervention as they continue the process of rebuilding their lives. There is evidence from this study that social workers are reflecting on these issues and would like to become more confident in providing a high quality service to the children and their families.

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# Unsettling the 'social' in social work: responses to asylum seeking children in Ireland

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**ABSTRACT**

The 'social' context in which social work is located is becoming increasingly unsettled by emerging patterns of mobility. Mobility is constrained for many social work service users who are trapped within disadvantaged areas, while for others it has become a forced necessity to cross national boundaries and inhabit uncertain status in their nations of destination. This article explores the responses of the social work profession to children seeking asylum in the Republic of Ireland. These children's complex needs, produced by the conditions of mobility they have encountered and by the conditions of arrival/settlement in Ireland, force social work practice to be orientated beyond the boundaries of the national welfare state. In order to explore the varied responses of the social work profession in the Republic of Ireland to asylum seeking children, three different groups of children are considered: children seeking asylum who have been separated from their parents; children who are seeking asylum with their parent(s)/family; and young Irish citizens whose asylum seeking parents are in danger of being deported. It argues that the provision of appropriate services for these children requires the development of post-national forms of social work practice.

**INTRODUCTION**

During the 1980s, asylum seekers and refugees became central to social policy debates in Europe (Bloch & Schuster 2002). These debates were prompted by the increasing number of asylum applications being made in countries that had relatively little experience of providing asylum. Since the mid-1990s, Ireland has had to develop its legislation, policy framework and service provision to respond to this relatively new group within its national borders. Social workers have had to develop new and innovative services to meet the specific needs of this group. Yet, in Ireland as elsewhere, the full implications for the profession of the challenges presented by a new group of service users remain elusive. Further, processes of globalization have resulted in new relationships between and within nation-states as the 'social' is increasingly determined by patterns of mobility rather than national boundaries (Urry 2000). The develop-

ment of social work has been closely associated with the development of nation-states, resulting in a professional framework that is not sensitized to respond to service users and/or potential service users who are not national citizens and who are on the move. Service users have been traditionally located within one nation-state, but are now crossing national boundaries on temporary and permanent bases. Social workers are therefore increasingly expected to work with individuals and groups who have multiple identities and whose lives are marked by 'intersecting complexes of rights, duties and loyalties' (Soysal 1994, p. 166).

In order to understand the responses of the social work profession in Ireland to children seeking asylum, it is important to consider how the profession has expanded within the Irish welfare state in recent years. First, national definitions of 'social work' as well as the relatively small number of social workers provide unique challenges when developing appropriate professional services for asylum seeking children.

Secondly, Ireland has a particular history of immigration and out-migration. Responses by the social work profession reflect this history and the shift in imaging the national community as one that loses its citizens through out-migration to one that is attracting net immigration, some of whom are seeking asylum. Also, the complexity of the task of working with potentially vulnerable new client groups with multiple needs, at a point when the social work profession is already under-resourced, makes this shift in service provision a particularly difficult one. To explore some of the questions raised for the social work profession by the arrival of child asylum seekers, I describe the position of three different groups of asylum seeking children in the Republic of Ireland: first, children seeking asylum who have been separated from their parents; secondly, children who are seeking asylum with their parent(s)/family; and thirdly, young Irish citizens whose asylum seeking parents are in danger of being deported. These three groups have different levels of contact with, and make different demands on, the social work profession. I outline some of the particular concerns raised by the situation of these three groups of children and then suggest more general questions about the role of social workers with children seeking asylum. I argue that the relationship between social work and the development of the Irish nation-state is currently being destabilized, forcing the social work profession to develop new ways of working with service users whose lives involve mobility and are often of indeterminate citizenship status.

#### THE NATION BUILDING AND THE DEVELOPMENT OF SOCIAL WORK

Social work, as a profession, emerged in Western countries during the early 20th century, and is closely associated with the development of the modern nation-state (Howe 1994; Lorenz 1994; Parton 1994). In the modern nation-state, there were clear territorial and citizenship boundaries with specific systems of governance that were secured partially through new forms of 'expertise' based on psychological and sociological knowledge (Rose 1996). Systems of social regulation developed to respond to personal troubles and public issues. Individuals and families came under the continuous gaze of authorities who sought to produce self-governing subjects (Foucault 1979).

As a new profession, social work promoted social self-regulation through techniques of moralization and normalization (Donzelot 1979) and what Nancy

Fraser (1989) describes as 'a politics of needs interpretation'. Asylum seeking subjects are constructed and construct themselves through particular ways of interpreting needs. The interpretation of people's needs is political and questions such as whose interpretation should be authoritative and what is needed lie at the heart of this politics (Fraser 1989). Needs interpretation is therefore one mode of 'expert' knowledge production that contributes to the production of self-regulating individuals and groups. Social work and other social professions promoted practices and knowledges within the modern nation-state which helped to reproduce self-regulating individuals and families. Drawing on social scientific knowledges and legitimated by the welfare state, social workers were expected to promote a more caring, humane and well-organized society by facilitating a 'responsible' relationship to the self in those designated as social work 'clients'. The social professions were central to the governance of the modern nation-state, shifting regulation away from overt discipline by the state to new forms of self-regulation, which produced educated and loyal citizens (Parton 1994).

In contrast to many European countries, the role of the social care professionals has not been central to the development of the nation-state in Ireland. The governance of the Irish state (in the south) was promoted through post-independence collaboration between the state and the Catholic Church, with the former taking a non-interventionist approach and the latter fostering social solidarity through the provision of welfare and moral 'guidance'. Although social workers have been employed in Ireland since the start of the 20th century, it was only in the 1950s and 1960s that the social work profession became established as part of a welfare system (Darling 1972; Skehill 1999). The number of social workers remained small until the 1990s, when the 'discovery' of child abuse (Ferguson 1996), combined with a growing economy and the withdrawal of the Catholic Church from the direct provision of social services, provided the necessary conditions for expansion of the profession. While the numbers of social workers increased in the 1990s, the benefits from the 'Celtic Tiger' economy have not been evenly distributed. In Ireland the percentage of GDP spent on social protection fell during the 1990s and remains the lowest in the EU (Kirby 2002). Social workers and service users continue to live in a country with a low tax, low social spending economy and increasing social and economic inequalities.

While the welfare state remains patchy and frag-

mented (Kirby 2002), an expansion of social work posts has taken place, with 1390 established social work posts in 1991 increasing to 1993 by 2001. Social workers are employed in a growing variety of agencies and professional specialisms, but 36% are employed in the area of child protection and 12% in fostering and adoption (National Social Work Qualifications Board 2002). Agencies funded by the Department of Health and Children employ 83% of all social workers (NSWQB 2002). The particular concern with child protection, the dominance of the state sector and the relatively small number of social workers employed in non-governmental organizations (NGOs) has led to a narrow definition of social work practice in Ireland. From my initial research, it appears that social workers are having contact with asylum seekers through statutory services but, as yet, the profession has had minimal involvement with the integration of asylum seekers and refugees into Irish society. The relative lack of contact with asylum seekers to date and dominant definitions of social work in Ireland as child protection may mean that work with asylum seekers and refugees will remain peripheral to the profession.

