

<b>Institution:</b> Goldsmiths, University of London		
<b>Unit of Assessment:</b> 34, Communication, Cultural and Media Studies, Library and Information Management		
<b>Title of case study:</b> Establishing and advocating for the rights of (lone child) asylum-seekers in the Refugee Crisis, using film as both a medium of affect and as evidence for legal challenge		
<b>Period when the underpinning research was undertaken:</b> 2014 - 2020		
<b>Details of staff conducting the underpinning research from the submitting unit:</b>		
<b>Name(s):</b> Sue Clayton	<b>Role(s) (e.g. job title):</b> Professor of Film and Television	<b>Period(s) employed by submitting HEI:</b> 2014-now
<b>Period when the claimed impact occurred:</b> 2014-2020		
<b>Is this case study continued from a case study submitted in 2014?</b> N		
<b>1. Summary of the impact</b>  <p>After the closure of the Calais Jungle camp in 2016, 2000 migrant children were abandoned despite having claims to UK Protection. Clayton's first-hand research in the Jungle, documentary film, <i>Calais Children: A Case to Answer</i> (UK, 2017), book and 2 ESRC/DFID-funded research projects has played a key role in exposing the reality of the current refugee crisis in Europe, especially for minors. <i>Calais Children</i> has generated Parliamentary debate, 10 items on ITV and Channel 4 News and a public engagement campaign with over 280 events in 8 countries. On Clayton's advice, legal firm Duncan Lewis accepted 37 vulnerable minors as <i>pro bono</i> clients and challenged the Home Office by Judicial Review (<i>ZS vs the Secretary of State</i> 2018). <i>Calais Children</i> was screened as part of the case providing incontrovertible evidence of Home Office failures to act within the law.</p>		
<b>2. Underpinning research</b>  <p>Clayton has worked for 19 years on <b>unaccompanied asylum-seeking children (UASC)</b>. Her research has two distinct but related streams, which together provide evidentiary support for abuses against these children. Her findings are based on her long-established research method of working inside their communities and networks and using grounded research techniques when interviewing and filming:</p> <ul style="list-style-type: none"> <li>- <b>The UASC experience:</b> Understanding the subjective experience of migrancy and developing the use of film as a way of encouraging UASC to express their histories and challenges. The film medium, and the relationship of trust built up over longitudinal film projects, allows for more complex and nuanced forms of representation. This frequently provides evidence that counters the more punitive, technocratic type of information gathered on UASC employed by state actors.</li> <li>- <b>Addressing human rights issues:</b> The above research led Clayton to investigate the legal precarity of UASC both while travelling to places of safety, and when residing in host countries with no guaranteed long-term citizen rights. As a result, Clayton twice brought challenges to Government policy and practice in the upper courts, working extensively with legal professionals, Parliamentarians and NGOs.</li> </ul> <p>Her success is founded on her ability to negotiate access to situations where abuse or breaches of the law are uniquely evidenced and filmed. Through these qualitative research methods, she is also able to provide important cultural contexts for understanding UASC behaviour, for instance notions of identity inflected by gender, nationality and ethnicity.</p> <p><b>Origins of the research</b>          From 2003, Clayton explored the use of participatory video as a means of promoting UASC self-expression and resilience while a consultant with Project Phakama theatre. She pioneered the use of participatory and witness-based filmmaking in UASC trauma therapy at London's world-leading Tavistock Clinic and published her findings with the team's senior clinician (Clayton and Hughes, 2011). When an Afghan UASC was deported back to Afghanistan, Clayton and he together made the film <i>Hamedullah: The Road Home</i> (2011) providing unique filmed evidence of the suffering such a young person faced on return to a war-zone. The film was widely requested by legal advocates to argue in Immigration courts against returning other turned-18 UASC to</p>		

unsafe countries. This success advanced her understanding of specific ways in which filmic testimony can offer evidence on points of law with more effect than factual reports or closed-question interviews. She co-hosted the 2012 conference 'Facing the Abyss: Exploring the challenges for separated children seeking asylum' whose findings were requested by the Select Committee on the Welfare of Children and Young People Seeking Asylum (2013). She researched and consulted on a BBC film *Deported to Afghanistan*, as well as taking a consultant role with Channel 4 and ITV news.

