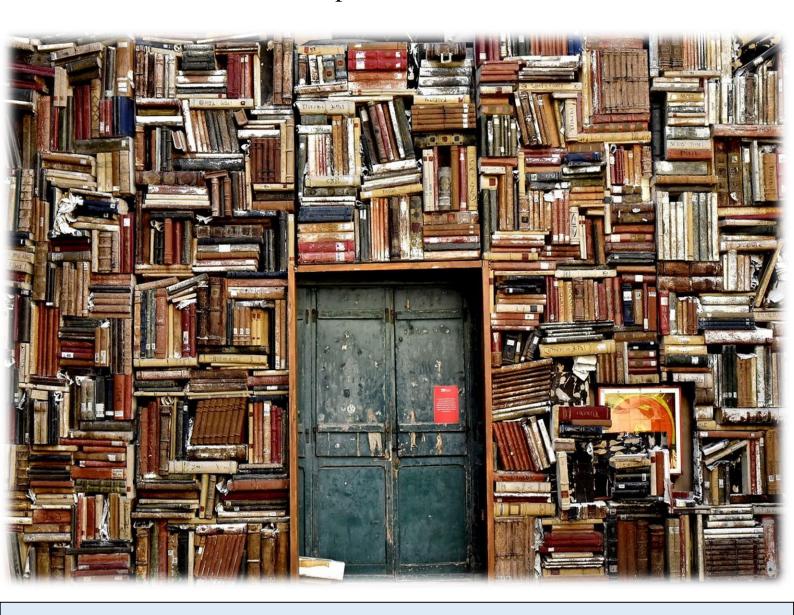# Unaccompanied Asylum-Seeking Children in Scotland

## A Scoping Exercise to Understand how Separated Children Access Education and Participate in Leisure

### September 2023

A briefing paper by Dr Diana Camps, Dr Daria Morozova and Dr Kieran Taylor

The British Academy
EARLY CAREER
RESEARCHER
NETWORK

# Unaccompanied Asylum-Seeking Children in Scotland:

## A Scoping Exercise to Understand how Separated Children Access Education and Participate in Leisure

*A briefing paper by Dr Diana Camps[1], Dr Daria Morozova[2] and Dr Kieran Taylor[3]*

## 1. Introduction

This briefing paper is the result of scoping and funding preparation activities related to the needs of Unaccompanied Asylum-Seeking Children (UASC) in Scotland. This project has been made possible by funding from the British Academy Early Career Researcher Network (BA-ECRN), as the result of a BA-ECRN Scotland Hub Seed Fund competition (Reference Number: BAS2023-41). This collaborative and interdisciplinary scoping project brings together scholars from the University of Glasgow, Glasgow Caledonian University and Queen Margaret University from the disciplines of Critical Sociolinguistics, Cultural Studies and Education. Whilst previous research has examined some of the challenges around the integration of unaccompanied children, this project unites Early Career Researchers (ECRs) with expertise in disparate fields to gather evidence to create a holistic and nuanced picture of the lives of unaccompanied children in Scotland.

The project responds to the urgent requirement to better understand the needs of unaccompanied children, a vulnerable group who have frequently survived trafficking and abuse, and often face precarity, racism, and poor mental health in transit and receiving host countries. Their adaptation to life in host countries is impeded by barriers relating to unfamiliarity with systems and isolation. The United Nations High Commissioner for Refugees (UNHCR) recognises that supporting the integration of separated minors may involve several complicated legal and social issues. To ensure an appropriate standard of care for such children requires close collaboration amongst government authorities responsible for child welfare and refugee resettlement (UNHCR, no date).

The latest numbers indicate that by the end of 2022, the UK received 5,242 applications from UASC, showing a 39% increase on the number prior to the COVID-19 pandemic (3,775 in 2019) (Gov.UK, 2023a). However, unaccompanied children's applications make up a small proportion of total applications (7% in 2022 compared with 11% in 2019).

Statistics indicate that the vast majority (74%) of unaccompanied children fall in the 16-17 years old age range (The Nationality and Borders Act Explanatory Notes, 2022, p. 61). Children under the age of 18 often lack the required documentation to support their claimed age and are therefore subject to age assessments. The Covid-19 pandemic has impacted on trends in age assessments, which have led to more adverse outcomes for children and young people (Stalford et al., 2022).

In relation to gender[4], statistics often distinguish between men, women and children without a breakdown of the 'children' category. However, an analysis by UNICEF (2020) points to their 2019 report '*Refugee and Migrant*

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[4] Our report uses binary categories of boys and girls, as those are the distinctions made in policy and media and reflect the language used by practitioners. The gendered dimension of services brought to the fore in this scoping exercise warrants closer examination and the researchers acknowledge the importance of engaging with gender identities.

*Children in Europe'*, which states that '[b]etween January and June 2019, 8,236 children arrived in Greece, Spain, Italy and Bulgaria, of whom 2,794 (34 per cent) were unaccompanied or separated children'. They further report that nearly 86% of requests for international protection for all unaccompanied children in 2018 related to boys (UNICEF, 2020, p. 4). These figures confirm accounts from the stakeholders we spoke to who said that the majority of unaccompanied minors they work with are male. For a variety of reasons, including the additional vulnerabilities of girls in migration, girls constitute a small percentage of unaccompanied children in the UK and Scotland.

Through a series of workshops, we explored how unaccompanied children in Scotland access education and how they participate in culture and leisure. In examining these questions, we had a particular interest in the interrelated dimensions of age, gender and identity. Insights gathered from various stakeholders on current policies and processes helped to identify gaps and barriers to unaccompanied children and young people's participation in education, cultural life and recreation, and to evaluate how these factors relate to social integration. Based on the evidence collected, we are refining further research objectives to address the needs of unaccompanied children.

This briefing provides valuable insights from stakeholders involved in policy and services for unaccompanied children and lays the foundation for developing a larger future funding bid, aimed at improving safeguarding and ensuring that unaccompanied children's rights to education and participation in cultural life are upheld.

## 1.1 A brief note on terminology/ abbreviations

**Children/ young people**: individuals up to age 18

**Unaccompanied asylum-seeking children (UASC)**: a UASC is defined as 'an individual, who is under 18 when the asylum application is submitted, is not being cared for by an adult who by law has responsibility to do so, is separated from their parents and has applied for asylum in the United Kingdom in their own right' (Gov.UK, 2023b). UASC are also referred to as 'unaccompanied minors' or 'unaccompanied children'.

In this briefing document, we use the terms 'UASC' when appropriate in relation to law/ policy and the terms 'unaccompanied children', 'unaccompanied young people' or a combination thereof, to foreground their humanity as children and young people under the age of 18, who are separated from both parents and therefore entitled to special support and protection.

**Stakeholders**: the individuals consulted for this briefing paper included a range of practitioners from various statutory and non-statutory services, including legal practitioners, teachers, community learning and development workers, guardians, youth workers, representatives of arts organisations and social workers. Several academic researchers whose work focussed on, and collaborated with, unaccompanied children also contributed their views, including their experiences in other UK jurisdictions, such as England.

## 1.2 Overview of the briefing

Following the introduction (Section 1), the briefing is organised in six more sections (Sections 2-7). The initial sections (Sections 2-5) delineate the context in which unaccompanied children find themselves in the UK, and in Scotland in particular. The overview situates our discussion amidst competing, and often conflicting, conceptions of unaccompanied children across law, policy and (social) media. The notions of childhood and youth are integral to these framings and the subject of migration status cuts across the various legal and social issues related to the integration of unaccompanied children.

