

# Supporting Unaccompanied Asylum Seeking Children (UASC)



# Welcome

Paul Greenhalgh, Chair of the ADCS Asylum Taskforce and  
DCS Croydon London Borough Council



ADCS Annual Conference 2016

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Leading Children's Services



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# Implications of the Immigration Act 2016 for the local authority role relating to children

Catherine Houlcroft

7 July 2016

## Current position - local authority support for migrants with NRPF

- Duties under general safeguarding responsibilities for:
  - Families – s17 Children Act 1989
  - Care leavers – leaving care provisions Children Act 1989 up to 21/25 years
  - Adults – the Care Act 2014
- Immigration exclusions to support -Schedule 3 Nationality, Immigration & Asylum Act 2002:
  - Parents/ young person without current immigration permission & EEA nationals - can they return to country of origin?
  - LA must carry out human rights assessment

## Immigration Act 2016

- Government aim: ‘reduce illegal immigration and take a tougher approach to those who should no longer be here’
- Home Office asylum support will stop for refused asylum seeking families- only available in very limited circs.
- New statutory schemes for local authority support for:
  - Destitute families with no immigration status or single parents with a British child (Zambrano families)
  - Care leavers with no immigration status
- **These groups cannot be provided with accommodation/ financial support under the Children Act 1989**

## Key changes – local authority support

- **Local authority will only be able to provide accommodation/ financial support when eligible under new scheme (para 10A/10B)**
- Eligibility criteria = destitution + immigration status *or* ‘safety net’ provision - will not require local authority to support when family/young person can return to country of origin
- Children will still be able to receive support under section 17 for additional needs, e.g. disability
- Young person can be referred to Home Office if eligible for support for refused asylum seekers

## What will the impact be for local authorities?

- Statutory guidance/regulations = consistency?
- Simpler assessment criteria? No human rights assessment to refuse/ withdraw support
- Two parallel systems of support (Children Act + 10A/10B)
- Refused asylum seeking families = new client group
- All risk held by local authorities if people don't return:
  - More referrals?
  - Impact of destitution on communities/ safeguarding?
  - Displacement of need?

## What is required for this to work?

- **Central government:**
  - Engagement in 'grace period' following ARE date
  - Continued consultation with local authorities
  - Ancillary benefits to be linked to local authority support
  - New burdens assessment



## What is required for this to work?

- **Local authority:**

- Organise current NRPF services
- Establish good partnership working with Home Office
- Resolution of immigration status of all looked after children (UASC or other migrant child) **before** they become adults - see LGO report on LB Greenwich
- Ensure staff are informed and trained – impact of immigration status ingrained in pathway planning – limited options may make this clearer

## NRPF Network services & contact details

- **NRPF Network – hosted by LB Islington**
  - Free services - news bulletins, practice guidance, regional NRPF meetings, policy work and more
  - Chargeable services – training for local authorities; NRPF Connect database
- Two staff - based in London and Manchester  
Website: [www.nrpfnetwork.org.uk](http://www.nrpfnetwork.org.uk)  
Email: [catherine.houlcroft@islington.gov.uk](mailto:catherine.houlcroft@islington.gov.uk)  
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Immigration Act 2016 – detail of support options for families and care leavers (18+) with no immigration status

## Immigration Act 2016

- Home Office asylum support will be stopped:
  - s.95 - refused families after 90 days 'grace period'
  - s.95 - refused singles after 21 days 'grace period'
  - s.4 - abolished
- New s.95A Home Office support for refused asylum seekers:
  - Must show a 'genuine obstacle to leaving the UK'
  - Only available during 'grace period'
- New statutory schemes for local authority support for:
  - destitute families & care leavers with no immigration status
    - will not be able to receive accommodation/ financial support under Children Act 1989

# Support options for families with no status – Immigration Act 2016

Provider	Legislation	Criteria
Home Office	Section 95 – asylum seekers	Pending further submissions (fresh asylum claim) or JR action relating to asylum
Home Office	Section 95A – refused asylum seekers	‘Genuine obstacle to leaving the UK’ established within 90 days of ARE date
Local authority	Paragraph 10A Schedule 3 – families with no status	Pending non-asylum human rights application or appeal OR ARE and co-operating with return OR ‘support necessary to safeguard & promote the welfare of a dependant child’

## Care leavers with no status – exclusions from support

Children Act 1989	Type of leaving care support	Excluded?	
		Now	Immigration Act 2016
23C	Assistance – incl. accommodation	Yes	Yes
23CA	Assistance to pursue further education/ training up to 25 yrs	Yes	Yes
23CZA	Staying put with foster carers	No	Yes
23D	Appointment of a personal adviser	No	Yes
24A	Advice and assistance	Yes	Yes
24B	Assistance to pursue further education and training up to 25 yrs	Yes	Yes

# Support options for care leavers with no status – Immigration Act

Provider	Legislation	Criteria
Home Office	Section 95A – refused asylum seekers	‘Genuine obstacle to leaving the UK’ established within 90 days of ARE date
Local authority	Paragraph 10B Schedule 3 – care leavers with no status	Pending non-asylum human rights application or appeal OR ARE & local authority ‘satisfied that support needs to be provided’
Local authority	Care Act 2014	Eligible care and support needs subject to a human rights assessment



## Immigration Act 2016 – what will not change

- No change to responsibilities towards supporting separated migrant children/ UASCs
- Accommodation/ financial support still provided under Children Act 1989 to:
  - Young person/ family with leave to remain
  - EEA nationals – subject to human rights assessment
  - Care leavers who are still seeking asylum post-18
  - Care leavers making their first non-asylum application for leave to remain
  - Your person/ family receiving support prior to implementation date