### Multi-disciplinary research cluster

Clayton learnt at the conference (2012) that the practical concerns of UASC and their care and legal status in the UK were diffused across practitioners in law, social work, foster care, and refugee and human rights campaigns who were largely unfamiliar with each other's work, or with that of academics researching UASC in social geography, psychology, sociology, media and law. Clayton, with colleagues Gupta and Willis, generated an ESRC-funded research network (*Uncertain Journeys*, 2014-17) which brought together a critical mass of researchers and practitioners in a new cluster to formulate practical initiatives and policy recommendations around, for instance, the treatment of refugee trauma, and legal training and psychological support for foster families [R3]. It also produced concerted critiques of Home Office (HO) practices around age-assessment and HO over-reliance on governmental Country Guidance reports when determining refugee status - all detailed in *Unaccompanied Young Migrants*, the first multi-disciplinary book on UASC in the UK, edited by Clayton, Gupta and Willis [R6].

### Central Case Study: Finding evidence of illegality in Calais Jungle

Clayton undertook research in 2016-17 in the Calais "Jungle" camp where, despite the UK having an official border at Calais, there was no protection or processing for UASC - almost all of whom had a claim to UK protection under the "Dubs Amendment" (Section 67c of the 2016 Immigration Act) or the EU "Dublin 3 Regulation" on family reunification. Her 19-year history of ground-based participatory action research and networking within UASC communities, and the unique trust and access afforded her by this practice helped her identify nearly 300 UASC, which she contributed to a census run by volunteers. Together they identified 2000 lone children in the camp at a time when the UK Home Office refused to even visit, let alone conduct a census. The *Uncertain Journeys* research network she had built enabled her to call on ten lawyers to visit the Jungle and take on as clients, 37 UASC she had identified as having exemplary cases such as persecuted Christian Eritreans, and Afghans with evidence of torture. She also was able to call on colleagues in Social Workers Without Borders to complete all 37 "Best Interests" assessments in situ, as well as access pro bono translators and other professionals needed to support the legal challenge.

Clayton's subsequent film, *Calais Children: A Case to Answer* [R1] provided first-hand evidence that: 1) UK Home Secretary Amber Rudd's claim to Parliament on Oct 24<sup>th</sup> 2016 that "All children are in a place of safety" was false. The film documents the context of the research with the camp on fire, children homeless, starving and in distress amid sewage, vermin and tear-gas attacks with no UK officials on site; 2) the asylum assessments that the Home Office finally conducted in France were done in mere minutes with no evidence considered, no translator present, and no written decision provided: this was reported on camera by UASC and advocates and uncovered as part of the research process and was ruled in the Judicial Review (JR) to be unlawful; 3) The Home Office repeatedly changed its criteria for accepting UASC under the Dubs Amendment, but as confirmed by Clayton's filmed research interviews with the UASC, their lawyers, advocates and French authorities, did not communicate the criteria to these parties (Ruled in the JR to be "failure in Secretary of State's duty of candour" and deemed unlawful).

### 3. References to the research

- R1. Clayton, S (2017) [Calais Children : A Case to Answer](#) (UK, Eastwest Pictures 62 min) [film/video] [Submitted to REF 2]  
 R2. Clayton, S (2013- ) [Big Journeys. Untold Stories](#) [website]  
 R3. Clayton, S, Gupta, A and Willis, K (2014- ) *Uncertain Journeys : Exploring the challenges*

*facing separated children seeking asylum* [website] <<https://www.uncertainjourneys.org.uk/>>

R4. Clayton, S and Hughes, G (2015) 'The use of film and creative media to liberate young refugees and asylum seekers from disempowering identities - a dialogical approach' in *Liberation Practices: Towards Emotional Wellbeing Through Dialogue*, Tavistock Press [article]