### THE CHANGING 'SOCIAL' IN SOCIAL WORK

So far, the discussion has focused on social work in Ireland as a nationally bounded society with nationally located citizens. However, many argue that the nature of the 'social' is changing with the increasing significance of mobility. Urry (2000) argues that 'the concept of society is being undermined by increased mobility so that movement itself is the focus of sociality rather than some bounded notion of the nation-state' (pp. 5–6). Jordan & Düvell (2002) identify mobility as 'one of the defining characteristics of the present day social world' (p. 17). This new mobility includes the movement of capital, commodities, culture and people. However, patterns of mobility are not evenly dispersed. Bauman argues that we have entered an era in which the 'unconditional superiority of sedentarism over nomadism and the domination of the settled over the mobile is on the whole grinding fast to a halt. We are witnessing the revenge of nomadism ... the settled majority is ruled by a nomadic extritorial elite' (Bauman 2000, p. 13). However, bell hooks points to how mobilities are stratified when she argues that for the rich in the West, 'home is no longer one place. It is locations' (hooks 1991, p. 148), whereas, for the poor in the West, mobility is often both an impossibility and/or a forced necessity. Fur-

ther research is required on the classed nature of asylum seeking and the uneven global stratifications that result in some being in a financial position to leave their countries while others are not.

In Ireland, approximately 42 social workers (approximately 2% of the total number) work with members of the Traveller community (NSWQB 2002), whose mobility is limited by the lack of Traveller halting sites and who are located on the 'margins' of the welfare state. The majority of social work service users are members of the settled community who remain 'trapped'/immobile within disadvantaged areas. The newest group of social work service users are 'mobile' individuals and groups who, for various reasons, have crossed national borders on a permanent or temporary basis. New patterns of mobility and immobility have produced a range of individuals and groups with different status in relation to the institutional apparatus of nation-states. The challenge to the social work profession is to re-orientate its focus beyond the political, territorial and imaginary confines of the nation-state and the citizenship status that it legitimates. Work with 'mobile' service users, or service users with affinities that cross national boundaries, provides opportunities for the social work profession to pose new questions about its role and how its 'expertise' might be deployed in less regulatory ways even within the confines of the national welfare state.

Ireland has traditionally been seen as a country of emigration, with over four million people leaving since the 1870s (Courtney 2000), and over 200 000 emigrated as recently as the 1980s (Gray 2000). However, this trend changed in the mid-1990s, with approximately 250 000 immigrating to Ireland between 1995 and 2000 (MacÉinrí 2001). Over half of these immigrants were returning Irish migrants, another 38% were from the US and Europe, and 12% from the rest of the world. It is estimated that only 10% of the total number of immigrants were asylum seekers (*ibid.*). Until the mid-1990s, Ireland had received very few refugees and asylum seekers (see Fanning 2002 for a history of asylum seekers and refugees in Ireland prior to the 1990s). In 1991, 31 applications were made for asylum in Ireland; however, in 1996 there were 1179 applications and in 2000, 10938 people made applications to be recognized as refugees under the (1951) UN Convention on the Status of Refugees. The number of applications for refugee status fell in 2001 to 10325, but subsequently increased in 2002 to 11634 (figures supplied by the Office of the Refugee Applications Commissioner). Before the mid-1990s there

had been little incentive for the Irish government to introduce its own asylum legislation. Until the 1996 Refugee Act, the 1936 Aliens Act (supplemented by the 1951 UN Convention on the Status of Refugees) provided the legal basis for the treatment of asylum seekers. Since the mid-1990s, the Irish government has introduced increasingly restrictive asylum legislation (Fanning 2002), with 1027 asylum seekers being deported in 2002.

The 1990s saw an increasing willingness to celebrate the Irish diaspora, and to embrace a more inclusive and less territorially bounded notion of Irishness (Gray 2002). At the same time, the celebration of Irish diaspora has resulted in paradoxical attitudes towards immigration. These include a sensitivity to the position of people in post-colonial majority world countries and a simultaneous concern that new immigrants might disrupt new national 'Celtic Tiger' prosperity (Cullen 2000). Present-day discourses of immigration into Ireland have many parallels with US and British discourses of Irish immigration in the past which constructed immigration as 'uncontrollable' and the host nation as 'passive' (McVeigh & Lentin 2002). The current population of approximately four million people living in the Republic of Ireland (Central Statistics Office, <http://www.cso.ie/>) has visibly changed over the last decade with the arrival of black immigrants and the proliferation of new 'ethnic' communities (Fanning 2002). This change has resulted in new patterns of racism and raised new questions about anti-racist social work practice (Christie 2002a).

#### UNACCOMPANIED ASYLUM SEEKING CHILDREN

As well as the increase in adult asylum seekers, there has been a fluctuating growth in the number of unaccompanied children applying for refugee status in Ireland: in 2000, 302 separated children applied for refugee status; in 2001 this figure grew to 600 but in 2002 had dropped to 285. Table 1 shows the figures for: unaccompanied children applying for refugee status; the number of applicants who were under 18 when they applied for asylum but have since turned 18 and/or have been assessed as 18 or over; and the number of unaccompanied children who have been reunited with a parent/guardian (information supplied by the Office of the Refugee Applications Commissioner). There has been a continuing increase in the number of unaccompanied children, but there has been a decrease in the number of children who became 18 or were assessed to be at least 18. The

**Table 1** Figures for unaccompanied children seeking asylum in the Republic of Ireland, 2000–2002

Year	2000	2001	2002
Unaccompanied child	43	170	224
Turned 18/assessed 18 or over	249	317	49
Reunited with parent/guardian	10	113	12
Total	302	600	285

decrease in the latter may be related to the introduction of new medical procedures for determining age (Haughey 2002). These new medical tests include bone X-rays to determine growth and may discourage some adults from applying as unaccompanied children (*ibid.*). The accuracy of these tests as well as their cross-cultural reliability has been a matter of contestation and has resulted in the use of the tests currently being suspended.

The unaccompanied children come from a wide range of countries. However, in 2002, of the 285 applications made by unaccompanied children, 130 were made by children from Nigeria. The second largest number of applications, 15, were made by children from Angola. The children/young people ranged in age from under 1 to 17, with the majority of applications being made by young people aged 16 and 17. For example, in 2002, 222 out of 285 applications were made by young people aged 16 and 17. Of these applications, 121 were made by females and 164 by males (information supplied by the Office of the Refugee Applications Commissioner). Although figures for one year do not reflect the overall picture of children seeking asylum in Ireland, the figures for 2002 do reflect trends in relation to the age of young people seeking asylum and the countries of origin of children.