In Section 6, we share evidence collected from a range of stakeholders working with unaccompanied children across the UK. We gathered their viewpoints through a series of informal conversations, two online workshops and one in-person roundtable discussion, which took place in June 2023.

We conclude the briefing in Section 7 with some final remarks, a reflection on next steps and a summary of key insights from our conversations with stakeholders.

## 2. Competing Conceptions of Unaccompanied Children

Integral to our discussions with stakeholders were the competing visions and conceptualisations of migrant children, particularly those who arrive in the UK separated from their parents or other caregivers. The European Union recognises how unaccompanied children arriving in foreign countries find themselves caught in tensions between their status as 'migrants' on the one hand and being children with particular needs and vulnerabilities on the other (European Parliamentary Research Service, 2022, p. 2). One of the great difficulties complicating policy making is the determination of age and place of origin, and whether their migration was forced or voluntary (European Parliamentary Research Service, 2022, p.3).

### 2.1 Discourses on childhood and migration

Since 2015, when a photo of a dead Turkish child, Alan Kurdi, appeared in the press, a strong public narrative of the innocent and vulnerable refugee child has emerged and persisted (McLaughlin, 2018). Holland (2004) connects this framing of 'universal childhood' to innocence and vulnerability.

Studies on the public discourse of children asylum seekers suggest that 'childhood' is not a fixed category but is subject to 'ideologically and politically driven interpretations' that can be manipulated (McLaughlin, 2018: 1759). Recent scholarship has started to acknowledge the role of race, along with gender and class, in how on the one hand children experience their childhood (Wells, 2009; Ticktin, 2015) and, on the other, how the public discourse determines which refugee is worthy of protection. As a result, those refugee children who do not fit the universal image of an innocent and vulnerable child can be quickly transformed into non-children (McLaughlin, 2018; Ticktin, 2016).

During the so-called refugee crisis of 2016, British tabloids quickly brought forward the issue of whether the arriving refugees were children at all. The Sun referred to them as 'fake child refugees', and the word 'children' was quickly substituted with 'lads', 'minors' and 'youths' (see McLaughlin, 2018). In addition, a debate initiated on how the age of newly arrived refugees should be properly assessed (McLaughlin, 2018). Asylum-seekers were often photographed with their faces covered by hoodies, triggering comments on their physicality, including height and facial hair to justify suspicion towards their age and thus transforming them from vulnerable children into 'blameable adolescents' (McLaughlin, 2018, p. 1763).

McLaughlin (2018, p. 1766) suggests that the British media has contributed to the creation of a 'new invisible precariat', i.e., young single men seeking asylum. In sharp contrast to vulnerable children, common depictions are of large uncontrollable groups of aggressive young non-white males, who are most at risk of being arrested, deported and criminalised (Ponthieu, 2017) and not deserving of protection. Ultimately, the touted refugee crisis in Europe (2015-2016) has perpetuated an image of the innocent and passive child in need of protection while labelling others non-worthy of protection.

These examples highlight the liminal position of unaccompanied asylum-seeking children that oscillates between a vulnerable child who lacks agency and a dangerous 'other' who is a threat to a country's integrity (Ottosson, Eastmond and Cederborg, 2017; Crawley, 2010). These tensions infused discussions with stakeholders, as various

framings of unaccompanied children that foreground either their immigration status or their categorisation as children cut across the topics that arose.

Given that most unaccompanied children arriving in Europe and the UK are teenagers, between 16 and 17 years of age, these young people linger in a space where boundaries of childhood and adulthood begin to merge. Given their vulnerabilities related to their age, traumatic experiences and journeys, they need and deserve special protection as children, yet, because of their experiences, they also desire to claim their own space and agency to chart a new course for themselves and integrate in a new country. Given the common portrayal of unaccompanied children as vulnerable and passive, this issue of agency, which can be broadly understood as one's ability to act (Ottosson, Eastmond and Cederborg, 2017), is central to discussions on unaccompanied children (see Galli, 2018).

### 2.2 Migrant children and agency

Research recognises an inherent power imbalance, emphasising that a key challenge facing unaccompanied asylum-seeking children is that their experiences are interpreted and rationalised by adults when they arrive in a host country. As a result, '[s]eparated asylum-seeking children are acted upon but they do not act: they are assumed to have no agency' (Crawley, 2010, p. 163). Coutin (2000) asserts that intermediaries working with children seeking asylum often promote a discourse of children being sent away by family members due to fears for their lives, which aligns with the image of passive and dependent children promoted in Western media (also, Orellana et al., 2001). Specifically, by distancing a refugee child from the migration decision, it corresponds with the prevailing assumption of the child-as-victim with no agency of their own (Galli, 2018).

In addition, prolonged uncertainty regarding their migrant status puts severe constraints on agency, as well as children's aspirations, to shape their everyday life in a new country (Ottosson, Eastmond and Cederborg, 2017). The notion of agency was a recurring theme in the discussions we conducted, with practitioners emphasising the importance of giving unaccompanied children more control over their life in a new country.

Before delving into the discussions with stakeholders, we delineate the legal frameworks that protect the right to asylum, govern UK immigration, and protect the rights to education and leisure. Although it is not possible, within the scope of this briefing paper, to detail all the law and policy provisions that apply to unaccompanied children, the following sections briefly outline some of the relevant legal instruments in the international and domestic contexts that govern children and migration/ asylum (Section 3), as well as legal provisions for the right to education (Section 4) and access to leisure/ right to cultural life (Section 5).

## 3. International & Domestic Protection Frameworks for Unaccompanied Children

Migrant children, and unaccompanied children in particular, are a unique group of migrants situated amidst complex international legal frameworks governing children's rights and protection, as well as migration and asylum. Despite these provisions, international and European organisations have identified protection gaps in the treatment of irregular migrant children, identifying greater risks of sexual exploitation and abuse, child labour (including for foster families), military recruitment and detention (Radjenovic, 2021, p. 1).

The sections below first set out the international human rights provisions that provide a protective framework for migration and asylum, with a particular emphasis on laws and policies for (unaccompanied) migrant children.

## 3.1 The protection of human rights: The right to asylum

The *Universal Declaration of Human Rights* (UDHR) sets out the fundamental human rights and freedoms that everyone is entitled to, recognising that 'the inherent dignity and […] the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world' (United Nations, no date).

Subsequent human rights treaties, notably the *International Covenant on Civil and Political Rights* (ICCPR) and the *International Covenant on Economic, Social and Cultural Rights* (ICESCR), translated these rights into binding obligations. Additional human rights instruments address specific aims, such as discrimination based on race, gender, disability and the specific needs of children. Article 14 of the UDHR (1946) states that '[e]veryone has the right to seek and to enjoy in other countries asylum from persecution' (United Nations, 1966).

*The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol*

Underpinning the work of the United Nations High Commissioner for Refugees (UNHCR), the *UN Geneva Refugee Convention* (1951) and its *1967 Protocol* established a formal 'refugee' definition and outlined the rights and international standards for the treatment of refugees. Although the Refugee Convention extends its protection to children based on the principle that the Convention be applied without discrimination to age (The UN Refugee Agency, 1951, 1967), there are critiques that the Refugee Convention lacks specific protections for children.

Diaz (2019) posits that the Refugee Convention was adopted 'before the concept of treating children as children, rather than property or adults in miniature, fully developed. 'This concept of children and childhood', she argues, 'is a relatively recent phenomenon developing with the rise of children's rights during the latter half of the last century' (p. 608).

