



Afghan boy launches UK legal challenge against refugee policy

Teenager argues Home Office applied unfair selection criteria after Calais camp closed

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A 16-year-old Afghan boy is challenging the government's refusal to allow him to seek sanctuary in the UK in a case that could give hope to thousands of other child asylum seekers across Europe.

The boy, known as ZS, was living in the [Calais](#) refugee camp when the French authorities cleared it in October 2016 and he applied unsuccessfully to be brought to the UK under section 67 of the immigration act, known as the Dubs amendment. It is the first time an lone child asylum seeker has issued a challenge of this kind against the home secretary.

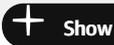
The boy, who has been diagnosed with post-traumatic stress disorder and attempted suicide three times, has been trying to reach the UK since he fled [Afghanistan](#) three years ago. His father assisted western interests and as a result he was abducted and his son was shot.

The boy is arguing in the high court challenge that guidance about children in Calais issued by the home secretary applied unlawful criteria, and that unfair procedures were adopted when the Home Office was deciding which children could come to the UK. If the case succeeds it could have implications for thousands of other child asylum seekers hoping to reach the UK under the Dubs amendment.

The Home Office is arguing that it acted lawfully and difficult decisions had to be made about which children to accept. Nine teams, each consisting of 10-12 Home Office staff, interviewed 1,872 children in 73 different areas of France after the Calais camp was closed.

Q&A

The Calais camp explained



Representing the boy, Sonali Naik QC said: “What we are concerned with is the lawfulness of the secretary of state’s implementation of section 67 [of the immigration act].”

Unaccompanied child refugees’ suffering on route to Europe laid bare

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The boy’s solicitor, Krisha Prathepan, of Duncan Lewis, said: “ZS remains deeply anxious and unsettled over a year since this case was issued. He is clear that his only hope is to come to the UK so that he can begin to rebuild his shattered life.

“By ignoring her statutory obligations under the Dubs amendment, the home secretary has not only failed ZS, but thousands of other unaccompanied refugee children who remain on mainland Europe, many living without shelter in these freezing conditions and at risk of exploitation.

“We hope this challenge will force the UK government to carry out its moral and legal duties towards these children.”

Last month Home Office officials agreed to extend an [eligibility deadline](#) so that refugee children arriving in Europe before 18 January 2018 could be considered under the Dubs amendment. Under the scheme, launched in 2016, the government agreed to offer a safe and legal route to refugee children travelling alone.

Previously, children had to have arrived in [Europe](#) before March 2016 to be considered. This made large numbers of young people who had arrived more recently ineligible.

Deal with France ‘could bring hundreds more child refugees to UK’

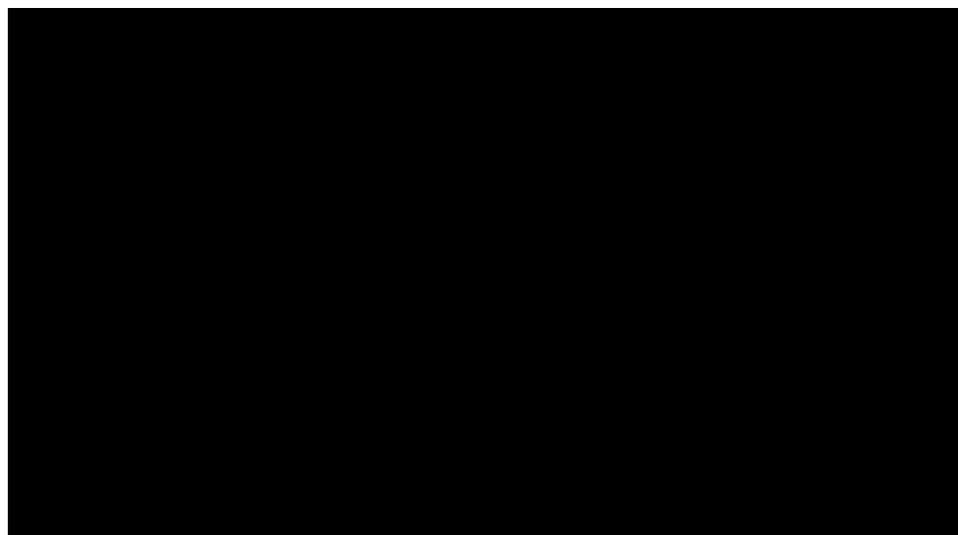
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A Home Office spokesman declined to comment on whether any vulnerable child asylum seekers had been brought to the UK from France, Italy or Greece since the guidance was updated last month.

“We cannot provide a running commentary on how many new children have arrived since January,” the spokesman said.

The charity [Help Refugees](#) has been granted permission by the court of appeal to challenge the government’s decision to limit the number of spaces available under the scheme to 480, arguing that this number does not represent the UK’s share of the estimated 90,000 unaccompanied child refugees in Europe.

The hearing is scheduled to last two days and judgment is likely to be reserved.



[▲ What is the Dubs amendment? - video explainer](#)