In order to meet the needs of unaccompanied children, specific social work services have been developed rapidly in Dublin, Cork and Limerick (Christie 2002b). The majority of children live in Dublin where a specialized team of social workers has been established. Referrals of unaccompanied children are made by immigration officers at the various ports of entry but more often through the Office of the Refugee Applications Commissioner (ORAC). Each child is met on the day of referral by a social worker who takes an initial personal and family history and assesses their immediate need for food, accommodation, medical attention and emotional support. Each unaccompanied child is received into the voluntary care of the health board under the Child Care Act 1991. Accom-

modation usually involves either supported lodgings, a residential unit for asylum seeking children, a residential unit with other Irish children in care, hostel accommodation, or a placement with foster parents. The majority of older asylum seeking children are placed in one of five large hostels in Dublin. As well as each child being allocated a social worker, each of the hostels has a project worker to deal with the day-to-day concerns of the children. The provision of appropriate care placements presents some difficulties for the health boards. Unaccompanied children need the support of carers on a wide range of their issues, including the stress and trauma due to separation and loss of family and friends, the experience of becoming an asylum seeker, and racism. Carers also need a working understanding of the refugee application procedures as well as other basic services such as the educational system. Unaccompanied young people may also have other needs – for example, some women under the age of 18 have babies and/or are pregnant. Innovative work has been undertaken by the Mid-Western Health Board in recruiting black and ethnic minority families to care for unaccompanied children, but the majority of unaccompanied children remain in hostel accommodation having little contact with social workers.

A further difficulty faced by social workers relates to obtaining information from the unaccompanied children in order to make appropriate care plans. Apart from the obvious difficulty of working with children whose first language is not English, unaccompanied children are understandably reluctant to give detailed information about themselves to social workers. As a result of their own experiences and/or the experiences of their family and friends, unaccompanied children are often unwilling to trust workers employed by the state. Unaccompanied children have probably travelled to Ireland with false documentation and are accompanied by adults who for humanitarian and/or financial reasons travelled with the children. Providing information to social workers is likely to have consequences for the unaccompanied children themselves, family, friends and other adults. Social workers attend all ORAC interviews with unaccompanied children where their refugee status is being assessed. While the support provided by social workers before, during and after the interviews is important, their presence in the interviews may add to the reluctance of unaccompanied children to speak openly to social workers. The necessity of keeping some information secret, the use of false identities and reluctance to reveal aspects of their life circumstances

make it difficult for social workers to develop appropriate care plans for these children. Research in the UK (Kohli 2002) has shown that unaccompanied children's silence about their past results from both a lack of knowledge about their own family background and how they became asylum seekers, and the fear of not knowing what the consequences will be if they try to explain their situation to social workers.

From my initial research, energy, care and commitment has been shown by social work staff, but there continue to be institutional difficulties in the provision of appropriate accommodation and adequate support. Social workers are involved in a wide range of activities including the provision of accommodation, supporting the children during the asylum application process, linking children into existing voluntary services and reuniting children with their parents and/or family members who are already living in Ireland. The latter is becoming increasingly time-consuming, with social workers undertaking detailed interviews with children and with potential family members. Social workers have to gather a range of information from the ORAC, local social services departments, community welfare officers and other service providers. At the same time social workers have to support the children to voice their own expectations and wishes with regard to being placed in the care of family members. Again, research in the UK (Kohli 2002) suggests that social work with unaccompanied children involves increasingly complex issues, as the absence of clear policy frameworks, training and specialist supervision means that social workers are constantly working at the limits of their skills and abilities. This results in many social workers appearing 'to plough a lonely, effective furrow' (Kohli 2002, p. 33). It is likely that there are similarities between the situation in Ireland and the UK, but research will need to be undertaken in Ireland before definitive statements can be made about the position of social workers working with these children.

#### **CHILDREN SEEKING ASYLUM WITH THEIR PARENTS(S) AND/OR FAMILY**

The second group considered here are children who are applying for refugee status with their parent(s)/ family. Social workers have little contact with this group of children; however, the living conditions of many of these children give cause for social workers' concern. In April 2000, the Irish government introduced 'direct provision' along with the 'dispersal' of asylum seekers throughout Ireland. Asylum seekers in

direct provision are given full-board accommodation, often in hostels, and are paid €19.05 per week per adult and €9.52 per child 'comfort money', plus child benefit (the provision of child benefit is currently being reviewed by the Government). Recent research (Fanning *et al.* 2001) has shown how direct provision undermines the welfare of asylum seeking children. The children suffer from extreme material deprivation despite the best efforts of their parents to use their meagre cash allowances to buy necessities such as baby formula, nappies, clothes and non-prescription medicines. The research found that 92% of respondents on direct provision found it necessary to buy extra food to supplement the food provided for themselves and their children. Conditions in the hostels produced a range of day-to-day tensions and pressures that affected the psychological well-being of parents and children. The lack of privacy made family life extremely difficult and the chronic overcrowding posed health and safety risks to parents and children. For example, dangerous items such as kettles and utensils could not be left out of the reach of children due to the lack of space and facilities (Fanning *et al.* 2001).

Fanning *et al.* (2001) found that in direct provision, the lack of control of diet adversely affects the health of asylum seeking children. Inadequate and inappropriate diet alongside a lack of resources to supplement children's diets has led to weight loss among children and ill-health among babies. For example, food is prepared by hostel staff with parents having little or no control over food decisions or preparation. Some pregnant women were found to be suffering from malnutrition. These findings are particularly worrying when considered with other research which found significantly higher mortality rates for newborn babies of asylum seeking and refugee mothers than among infants born to Irish mothers (Lalchandani *et al.* 2001).

Research by Collins in Cork city (Collins 2002) also found that in conditions of direct provision parents lacked many of the basic amenities to care for their children. In her study, 42% of adult asylum seekers were caring for children. The general lack of privacy, with a number of adults and children sharing rooms, had a negative effect on the mental health of adults and children. Collins found that because of over-crowding, children did not have the most basic space to do their homework or to play. The National Children's Strategy (Government of Ireland 2000) identifies access to play and recreational facilities for children as a priority for children living in Ireland.

However, for children living in direct provision these basic facilities are often not available. The social and educational development of asylum seeking children is being hindered by the lack of access to affordable pre-school education, language classes and after-school clubs and activities. Children's social isolation is compounded by living away from the majority community and the absence of social support to interact with the local community.

The UN Convention on the Rights of the Child (UNCRC) identifies that all children have a range of basic rights, including the right 'to a standard of living adequate for the child's physical, mental, spiritual, moral and social development' and access 'to appropriate measures to promote physical and psychological recovery and social reintegration of a child victim'. The Convention states that refugee and asylum seeking children are entitled to receive 'appropriate protection and humanitarian assistance' from the government of the country in which they reside. The research undertaken by Fanning *et al.* (2001) and Collins (2002) has led to a call for the abolition of direct provision and for more careful attention to the accommodation needs of families. As yet, no systematic research has been done on social work involvement with asylum seeking families in direct provision contexts. The assumption that direct provision provides for basic needs and the Government premise that these families as non-citizens are not entitled to wider services preclude their access to social work services.