In their 1997 *Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum,* the UNHCR acknowledges this gap stating,

> 'Although the same definition of a refugee applies to all individuals regardless of their age, in the examination of the factual elements of the claim of an unaccompanied child, particular regard should be given to circumstances such as the child's stage of development, his/her possibly limited knowledge of conditions in the country of origin, and their significance to the legal concept of refugee status, as well as his/her special vulnerability. Children may manifest their fears in ways different from adults. Therefore, in the examination of their claims, it may be necessary to have greater regard to certain objective factors, and to determine, based upon these factors, whether a child may be presumed to have a well-founded fear of persecution' (UN High Commissioner for Refugees, 1997a).

The 1997 Guidelines invoke the *Convention on the Rights of the Child* (CRC) stating that 'children are recognized certain specific human rights, and that the manner in which those rights may be violated as well as the nature of such violations may be different from those that may occur in the case of adults' (UN High Commissioner for Refugees, 1997b). The Guidelines (UN High Commissioner for Refugees, 1997b) further recognise that 'certain policies and practices constituting gross violations of specific rights of the child may, under certain circumstances, lead to situations that fall within the Scope of the refugee Convention' and provides examples such as the recruitment of children for regular or irregular armies, forced labour, the trafficking of children for sexual exploitation and female genital mutilation.

More than a decade later, the *2009 Guidelines on International Protection: Child Asylum Claims under Articles 1(A)2 and 1(F) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees* recognises that although the definition of a refugee 'applies to all individuals regardless of their age, it has traditionally been

interpreted in light of adult experiences. This has meant that many refugee claims made by children have been assessed incorrectly or overlooked altogether' (The UN Refugee Agency, 2009).

Although the 1951 Convention mobilised a different conception of children, the subsequent guidelines embrace the universal, fundamental principles of childcare and protection embodied in the Convention on the Rights of the Child. Therefore, the protection framework for unaccompanied children must take into account international standards that entail the *Convention relating to the Status of Refugees* (UN Refugee Agency, 1951), *Protocol relating to the Status of Refugees* (UN Refugee Agency, 1967) and the *Convention on the Rights of the Child* (United Nations, 1989).

*The Convention on the Rights of the Child and its optional protocols*

The *Convention on the Rights of the Child* (CRC) (United Nations, 1989) forms the foundation of the international framework for children's rights, which prescribes minimum standards that States must adhere to for the treatment of children within their territories (European Parliamentary Research Service, 2022). General Comment No. 6 (Committee on the rights of the child, 2005) of the Committee of the Rights of the Child underscores an obligation on the State, under article 6, to provide protection from violence and exploitation, which would jeopardise a child's right to life, survival and development (Committee on the rights of the child, 2005, p. 8). It calls for vigilance to ensure that children are protected from risk, particularly from organised crime, such as trafficking and other criminal activities, and recommends the appointment of a guardian (Committee on the rights of the child, 2005, p. 9).

This is a particularly salient point in the UK, amidst ongoing concerns that scores of children seeking asylum have disappeared from Home Office hotels, abducted off the streets outside hotels by traffickers. In their recent article, the Guardian (Townsend, 2023) flags the unlawful practice of placing unaccompanied children in hotels, as stipulated by the *Convention on the Rights of the Child* (United Nations, 1989), which states that children arriving in the UK without parents or carers should be looked after by the local authorities.

However, detention centres that were declared unsuitable for asylum-seeking children in 2010, demonstrated a significant increase in the number of children in 2021 (Refugee Council, 2022; Branthwaite, 2023). Despite being warned by police that unaccompanied children are at risk from being targeted by criminal organisations, the UK Home Office has taken no steps to heed these warnings and safeguard children and young people from harm. From the 600 unaccompanied children that were housed in a Brighton hotel, 136 children went missing and it is reported that more than half of them, 79 children, have still not been accounted for (Townsend, 2023). In fact, the Guardian recently reported that after having been forced to close the Brighton hotel due to the Home Office's failure to protect children, the hotel is now slated to open again (Townsend, 2023) The total number of migrant children that have disappeared across the UK stands at more than 400 with 154 still missing.

These reports stand in stark contrast to the UK's obligations under international law and the UK's policy and practices have been denounced by UN Special Rapporteurs of the Human Rights Council (United Nations, 2023). Despite ongoing protests by children's rights organisations such as Every Child Protected Against Trafficking, the illegal practice of using the hotels as accommodation still persists in the UK (Townsend, 2023).

Aside from the UK breaching its human rights obligations and the related increased risks related to safety and crime, research has also demonstrated the severe impact of a lack of adequate housing for unaccompanied children on their mental health. Branthwaite (2023, p. 1) notes that children 'will have no advocates for their safety, no access to education and no access to a comprehensive initial medical review'. Ultimately, such experiences increase mental health risk and amplify an already existing trauma.

Stakeholder discussions iterated the increased vulnerabilities related to risks of sexual violence, trafficking and abduction but also highlighted how hotel accommodation is inadequate for many asylum-seeking minors who are not used to living independently, including cooking, cleaning, etc.

The preceding examples demonstrate how unaccompanied children, despite having rights to special protection due to vulnerabilities of age and unaccompanied status, are also subject to the UK's immigration framework.

## 3.2 The United Kingdom

In the UK, international human rights protections are incorporated into domestic British law through the *Human Rights Act (1998)*, which came into force in 2000, as well as the *Scotland Act (1998)*. The aim of the HRA was to give further effect to the rights contained in the *European Convention on Human Rights* (ECHR) (European Court of Human Rights, 1950).

The ECHR is an international treaty within the council of Europe, which was created in an effort to unify post-war Europe, and the UK played a pivotal role in its creation and was one of the first to ratify it. Given post Brexit realities, it is important to note that the ECHR is not an EU treaty, and the Council of Europe is not an EU body. The European Court of Human Rights (ECtHR) in Strasbourg ensures Member State compliance with the Convention. This means that all public authorities are required to act in compliance with the ECHR, and any human rights violations can be contested in domestic courts. Once all domestic appeals have been exhausted, individuals can take their cases to be heard in the ECtHR (Scottish Government, 2018).

*The UK immigration framework*

Although international law does not distinguish between a 'refugee' and 'asylum seeker', in the domestic context these differentiations are very salient and intimately tied to varying levels of protection and provision. For instance, those seeking asylum in the UK who have not secured leave to remain are subject to the 'No Recourse to Public Funds' (NRPF) condition due to immigration controls defined at section 115 of the *Immigration and Asylum Act (1999)*.

The *Immigration Act (IA) 1971* is the primary foundation for UK immigration law. The Immigration Rules detail the lengthy and often changing rules and regulations that govern who has a right to live in the UK. There have been numerous amendments to the IA 1971, including various Acts and statutory instruments that have further amended or clarified the immigration framework, resulting in a 'complicated patchwork' of legislation (LexisNexis, 2023). Some notably pieces of primary legislation within the last fifteen years include the *Borders, Citizenship and Immigration Act 2009*, *Immigration Act 2014* and *Immigration Act 2016*. The *Nationality and Borders Act 2022* was enacted to reform the asylum system and tackle illegal entry into the UK.

At present, the *Illegal Migration Bill* is making its way through UK parliament with the explicit intention to 'put a stop to illegal migration into the UK by removing the incentive to make dangerous small boat crossings' (UK Parliament, 2023). Legal disputes continue around the UK's immigration plan to send people seeking asylum to Rwanda to have their claims processed rather than dealing with their applications for sanctuary in the UK. In June 2023, the Court of appeal ruled the government's intentions unlawful, a temporary setback to government policy, but a government request for permission to appeal against the decision at the Supreme Court is already underway (Taylor and Quinn, 2023). These examples of recent immigration legislation are emblematic of the UK Home Office Hostile Environment policy that makes staying in the UK as difficult as possible for people without leave to remain.

