

## Organisations that can help you:

**Your social worker and your foster carer (if you have one)**

**Welsh Refugee Council**  
[welshrefugeecouncil.org.uk](http://welshrefugeecouncil.org.uk)  
029 20489 800

**TGP Cymru**  
[www.trosgynnal.org.uk](http://www.trosgynnal.org.uk)  
029 2039 6974

**National Youth Advocacy Service**  
[www.nyas.net/services/our-services-in-wales](http://www.nyas.net/services/our-services-in-wales)  
0808 808 1001

**Ethnic Youth Support Team (EYST)**  
[eyst.org.uk](http://eyst.org.uk)  
01792 466980/1

**Cardiff City of Sanctuary**  
[cardiff.cityofsanctuary.org](http://cardiff.cityofsanctuary.org)  
029 2048 2478

**Swansea City of Sanctuary**  
[swansea.cityofsanctuary.org](http://swansea.cityofsanctuary.org)  
07496 172895

**Children's Commissioner for Wales**  
[www.childcomwales.org.uk](http://www.childcomwales.org.uk)  
0808 801 1000

**Remember that the police in Wales are here to help you. Don't be afraid to contact them. If it is an emergency, call 999. Otherwise, you can call 101 to speak to the police.**

## Other guides in this series:

- ▶ **Child First – A Guide to Rights and Entitlements for Unaccompanied Asylum Seeking Children**
- ▶ **Child First – A Guide to Being Looked After for Unaccompanied Asylum Seeking Children**

Find out more about children's rights and the law as it affects children in Wales on the Children's Legal Centre Wales Website  
[www.childrenslegalcentre.wales](http://www.childrenslegalcentre.wales)

✉ [childrenslegalcentre@swansea.ac.uk](mailto:childrenslegalcentre@swansea.ac.uk)  
☎ 01792 295399  
🐦 @ChildLegalWales

  
**Swansea University**  
Prifysgol Abertawe  
Hillary Rodham Clinton  
School of Law | Ysgol y Gyfraith

  
**Llywodraeth Cymru**  
Welsh Government

# Child first

A Guide to Applying to Stay  
in Wales for Unaccompanied  
Asylum Seeking Children

Information about claiming  
asylum and staying in  
Wales without your family  
if you're under 18

This is one  
of three guides  
designed to help you.  
You should read all  
three of them.

**Canolfan  
Gyfreithiol  
y Plant**  
**Children's  
Legal  
Centre**



# Wales is part of the UK. Your right to stay in Wales depends on the UK's immigration rules.

## My rights through the Immigration and Age Assessment processes

If you are under 18, you are treated 'as a child', and in accordance with the United Nations Convention on the Rights of the Child (UNCRC). This means:

- ▶ Decisions taken by adults about you should always be made in your best interests
- ▶ Your views should be listened to and taken into account when decisions are made
- ▶ Your language, culture and religion should be respected
- ▶ You should be kept safe from harm
- ▶ You shouldn't be detained

If **immigration officials** or the **local authority**, also known as the **council**, think you look a lot older than 17, you may have to have an 'age assessment'.

A decision that is 'in your best interests' is a decision taken by adults which takes into account all the relevant circumstances, including your views. It may not always be the decision you want.

## Applying to stay in the UK

You can **claim asylum** in the UK if you've left your own country because you were treated unfairly or cruelly for a reason including your race, your religion, your nationality, belonging to a particular social group or holding a political opinion (or you're scared that you will be treated unfairly or cruelly for one of these reasons). 'A particular social group' could include child soldiers or trafficked children.

- ▶ You need to make your **asylum claim** as soon as possible after you arrive in the UK. You may need to make an appointment with United Kingdom Visas and Immigration (UKVI), the UK's immigration service, to do this – your social worker can help you with this.
- ▶ You will need legal advice to help with your claim. Your **local authority** (the organisation which will be looking after you where you live in Wales) should make sure you receive this.
- ▶ A translator or interpreter should be available, if you need one, for any interviews you have to attend so you can understand what's happening and make sure you are understood.
- ▶ If your asylum claim is successful, you will be given **refugee** status and can stay in the UK. After 5 years, this is reviewed. You can apply for indefinite leave to remain in the UK at this point.
- ▶ If your claim for asylum is unsuccessful you may be given '**humanitarian protection**'. You can usually stay in the UK for up to **5 years**. You can then apply for **indefinite leave to remain** in the UK.
- ▶ In some circumstances, if you came to the UK from somewhere else in the EU under s.67 of the Immigration Act and you are not granted asylum, you may get **s.67 leave** which means you will be able to stay in the UK for 5 years, receive financial support from the UK Government and access public services

during that time. After 5 years you will be able to apply for Indefinite Leave to Remain in the UK but there is no guarantee you will receive this.

- ▶ If you aren't given asylum or humanitarian protection, and are not entitled to s.67 leave, you will get **Unaccompanied Asylum Seeker (UASC) leave to remain**. You can usually stay in Wales/ the UK for **30 months** or until you are **17.5**. You can apply to extend this, if you'd like to stay longer in the UK

If you don't agree with the decision that is made about your application you can appeal. You will be able to get Legal Aid to pay for any legal advice you need about your immigration status.

## If I can't stay in the UK

The process of applying for asylum can take a long time and it might be decided that you cannot stay in the UK. The UK Government has to consider its own rules about returning people to countries that it judges to be unsafe. Your lawyer will advise you. If you do have to return home, travel arrangements will be made by the UK Government.

## Applying to stay for longer

If you want to apply for **indefinite leave to remain** in the UK, OR want to extend your leave to remain in the UK, you must make your application **before** your existing leave runs out.

## My family

- ▶ If you have been granted refugee status and can stay in the UK, there are very limited situations where you can apply for parents and siblings to join you, but it is very unlikely that they will be able to. Your lawyer will advise you. If you've come to Wales but your parents are in another EU country, the authorities may decide that it is in your best interests for you to be reunited with your family in that other country.
- ▶ If you have come to the UK to join family members here, you will still need to sort out your immigration status. Your lawyer will advise you.

## Age assessment

If the authorities think you look older (or younger) than the age you say you are, you may have to have an **age assessment**.

You will be asked lots of questions – some may be quite personal and will cover lots of things to try and establish your age. You can have an adult that you trust with you through this process to make sure your rights are respected. You'll be asked if you have any documents with you that confirm who you are and your age.

You should be treated as a child until the decision is made about your age.

- ▶ If the decision is that you are under 18, you will continue to be treated as a child
- ▶ If the decision is that you are 18 or older, you will be treated as an adult and a different asylum system applies.

