

Frequently asked questions

What are the transfer measures in the Act?

The arrangements that have been put in place from 1 July, and underpinned by the voluntary Transfer Protocol, have been settled by agreement. The Immigration Act makes it easier to transfer legal responsibility for unaccompanied migrant and asylum seeking children from one local authority to another and supports those voluntary arrangements.

The remaining transfer measures in the Immigration Act enable government to:

- direct local authorities to provide information about the support and accommodation provided to children in their care
- direct the provision of written reasons as to why a local authority refuses to comply with a request to accept responsibility for an unaccompanied migrant child from another local authority
- require local authorities to co-operate in the transfer of unaccompanied migrant children from one local authority to another.

What will trigger the use of the new power of direction which has been introduced in the Immigration Act?

We have been clear that we would only want to use the power of direction as a last resort. We are keen to ensure that the voluntary scheme works for all local authorities and unaccompanied asylum seeking children. We have been working very closely with the Local Government Association, the Association of Directors of Children's Services and local government partners in Scotland and Wales on the voluntary scheme and the response from local authorities has been broadly positive so far.

How was the ceiling of 0.07%¹ UASC to child population decided?

Through agreement with the Association of Directors of Children's Services. The formula is a simple and transparent way of checking whether the responsibility for looking after unaccompanied children is distributed fairly across the country. It is based on analysis of the total child population from the 2014 census and our understanding of UASC numbers.

What will happen if an LA refuses to accept any UASC through the scheme even though they have opted into the scheme and are under the 0.07% threshold?

We believe the scheme provides a fair basis for sharing responsibility between local authorities, and we hope all local authorities will opt in. However, we have also been clear that we cannot see a repeat of the situation in Kent last summer and would look to the power to direct if necessary.

What happens when the 0.07% threshold is exceeded in all regions?

¹ This percentage is agreed for the year 2016-17 and will be reviewed annually.

We do not expect that to happen, but will monitor the situation closely and will review the proportions annually.

Does the data on the current number of UASC in my local authority include those placed here by other local authorities or only those we are legally responsible for?

The data is based on the number of UASC per local authority based in financial claims submitted by local authorities to the Home Office for UASC for whom they are responsible. This will not include those placed in their areas by other local authorities. However, it is intended that the transfer scheme will reduce the need for out-of-area placements, and will also enable responsibility for out-of-area placements to be transferred to the host authority where this is agreeable and desirable.

Will a child who is reunited with a responsible adult be considered part of the 0.07% allocation?

No. The 0.07% is the ceiling for how many UASC and unaccompanied refugee children a region or local authority is reasonably expected to be looking after at any time, as a proportion of its total number of children. Children who are not looked after by the local authority because they have been reunited with their families will not count towards this figure.

Does the data on the current number of UASC in my local authority include former UASC who are care leavers?

No. Only those aged under 18 are included in the 0.07%

What data will be included in the National UASC database?

For the scheme to operate effectively, we will need an accurate and up to date picture of the numbers of UASC supported by each local authority, which is what the national UASC database will capture. We will need local authorities to notify our central team in a timely way of changes in their looked after UASC populations, using the single Unique Unaccompanied Child Record proforma we have designed.

Will there be a regional data base in each region – if so how will they be funded?

Each region is considering its own data, process and resource requirements. We will consider any funding requests that we may receive for regional structures to underpin the scheme.

Will the entry LA or the receiving LA pay for the transport?

Earlier drafts of the Protocol left it to the entry and receiving LAs to arrange this between them. In response to comments that it would be better to clarify this, the current draft sets out that unless mutually agreed otherwise the receiving LA will meet the transport costs.

How should a local authority claim funding for an unaccompanied child?

Through the same arrangements local authorities are already familiar with. Home Office has issued an updated version of the Funding Instructions which set out the process and detail.

The protocol states that “For the purposes of the national transfer scheme “UASC” are defined as unaccompanied asylum seeking children and unaccompanied refugee children who are looked after children” – does this also apply to funding rates?

Yes, funding levels for unaccompanied children arriving in the UK through a resettlement scheme will be the same as they are for UASC.

Will there be a right of appeal for children to challenge decisions to transfer them to other local authorities?

No. The decision can in theory be challenged through a judicial review, but we believe any such challenges will be very few. Each transfer decision will carefully consider the child’s individual circumstances.