

Background:

MA is a 17 year old syrian asylum seeker who has been living in the UK since 14. As it will soon be his 18th birthday, the court is deciding on whether he is to return to his own country, as he is not a British citizen. There is still currently a war being fought in Syria, and it could be considered unsafe for MA to return. I am in the role of the defence, and will be arguing against the deportation of MA to his home country.

Preparation for Court Proceedings Day 1:

The morality of deciding to send a boy who has been living in the UK for so long can be brought into question, as living in an entirely different culture will make the country that he returns to seem alien. This could cause problems with MA assimilating into Syrian society and following syrian laws, as they are rather different to the laws of the UK.

An article from the independent also says that young people who return to their home country after living for significant time in the UK could be in danger, as “their British links make them targets for extremists.”¹ It would be extremely unethical to send young people into these conditions against their will when there is still the option of granting them citizenship.

Placing young people into these conditions is also a violation of the UNCRC as Article 3 Section 1 states that “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.”² If MA is deported then his best interests are not being considered by the court. Article 3 Section 2 also says “Parties undertake to ensure the child such protection and care as is necessary for his or her well-being.”³ To deport young people to dangerous countries is not providing protection for their well-being and is in fact the opposite.

¹ Tom Barnes, *Hundreds of children seeking refuge in UK deported to ‘unsafe’ countries at age 18* (2019) <<https://www.independent.co.uk/news/uk/home-news/asylum-seekers-children-uk-iraq-afghanistan-somalia-home-office-a8853866.html>> [accessed 21 April 2020].

² UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p.3 -, available at: https://downloads.unicef.org.uk/wp-content/uploads/2010/05/UNCRC_united_nations_convention_on_the_rights_of_the_child.pdf?_ga=2.132796686.101781246.1585312067-27070926.1585312067 [accessed 27 March 2020]

³ UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p.3 -, available at: https://downloads.unicef.org.uk/wp-content/uploads/2010/05/UNCRC_united_nations_convention_on_the_rights_of_the_child.pdf?_ga=2.132796686.101781246.1585312067-27070926.1585312067 [accessed 27 March 2020]

Preparation for Court Proceedings Day 2:

I looked at how often asylum requests are accepted in the UK, and I found an article published by the BBC in January 2020, which uses information sourced from the Home Office which claims “while at least 1,890 foreigners reached British shores in small boats last year, the Home Office says only about 125 were returned to European countries during the same period.”⁴ This large number of asylum requests being granted should mean that MA should not be sent back, as he is underage and could face danger in his home country. If 6 percent of asylum requests from asylum seekers arriving in small boats are granted, then surely MA is just as deserving.

Most of these asylum requests are from immigrants from Iran, where they face oppression and were forced to flee, which is also the case in much of Syria. If the oppression that adult Iranians face is sufficient to allow them asylum in the UK then surely a 17 year old who faces a similar situation back home should receive the same privilege that is given to other immigrants. We should again remember that MA is still only 17, and while this case is for when he turns 18, he will still be tried at 17. This means that he is still in fact subject to the UNCRC article 1 which states that “For the purposes of the present Convention, a child means every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier.”⁵

Preparation for Court Proceedings Day 3:

Another UNCRC article is related this case, which is Article 22 Section 1, which states “Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.”⁶ This is relevant because as MA is a refugee in the country, it is important to prove that he is entitled to the rights set forth by the UNCRC, as multiple arguments used require that he is subject to these rights.

⁴ William McLennan, *Are migrants who cross the Channel sent back?* (2020) <<https://www.bbc.co.uk/news/uk-england-50813246>> [accessed 21 April 2020].

⁵ UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p.3 -, available at: https://downloads.unicef.org.uk/wp-content/uploads/2010/05/UNCRC_united_nations_convention_on_the_rights_of_the_child.pdf?_ga=2.132796686.101781246.1585312067-27070926.1585312067 [accessed 27 March 2020]

⁶ UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, vol. 1577, p.6 -, available at: https://downloads.unicef.org.uk/wp-content/uploads/2010/05/UNCRC_united_nations_convention_on_the_rights_of_the_child.pdf?_ga=2.132796686.101781246.1585312067-27070926.1585312067 [accessed 27 March 2020]

Preparation for Court Proceedings Day 4:

I visited the GOV.UK to see what entitles a refugee to claim asylum in the UK, and found that they must fit one of 5 criteria, one of which is “anything else that puts you at risk because of the social, cultural, religious or political situation in your country.”⁷ This applies to MA as he would be in danger because he lived in the UK, which can make him a target for extremist groups in his home country.

Based on the criteria set forth by the UK government, MA has a strong case for being provided asylum within this country as he would likely face social and cultural persecution by extremists because of his time spent in the UK and lack of knowledge of the social customs of Syria as he has been living in the UK for so long.

Conclusion

My argument defending MA will rely a lot on the ethical implications of the decision of the court regarding the safety and wellbeing of MA, though I will also be using the UNCRC to back up these ethical implications with the duty of the government to uphold these standards of care towards children.

Articles 1, 3, and 22 of the UNCRC will be used to support the argument that the government has a duty of care to provide asylum for MA, as they grant MA protection by the government, and the country that he would be sent is potentially dangerous for him to return to.

The ethical arguments will be used as I believe that the immigration laws in the UK in regards to children are rather far removed from morality, which is proven by the fact that this case is even deemed necessary in the first place. The court also must take the UNCRC articles into consideration as violating them would be violating agreements with the United Nations.

⁷ GOV.UK, *Claim asylum in the UK* (NA) <<https://www.gov.uk/claim-asylum/eligibility>> [accessed 25 April 2020].

Bibliography

Tom Barnes, *Hundreds of children seeking refuge in UK deported to 'unsafe' countries at age 18* (2019) <<https://www.independent.co.uk/news/uk/home-news/asylum-seekers-children-uk-iraq-afghanistan-somalia-home-office-a8853866.html>> [accessed 21 April 2020].

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