R5. Clayton, S Gupta, A and Willis, K (2018) 'Unaccompanied Asylum Seekers: Policy Responses and Research Directions' in Tracey Skelton and Stuart Aitken, eds. *Establishing Geographies of Children and Young People. Conflict, Violence, and Peace*, Springer Singapore, Springer (2016 edition) [book section]

R6. Clayton S, Gupta A and Willis K (eds) (2019) *Unaccompanied Child Migrants: Identity, Care and Justice*, Policy Press [book]

\*All outputs available online/on request

#### 4. Details of the impact

**1. Legal Intervention: Calais Children documentary informs High Court Challenge to governmental policy and practice in relation to UASC, and subsequent proposal of new measures in Parliament.** The Judgment of the 2018 Judicial Review "ZS vs the Secretary of State for the Home Office" resulted in two significant criticisms of Home Office procedure both of which were deemed unlawful; 1) The Home Office had not provided written decisions or justifications to the Calais children they refused, meaning they were unable to appeal the decision; 2) The Home Office failed in its duty of candour and acted unlawfully by failing to communicate the (frequently-changing) Dubs eligibility procedures to the children, their advocates, or the French authorities, so leaving them with no chance to exercise their legal claims. Toufique Hossain, Director of Public Law at Duncan Lewis solicitors, who brought the challenge, said: "We would like to thank you [Prof. Clayton] again for inviting us to the Calais camps to take on ZS's and other cases, and initiating the move to bring this shocking situation as a public law challenge. Your film provided crucial evidence in showing how young people were not properly assessed, and how they and their advocates were left with no clear guidance as to how to apply for protection under UK law. The Judgment we have secured will, we hope, make significant changes in the way the Home Office processes refugee children and will mitigate some of the extreme suffering they have experienced, as they and we continue to pursue justice" [S1].

**Parliamentary Proposal for a Ministry for Refugee Affairs: Calais Children: A Case to Answer** was screened in June 2018 in the House of Lords, chaired by Lord Dubs and with speakers from the Refugee Council and UNHCR, the UN Refugee Agency, and lead barrister in the ZS case. Discussion focussed on widening concern that repeated fallings in Home Office procedure, and its many breaches of international law, rendered the Home Office unfit for purpose. A new proposal was made to advocate for a separate Ministry for Refugee Affairs [S2]. This is potentially the most significant long-reaching impact initiated by the film and the case it brought. Following from this discussion, Lord Roberts of Llandudno led a Lords Debate on Immigration and Asylum in February 2019. He referred at length to Clayton's work as a stimulus to legislation to remove asylum from the Home Office remit: "I refer to a film directed by Professor Sue Clayton of Goldsmiths University. [...] Sue says that "we became increasingly concerned that the procedures they had in place for assessing our children and others were flawed and profoundly inadequate; that the criteria for acceptance were being constantly changed; and these changes not relayed to the applicants, so that many were not able to apply, or their applications discounted. [...] She ends: "Shockingly, after nearly 3 years, only half of the 480 Dubs places have been filled, though the Amendment stressed the agreed number shall be brought 'as soon as possible". It could well be that immigration matters should no longer be a Home Office responsibility but in a department of their own. I have a Bill that I hope will reach the statute book this year.... I do not want to be part of a society that dehumanises people. We should not treat them as citizens of nowhere." Hansard, 14 Feb 2019 [S3].

**2. Change in the consideration of Filmed Material as evidentiary support in asylum law cases.** The Rt Hon. Lord Justice McCloskey as President of the UK's Upper Tribunal, Immigration and Asylum Chamber presided over many cases concerning Home Office policy and practice, particularly concerning unaccompanied children and family reunification. In this

context he encountered Clayton's work. He writes: "I attended a premiere of the Calais film in London. It was also screened, and I spoke, at the Law Society's Belfast Immigration Law conference. [...] Nowadays, the submission of high-quality and reputedly produced filmed material can give a greater insight into the context of refugee situations is something that judges can potentially consider at least as contextual evidence, [...] where they cannot see at first-hand what is occurring, nor take direct evidence from those affected and, [...] cannot be confident that they have received all material evidence. In the prevailing UK/EU context the Calais Children film provides the very evidence Parliament is now seeking, about why particularly UASC were unable to settle in mainland Europe. There is a compelling need for further debate about the issues raised in the film (and) Sue Clayton has made a contribution of incalculable value to ameliorating a continuing international humanitarian crisis of acute proportions" [S4].

