

RAS 16

Ymchwiliad i ffoaduriaid a cheiswyr lloches yng Nghymru

Inquiry into refugees and asylum seekers in Wales

Ymateb gan: Children Displaced Across Borders

Response from: Children Displaced Across Borders

**Response from the *Children Displaced Across Borders* project to the National Assembly for Wales' Equality, Local Government and Communities Committee's consultation on the pace and effectiveness of the Welsh Government approach to resettling refugees through the UK Government's Syrian Vulnerable Persons Relocation Scheme (SVPRS); the effectiveness of the '[Refugee and Asylum Seeker Delivery Plan](#)'; the support and advocacy available to unaccompanied asylum seeking children in Wales; and the role and effectiveness of the Welsh Government's Community Cohesion Delivery Plan in ensuring the integration of refugees and asylum seekers in Welsh communities.**

<http://gov.wales/docs/dsjlg/publications/equality/160310-community-cohesion-plan-en.pdf>

## Introduction

This response to the Committee's consultation has been prepared drawing on insights from the project *Children Displaced Across Borders*. The project is an initiative of the Wales Observatory on Human Rights of Children and Young People (Swansea and Bangor Universities), the Centre for Migration Policy Research (Swansea University) and the Graduate College of Social Work, University of Houston.

A conference in Swansea and Houston **18 – 19 November 2016**.<sup>1</sup> This enabled people to come together from different disciplines, continents, organisations and groups to share knowledge and experience about displaced children and about responses to current trends and crises. It was a chance to learn from each other and to establish and strengthen links for research, education, advocacy and community engagement. While our focus was, and is, on displaced children, this necessarily involves people of all ages amongst their families, friends and communities and of course many issues apply to displaced people of all ages. We were delighted that **John Griffiths AM, the chair of the National Assembly for Wales' Equality, Local Government and Communities Committee**, was able to speak at our conference and to remind us of the Committee's and the Welsh Government's on-going work.

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<sup>1</sup> Supported by: a Bangor University ESRC Impact Acceleration Account (IAA) Global Challenges Research Fund (GCRF) Impact Grant; a Swansea University Research Grant Enabler (SURGE) Grant; the Swansea/Houston Strategic Partnership, and the Graduate College of Social Work, University of Houston.

A full list of contributors to date is at **Annex A**. The project partners are dedicated to growing and nurturing this informal 'international consortium for change'. The project partners are ready and keen to engage further with the Committee, including by providing a channel of communication, and supporting dialogue, with, our project participants and networks.

***This response has been compiled by Jane Williams, College of Law and Criminology, Swansea University, and represents the author's own distillation of discussions and key points raised at the conference. It does not necessarily reflect views held by all or any of the contributors to the conference nor has it been 'signed off' by them.***

### **Themes emerging from our discussions**

We learned that in the legal, geo-political and social environments of displacement and settlement, certain themes are ubiquitous and can be seen in the current crises, in different 'hotspots', diverse locations and in history. These are summarised in the **Table** below, with indicative sources of evidence from our work so far identified in footnotes. The fourth column of the table cross-refers to the foci of the Committee's current inquiry and suggests some questions the Committee might wish to ask the Welsh Government.

**Table: themes, questions, possible solutions and WG scrutiny questions**

Theme	Questions	Possible responses	Possible questions for the Committee to ask WG
<p><i>Perceptions and constructions affect responses<sup>2</sup></i></p> <p>There is a big gap between the media's narratives of displaced people, including children, and the empirical evidence.</p> <p>There is a general lack of awareness on refugees' and asylum seekers' countries of origin, and the root causes of their migration.</p> <p>False belief generated by misinformation sometimes produces popular support but often heightens popular fears.</p> <p>'Case studies' – involving telling and disseminating personal stories of trauma – help to get decision-makers' and popular sympathy and</p>	<p>Can anything be done to counter the narratives in so much of the media, which are often contradictory and adverse to people, including children, seeking sanctuary?</p> <p>Should we try to utilise 'sympathetic' images and narratives (e.g. girls and very young children, not adolescent boys)?</p> <p>Can we draw positive attention to displaced and settling people in other ways?</p>	<p>Encourage and support self-expression in a variety of forms including by supporting individual and group self-expression, community research projects and joint enterprise.<sup>4</sup></p> <p>Facilitate space and time for engagement within communities, organisations and all levels of government.</p> <p>Celebrate and actively promote outputs. One way to do that is to get large institutions and their media offices - including for example, NAW, WG, Welsh Universities, local authorities, museums and library services – to collaborate to generate press interest in these accounts, to counter-balance the 'problem</p>	<p><b>WG Refugee and Asylum Seeker Delivery Plan</b> Action Area 5: Education; 7: Community Cohesion; 8: Arts Culture and Sport; <b>WG Community Cohesion Delivery Plan</b></p> <p><b>Questions for Welsh Government:</b> Will Welsh Government actively encourage and engage with other institutions in Wales to collect, disseminate, celebrate and promote positive and authentic narratives generated by and with displaced and settling people?</p> <p>Will Welsh Government consider how its powers relating to culture, sport and education might be exercised in ways conducive to</p>