#### YOUNG IRISH CITIZENS WHOSE PARENTS MAY BE DEPORTED

The third group of 'asylum seeking' children considered are Irish citizens, because they were born in Ireland, but whose future in Ireland remains uncertain as their parents may be deported. These children are indirectly denied the right to remain in Ireland. The Irish Constitution states that it 'is the entitlement and birthright of every person born in the island of Ireland, which includes its islands and seas, to be part of the Irish nation' (article 2). Hence, children of asylum seekers born in Ireland are automatically entitled to become Irish citizens. This entitlement was also included in the Belfast Agreement, approved by the UK and Irish states on Good Friday 1998. The Supreme Court ruled in the *Fajujono vs. Minister for Justice* case (1990) that it was impossible to deport the non-national parents of Irish-born children on the basis that this would infringe the guarantees con-

tained in article 41 of the Constitution concerning family unity. Children had the right to the 'company' of their non-national parents and siblings. Therefore, until a more recent ruling of the Supreme Court, parents of Irish-born children had the right to remain in Ireland. On 23 January 2003, five out of seven Supreme Court judges upheld the decision made by a High Court judge on 8 April 2002 to deny the right to remain in Ireland of a Czech couple and a Nigerian man on the basis that they were the parents of a child born in Ireland. The original decision by the High Court judge had been welcomed by the Attorney General, Michael McDowell, who said that any appeal to the Supreme Court against this decision would be 'vigorously defended' (*Irish Independent*, 9 April 2002). This has created a situation in which there are two classes of Irish citizenship, with Irish children of asylum seeker parents having fewer rights. As a consequence of being deported, parents might be forced to leave their children in Ireland when the countries to which they were being deported are deemed unsafe. In this situation, the children are likely to be received into the care of the state.

The number of asylum seekers granted the right to remain following the birth of a child in Ireland rose significantly from 909 in 2000 to 2474 in 2001. In 2002, 4071 nationals from outside the European Economic Area were granted a residence permit on the basis of the birth of their child in Ireland. Some 3123 (76%) of this group originally arrived as asylum seekers (*Migration News Sheet*, February 2003). The situation has been further complicated by 5614 asylum applications being withdrawn by people who had become a parent of a child born in Ireland and who believed that they would automatically be granted the right to remain in Ireland. At the end of 2002, there were 8887 asylum seekers who were awaiting an asylum decision based on being parents of an Irish child. In response to the recent ruling of the Supreme Court, the Tánaiste (Deputy Prime Minister) declared 'that it will prevent others from coming to Ireland to abuse our asylum process on the basis that they are pregnant' (*Migration News Sheet*, February 2003). However, the Supreme Court did not provide clear guidance on which parents should *not* be granted right to remain. Instead of mass deportation, the Irish judicial system is likely to be faced with having to make case-by-case judgements on each application. The recent Supreme Court decision that has denied the right to remain of the Czech couple and the Nigerian man has resulted in the Czech couple with their four children 'disappearing' and the Nigerian man

being detained in prison awaiting imminent deportation (*Irish Times*, 8 March 2003, p. 4). Applications have been made to the European Court of Human Rights; however, the Government has given no reassurance that deportation will not take place before these cases can be heard. It is difficult to understand how the Irish government can be seen to be acting in the best interests of these children and their families. This new ruling has created new circumstances under which social workers are likely to work with children who are Irish citizens but whose parents have been deported.

### QUESTIONS RAISED BY SOCIAL WORK WITH ASYLUM SEEKING CHILDREN

These three groups of children seeking asylum illuminate the wide-ranging and complex issues to which social workers are currently being asked to respond, as well as pointing to potential new areas of social work practice. First, across all the three groups of children there are basic concerns about the general welfare of the children. Whether in direct provision with their parent(s)/family or by themselves in hostels, there is concern about whether the social, material, educational and medical needs of asylum seeking children are being adequately met. Research clearly demonstrates the poor quality accommodation provided for asylum seeking children living with adult family members in direct provision (Fanning *et al.* 2001; Collins 2002). As yet, similar research has not been undertaken on the accommodation conditions of unaccompanied children in Ireland but it seems likely that accommodation in large hostels with limited access to social work and/or project workers is inappropriate to the needs of these children. Research in England (Stanley 2001) identified inconsistent standards of accommodation for unaccompanied children. Many of the unaccompanied children were living with adults in unsupervised accommodation and were 'placed in locations where there [was] no knowledge or appreciation of their culture, food or language' (p. 40). Research is needed to assess the specific accommodation needs of asylum seeking children. In the meantime, the Irish government is developing a two-tier approach to services for Irish children and asylum seeking children living in Ireland. At a time when the rights of the child are being promoted nationally and globally, the state treats asylum seeking children and Irish children whose parents are asylum seekers less favourably than other children living in Ireland.



Second, what roles should social workers be developing in relation to the different groups of children seeking asylum? Where social workers have statutory responsibility in their work with unaccompanied children, they are expected to carry out a wide variety of tasks with limited resources. Although research has not been undertaken, it is evident from my preliminary enquiries that the expectations placed on social workers of working in the best interests of children are challenged by current arrangements. In particular, there is a conflict of interest between the expectation that social workers accompany children in the asylum process and their assessment of the child for the development of a care plan. For state-employed workers, the boundary between being supportive and offering advice on the application process is difficult to negotiate. The Irish Refugee Council (MacNeice & Almirall 1999) recommends that children seeking asylum be allocated a guardian/advisor as well as a social worker, the former to support and advise children on the application procedure and the latter to deal with all the other issues in the child's life.

Where the role of social workers is even less clear is in their contact with children who are seeking asylum with their parent(s)/family. Social workers have less contact with this group of children, yet social workers in their work in medical settings and child protection are increasingly likely to be collecting information that may, or may not, be relevant to the refugee application procedure. As more applications are refused, social workers are also likely to come into contact with 'illegal' migrants. Again the role of social workers in this situation remains unclear. As yet, no children have been taken into the care of the health board as a result of their parents being deported from Ireland, but it is likely that this situation will occur in the near future, causing further confusion over social workers' roles and raising further ethical dilemmas for the profession.