**3. Public Engagement of the UK's 'Hostile Environment' policy and the EU's restrictive refugee regime.** The film *Calais Children* was premiered at a legal symposium at the Inns of Court in June 2017 and has screened at over 280 events – including 3 screenings in Parliament (2017-2019), at human rights and refugee events, churches, schools/colleges, pubs and clubs, community centres, Trade Union gatherings, synagogues, refugee camps, legal symposia, professional and volunteer training, in cinemas and at film, music and arts festivals. Clayton has attended over 200 of these. *Calais Children* has been translated into French, Spanish, German and Italian, won 7 international awards and has been screened in Europe, Australia, Asia and America. World TV rights were bought by ARTE [S5].

**Shaping UK schools' curriculum:** *Calais Children* screened at the 2018 National Education Union National Conference and from that, teachers have built material to incorporate into Citizenship national curriculum teaching. Sara Tomlinson, NEU executive, says; "Key stages 3 and 4 ask us to teach pupils about 'the precious liberties enjoyed by the citizens of the United Kingdom' - but our young people need to understand that many who should enjoy these liberties are being excluded by our own government's practices. The film, and Sue's presentations at our schools, has had a profound effect on students, and counters the tabloid narrative of refugees as a threat to our society" [S6].

**Enabling welcoming, integration and solidarity:** *Calais Children* has been adopted by the Cities of Sanctuary movement and screened to their network of 90 groups nationwide to further their goals of integration of refugees in UK. Manchester synagogue events hosted by the Jewish Council for Racial Equality (JCORE) led to further inter-faith screenings in Manchester involving Christian, Jewish and Muslim communities. These led to joint initiatives, for example, the Menorah Synagogue began supporting the Christian organisation Boaz Trust to secure housing for destitute refugees. Clayton promoted further joint action to 800 volunteers at the international Refugee Solidarity Summit 2020.

**Informing opposition to the Hostile Environment and Anti-racism movements:** The organisation Stand Up to Racism has screened *Calais Children* over 40 times nationwide and situated it in relation to other anti-racist campaigns such as Windrush and Justice 4 Grenfell. After one screening, Yvette Williams MBE of Justice 4 Grenfell proposed that J4G take surplus aid raised for Grenfell survivors back to Calais and donate the items in the name of the Grenfell victims. She said "We have suffered too much. We have been turned inward in our grief and been in the dark. It's time we turned our sights to other victims of the hostile environment, others who are suffering, and show ourselves as looking out, and we will support the refugees and volunteers in Calais" [S6].

**Benefitting the volunteer sector in Europe:** Care4Calais, the largest support network in Calais, screens the film when volunteer delegations arrive to distribute aid. C4C Director Claire Moseley says, "When people arrive it's important they understand the context of the Jungle and the issues faced by the young people here, so they can respond in appropriate ways when meeting them. The *Calais Children* film provides this background and gives them ammunition to campaign when back home." The film has been screened by refugee support groups in Paris La

Chapelle (Quartiers Solidaires), Cadiz, Barcelona and Galicia (Apoio das Personas Refuxiadas), Sicily and Southern Italy (Refugees Welcome Italia) [S7].