<sup>2</sup> 'Press Constructions of the Migration Crisis in the UK, Spain, Italy, Sweden and Germany 2014-15', Dr Kerry Moore (Cardiff University School of Journalism, Media and Cultural Studies); Dr Rebecca Clifford's (Swansea University College of Arts and Humanities) comparisons with the narratives around the children who arrived in Britain post-war having survived the holocaust; examples from local experience (local authority, NGOs, case workers, individuals)

<sup>4</sup> Examples shared at CDAB Conference included Ethnic Youth Support Team's 'Chips, Curry and Cappuccino' <http://eyst.org.uk/ccc/>; Hafan Books' project which publishes creative writings by asylum seekers and refugees in Wales (inquiries to: [t.cheesman@swansea.ac.uk](mailto:t.cheesman@swansea.ac.uk); Tros Gynnal's 'Fair & Square' project; and the excellent practices supporting integration and community cohesion at Blaenymaes School, Swansea.

<p>support, but are often not good for their subjects, and can be dangerous.</p> <p>There are excellent materials and good practices which support better understanding and integration.<sup>3</sup></p>		<p>paradigms' of tragic child/heroic child/feral child/threat/invasion etc.</p>	<p>greater understanding and integration amongst displaced and settling people, host communities and the general public?</p>
<p><u>Advice and representation</u></p> <p>Applicable law and legal protection isn't applied in the same way to differently classified or differently placed or perceived individuals<sup>5</sup></p> <p>There is not enough support for case work and legal advice. Access to legal advice is much reduced following withdrawal of publicly funded representation from many stages of the asylum process.<sup>6</sup></p>	<p>How can we insist that the law applies equally and fairly to displaced people, including in the asylum system?</p> <p>How can we supply proper legal analysis in the absence of legal aid and lawyers for displaced children at all stages of process?</p> <p>How can we ensure that where the best interests requirement applies, it is properly understood as</p>	<p>Displaced people need lawyers! This includes children, especially if unaccompanied.</p> <p>Welsh Government cannot at present change availability of legal aid. But Welsh Government can encourage and support community advice services and could look at ways to incentivise the Welsh universities to develop clinical legal education which engages with these services, thereby supplementing sparse community</p>	<p><b>WG Refugee and Asylum Seekers Delivery Plan</b> Action Area 1: Housing and Advice Services</p> <p><b>Support and advocacy for UASC</b></p> <p><b>WG Delivery Plan Advice Services Intended Outcome:</b> Refugees and asylum seekers (including refused asylum seekers) to be able to access advice and organisations in mainstream services which are inclusive of refugees and asylum seekers. Actions include WG</p>

<sup>3</sup> Examples shared at the conference include the educational resource for 7 – 14 year olds, 'Education in a Diverse UK', by Jonathan Barnes and Alex Ntung (available from Migrant Help UK Education) and the practices and projects at Blaenymaes Primary School, Swansea (presented by Family Inclusion Manager, Helen Spencer)

<sup>5</sup> e.g. example of accounts of abuse routinely *not* believed by officials in asylum process when in other processes (e.g. criminal investigation, child protection) they would be taken seriously; lack of protection from poor housing standards by private contractors in the dispersal system.