Third, social workers who are working with asylum seekers are working with individuals and families who have uncertain futures and often traumatic pasts. The best interests of the children are most often going to be served by children being integrated within Irish society. However, a focus on integration may be unhelpful if the child's future in Ireland is uncertain. Research in the UK (Kohli 2002) shows that this uncertainty results in social workers being faced by silence from unaccompanied children seeking asylum. Perhaps one of the simplest ways of reducing this uncertainty would be to take unaccompanied children out of the refugee application procedure,

which has been designed for adults. An amnesty for existing unaccompanied children would provide the 'breathing space' for more appropriate procedures and services to be developed. The role of social workers could be clarified by adopting the focus of integrating child and adult asylum seekers into wider Irish society and ensuring that adequate resources are available to ensure their integration. This role could then be extended into working with existing communities to live with new migrant groups. But integration is not all. There is an ongoing need to acknowledge the potential impact on these children of leaving their country of origin and seeking asylum as well as the desire to keep in touch with their country/culture of origin. These issues extend beyond the remit of social workers alone, but represent an important backdrop to social work contact with this group of children/young people.

## CONCLUDING COMMENTS

Perhaps this is the moment and global context in which the social work profession (a child of the nation-state) can call on 'expertise' to challenge the overt social regulation of nation-state borders and promote more inclusive policies. The various roles of social workers will become increasingly complex as mobility becomes a growing impossibility and/or a forced necessity for social work service users. The Irish government appears to be pursuing 'a "tough" regressive policy on immigration control accompanied by a "soft" progressive multicultural policy on diversity' (Mac an Ghail 2002). If social workers are not going to become just part of the 'soft multiculturalism', the profession will need to be proactive in developing policies and practices that promote anti-racism and 'strong' multiculturalism. Social workers need not be isolated in seeking to develop these policies, as a number of public bodies (e.g. the National Consultative Committee on Racism and Interculturalism, the Equality Authority and the Human Rights Commission) as well as a wide variety of NGOs are developing anti-racist policies and practices in Ireland. By working with these groups and with service users, social workers can develop progressive policies in relation to asylum seeking children/young people. However, in developing these policies, social workers need to recognize the limitations and the history of development of the profession with a view to re-imagining the boundaries of the profession and its remit. Humphries (2000) argues that 'social workers have a responsibility to look beyond the confines of

everyday practices, beyond individualism and managerialism, make sense of what is happening in the wider world, and make their contribution to those changes' (p. 113). Work with asylum seeking children/young people moves the profession onto new ground and necessitates post-national approaches that offer pointers for the re-imagining of the profession.

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## Book Reviews

Book Reviews Editors: Fiona Mitchell and Jonathan Dickens

### **Food, Shelter and Half a Chance: Assessing the Needs of Unaccompanied Asylum Seeking Children**

**Selam Kidane**

British Association for Adoption and Fostering, London, 2001(a), 30pp. £6.50. ISBN 1 903699 02 9

### **I Did Not Choose to Come Here: Listening to Refugee Children**

**Selam Kidane**

British Association for Adoption and Fostering, London, 2001(b), 40pp. £6.95. ISBN 1 903699 03 7

### **Supporting Refugee Children in 21st Century Britain: A Compendium of Essential Information**

**Jill Rutter**

Trentham Books, Stoke on Trent, 2001, 304pp. £15.95. ISBN 1 85856 292 9

### **Working with Refugees and Asylum Seekers: A Social Work Resource Book**

**R. Torode, T. Walsh and M. Woods with T. Galvin and A.F. Keogh**

Department of Social Studies, Trinity College, Dublin, 2001, 122pp. ISBN 0 951576 87 9

I have read four pleasing and sometimes moving texts for this review of literature about asylum seeking and refugee children and their families. As well as giving an illuminating introduction to this domain, I found that, taken together, the collection of texts encouraged me to appreciate the subject from an interdisciplinary, inter-agency perspective. In this review, I provide some definitions concerning asylum seeking

and then I will review the texts and propose ways I have begun to consider using them in teaching.

To begin with, I will provide some definitions that are relevant to all four texts. An asylum seeker in the UK is someone who is recognized and, upon demonstrating eligibility, is granted refugee status and usually given indefinite leave to remain (ILR) under the 1951 United Nations Convention relating to the status of refugees. Where criteria are not met but removal may be deemed unreasonable or impracticable the person can be granted exceptional leave to remain (ELR). An unaccompanied child is a person who is under the legal age of majority (18 in the UK) and is not accompanied by a parent, guardian or other adult who by law or custom is responsible for him or her. An unaccompanied child is a child 'temporarily deprived of his or her family environment... [who] shall be entitled to special protection and assistance provided by the state' (Kidane 2001a, p.3). However, throughout this review, I will use the word 'separated' rather than 'unaccompanied' to refer to such refugee children. The Separated Children in Europe Programme urges to:

...use the word 'separated' rather than 'unaccompanied' because it better defines the essential problem that such children face... that they are without the care and protection of their parents or legal guardians and as a consequence suffer socially and psychologically from this separation. While some children appear to be 'accompanied' when they arrive in Europe, the accompanying adults are not necessarily able or suitable to assume responsibility for their care. (Torode *et al.* 2001, section 2.3)

In this review I use the term 'refugee' to refer to those who are awaiting asylum decisions, those who have been granted ILR or ELR and those who are appealing against a negative asylum decision. Refugee children who are separated from their carers are also *in need* as defined in section 17 of the Children Act 1989 (England and Wales), which provides an entitlement to many services aimed at protecting and giving opportunity to children and young people.

There are a number of common reasons for seeking asylum, including: forced recruitment into military

service; death of parents (as a result of conflict in the region); forced re-education; prohibition or forced participation in religious activities; pressure to give information about a group or members of the family; pressure to denounce family members; and involvement or non-involvement in political groups.

The four texts included in this collection each address this domain. *Food, Shelter and Half a Chance* (Kidane 2001a) is a text that speaks the language of local authority social work. Like the other texts it helpfully defines refugee and asylum seeking status and guides the reader briefly through the application process. Centrally, the text aims to apply guidance about refugee and asylum seeking status to common constructs of welfare – family support and child protection – and to a number of UK initiatives. For example, guidance focuses on the new *Framework for the Assessment of Children in Need and Their Families* (Department of Health *et al.* 2000) and on the statutory materials guiding the placement of children and young people who are looked after by the state. The publication *Supporting Refugee Children in 21st Century Britain: A Compendium of Essential Information* is written by Jill Rutter, who is an Education Officer at the Refugee Council. It offers great detail with an orientation towards schools, but also much more. Torode *et al.*'s (2001) *Working with Refugees and Asylum Seekers: A Social Work Resource Book* is a lively resource book, something of a trainer's manual, and appeals in its invitation to look critically at the politics and application of law and policy in this context. Finally, *I Did Not Choose to Come Here: Listening to Refugee Children* (Kidane 2001b) is brief, and of 'the client speaks' variety. It gives voice to users. It is based on a study of refugee and asylum seeking children and young people.