**4. Promoting first-person filmic testimony of a vulnerable group to promote identity, visibility and belonging; and influencing other organisations in their ethical practice.**

*Calais Children: A Case to Answer* aims to be a model for ethical filmmaking with a highly vulnerable group. Clayton developed an innovative consent document which allows the subject's granting of consent to be done as a dialogue, with options such as the use of the subject's first or family name, biographical information and so on, agreed together. This 'graded permission' practice has been adopted by UNHCR UK and the One World news organisation, as well as the by the Refugee Support Network (RSN) and Somesuch, one of the UK's largest production companies that works across commercial, documentary and film content [S8].

**5. Public engagement with the Media/broadening media discourses and understanding of UASC.** Clayton is recognised as a leading authority on UASC by TV and the press and has been interviewed and quoted by the BBC, Al-Jazeera, France24, the Guardian, the Independent, BBC News magazine, THES, Dazed Digital and others. In 2014-2017 she was invited by Lord Roberts to brief two Parliamentary committees on asylum, detention and related issues. Clayton has contributed material to 10 stories on the Calais children and refugee issues, as a freelance producer of news content and working as a consultant producer for ITV news and Channel 4 News [S9]. In 2017 she contributed to Al Jazeera TV's global 'Listening Programme', critiquing the treatment and representation of child refugees and a podcast about methods of refugee survival which had over 20,000 views. In 2018 Clayton appeared on France 24 Perspectives - a TV slot which celebrates "a key business, cultural player, or a leading voice in the field of humanitarian action" [S10]. Through 2019 she has been contributing to the Guardian's Refugee Trafficking and Exploitation project, centred on UK, Brussels and France.

**5. Sources to corroborate the impact**

**S1.** Press statements and testimony, Duncan Lewis Solicitors (written statement), (2019) Dubs Amendment: High Court finds Home Office unlawfully failed to publish policy and breached its policy of candour' 22<sup>nd</sup> January (press release) and Goldsmiths (2019) 'Documentary hailed after asylum seeker Judicial Review' 30<sup>th</sup> January (press release). [Grouped Source]

**S2.** Foreword by Lord Dubs in Clayton S, Gupta A and Willis K eds (2019) *Unaccompanied Child Migrants: Identity, Care and Justice*, Policy Press, pp.xv-xvii (book section).

**S3.** See, [Parliamentary debate on Immigration Procedures](#), vol 795, 14<sup>th</sup> February 2019, which refers extensively to Clayton's film and campaign, pp 4/33-5/33 (Hansard).

**S4.** Testimony, Rt Hon Lord Justice, President of the Upper Tribunal, Immigration and Asylum Centre, November 2020 (statement).

**S5.** List of screening and events, *Calais Children: A Case to Answer For: The Film and its Public Engagement*, 21<sup>st</sup> June 2017- 3<sup>rd</sup> December 2019 (report).

**S6.** Testimony, Chief Executive, NEU (statement) and MBE, Justice for Grenfell (extract from speech). [Grouped Source]

**S7.** Testimony, Director, Care 4 Calais (statement).

**S8.** Testimony, Chief Executive of Refugee Education UK (operating as Refugee Support Network until April 2021) and Head of Content and Entertainment, Somesuch. [Grouped Source]

**S9.** Examples of publicity and public debate in UK news, media reports and films; Chris Rogers and Sue Clayton (2015), ['The young people sent back to Afghanistan'](#) BBC, 17th July; Allegra Stratton (2016): [Who are the Calais jungle children eligible for UK home?](#) ITV News, 14<sup>th</sup> October; Krishnan Guru-Murphy (2017): ['Home Office accused of breaking law over child refugees'](#) Channel 4 News, 20 June (media reports). [Grouped Source]

**S10.** Examples of international coverage of Clayton's work, including Al Jazeera TV, (2015) Listening Post, ['Spinning the Refugee Crisis'](#) 12 September, at 5:58 and 7:25; French Press, Will Hilderbrandt (2018): ['UK Filmmaker on fate of unaccompanied minors in Calais'](#), France24, 19<sup>th</sup> October; Spanish press, Raquel C. Pérez (2018) ['No desconsolo porque pienso en los niños a los que ayudar'](#), La Voz de Galicia, 27<sup>th</sup> July (media reports). [Grouped Source]