<sup>6</sup> Accounts from practitioners and community support groups, including EYST (Ethnic Youth Support Team), Asylum Justice and legal practitioners

	<p>requiring consideration of <b>all</b> the rights of displaced children under the UNCRC, to which Welsh Ministers and those exercising functions under the Social Services and Well-being (Wales) Act 2014 must have due regard?</p>	<p>resource and developing the skills of future lawyers in Wales.</p> <p>For children, consider a Guardian system – like in Scotland and as recommended by the UN Committee on the Rights of the Child.</p> <p>Training for social welfare workforce, local and Welsh Government officials and all legal professionals, including judges and trainee and practising lawyers in the field of immigration and asylum, should include specific focus on the right approach to best interests having regard to the ‘due regard’ obligation and to the interpretation set out in General Comment 14.<sup>7</sup> Welsh Government can ensure this is done for its own Ministers and officials, can use regulatory powers to ensure it is done for professional groups over whose qualification, training and practice WG exercises functions, and can exercise its duty under section 5 of the Rights of Children and Young Persons (Wales) Measure 2011 to promote knowledge and understanding of requirements of the UNCRC when engaging with asylum seekers and refugees.</p>	<p>supporting ‘open access through commissioning front line advice services, free advice services ...’ etc.</p> <p><b>Questions for WG:</b> Has this been done? How fast is it progressing? What is the take up and how is WG measuring reach and effectiveness?</p> <p>What more will Welsh Government do to promote a UNCRC-aware understanding of ‘best interests’?</p> <p>What will WG do to ensure urgent attention to the conditions of housing and accommodation for asylum seekers and in case of destitution, to support community groups which seek to connect potential hosts?</p> <p>Will Welsh Government give urgent consideration to introducing a Guardianship system for unaccompanied minors?</p>
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<sup>7</sup> CRC/C/GC/14 [http://www2.ohchr.org/English/bodies/crc/docs/GC/CRC\\_C\\_GC\\_14\\_ENG.pdf](http://www2.ohchr.org/English/bodies/crc/docs/GC/CRC_C_GC_14_ENG.pdf)

		Academic researchers can conduct research in to the way in which best interests decisions are made by all officials including judges, and on the impact of the absence of legal representation. Lawyers and legal scholars in Wales can think creatively about the use of applicable law – human rights/basic common law/anti-discrimination law/other international provisions.	
<p><u>'CHILDREN!!'</u></p> <p>Children are children: but are variously spoken of and portrayed: as victims, as agents, as positive, malign/migrants/threat, etc.</p> <p>Children, or certain categories of children, are absent from various discourses, including at key procedural stages<sup>8</sup></p>	<p>Are we scared of children? If so, why and how do we stop it?</p> <p>How can we ensure the information we have is the best and most robust it can be?</p> <p>How can we deliver a package of process and support to the person –the 'team around the child' approach?</p> <p>Who will take responsibility for ensuring that the child is seen</p>	<p>Welsh Government famously adopted the slogan 'Children First, Offenders Second' to signify its approach to juvenile justice. A similar approach is called for in relation to displaced children in Wales.</p>	<p><b>Support and advocacy for UASC</b></p> <p><b>Question for WG:</b> Will the Welsh Government clearly signify its commitment to 'Children First' to signify its approach to displaced children, whatever their status?</p>

<sup>8</sup> For example the absence of boys from much discourse on sexual exploitation (research presented by Jarrett David and Lucy Jordan); the absence of the child as child from discourse at several/all stages of the process of asylum; the 'tick box' approach to best interests determinations or consideration in the asylum process (research presented by Matej Blazek and James Esson (Loughborough University). See also the reference at fn. 2 above.

	holistically and responded to holistically – not in segments?		
<u>'Borders'</u>  There are many borders, lines, barriers: conceptual, physical, procedural, linguistic, cultural. Being displaced (in another country) is only one aspect of this.	How can we remove procedural barriers?  How can we help people to navigate these many borders?	Encourage dissemination of expert by experience (user or support person) knowledge to help people navigate the system: recruit these people to help, via support groups and networks  Investigate use of different modes of communication and dissemination of information.	<b>WG Refugee and Asylum Seeker Delivery Plan</b> <b>Support and advocacy for UASC</b> Will Welsh Government take positive steps to help displaced people, particularly children, overcome the barriers that they face in accessing support and information?
<u>Accountability</u>  Several practitioners from law and social work reported anxious concerns about incidents of poor professional practice, especially but not limited to age assessment of young people.	How can we ensure rigorous enforcement of standards laid down in laws, regulations and adherence by practitioners to guidance?	Strengthen support for case work in the community (see ' <i>Advice and Representation</i> ' above)	<b>WG Refugee and Asylum Seeker Delivery Plan</b> Question for WG: What more can be done to improve quality of professional practice regarding children in the asylum system?
<u>Resilience</u>  The experience of forced displacement generates multiple stresses requiring appropriate responses.  Recovery and resilience are aided by hearing, listening and engaging with the voices of those with lived	Is it enough to merely seek to enable displaced people suffering poor mental health related to displacement to access mainstream services?  What can we do to address the problem of interruption and	Education organisations, including higher education institutions in Wales, should respond to the educational needs of displaced people, to the maximum extent of their available resources (in the widest sense, including but not limited to financial support via bursaries etc.)	<b>Refugee and Asylum Seeker Delivery Plan; Community Cohesion Delivery Plan; Support for UASC</b>  <b>Questions for WG:</b> Acknowledging the known stresses on mental health service provision in Wales, what will Welsh Government do to help