Taken together, it is possible to review these texts within the theme of inter-disciplinary team practice, which is currently evidenced in the fields of mental health and youth offending and may be a feature of the reorganization of services for children and families in England and Wales. Mindful of the above, I have cautiously put the four texts to use as an inter-disciplinary package in a session within a unit of the UK Post Qualifying Child Care Award (the PQCCA – which is primarily available to child and family social workers). Using the idea of mandate – legal (given by law and procedure), social (commonly agreed as in professional roles) and negotiated (a particular brief arrived at in partnership) – I have broadly identified and associated four mandates with the four texts. The mandates identified are: the area team

social worker's mandate; the educationalist's mandate; the child advocate's mandate; and the legal and social policy mandate.

The first mandate – the area team social worker's mandate – is addressed particularly by **Kidane (2001a)**. This is a practice guide organized under the commonly agreed constructs for child welfare in the UK – for example, appropriate care arrangements, appropriate use of development forms and record keeping, suitable placement choices and of course the new Framework for Assessment (Department of Health *et al.* 2000). The Framework for Assessment has been developed to guide the practitioner in identifying need, both to protect and also to develop opportunities for a child or young person. 'Separated children' are named as 'unaccompanied asylum seekers' in the published Framework. In reviewing the Framework for Assessment, Kidane (2001a) emphasizes identity and health and educational needs, looking in turn at the worlds of child, parent and child and the wider context. Identity can be clearly emphasized here. The text reminds us of the complexity of matching child and cultural group and it also explores language, loss and attachment, history and access to resources. There is some helpful advice on engaging with the separated child – reminding the interviewer of the child's potential previous experiences, a list of appropriate questions, as well as problems of painful recall. A list of good practice guidelines is given.

The second mandate is the educationalist's mandate, and is reflected in the **Rutter (2001)** publication. This text was written essentially for teachers, but has a wide professional appeal. It starts with great authority, and with much attention to detail it movingly unravels the story and needs of refugee and asylum seeking children. In the early chapters we are given details of 52 countries, accounting for some 18 million asylum seekers and refugees and another 25 million internally displaced people (source: UNHCR).

The arrival of refugees in the UK is not a new phenomenon. From what is documented, Armenian merchants fleeing from Ottoman persecution came to this country. In the 15th century the Huguenots were the targets of great hostility and fled the European mainland to England. The first modern immigration laws were passed in 1905 – the Aliens Act. However, until 1985 asylum seekers faced few restrictions but since then they have been seen as another group of primary immigrants. Deterrent measures by the UK government are extensive and now the UK tops the league in European detention.

Chapter 3 of Rutter's book is a closely analysed and detailed account of the process of asylum seeking and the granting of ELR and of refugee status. On 3 April 2000 the National Asylum Support Service (NASS) came into operation, to provide housing and financial support for asylum seekers. Refugee agencies report a range of issues arising from the introduction and operation of the NASS, for example stigmatization, poverty, isolation, vulnerability to racial attack, the use of reception centres and large hotels, and social exclusion in London (p.48).

Part 2 is entitled 'Refugees in Schools'. Again, it opens with a powerful quote, and in this case it illustrates the nature of one young person's experience:

'Everybody kept staring at me. I was embarrassed and shy. Even at dinnertime I was scared to have my dinner. They were talking about me. I know they were talking about me because they were calling my name. I was really upset then. I told my mum and dad and they told me when I get to learn English they wouldn't say anything to you. I kept crying and said to my dad "I don't want to go to school. I don't want to see them laughing at me and see them talking about me".' (Rutter 2001, p.69)

The chapters are: 'Towards an Education Policy for Refugee Students'; 'A Warm Welcome: Admission and Induction'; 'Supporting Children Whose First Language is not English'; 'Home Language Maintenance and Development'; 'The Psychological and Emotional Needs of Refugee Children'; 'Challenging Racism and Xenophobia'; 'Home and Community Links'; 'Unaccompanied Refugee Children'; 'Meeting the Needs of 14–19-year-old Students'; and 'Early Years Provision'. Each of the chapters in Part 2 has a useful case study.

The chapter 'The Psychological and Emotional Needs of Refugee Children' identifies key factors in loss, trauma and change and enumerates factors that are *protective* or *mediating*: for example, having parents who can give their children full attention and good quality childcare; having an extended family network; having access to other people, particularly from their own community; or having some understanding about the reasons for exile. The chapter has a promising and straightforward strengths based approach and talks about maximizing the protective factors in a refugee child's life. Also emphasized are the importance of working with parents, ensuring that children and families have access to social and community support, strategies for individual children, the merits of play and play therapy and using art, drama and puppetry, creative writing and autobiography. I liked:

A school which meets a child's academic and social needs is one where a child will feel happy. Conversely, no amount of counselling will enable a child to feel happy if she or he is encountering racism at school or not making educational progress. (Rutter 2001, p.125)

The chapter on racism has a detailed analysis and is unequivocal about the extent of racism in schools. Under the heading 'So what can schools do?' it includes: an evaluation of previous anti-racist work; school ethos; effective monitoring and sanctions; and using the curriculum to promote diversity and equality. For example, '*primary history* can deal with the growth of multi-ethnic UK, the era of the Second World War, local history projects about migration and oral history of refugees, and *secondary history* can consider the Huguenots, Jewish migration in Victorian Britain, the growth of multi-ethnic Britain 1880–1970...' and so on (Rutter 2001, p.141).

Reading the chapter 'Home and Community Links' recalled Bronfenbrenner's elaboration of the ecological construct in understanding human behaviour (Bronfenbrenner 1979) and which now allegedly underpins the Framework for Assessment referred to in the first text reviewed. In such a perspective the child's system (the micro-system) is embedded in a system of influential systems, such as school and wider family networks (the exo-system). This is embedded in a system of broad cultural influence (the macro-system). Bronfenbrenner (1979) used the home/school link to explain the importance of the ecological construct, which is really about the link *between* systems. A dissonance between child and family, the neighbourhood system and the wider societal system leads to oppression.

Part 3 of this text – 'Refugee Groups in the UK' – is a mine of information and for this alone the book is a 'must-have' on your shelf. For example:

*Refugees from Afghanistan*: over 18000 Afghan refugees have fled to the UK since 1979. In 1998 Afghanistan's population was 23 million. The capital is Kabul.

*Ethnic groups*: Afghanistan is a multi-ethnic society and there is an ethnic dimension to the conflict. The largest group are the Pushtuns (Pathans) comprising about 38% of the population. They live in Eastern and Southern Afghanistan (and also in Pakistan). Also living in Eastern Afghanistan are the Baluch. Three major ethnic groups live in Northern Afghanistan: the Turkmen, Uzbeks and Tajiks. Central Afghanistan is peopled by Hazara, Aimaq, and Nuristani people...

Part 3 goes on to supply information about a significant number of ethnic groups in the UK and, whilst the depth of detail varies, it tackles languages, reli-

gion, names and naming systems, education system, economy, chronology of events and key statistics for many of the groups.