*The role of local authorities in supporting unaccompanied children*

Because unaccompanied migrant children and child victims of modern slavery, including trafficking, often have complex needs in addition to those faced by looked after children more generally, local authorities have a duty to protect and support these 'highly vulnerable children' (Department for Education, 2017, p. 3). The necessary support must begin as soon as the child is referred to the local authority or is found in the local authority area and will be most effective when provided through a stable, continuous relationship with the child.

In order to enable the safe transfer of unaccompanied asylum-seeking children from one UK local authority to another, the National Transfer Scheme (NTS) Protocol for Unaccompanied Asylum-Seeking Children was established in 2016.

*National Transfer Scheme*

The NTS was initially rolled out in England, on a voluntary basis, to facilitate the more equitable distribution of unaccompanied children across local authorities. Under Section 55 of the *Borders, Citizenship and Immigration Act 2009*, transfers must be motivated by considerations in the best interests of unaccompanied children.[5]

In 2018, legislation was amended to extend the scheme to local authorities in Scotland, Wales and Northern Ireland. This meant that from July 2021, based on a national voluntary rota, local authorities in all four UK jurisdictions with UASC at or over 0.07% of their child population, could refer newly arrived unaccompanied children. However, the voluntary system was not equipped to respond to the scale of intake into the asylum system and from 15 February 2022, all UK local authorities with children's services were mandated to participate in the NTS.

The NTS guidance document specifies that unaccompanied children arriving in the UK within 13 weeks of their 18th birthday are not eligible for the NTS. This is potentially noteworthy given the reported difficulties and contestations around age assessments, including reported delays (particularly due to the Covid-19 pandemic) in progressing claims to asylum so that young people are 'ageing out' from the special protections currently available to children within the system (Stalford et al., 2022).

Insights from practitioners reveal that the shift to mandated participation in the NTS has resulted in challenges related to the provision of services in areas with limited infrastructure to accommodate unaccompanied children (see discussion in Section 6.1).

## 3.3 Scotland

Although the UK parliament and government are actively involved in reducing rights protection, each of the devolved parliaments and governments are engaged in processes that are seeking to enhance human rights protection (Boyle et al., 2022). At the time of writing, in Scotland, a new Human Rights Bill is open for public consultation (Scottish Government, no date). The proposed Bill will incorporate a range of economic, social and cultural rights into Scots law for the first time, as far as possible within the limits of devolved competence.[6]

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[5] The National Transfer Scheme Protocol for Unaccompanied Asylum Seeking Children, Version 4.0 (updated on 05 September 2022) provides a caveat, however, delineating that although the expression 'best interests' is common usage, local authorities do not have a specific duty in national legislation to make decisions in a child's "best interests" but rather have "the duty to safeguard and promote a child's welfare, a duty which inherently requires local authorities to take account of a child's best interests" (p. 25).

[6] This Bill will incorporate 4 more major United Nations human rights treaties: The International Covenant on Economic, Social and Cultural Rights (ICESCR), The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), The Convention on the Elimination of All Forms of Racial Discrimination (CERD) and The Convention on the Rights of Persons with Disabilities (CRPD). The Bill also includes the right to a healthy environment.

Despite divergent trajectories with regard to human rights protection, matters of immigration and asylum are a reserved power in the UK, which means that the Scottish Parliament has no control over the operation of the immigration system.

One provision in Scotland specifically designed to support unaccompanied children is the Scottish guardianship service.

*Guardianship Scotland*

Guardianship Scotland is a specialist statutory service, which provides Independent Child Trafficking Guardians (ITCG) to UASC and victims of trafficking who arrive in Scotland. These children have an entitlement for referral to Guardianship Scotland, under Section 11 of the *Human Trafficking and Exploitation (Scotland) Act 2015*.

Guardianship Scotland provides practical and emotional support to help children navigate the complex processes related to asylum, trafficking, welfare, criminal justice, age assessment, inter alia. In addition, guardians advocate for children and young people, ensuring decisions are taken in the best interests of the child and support young people to make informed decisions. They work collaboratively with other professionals to safeguard children and provide access to additional services, such as mental health support and social/ cultural activities and arts (e.g. Standing Tall Scotland).[7]

The previous sections outline the broader (legal) frameworks and statutory services that are integral to hosting and working with unaccompanied children in the UK, and in Scotland specifically. Although international standards frame the legal protection of unaccompanied children in particular ways that acknowledge their humanity, vulnerabilities related to age and experience, and allocates them specific rights to specialised support and protection, these framings also intersect with broader discourses of what it means to be an unaccompanied migrant child in the UK. As the stakeholders we spoke to acknowledged, wider discursive currents and conceptions of childhood and migration intersect with their daily work and service provision. We take up this discussion further in Section 6.6.

The following sections discuss legal protections for two specific elements related to the right to development: the right to education (Section 4) and the right to leisure (Section 5).

## 4. The Right to Education

The right to education is protected in a number of international human rights instruments, including the *Universal Declaration of Human Rights 1946* (Article 26), *the Refugee Convention 1951* (The UN Refugee Agency, 1951) (Article 22) and the *European Convention on Human Rights* (European Court of Human Rights, 1950).

The *International Covenant on Economic, Social and Cultural Rights* (United Nations, 1966) devotes two articles to the right to education, articles 13 and 14. *General Comment No. 13 of the Committee on Economic, Social and Cultural Rights* (1999) states that Article 13, which is the longest provision in the Covenant, is considered the most wide-ranging and comprehensive article on the right to education in international human rights law. Further protections come under Articles 28 and 29 of the *United Nations Convention on the Rights of the Child* (UNCRC 1989), the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (United Nations, 1990, Article 30) and the *UN Convention On The Rights Of Persons With Disabilities*.

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[7] For more information, see their official webpage: https://www.aberlour.org.uk/service/scottish-guardianship-service (Accessed: 10 July 2023).

General Comment No. 6 of the Committee on the Rights of the Child (Committee on the rights of the child, 2005) iterates that States should ensure that access to education is maintained during all phases of the displacement cycle. It further states that '[s]uch access should be granted without discrimination and in particular, separated and unaccompanied girls shall have equal access to formal and informal education, including vocational training at all levels. Access to quality education should also be ensured for children with special needs, in particular children with disabilities' (Committee on the rights of the child, 2005). Furthermore, children should be registered with appropriate school authorities 'as soon as possible' (Committee on the rights of the child, 2005).

Similarly, the *New York Declaration for Refugees and Migrants* (United Nations, 2016) attempted to increase human rights protections of all migrants and refugees, urging UN members to provide access to education for refugee and migrant children within a few months of arrival. Although the State has an obligation to provide access to education in the ways outlined above, practitioners shared that they encounter significant challenges in realising this right for unaccompanied children, as discussed in greater detail in Section 6.4

## 5. The Right to Leisure

The value of leisure is often backgrounded but it is an important component of well-being and particularly relevant to the integration and development of unaccompanied children. The right to leisure is embedded in international human rights mechanisms and interconnected with other human rights. The right to rest and leisure is embedded in Article 24 of the UDHR (United Nations, no date). The right to leisure is also interconnected to the right to an adequate standard of living (Article 25) and the right to cultural life (Article 27), as expressed in the UDHR, and in other human rights instruments, including ICESCR (namely Articles 7 and 15), UNCRC (namely Articles 31 and 32), inter alia.