<p>experience and of those in current need.</p> <p>Lack of access to education and training is a major problem for people of all ages, but especially children and young people, in the asylum system</p> <p>Human connection is vital. Many very small and small local initiatives have emerged, in which the warmth of welcome and grass roots desire to help re-build lives and celebrate the diverse cultures and experiences brought by migration are very evident. But all such initiatives suffer from lack of resource and connectedness with each other.</p>	<p>stagnation of personal development and socio-economic engagement for people in the asylum process?</p> <p>What can we do to sustain and promote connectedness – between incomers and their communities of origin and between incomers and host communities?</p>	<p>Large established institutions- including Welsh and local governments should support networking and communications to help connect community groups.</p>	<p>ensure effective responses to the mental health needs of displaced people?</p> <p>Will WG consider what levers it could use to incentivise FE and HE institutions in Wales to offer more and a greater variety of education and training opportunities to respond to the needs of refugee and asylum seekers, especially young people?</p>
<p><u><i>The Critical Importance of Voice</i></u></p> <p>Failure to hear, listen and engage disempowers people – the opposite of what we say we want to achieve.</p>	<p>How can we enable the transformative effect of knowing the stories of displaced children on the host communities without</p>	<p>Give space and time (opportunity) for expression – and get the narratives and information to decision makers but also to the wider community (see</p>	<p><b>All aspects:</b></p> <p>Will Welsh Government promote training of professionals and service</p>

<p>Diverse methods of communication and expression are being used, with powerful effects.<sup>9</sup></p> <p>What displaced people want to tell us is (often) <b>not</b> about their own traumatic experiences.</p> <p>Support for interpretation and English language development is vital: community and informal methods play an important but as yet un-mapped part.<sup>10</sup></p>	<p>doing more harm or invading the privacy of the child?</p> <p>How can we protect children and not disempower them? (e.g. if they have been and are interpreters, by supporting rather than 'protecting' them by making them stop)</p>	<p>first point about perceptions and constructions)</p> <p>Encourage rights-respecting approaches in school – learn from Blaenymaes! (and others??)</p> <p>Training of interpreters to be culturally sensitive; respect and support for community interpreters.</p>	<p>providers to enable them better to engage with and deploy participative and rights-based methods to help identify and respond to need?</p> <p>Will Welsh Government engage with and support efforts to map and better understand the role of community interpreters, including children?</p>
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<sup>9</sup> For example, creative writing (fn. 2 above); Professor Marie Gillespie's (Open University) work using smart phones and playful participatory methods and performance to capture experiences and to communicate needs to service providers; Margie Cheesman's (Open University and University College London) work using digital technologies; insights from local experience from Cities of Sanctuary (Cardiff and Swansea) and several contributions by individuals and community groups with personal experience of settlement following displacement.

<sup>10</sup> Dr Tom Cheesman's (Swansea University) project on mapping community interpreters.

**Annex: Contributors to *Children Displaced Across Borders* Conference, 18 – 19 November, Swansea and Houston**

**Wales and EU:**

Jami Abramson, EYST (Ethnic Youth Support Team), Swansea and young people from the 'Chips, Curry and Cappuccino' project

Mona Bayoumi, Barrister at Civitas Chambers, Cardiff

Dr Matej Blazek and Dr James Esson, Loughborough University (Human Geography)

Emma Borland: College of Law and Criminology, Swansea University

Becc Buss and Bridget Ng'andu, Ruskin College and Social Work First

Hannah Bussicott, Business Development Manager for the Childrens Legal Centre (Wales)

Dr Anthony Charles, College of Law and Criminology, Swansea University

Margie Cheesman, University College, London

Dr Tom Cheesman, College of Arts and Humanities (Modern Languages), Swansea University

Rocio Cifuentes, Director of Ethnic Youth Support Team and the Think Project

Helen Clancy, City and County of Swansea

Dr Rebecca Clifford: College of Arts and Humanities Associate (History), Swansea University

Professor Elwen Evans QC: Head of the College of Law and Criminology, Swansea University

Lee Evans, Tros Gynnal and young people from the 'Fair & Square' project

Richard Eynon, Oasis, Cardiff

Professor Marie Gillespie, The Open University and Co-Director of the Centre for Research on Socio-Cultural Change

John Griffiths AM: Chair of the Equality, Local Government and Communities Committee of the National Assembly for Wales

Anna Henry, Director of Policy at the Office of the Children's Commissioner for England.