The third mandate identified was the legal and social policy mandate, which is introduced by **Torode et al. (2001)**. This is a most helpful text and focuses on adults and children who are refugees. It is full of useful exercises, references and sources of further information and action. It is written by colleagues at Trinity College Dublin and provides a perspective on the Irish context (a country new to hosting asylum seekers in major numbers) and the global context.

Chapter 1 offers theoretical concepts, which I shared with a group of students participating in the new PQCCA. We examined the explanatory power of a number of concepts representing the evolution of anti-oppressive/anti-exclusive approaches. These were: anti-discriminatory practice; anti-racism/anti-oppressive practice; inter-culturalism/multiculturalism; human rights/trans-national rights perspective (e.g. European Declaration on Human Rights 1950); and citizenship and social exclusion. Chapters 2 and 3 review legal and practical issues. Law includes global principles as well as the Irish legal framework. Chapter 4 is an especially good chapter, on service provision, and Chapter 5 offers good practice guidelines for the practitioner and for the agency. Also, there is material here to inform the community development worker.

The fourth mandate is the child advocate's mandate, a focus mirrored in the users' voices presented in **Kidane (2001b)**. This short text is based on interviews with refugee children and complements the other British Association for Adoption and Fostering publication (Kidane 2001a). Its significance is that it is based on the accounts of separated children and young people. The framework in which the author organizes quotations represents key stress points for such children and young people. The categories are: the rights of unaccompanied refugee children; pre-exile experiences; arrival in the UK; care upon arrival; educational support; health and mental health issues; the immigration and asylum determination process; informal support available to children and young people; and the impact of racism, prejudice and xenophobia.

In conclusion, I have read and been touched by four challenging and moving texts, which I have tried to put to some initial use in my own learning and teaching, and which will form a springboard for future reading. I find that the idea of mandate and its subtle differences in meaning – legal, social, negotiated and

associated with different professional roles – serves as a good test of material. By looking at these texts as learning and teaching materials, organized from the perspectives of different mandates and as contributions to multi-disciplinary teamwork, has, I believe, shown that the four texts make a substantial contribution to a modest course content in their own right. Moreover, considering the texts together highlights the need for a range of practitioners to train together, such as educationalists, social workers, health workers, lawyers and others. The texts relate directly to social worker, educationalist, advocate and community development worker roles. The combined message from this exercise serves to remind me of what needs to be included in future course planning – for example, the actual participation of users in learning and teaching, practitioners developing advanced communication skills with children and young people, and the need for citizen advocacy training for people committed to working with separated children.

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## The Colour of Difference: Journeys in Transracial Adoption

**Sarah Armstrong and Petrina Slaytor (eds)**

The Federation Press, Sydney, 2001, 200pp. AUS\$33.95.  
ISBN 1 86287 397 6

This small book is a treasure chest for those who want to learn more about adoption in general and transracial adoption in particular. A concise and reflective introduction by the editors is followed by short chapters by 27 adults who grew up in adoptive families in Australia, each telling their own special story. Some of the adults were adopted as infants and some did not join their adoptive families until they were older (Anne-Louise joined her foster family as a teenager and was adopted at 22). Some were born in Australia to parents of minority heritage (indigenous or immi-

grant) and adopted by white families, and others were adopted from countries as far apart as Colombia, Africa, Vietnam and Sri Lanka. Some had regular contact with their birth families, some went searching and found them, and for others their roots had to be searched for in the orphanage or from a park bench where they were (supposedly – but is that just a convenient story?) found. Others, comfortable in the here and now, were still wondering whether ‘to explore the unknown . . . to ultimately open myself up to pain and sorrow’ (p.37).

In broad outline, what these adults have to say mirrors the stories of others across the world who have grown up adopted. For some, the experience of being adopted was a major issue to be absorbed into their childhood identities, and for others being brought up by a family that was visibly different and of a different culture from that into which they were born dominated their thinking. For a few, neither of these issues had significance – they describe a happy family life and an adult identity which recognizes these differences but sees them as of little importance when compared with the love they feel for their adoptive parents and relatives. For Amara, her adoption is irrelevant: ‘They *are* my family! You could try telling me there is no blood connection and therefore there is no family but you are wrong. I am black, they are white, and we are family’ (p.27). For most, however, one or other or both of these differences has impinged on their sense of self and has profoundly shaped their childhood and adult lives. Some of those adults for whom these differences have been important were confident in the love they were given and gave to their new families. Others experienced a rejection of their identities, early lives and countries or cultures of origin.

The most prominent theme, and the strongest message to practitioners and adoptive families, is around ‘rescue’, ‘gratitude’ and ‘obligation’ to live up to their, at best, ‘chosen’ and, at worst, ‘rescued’ status. For many, gratitude precludes them from looking for their cultural roots. Analee, adopted as an infant from war-torn Vietnam, knows it will be impossible to trace her birth relatives and talks of ‘years spent telling people how I am the luckiest person to be alive’ (p.35). ‘And for all they gave me, I rewarded my family with perfection. They deserved nothing else, after all.’ ‘My family is, and will always be, my first priority . . . I would never do anything to hurt them and if that means ignoring my curiosity about my biological history, then that’s what I’ll do, without a moment’s hesitation.’ She feels this ‘even though I know my parents will be loving and supportive.’ Buffy (adopted

from Vietnam) ‘hated being adopted’ but tried to fit in: ‘I tried to make myself do it but it just isn’t who I am . . . At no time did I ever feel I was just one of the family’ (p.59). The same ‘need to be perfect’ explains why Maggie, adopted from Sri Lanka at the age of three and no longer in touch with her adoptive family, didn’t talk about being sexually abused by her older brother: ‘Image was very important in our high profile family’ (p.142).

Analee is one of several who speak of the shame they feel at their own negative attitudes towards ‘incomers’ of their own cultural heritage. Some, who have travelled to their countries of origin, or back to their Aboriginal roots, feel shame that they cannot speak the language of their birth and stand out as ‘other’, despite their physical resemblance, because of differences in mannerisms and their lack of cultural knowledge. Kynan, whose birth father was of African descent and mother Australian, said: ‘I am intimidated by Africans because I am embarrassed about telling them that I am adopted and that I know nothing about my African heritage’ (p.138). To avoid being pitied, he talked incessantly and invented stories about himself.

The editors draw out some clear messages that are equally relevant to family placement workers and those who teach them and to adopters or those considering adopting a child born into another culture. The message that struck me most forcefully was how complex a task it is to explain to a child that their removal from a dangerous situation was necessary, without condemning that country, or that culture or that family (and with it half of the child’s self) as ‘worthless’ or ‘bad’. Those placed when very young and comfortable with their adoptive status, as well as those who remember their early lives, want to be loved and recognized as belonging to two cultures and two families. The importance of finding adopters who can empathize with a child’s heritage is not a new message, but this book gives many pointers as to how it can be incorporated into practice in recruiting and supporting adoptive families. I strongly recommend you to buy it.