Taking Articles 24 and 27 of the UDHR as points of departure, the World Leisure Organization (WLO), which has been promoting leisure as integral to social, cultural, economic and sustainable environmental development worldwide since 1952, has developed the *Charter for Leisure* (World Leisure Organisation, 2020).

Article 5 of the WLO *Charter for Leisure 2020* points to the interrelation of leisure in the fulfilment of other human rights, describing leisure as:

> 'a medium through which other rights and related benefits set out in the Universal Declaration of Human Rights and associated covenants can be exercised, including: the physical, mental, emotional and social development of the child through play; support for family life; personal expression and development; sustaining of cultural life of the community; and promotion of physical and mental health and well-being through sport, physical activity and cultural engagement. Conversely, denial of time for beneficial leisure activity can have serious consequences for the well-being of individuals and societies' (World Leisure Organisation, 2020).

The right to leisure entails the right for everyone to participate in the cultural life of the community. This right to culture is protected in various human rights instruments and includes access to one's own culture, as well as the culture of the wider community (for an overview, see Mitchell, Webster & Camps, 2023). The UN Committee on Social, Economic and Cultural rights defines culture as follows:

> '[…] culture […] encompasses, inter alia, ways of life, language, oral and written literature, music and song, non-verbal communication, religion or belief systems, rites and ceremonies, sport and games, methods of production or technology, natural and man-made environments, food, clothing and shelter and the arts, customs and traditions through which individuals, groups of individuals and communities express their humanity and the meaning they give to their existence, and build their world view representing their encounter with the external forces affecting their lives. Culture shapes and mirrors the values of well-being and the economic, social, and political life of individuals, groups of individuals and communities' (United Nations, 1966).

Allsopp, Chase and Mitchell (2015) emphasise the importance of leisure and recreation, showing that visits to museums, trips to the countryside or participating in youth clubs or religious groups provide young asylum seekers with a sense of moving forward. Playing sports, especially football, creates a small escape space for male minors (Kohli and Kaukko, 2018). A study by Kohli, Connolly and Warman (2010) further suggests that unaccompanied children cope by finding pride in things they are good at.

The literature resonates with the input from our discussion groups where professionals stressed the importance of leisure provision for unaccompanied asylum-seeking children, as well as acknowledging a gender dimension entailed in leisure activities, further discussed in Section 6.5.

# 6. Workshop Discussions with Stakeholders

The project sought to draw on the expertise and experiences of various stakeholders who work directly with unaccompanied children to better understand their access to education and leisure. We approached a range of statutory and non-statutory services which included: legal practitioners, teachers, community learning and development workers, guardians, youth workers, representatives of arts organisations and social workers. Several academic researchers whose work focussed on, and collaborated with, unaccompanied children also contributed their views, including experiences in other UK jurisdictions, such as England.

Through two online workshops (11 participants) and one in-person roundtable event (5 participants) conducted in June 2023, these different stakeholders offered direct insights into the needs of unaccompanied children and an overview of the policies and priorities that govern their work. The sessions were immensely valuable in providing in-depth and up-to-date insights of the challenges and opportunities associated with providing support services to unaccompanied children. Exploring the subjects of educational and recreational provision for unaccompanied children raised a wide range of topics and issues.

Following each workshop and roundtable discussion, the research team debriefed to consider emergent themes. Through an iterative process of mapping and coding, six principal themes emerged:

1. Change in the Scotland resettlement scheme
2. Gaps and inconsistencies in service provision
3. Health and well-being
4. Limitations to education
5. Barriers to leisure/ the right to cultural life
6. Precarity and uncertainty

In the sections that follow, we draw out these main themes, situating the key topics and challenges that arose in discussions within a wider body of existing literature to make visible their significance for further research.

## 6.1 Change in the Scotland resettlement scheme

Changes to the National Transfer Scheme have meant that increasing numbers of unaccompanied young people are being sent to Scottish local authorities with relatively little experience of working with migrant communities. This is compounded by the placement of unaccompanied children in temporary accommodation, such as hotels, until more suitable housing is found. As a result, some young people in rural environments or temporary hotel accommodation are isolated.

This change to the NTS mandating all local authorities to accept unaccompanied children has thus introduced a geographic dimension, resulting in gaps and inconsistencies in service provision across different areas of Scotland. Geographic challenges were a recurring theme during our discussions, which were essentially two-fold but also

closely interconnected. Firstly, stakeholders identified variability in the availability of resources and infrastructure in urban areas, such as Glasgow, vis-à-vis rural areas in Scotland. Secondly, they reported the desire of asylum-seeking children themselves to move to urban areas with greater education and job opportunities as well as established home communities who could support with integration. These points are discussed in greater detail below.

## 6.2 Gaps and inconsistencies in service provision: Knowledge and resources

It was argued that knowledge around the procedures, policies and entitlements relating to unaccompanied children is sometimes limited. This was not just the case in local authorities newly receiving unaccompanied children but also in areas which had some history of receiving them. Changes in policy and procedures and concerns about breaking immigration restrictions resulted in confusion and hesitance in some quarters. In cases where young people were placed in rural local authorities, local services struggled to offer consistent provision for children and young people, compared to services available in Scotland's Central Belt.[8]

Stakeholders felt that education and leisure services were impacted by the geography of a young person's placement and the resources and expertise available there, having a significant impact upon the experiences and opportunities of young people. Moreover, stakeholders emphasised that a lack of sufficient funding substantially limits the scope and quality of (leisure) activities they are able to provide to the minors in their care.

As is the case for social rights more broadly (Boyle et al., 2022), service provisions for unaccompanied children have been undermined by neo-liberal approaches, including hallmark features of budget cuts and increased privatisation, significantly limiting budgets allocated to meet the needs of unaccompanied minors (Meloni and Humphris, 2021; Humphris and Sigona, 2019). Our discussions with stakeholders emphasised that these impacts were magnified by the Covid-19 pandemic. Some figures show that local core budgets faced a reduction from £18.2 billion to £2.2 billion between 2010 and 2020 (Local Government Association, 2017), heavily constraining professional teams who support unaccompanied children with legal, social and psychological services (Children's Society, 2015; Meloni and Humphris, 2021). Increased privatisation has also resulted in greater complexity and fragmentation of service provision across numerous social actors (housing providers, community organisers, teachers, social workers, inter alia), thus amplifying confusion around who is in charge and accountable for specific services (Meloni and Humphris, 2021; Darling, 2016).

*The urban draw*

Various stakeholders reported a draw for unaccompanied young people to live in large urban areas where there are established communities of other migrants of similar backgrounds and places of worship. Reasons cited included being around other young people who speak the same language, having better access to places of worship, perceiving services in urban areas to be better and the ability to purchase items, such as food, from their countries of origin. Once receiving refugee status, many young people choose indeed to move to cities to pursue work and join established home communities.

These accounts from stakeholders resonate with wider literature on this topic, which identifies an urban-rural divide in scholarship on unaccompanied children. On the one hand, rural areas are sometimes portrayed in less positive terms as being 'backwards', offering few job opportunities and suffering from depopulation (Wernesjö, 2015). On the other hand, rural areas are praised for offering an idyllic environment, access to nature and closely-knit communities as opposed to stressful urban living (Wernesjö, 2015). The more tight-knit character of social communities in rural areas, however, can be perceived in both negative and positive terms (Wernesjö, 2015). For

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[8] The Central Belt of Scotland is the area of highest population density and includes major urban areas, such as Glasgow and Edinburgh. It is situated between the Highlands to the north and the Lowlands to the south.

newcomers, such as those seeking asylum, a primary concern is to what extend they are regarded as belonging to the local community. This can be challenging for asylum-seeking minors whose appearance differs from the local community and who are thus regarded as the 'other'. For these reasons, unaccompanied minors may be more willing to move to larger urban areas, such as Glasgow, that offer greater diversity and anonymity (Wernesjö, 2015).