For more information see NRPF  
Network factsheets

- **Immigration Bill 2015-16: local authority support for families (England)**
- <http://www.nrpfnetwork.org.uk/Documents/immigration-bill-families.pdf>
- **Immigration Bill 2015-16: local authority support for care leavers with no immigration status (England)**
- <http://www.nrpfnetwork.org.uk/Documents/immigration-bill-careleavers.pdf>
- **Immigration Bill 2015-16: funding higher education for migrant care leavers (England)**
- <http://www.nrpfnetwork.org.uk/Documents/immigration-bill-education.pdf>



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Immigration Act 2016 – detail of support options for families and care leavers (18+) with no immigration status



Home Office



Department  
for Education

# Unaccompanied Asylum Seeking and Refugee Children

**ADCS Manchester**

7<sup>th</sup> July 2016

# Context

- **3,043** UASC claimed in the UK in 2015
- **9%** of all asylum claims were from UASC
- **56%** increase on 2014 numbers
- **900** UASC in Kent County Council's care
- **3,000** The UK will resettle up to 3,000 individuals at risk
- **IA2016** The Government must resettle a specified number of unaccompanied refugee children from Europe

# Who are our UASC cohort?

- **62%** aged 16 or 17
- **Eritrea** was the top nationality, followed by **Afghanistan** and **Albania**
- **275 female** UASC in 2015
- **66%** of initial decisions taken last year were grants of some form of leave
- Nearly all of UASC under 16 are fostered. For UASC aged 16-17 half are placed in semi-independent living arrangements, and half are fostered.

# Legislative framework: Four key provisions in the Immigration Bill

1. Transfer of legal responsibility from one local authority to another
2. Duty on local authority to provide information about available services
3. Obligation on local authority to set out in writing reasons for not supporting transfer of children
4. Duty to accept the transfer of relevant children under a mandatory scheme

All provisions relate exclusively to England and were commenced on 31 May 2016.

# Principles underpinning UASC transfer

1) Fair, equitable and transparent

2) Voluntary and locally-led

3) Distribution based on a proportion of the total child population (up to a maximum of 0.07%)

4) Building on existing structures and regional models with a phased introduction

5) Pooling knowledge and resources. Joining up with, and recognising existing commitments (eg adult dispersal and Syrian VPR)

# Next Steps

- We have set up central and regional teams to support the transfer process
- Agreeing and implementing regional structures to support the scheme
- Delivered a July roll out but phased and progressive
- Interim protocol published on gov.uk



# Looking After Unaccompanied Asylum Seeking Children

Ian Lewis

Director, Early Intervention and Children's Social Care  
London Borough of Croydon

# Introduction

- Gateway Authority due to presence of UKVI in Croydon
- All Unaccompanied Asylum Seeking Children who present are referred to Croydon as Children in Need in our area
- Duty Service based in Lunar House
- Dedicated Duty Team based within Croydon Children's Social Care
- Fewer UASC than Kent but the only Local Authority where UASC are now the majority of CLA.

# London Protocol

- Distribution of children aged 16 and 17 at presentation
- Voluntary agreement by all London authorities
- Children are looked after by new authority on day of presentation - 468 distributed in 15-16 (14 per LA)
- Adds to Croydon's unique profile as the majority of our UASC are presenting as 15 and under – 220 in 15-16
- Current local CLA population of c390
- UASC population of c445. Rise of 8% in year 2015-16
- Main countries:
  - Albania (213) – (56 in 15-16)
  - Afghanistan (78)- (56 in 15-16)
  - Eritrea (40)- (19 in 15-16).

# Initial Assessment

- Single Social Work Assessment
- Consideration of Age Assessment
- Age assessments are either taken by the receiving authority or Croydon – after initial screening
- Vital that social work staff have appropriate training
- Possible referral to National Review Mechanism re Trafficking/ Risks of CSE

# Placements

- Due to our current age profile, all initial placements are in foster care
- We use a combination of in-house and IFA provision – 145 in-house and 244 IFA.
- For some providers UASC becomes their placement of choice and caution is required
- 55 currently in SIA – lower than Home Office financial assumptions.

# Education

- Past experience of many school breakdowns
- Established internal assessment period through Virtual School
- Many children have little experience of formal education – need orientation
- Language skills
- Some schools more positive than others – age assessments
- Out of Borough placements – children out of school
- Commissioned placements through local colleges.

# Health

- Initial Health Assessment Arrangements – commissioned directly from local authority
- No health information available from young people
- Emotional Health – PTSD, isolation, anxiety
- Voluntary providers have been more effective than statutory CAMHS.



# Leaving Care

- Around 400 Care Leavers
- Large Care Leaver population places pressure on accommodation
- Variable wishes for the future – cultural differences
- Immigration status has a number of impacts – tenancies, right to work, anxiety and instability, possibility of financial exploitation
- NRPF will be affected by Immigration Act.



# Other Issues

- Cultural assimilation – important role of voluntary sector
- Missing children, including young people who disappear altogether
- Child Sexual Exploitation
- Gangs and youth offending
- Impact on performance indicators
- Partnership management is important.

# Conclusion

- These are children who require good quality care and support
- They need some specific services but many existing services are the right ones
- Good planning can mitigate issues
- Need to work closely with partners and with politicians.

# Concluding remarks

Chris Spencer, Corporate Director of People Services,  
Harrow London Borough Council and ADCS lead on  
national transfer of UASC



# Questions?

Have you considered joining the ADCS Families, Communities and Young People Policy Committee or the Asylum Taskforce?

Visit [www.adcs.org.uk/committees](http://www.adcs.org.uk/committees) for further details.