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## Social Work: Critical Theory and Practice

Jan Fook

Sage Publications, London, 2002, 179pp. £17.99. ISBN 0 7619 7250 1

Most social workers I know, myself included, came into the profession because they held a belief in certain ideals and had a vague idea that being involved in social work would somehow help further and promote these. However, in the current climate of care management tasks, government targets and budgetary constraints, talk of ideals can seem naïve and even misguided. Social work is therefore slightly unusual in its unashamed commitment to the ideals of social justice and social reform and to where and how these ideals can fit into the many and varied practices and settings which make up modern social work.

In this book, Jan Fook draws upon the critical tradition of social work and theories of postmodernism and poststructuralism to develop new possibilities for critical practices in today's changing contexts. The book is divided into three sections. The first, 'Critical Potential and Current Challenges', sets the historical and current contexts for critical social work and outlines the possibility of combining postmodern thinking with critical perspectives to produce an approach 'primarily concerned with practising in ways which further a society without domination, exploitation and oppression' (p. 18).

'Rethinking Ideas', the second section, covers some of the major concepts associated with critical social work – the nature of knowledge; power and empowerment; discourse, language and narrative; identity and difference. In each chapter, Fook looks at the traditional modernist theories and problems associated with those before going on to outline postmodern reformulations of these ideas.

The third and final section, 'Redeveloping Practices', turns from the theoretical to the practical, looking at how these ideas and theories might inform practice. The idea of deconstruction and critical reconstruction is explored in some depth as Fook tries to show how this can be used as a tool to develop critical reflection on practice. She helpfully provides lists of questions that the reader can use to deconstruct/reconstruct their own 'critical incidents' from practice. The book ends with a chapter entitled 'Ongoing Learning', which looks at ways of conceptualizing ourselves as postmodern critical social workers and looks at some of the specific dilemmas this might pose.

Throughout the book Fook includes reflective exercises that aim to assist the reader to make connections between the ideas discussed and their own thinking and experiences. It is probably fair to say that it is important to engage in these exercises in order to get the most out of the book, but I have to confess to skipping many of them due to their time consuming nature – a problem that I'm sure will be shared by other readers. However, I did find the illustrations of practice applications where they occurred extremely helpful in showing how these theories could be used in real life situations.

I was impressed by Fook's ability to introduce and explain complex concepts in a clear and very readable way yet without oversimplifying them. The chapters on power and empowerment I found particularly interesting and relevant, especially the discussion on why and how social workers see themselves as powerless. However, despite the frequent references to practice, I still felt the book was stronger on theory than on practice. For example, the chapter dedicated to showing how postmodern and critical thinking could be applied to assessments seemed, to me, to offer nothing radically new. The integrated and changing nature of constructing a professional narrative may sound new but, once you unpack the meaning (assessments are never complete and should always be under review), it is already accepted good practice.

Nevertheless, the book does provide a good overall introduction to the concepts of postmodern and critical social work and provides a challenging and interesting read that might just remind us why we joined the social work profession in the first place.

**Justine Merton**

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## Solving Problems in Foster Care: Key Issues for Young People, Foster Carers and Social Services

Philippa Padbury with Nick Frost

The Children's Society, London, 2002, 116pp. £12.95. ISBN 1 899783 44 X

Foster care has attracted increasing attention in recent years. This is an important development given its significance and the fact that it is now by far the major placement provider for children looked after by local authorities. In a review of foster care research in 1997, I wrote that there were then only 13 major research

studies in the UK that had focused specifically on this topic (Berridge 1997). The literature, as well as policy and practice guidance, have grown considerably since then and this publication from the Children's Society is a useful addition. Foster care is now much less likely to be taken for granted.

As its title suggests, this study focuses on the rather broad question of how problems in foster care are tackled. It has a particular focus on the use of formal complaints procedures within foster care; or, rather, seeks to understand the non-use of this formal mechanism. The research was located in three northern local authorities and involved interviews with 61 young people aged between 8 and 18 years, 56 foster carers and some social workers, link workers and managers. The researchers recognize that the more confident and resourceful carers were likely to have agreed to participate. Ethical considerations were approached responsibly.

Encouragingly, most young people, over 80%, were very positive about their foster placements and felt well supported, relying mainly on their foster carers for help and guidance. However, there was a core of about 15% of young people in placements who felt more isolated and who raised important issues about their welfare and protection. Interestingly, there were no clear distinguishing characteristics of this group in terms of age, gender, length of placement or changes in social worker. Young people's main concerns were about the well-being of their birth family and their contact with various family members. This included parents' behaviour, the health of grandparents, worries about siblings living elsewhere and the general lack of information. The young people were also apprehensive about their long-term future, including school/college and jobs.

Young people used a variety of strategies to resolve difficulties, relying heavily on their foster carers. The most important factor in providing support was said to be good dialogue. This occurred within what the authors termed the 'core triangle of support' between the young person, foster carer and social worker. The research used the imaginative approach of presenting various scenarios (vignettes) to young people to trigger discussion.

In agreement with previous fostering research, the study discovered limited awareness and use of complaints procedures among the young people. Over half said they had never heard of it. Most were unperturbed by this, emphasizing the lack of a need to complain. However, some research participants were aware of the likely repercussions if they complained

and feared being moved (to residential care). This may come as no surprise, and employees alike have been reluctant to resort to formal measures against their employers. But authorities are legally obliged to publicize their complaints procedures, which seems not to be working here; and there is an assumption that they offer a degree of child protection. The minority (15%) unsupported group was particularly vulnerable with weak networks, would not approach carers or social workers with problems and would not access formal mechanisms to make a complaint.

The problem remains of how to ensure the protection of this vulnerable minority living in foster care. Complaints procedures seem more effective in children's residential care (Berridge & Brodie 1998) and it is interesting to consider why. Though generally a disadvantage in terms of daily care, being part of a bureaucratized system may mean that policies and procedures are more likely to be introduced and residential homes often prioritize children's rights. Staff may take the prospect of a young person making a formal complaint less personally. Paradoxically, the main advantage of good foster care – the continuous, intimate, personal relationship – acts against these formal protective mechanisms. Without questioning the motivations and contributions of the vast majority of foster carers, it is pertinent to consider why there should have been more abuse of children in residential care than foster care where, as this study shows, the safeguards are potentially greater.

This publication, therefore, makes a useful contribution to this important and complex area. As a research study it has some limitations. Its aims are broad. It takes a somewhat homogeneous view of foster care – the problems in placements intended to be permanent are likely to be different to those for short-term emergencies. It would also have been interesting to consider this alongside how children in the population more generally deal with problems in their lives. Does the looked after group, for example, make relatively less use of teachers and peers? Nonetheless, this is a valuable and readable contribution to the field, which practitioners especially should find helpful.

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