Dr Tanya Faye Herring, Bangor University School of Law

Dr Simon Hoffman, College of Law and Criminology, Swansea University

Dr Alvaro Jarillo, International Law Department at the UNED University (Universidad Nacional de Educación a Distancia), Madrid

Shehla Khan, Manager of the Ethnic Youth Support Team, Swansea.

Mike Lewis, Director, Hawliau

Dr Tracey Maegusuku-Hewett, College of Human Health Sciences, Swansea University

Chloe Marong, Asylum Justice, Cardiff

Dr Yvonne McDermott Rees, School of Law, Bangor University.

Dr Kerry Moore, Cardiff University School of Journalism, Media and Cultural Studies

Ayrarun Nessa, Masters Student in Social Work, Swansea University and expert by experience

Alex Ntung: Head of Education, Inclusion and Participation at Migrant Help UK.

Siân Pearce: Solicitor at Asylum Justice and Consultant at Duncan Lewis.

Sam Parker: ESRC-funded PhD candidate in the School of Social Sciences at Cardiff University.

Helen Spencer, Family Inclusion Manager, Blaen y maes School, Swansea

Sophie Reid, Barnardo's Cymru

Sarah Richards, student (MA in International Child Studies).

Dr Sergei Shubin, Director of the Centre for Migration Policy Research (CAMPR), Swansea University

Professor Helen Stalford, Director of the European Children's Rights Unit, School of Law and Social Justice, University of Liverpool.

Professor Martin Stringer, Pro-Vice Chancellor (Academic), Swansea University

Professor Mike Sullivan, Vice President (Strategic Partnerships), Swansea University

Professor Fiona Verity, College of Human and Health Sciences at Swansea University

Eleri Williams, Displaced People in Action

Jane Williams, College of Law and Criminology, Swansea University

Sheona York, Kent Law Clinic

**International participants:** Wafa Abdin, Vice President for Immigration and Refugee Services at Catholic Charities of the Archdiocese of Galveston-Houston; Felix Agbor Nkongho, Barrister and Executive Director of the Centre for Human Rights and Democracy in Africa, Cameroon; Florence Lora Atim: Lawyer at the International Justice Mission in Gulu, Uganda; Berenice Hernandez Becerra: Evaluation of AVANCE-Houston's Healthy Marriage and Relationship Education Program (HMRE) serving disadvantaged Hispanics and African Americans in Houston and the surrounding community. Jodi Berger Cardoso: Assistant Professor, Graduate College of Social Work (GCSW), University of Houston Anne Chandler: Executive Director, Tahirih Justice Center's Houston office. Jarrett Davis: Independent social researcher and consultant on child and vulnerable person's rights; Katharine Gordon, Senior Staff Attorney, Young Centre Houston office; ATM Zakir Hossain: Executive director at, Jagrata Juba Shangha; Lucy Jordan: Assistant Professor, Department of Social Work and Social Administration at the University of Hong Kong; James T. Keel: President and Chief Executive Officer of The Children's Center, Inc. Melinda Lemke: Assistant Professor in the Department of Educational Leadership and Policy at the University at Buffalo; Ellen Marrus, Professor of Law at the University of Houston Law Center; Jacqueline Mercillott, Unaccompanied Children Program Coordinator at Refugee Services of Texas in Houston. Augustina Reyes: Professor, Department of Educational Leadership and Policy Studies at the University of Houston; Liz Shields: Supervising Attorney, Kids In Needs of Defence (KIND), Houston; Andrew Trujillo: Social Responsibility Director, Post Release Services Program, YMCA International Services, Houston; Rosemary Vega: Clinical Supervising Attorney with the University of Houston Immigration Law Clinic; Shawna Warner: Senior Lecturer in the English Communication Department at Payap University in Chiang Mai