

asylum process

tips on accompanying a young person to a meeting or interview

There are a number of things you can do to help a young person who has a meeting with their legal representative or a Home Office interview.

Preparing for a meeting or interview

- Plan the visit in advance. Prepare the young person by explaining what the procedure will be and the types of questions they will be asked. Call the Panel of Advisers for advice on this (see **contact details**; also see the **further reading** section for details on the ILPA publication *Working with Children and Young People Subject to Immigration Control*).
- An unaccompanied child must have a responsible adult present at a Home Office interview so that they can ensure that during the interview process their wellbeing and welfare is considered.
- If you are taking on the position of 'responsible adult' in an asylum interview (see below for details), discuss with the young person what your role is and find out what support they might like from you during the meeting.
- The young person needs to understand that the responsible adult will be party to all the information discussed in the interview (i.e. evidence relating to their application). The child must be comfortable with that and the adult must be prepared to hear potentially highly distressing information. The child should be consulted about who attends the interview as the responsible adult.
- Explain the different roles and responsibilities of professionals that young people may encounter through the asylum process. For example, explain that the legal representative is independent of the Home Office and explain the role of the Panel of Advisers and social workers.
- Inform the legal representative or Home Office of any particular requirements regarding the interpreter for the meeting. When possible, interpreters should be skilled and trained in interpreting for children, and you can ask that the interpreter has a Diploma in Public Service Interpreting (DPSI) with a specialism in legal interpreting. Find out if the young person has a gender preference for their interpreter and/or interviewer and inform the legal representative or Home Office of this in advance.

Who can be a responsible adult?

The Home Office outlines that a responsible adult should be present in an asylum interview to facilitate communication. Their view is that a responsible adult will usually be a social worker or other member of staff of a local authority or voluntary sector organisation, a legal guardian, or a foster

carer. The Home Office clearly states that a responsible adult cannot be an immigration officer, an officer of the Secretary of State or a police officer.

Given that the legal representative has an important legal role to play in an asylum interview, the legal representative should not take on the role of the responsible adult. Another adult is a more appropriate person to take on the role. This is not to detract from the responsible role that the legal representative should take in ensuring that the well-being of the young person is taken into account in all encounters with their legal representative and the Home Office.

The role of a responsible adult

ILPA provides best practice guidelines (see **further reading**) on the role of a responsible adult and provides details of the main role of a responsible adult at an immigration interview, which is to:

- ensure that the young person understands the interview process and the purpose of the interview
- be present at the interview with the Home Office to ensure that the young person is not unduly inhibited or alarmed by the interview process
- give moral support and reassurance as necessary
- facilitate communication between the young person and the interviewer where necessary
- ensure that the young person's welfare needs are sufficiently provided for, with adequate breaks, refreshments, etc.
- offer any additional information to the interviewer that may have a bearing on the young person's application, emotional wellbeing, mental health and fitness for interview
- ensure that the interviewer is made aware if the young person is becoming distressed or tired and a break is required, or the interview should be curtailed
- verify the competence of the interpreter: at the interview ask the young person how they feel about the interpretation and if they are not happy with it then advocate for another interpreter to be brought in
- The responsible adult is not allowed to ask questions themselves of the child.

At a meeting with a legal representative

It is good practice for a young person's carer, or other adult who the young person wishes to invite, to be present at meetings with their legal representative. After the child's first meeting with their legal representative, allow them to decide who they may want present at the meetings. Some children may feel intimidated by the presence of a number of adults in the room whilst going through their statement and/or history. It is important to consider the wishes and feelings of the child. If the child would like their carer or other adult to attend the meetings with them the role of this person at a meeting with a legal representative would include all of the points set out above under the role of a responsible adult, while the following tips should also be borne in mind:

- A good rapport between the legal representative and the accompanying adult will help set a child at ease (on the other hand, your presence should not inhibit the development of a good rapport between the child and their legal representative).
- Be aware that a legal representative will have to ask difficult questions that may be distressing to their client – be prepared to offer support to the young person in such circumstances.
- Do not answer questions on a young person's behalf. However, if you have knowledge of the child's experiences it may be appropriate to suggest lines of enquiry to the representative. Agree this in advance with the young person when you plan for the meeting. Adults need to take care not to exclude the child – for example, through having conversations with each other either with the child present or in their absence (before or after interviews).
- If the child has sensitive information to recount, for example, about abuse in their country of origin, it may be appropriate for you to offer to leave the meeting temporarily. Discuss this with the young person when you plan the meeting.
- The legal representative may ask you to leave the meeting. In this situation, the representative should explain why they are asking you to leave the room and the child be asked if they are happy for you to leave.
- If you have a concern regarding the quality of the advice being given, you should ask the client for permission to remain with them throughout the meeting.

endnotes

1. See Office of the Immigration Services Commissioner website <http://oisc.homeoffice.gov.uk/>
2. UKVI replaced the UK Border Agency (UKBA) in April 2013. The UKBA previously was called the Border and Immigration Agency, and before that the Immigration and Nationality Directorate.
3. Home Office, Asylum Process Guidance, *Processing Children's Asylum Claims*, available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/537010/Processing-children_s-asylum-claims-v1.pdf
4. Home Office, Asylum Process Guidance, *Processing Children's Asylum Claims* (see link above), p. 26
5. Home Office, Asylum Process Guidance, *Processing Children's Asylum Claims* (see link above), p. 26
6. Home Office, Asylum Process Guidance, *Processing Children's Asylum Claims* (see link above), p. 26
7. Home Office, Asylum Process Guidance, *Processing Children's Asylum Claims* (see link above), p. 25
8. Home Office, Asylum Process Guidance, *Processing Children's Asylum Claims* (see link above), p. 26
9. Home Office, Asylum Process Guidance, *Processing Children's Asylum Claims* (see link above), p. 26
10. Home Office, Asylum Process Guidance, *Processing Children's Asylum Claims* (see link above), p. 16
11. Immigration Rules para 352ZA
12. Refugee Council, Children's Services, available at: http://www.refugeecouncil.org.uk/what_we_do/childrens_services
13. Regulation 2, The Civil Legal Aid (Immigration Interviews) (Exceptions) Regulations 2012, available at: <http://www.legislation.gov.uk/uksi/2012/2683/regulation/2/made>
14. Section 9, Legal Aid Agency, Guide to Determining Financial Eligibility for Controlled Work and Family Mediation April 2015 v1 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/420970/laa-determine-controlled-work-mediation.pdf
15. ILPA, *Working with Refugee Children*, 2011, p. 149
16. For further information, please see the CCLC fact sheet on exceptional case funding, available at http://www.childrenslegalcentre.com/index.php?page=mcp_factsheets_finding_a_lawyer
17. Home Office, Asylum Process Guidance, *Processing Children's Asylum Claims* (see link above), p. 33
18. Home Office, Asylum Process Guidance, *Processing Children's Asylum Claims* (see link above), p. 36
19. Home Office, Asylum Process Guidance, *Processing Children's Asylum Claims* (see link above), p. 59
20. 54.7A, Civil Procedure Rules
21. Home Office, Asylum Policy Bulletin 28 – Providing travelling expenses and reimbursing essential travel costs, available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/257508/pb28.pdf
22. Dublin III Regulation, available at: [http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A41997A0819\(01\)](http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A41997A0819(01))
23. Section 33 and Schedule 3, Asylum and Immigration (Treatment of Claimants etc) Act 2004
24. *The Lord Chancellor v Detention Action* [2015] EWCA Civ 840, available at: <http://www.bailii.org/ew/cases/EWCA/Civ/2015/840.html>