## 6.3 Health and well-being: The impact of trauma

As unaccompanied children are frequently survivors of violence and trafficking, they may live with complex forms of trauma, often experience challenges with mental health and may find building relationships and adapting to life in a new country difficult. All the stakeholders we spoke with identified trauma as a feature of their work with young people and underlined values of trust and care as fundamental considerations in working with unaccompanied children.

Extensive scholarship on this topic shows that health related problems, including poor mental health, are some of the central challenges linked to refugee children. Three types of factors identified include: pre-migration (poverty, famine, war), peri-migration (separation, sexual abuse, trafficking) and post-migration (lack of social support, schooling, cultural adaptation and general lack of stable settlement) challenges (for an overview, see Kien et al., 2019). A systematic review of existing studies (Kien et al., 2019) addresses that, compared to the general population, the prevalence of mental health problems is substantially higher among asylum-seeking minors, with up to a third of them being affected by either a depressive or anxiety disorder. Notably, these health issues were higher among unaccompanied minors compared to the accompanied ones (Derluyn, Mels and Broekaert, 2009).

Our workshop and roundtable discussions reflect this reality as Scottish professionals working with unaccompanied children expressed that they have been struggling with diagnosing and providing adequate psychological help. This is a pressing issue, given the high level of post-traumatic stress disorder (PTSD) levels among asylum-seeking children (Jensen et al., 2015) and the risk that, if not treated properly, PTSD can become chronic (Kilpatrick et al., 2013).

Other research cautions against overestimating mental health disorders in asylum-seeking children. Jensen et al. (2015) call for a distinction between actual mental health disorders and coping strategies that asylum-seeking children may adopt in order to overcome stress. The researchers note that '[s]adness should be viewed as a normal response to loss and separation from family and needs to be distinguished from more pathological depressive symptoms and suicidal ideation. Not all children seeking asylum need therapy, and many will profit well with just enhanced care and protection' (Jensen et al., 2015, p. 114).

Our discussions iterated time and time again that there is a deficit of professionals who can adequately diagnose young people when they arrive and develop a proper treatment plan for them. Accurate diagnosis is complicated by an absence of previous history to adequately assess a case. We return to this point in the next section on education (Section 6.4), as these challenges intersect with learning and the assessment for Additional Support Needs (ASN).

The realms of education and leisure are so closely interwoven with health and wellbeing that it is difficult to tease them apart on account of their symbiotic relationship. Taking into account the result of trauma and general notions of health and well-being, we address each of these areas in greater detail in the sections below.

## 6.4  Limitations to education

Educational challenges identified include barriers to accessing and participating in education, related to the age and immigration status of unaccompanied children, provision and quality of English for Speakers of Other

Languages (ESOL) courses, dropout rates from education and challenges related to identifying Additional Support Needs (ASNs) for learning.

*Impacts of age and migration status*

School is considered a positive environment and stakeholders cited that young people who attended often adapted very quickly, became more proficient in English and developed friendships, all important elements for social and cultural integration. Research also suggests that unaccompanied children often focus on their schooling as a strategy for dealing with uncertainty around their migration status (Kuusisto-Arponen, 2016). Stakeholders reported, however, that age at time of arrival and migration status have a significant impact on the educational experiences and subsequent outcomes for young people. For example, young people below the age of 16 are able to attend school, whereas for those above the age of 16, learning at college is limited primarily to English for Speakers of Other Languages (ESOL) courses, often three days a week and mostly to level 4 Higher National Certificate (HNC). It was felt that on account of the limited progression within ESOL classes, some young people had their achievement capped on account of funding and subsequently disengaged.

In Scotland, there is currently only one specific college course for unaccompanied children, which has been identified as a success (Lucas, Grant and Burns, 2019). The *16+ ESOL Routes to Learning* programme for separated children at Glasgow Clyde College, however, is very heavily oversubscribed. Due to limited provisions for targeted ESOL classes, many unaccompanied children are forced to learn alongside adults which, for a variety of reasons including safeguarding, is regarded as highly problematic.

*Disengagement from education*

Stakeholders expressed that young people sometimes drop out of education after receiving their refugee status. Reasons varied but are mostly related to access to funding for higher education and changing priorities. Current regulations stipulate that if a person is an asylum seeker, regardless of whether they are awaiting a decision or are appeal rights exhausted, young people are not eligible for educational funding from Student Awards Agency Scotland (SAAS). They may be treated as an international student and will be required to pay international student fees, at the discretion of the university (Just Right Scotland, 2023).

However, ongoing efforts to improve access to higher and further education for migrant children offer some hope for the future. In 2022, a 'landmark' legal case, *Ola Jasim v Scottish Ministers [2022] CSOH 64,* challenged these regulations and found that SAAS residency rules, which deprived migrant students of funding, to be unlawful in light of the European Convention of Human Rights (Just Right Scotland, 2023). As a result, the Scottish Government started a consultation in late January 2023, which closed on 31 March 2023. The 'Our grades not Visas' campaign[9] has advocated tirelessly for a change to legislation and the recently published *Education (Fees and Student Support) (Miscellaneous Amendment) (Scotland) Regulations 2023* (The Education, 2023) indicate a positive change for migrant children, including unaccompanied children, as it will abolish the prohibitive 'long residence' criteria and provide greater access to higher education.

The pressure to earn money, however, often means that young people drop out of education and instead pursue full time work in low paid roles in the gig-economy. This was seen to potentially restrict learning and future employment progression. While these roles gave young people independence, paid work was reportedly being used primarily to pay debts accumulated in home countries or in transit, or to pay fees associated with family reunification.

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[9] For details about this campaign, you can read more here: https://www.ognv.org.uk/#home-scroll (Accessed: 08 July 2023).

*Identifying Additional Support Needs (ASNs)*

Stakeholders outlined that, like the rest of the population, some unaccompanied children have Additional Support Needs (ASNs) and required assistance with their learning. This was reported to be challenging for a range of reasons and presented subsequent barriers to the ability to learn and become familiar with life in Scotland. It was reported that a very small number of young people had formal diagnoses which would enable them to receive extra support. There are, however, significant waiting times associated with assessments for ASNs, which was said to be complicated by assessments not being available in languages other than English. Scholars and practitioners working with second language learners have long recognised the difficulties in diagnosing learning disabilities in this particular population of students due to shared characteristics between developing English language learners and students with learning disabilities (e.g., Ortiz and Yates, 2001; Chu and Flores, 2011). These challenges are further exacerbated for unaccompanied children due to the additional factors of trauma and limited or interrupted schooling.

In addition to the importance of identifying ASNs to facilitate learning, the ability to accurately assess ASNs was also considered important in relation to the range and complexity of the formal legal processes unaccompanied young people are subject to. These procedures include asylum applications, assessments to determine if young people have been trafficked and disputes over age and country of origin. Documenting that a young person might have ASNs was identified as an important piece of evidence in relation to these procedures and their outcomes.

