



**Consultation on the statutory guidance under s.57 of the Borders, Citizenship and Immigration Act regarding *Arrangements to safeguard and promote the welfare of children for those exercising UK Border Agency functions.***

**Response from Asylum Aid**

Summary

We are very concerned that the wording in the *UKBA Code of Practice for keeping children safe from harm* has been watered down. On page 20 of the draft working document for statutory guidance, Section 6, Para 2 reads: "UK Border Agency staff SHOULD SEEK TO ensure that arrangements are in place so that parents are not required to give an account of personal victimisation or humiliation ...if their children are present". In the *Code of Practice* the wording is "MUST ensure". The original commitment would seem to have been reduced.

Campaign for childcare during asylum interviews

Asylum Aid has run the Refugee Women's Resource Project since 2000. Since 2007 we have been coordinating a campaign for childcare during asylum interviews which now comes under the *Charter of rights of women seeking asylum*. We raised the issue of childcare during asylum interviews during the consultation on the *UKBA Code of Practice on keeping children safe from harm*.

For example, we noted:

"We are very concerned about issues about childcare. The speed of the process means that people do not have good enough contacts to ask friends to look after their children during interviews and the children are not at school. We regard this as a major flaw in the system because the disadvantages are heaped on women, particularly single mothers." (*Refugee Council, Asylum seekers' experiences of the New Asylum Model: Findings from a survey with clients at Refugee Council One Stop Services, January 2008* page 17)

The Refugee Council report includes childcare as one of its five main areas of concern and recommends:

"Childcare should be provided by UKBA as standard for when clients attend the substantive interview." (page 1)

Following the launch of the childcare campaign three UKBA regional offices are now providing childcare: Cardiff, Glasgow and Leeds. Discussions are ongoing in London, the West Midlands and the North West. The amount of lobbying being undertaken on this issue across the UK demonstrates the strength of concern of asylum seeking women and those working with them.

We have welcomed the response that UKBA has forwarded to the Government Equalities Office regarding the relevant recommendations made by the UN CEDAW Committee which states:

As part of its efforts to ensure that women asylum seekers are not discriminated against in the making of asylum claims, each UKBA regional office has its own arrangements in place to enable women asylum seekers with dependent children and no alternative childcare arrangements to attend asylum interviews without having to bring their children with them. This is also for the protection of the children, to ensure that they do not have to listen to distressing information about the ill-treatment of a parent. Arrangements can include rescheduling the asylum interview date to accommodate childcare arrangements, or the provision of childcare provision at or near UKBA premises where this is safe and sensible.

Despite this, it has taken two and a half years to persuade fewer than half the UKBA regional offices to provide childcare during asylum interviews. We and the 150 organisations that have endorsed the Charter are committed to continue to lobby for this.

We therefore believe that the statutory guidance under s57 of the Borders and Immigration Act needs to maintain the standard provided by the Code of Practice.

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