## 6.5 Barriers to leisure/ right to cultural life

The majority of stakeholders regarded unaccompanied young people's participation in leisure and culture as immensely valuable. Recreation provides excellent opportunities for helping unaccompanied children adapt to life in Scotland, particularly in relation to developing friendships, making young people feel part of the community, as well as offering a positive outlet to cope with mental health issues. These activities were also regarded as beneficial to young people's wider educational and social development, enhancing not only English language skills but also socialising them into cultural norms and expectations. In this way, leisure can act as a way to build a meaningful daily life for an accompanied minor while waiting for a final decision on their migration status (Kohli and Kaukko, 2018).

*Leisure activities and events*

Access to gyms was regarded as a particularly important resource to young people, and stakeholders shared that gym memberships allowed young people to feel good about themselves and become more independent. In general, gyms were regarded as the most popular leisure activity that young people took part in. Many young people were reported to go to the gym daily, which was an important part of their routine and seen as a valuable resource for young people in hotels and temporary accommodation. Stakeholders posited that the gym was appealing to young people because they felt that they did not stand out there and could socialise.

Football and cricket were also identified as other well-liked activities. Young people, however, sometimes struggled to take part in formal teams on account of challenges around funding for equipment such as football boots and transportation. Young people living with host and foster families often had better experiences in taking up a range of activities, as they received additional financial support for activities and assistance with getting to and from clubs. For young people in urban and rural areas relying on public transport, getting to and from leisure activities was sometimes difficult. Many young people felt reluctant taking public transport later in the evening and it was reported that some young people had fears related to facing hostility and racism on public transport. Whenever stakeholder groups held gatherings for cultural and religious events, these were very well attended and enjoyed by young people who took them as an opportunity to have fun, relax and enjoy being around peers. Young people reported to staff that they appreciated being able to speak their native languages with one another and

feeling comfortable wearing national dress in these environments. Staff worked hard to ensure that catering at these events was appropriate for dietary requirements and was of good quality. Equal thought was given to the types of entertainment provided to young people with music, dance and artistic activities from their countries of origin. Staff also worked hard to identify that those who offered artistic and musical sessions were engaging and fun. Many of these facilitators were from diverse backgrounds and had lived experience of navigating the asylum process. This was done to ensure that young people felt they could relate to staff and to promote role models.

In a small number of cases, young people were given the opportunity to attend residential trips at outdoor centres or take part in organised hikes or camping. These were regarded as a great chance for young people to build confidence and experience in the outdoors. Again, time was taken to train those who facilitated these outdoor education sessions to ensure trauma informed practice. This meant staff were aware of what would be potentially difficult or sensitive topics and could steer clear of talking about these subjects. These pre-sessions were considered incredibly valuable and ensured that young people had an excellent experience and that staff facilitating felt confident in working with unaccompanied children.

*The use of digital media*

The role and functions of digital media were discussed with stakeholders to better understand how unaccompanied children interact with media in their everyday lives. Stakeholders offered that unaccompanied minors use media to keep in touch with family members in their home countries and to follow local news. In this way, digital media can potentially decrease a level of uncertainty when it comes to security of their relatives (Kutscher and Kreß, 2018). Stakeholders cautioned, however, that this sometimes has the opposite effect, as unaccompanied children worry about the safety of those left behind. Migrants, including unaccompanied children, are both 'uprooted and connected' when it comes to the use of digital resources (Leurs, 2014) and the literature acknowledges the 'affective importance' (Leurs, 2014) brought by digital media by connecting an unaccompanied child with their family and friends to share information and one's whereabouts (Kutscher and Kreß, 2018).

Stakeholders also noted that digital media can be an efficient tool for learning a new language and local culture, as it provides unaccompanied minors with participatory options for communication, interaction and information sharing, observations shared in wider literature on digital media and learning (Kutscher and Kreß, 2018; Alam and Imran, 2015).

The discussions with stakeholders also noted that accounts from digital media can be helpful in relation to their asylum proceedings, by providing evidence of suffering from discrimination in their country of origin. Important and significant cautions raised by stakeholders are the risks associated with digital media, which pose challenges for all children and young people, but increase for unaccompanied children due to language and cultural barriers and isolation. This includes the danger of being targeted by certain (sexual) content that increases risks of trafficking or involvement in criminal activities, as well as impacts on wellbeing from mental pressures posed by negative content from their countries of origin.

*The gendered dimension of leisure*

The discussions with stakeholders also identified a gender dimension to leisure activities.  In general, boys were regarded as enjoying sports-based activities, whereas girls were seen to have a preference for art activities. When boys and girls were brought together at events, they tended to socialise separately in line with cultural traditions and with those of the same place of origin. Efforts were made to facilitate girls-only groups to ensure that girls were given a range of activities, including sports and dance. It was reported, however, that there was a lower uptake of young women in leisure activities. Reasons cited included a reluctance to travel on public transport in the evening and a lack of interest in the activities offered.

These accounts from stakeholders iterate what previous studies on this topic have found, which show that girls sometimes avoid active leisure activities, such as football or floorball, because these activities are perceived as more aggressive, or girls may be hesitant to participate in mixed-gendered activities (Kohli and Kaukko (2018, pp. 494-495). Iterating what was expressed in our discussions, Kohli and Kaukko (2018) found that asylum-seeking girls may be drawn to calmer and more in-ward activities, and these gender-driven preferences need to be accounted for when developing leisure services.

Another important consideration related to gendered images of child migrants is that it can lead to an imbalance of the types of social ties available to unaccompanied asylum-seeking children, with girls forming primary social connections with social workers, and boys developing peer friendships outside institutional arrangements (Wells, 2009). A body of research that examines the relationship between gender and migration attributes some of these differences to how the trajectories of male and female migrants diverge (Wells, 2009). Subsequently, narratives on child migrant vulnerability differs depending on gender; girls are portrayed as in need of psychological assistance and therapeutic support, while boys are perceived as being particularly vulnerable to social exclusion and thus need to be provided with opportunities to form social groups (Wells, 2009). Also, in relation to sexual abuse towards unaccompanied migrants, gendered images and stereotypes often overlook young males in discussions of gender-based violence (Freccero et al., 2017).

## 6.6 Precarity and uncertainty

The red thread that runs through all the topics discussed in previous sections is the recurring notion of precarity and uncertainty for unaccompanied children, which warrants a discussion here. Our discussions with stakeholders emphasise how the state of limbo while waiting for an authority's decision on their migration status creates great difficulty for having a stable and secure everyday life. For some unaccompanied children, overwhelming feelings of uncertainty cause frustration and a reluctance to organise their life and settle in their host country. Feelings of precarity are amplified by wider circulating discourses that perpetuate negative perceptions of those seeking asylum in the UK.

*Waiting for an asylum status*

A powerful theme that emerged from our discussions with stakeholders is the impact of the time lapse between applying for refugee status and receiving one. A 2021 Refugee Council report addresses the delays in the UK asylum system and the resulting impact on the mental health and wellbeing of people who are effectively living in limbo, amidst high anxiety and uncertainty, for months or years on end whilst they await a decision on their case (Refugee Council, 2021, p.14). Their data shows that the backlog for children (including unaccompanied children) awaiting a decision is even greater, with waiting times constituting a significant proportion of a child's life (Refugee Council, 2021, p. 9-10).

The time of uncertainty connected to waiting for an asylum status is a challenging time for a child, with hope and dread combined (Kohli and Kaukko, 2018; Allsopp et al., 2015). This experience can be conceived by asylum-seeking minors as 'half-lives' (Brighter Futures, 2013, p. 15) when they struggle to find an anchor in their new place and feel trapped and reluctant to inhabit their daily routines. These 'somewhere, nowhere' circumstances (Kohli and Kaukko, 2018) may lead to self-neglect and self-corrosion. Children tend to adopt different strategies that entail 'either growing up safely or moving out towards more danger' (p. 489).

Stakeholders expressed particular concern over some asylum-seeking children's loss of interest towards education because its value remains unclear amidst risks of being denied refugee status. It shows how the feeling of being 'stuck' in relation to asylum status can result in a decreased ability to make a transition from childhood to adulthood (McEvoy-Levy, 2014).

*The impact of (media) discourse*

Stakeholders acknowledged how wider discourses on migration, particularly circulating negative perceptions of those seeking asylum in the UK, intersect with the journey of unaccompanied children. Research shows how dominant narratives around 'good' and 'bad' immigrants have contributed to the emergence of a 'culture of disbelief' (Crawley, 2010) with opposing portrayals of an 'ideal victim' (Christie, 1986) worthy of protection vis-à-vis a 'deviant other' who must be controlled (Rigby et al. 2021; also see Boyle et al., 2022). It should be noted that negative media depictions are not unique to the UK, as other western countries that host unaccompanied children also feature unrealistic and distorted images of vulnerable children that clash with everyday life (e.g., Hirvonen, 2013).

Stakeholders interviewed regarded media discourses as problematic and damaging to how young people were perceived. Although media discourses on the 'deserving' versus 'underserving' asylum-seekers are sometimes less harsh when dealing with children, especially unaccompanied ones (Rigby et al. 2021; Crawley, 2010), the way media outlets often reinforce discourses of vulnerability and dependence with sad and touching pictures of unaccompanied children creates a universalised, yet idealised and unrealistic image of childhood consumed by western media users (Rigby et al., 2021). As a result, when unaccompanied children first started to arrive in the UK as part of the Dubs Amendment,[10] their appearance clashed with media representations rooted in the public image. Particularly for boys, whose bodily markers of gender and race clashed with perceived notions of innocence, vulnerability and childness, this undermined their status as 'deserving' of protection and care (McLaughlin, 2018, p. 1758; Rigby et al., 2021).

It was reported that the engagement of young people with these media portrayals varied depending on their level of proficiency in English. Some young people, however, were acutely aware of the negative depictions of migrants and would from time to time discuss this. Young people articulated specific fears around deportation, particularly in relation to the Rwanda plan. The discussions with stakeholders around digital media highlighted how unaccompanied children and young people have to constantly filter information from various sources and the inherent difficulties in discerning the 'truth' in the things that they hear and read.

## 7.  Final Remarks & Next Steps

*Figure 7.1* summarises the key insights we gained from our stakeholder discussions.

A perennial feature of all our discussions with stakeholders were the overarching challenges of the asylum process, as well as barriers associated with available funding to provide services. Stakeholders raised UK government immigration and asylum policies, such as the Rwanda Plan and the use of hotels for accommodation, as having a significant impact on their work. It also became evident in these discussions that budgets were constrained for almost all services, with significant implications for children and young people. These broad issues relating to the UK Home Office 'hostile environment' and fiscal austerity were a common challenge to all stakeholders working with unaccompanied children and formed the backdrop of our discussions.

Despite the diverse array of challenges presented in working with unaccompanied children, numerous examples of good practice were cited and shared. Stakeholders felt encouraged by the networking and engagement done in areas which were newly receiving unaccompanied children. For example, some professionals reached out for guidance and support to more established asylum social work teams and a range of charitable organisations. Existing professional networks also enabled the spread of good practice and insight into requirements for UASC.

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[10] You can read more about the Dubs Amendment here: https://www.gov.uk/government/publications/policy-statement-section-67-of-the-immigration-act-2016/factsheet-section-67-of-the-immigration-act-2016

## Limitations and next steps

International human rights law protects the rights to asylum, education and leisure/ right to a cultural life, and recognises that certain groups will require additional protection and support for these rights to be upheld. Although immigration is an area of reserved law in Westminster and thus outside the scope of Scottish parliament, the new human rights framework in Scotland, which will give effect to international human rights and equality protections, needs to take account of the needs of unaccompanied children to secure their rights to education and cultural life.

Taking this briefing paper as a point of departure, the research team is developing a funding bid to further explore the research questions that have arisen in the course of this scoping project.

## Acknowledgements

## Citation

Camps, D., Morozova, D., and Taylor, K. (2023). *Unaccompanied asylum-seeking children in Scotland: A scoping exercise to understand how separated children access education and participate in leisure.* University of Glasgow. https://doi.org/10.36399/gla.pubs.304970.

*Figure 7.1: Insights from discussions with stakeholders*

## INSIGHTS FROM DISCUSSIONS WITH STAKEHOLDERS

- In common with other literature on the topic, young people's treatment is **determinate upon their immigration status.** Long delays in garnering refugee status leaves unaccompanied children in a state of limbo, increasing feelings of anxiety and vulnerability. The concept of 'slow violence, attributed to Rob Nixon's (2013) work in relation to environmental threats and degradation, is also an apt description of the ways in which delays in asylum decision-making harness time as a strategic and violent weapon, with dire impacts on unaccompanied children (Stalford, 2023)

- **Competing conceptions of childhood** in relation to the legal status of unaccompanied children complicate the day-to-day service provision and impact on the ability for unaccompanied children to adapt to life in Scotland.

- **Negative (media) discourses** exacerbate divisions that categorise migrants as 'deserving' or 'undeserving' of protection. Unaccompanied children located at the intersection of age, race, ethnicity and gender are at risk of being treated with suspicion because they do not comply with media created images of the vulnerable and dependent child (Rigby et al., 2019; Wells, 2011).

- Significant pressure on services, due to changes to the **National Transfer Scheme** and **funding constraints** pose substantial challenges to providing adequate and consistent services to unaccompanied children. Stakeholders assert that there is **a need to share good practice** for all services working with unaccompanied children across Scotland as increasing numbers of young people arrive in Scotland under the National Transfer Scheme.

- There is need to **audit the educational provision** for unaccompanied children across Scotland to gain an understanding of how to offer consistent educational experiences for young people. Links between Further Education (FE) colleges and schools in relation to programmes for unaccompanied children should be strengthened to **ensure consistency and progression**.

- **A lack of choice** in education **presents barriers to independence and adaptation** for young people. Stakeholders emphasised that services should strive to **create trusting relationships** with young people. Where possible, young people should be consulted about their education and the additional support services they receive. The notion of **denied agency** was a recurring theme across the discussions.

- The **benefit of leisure, recreation and culture** is generally **underestimated** in the adaptation process of unaccompanied children. Stakeholders recognise that recreation is an important element in UASC's lives, it offers **opportunities to help young people make sense of their lives in a new country**. Further research on gender distinctions in leisure provisions would be helpful.

- Those offering leisure services to UASC should be supported to become familiar with working with young people who have experienced complex forms of trauma. Stakeholders emphasised **the importance of building trust and trauma informed approaches**. They suggested accompanying young people to different clubs or activities for the first time to introduce them to facilitators. Stakeholders also advised training and communication with facilitators in advance of sessions to best ensure unaccompanied children would be welcomed and facilitators felt supported in their role. It was recognised that in more rural locations this could be a challenge, yet there was evidence of some successes.

- Stakeholders suggested mapping recreation opportunities for UASC to **sign post available services outside of urban areas**.

- **Adequate funding is required** to ensure equitable service provisions across Scotland.

- Given the range of challenges around unaccompanied children related to trauma, awareness of entitlements and gaps in the provision of key services, there was general agreement amongst stakeholders that **training and good practice sharing would be of value to services across Scotland**.

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