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Responsible Head of Service	Head of Service for Children in care
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Completion of assessment for an Unaccompanied Asylum Seeking Child (UASC)

1. Introduction

An unaccompanied asylum seeking child is defined by the Home Office as a young person who is under 18 when making an application for asylum in his or her own right and who is not being cared for by an adult who by law or custom has responsibility to do so. These young people may have arrived in the UK by themselves or with an adult who later abandoned them or who does not present as suitable carer or guardian.

UASC are supported within the framework of the Children Act 1989 as Children in Need, and this should be guided by the principle that they are "children first and foremost". However, there are also special circumstances facing these young people, particularly the fact that they are seeking protection under the 1951 United Nations Convention on the Status of Refugees, which defines a refugee as follows:

'Any person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear is unwilling to avail himself to the protection of that country; or who, not having a nationality and being outside the country of his habitual residence, is unable, or owing to such fear unwilling to return to it,' (Article 1).

Research shows that the adversities affecting many unaccompanied young people include traumatic experiences as part of their flight, as well as separation from or loss of family members, and that an increasing number fall victim to international trafficking for exploitative purposes.

2. Referrals via the First Response Child or the Out of Hours Team (OOH)

Unaccompanied asylum-seeking children are usually referred to the First Response Children's Duty or the Out of Hours Team (OOH). The referral will be forwarded to the UASC Team for a Social Care Assessment and where appropriate for an age assessment to commence. Professionals must be alert to the possibility that the child/ren/young person may be the victims of Modern slavery, including the possibility of being trafficked.

3. Dublin III



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For all children and young people being dealt with under the Dublin III arrangement, the Home Office UK Visas and Immigration (UKVI) will be involved and will have a number of responsibilities. The UKVI are responsible for:

- Determining the validity of the family relationship;
- Undertaking police and immigration checks on the relations;
- Contacting the Local Authority of the family they have checked.

The Local Authority will need to satisfy themselves that the family in question is suitable to take responsibility for the arriving child or young person. This will require a social care assessment once a decision has been made in principle by the UKVI as to whether the child can or cannot be placed with the family. In Leicestershire, the Kinship Team will complete the assessment of the family, working alongside the UASC Team to understand the needs of the child.

It is accepted that the child or young person may not be in the country, but it is still important for the UASC Team to decide of the child's needs so that the nature of parenting and care that child or young person will need is understood.

The UASC Arrival Flowchart is attached as Appendix 2.

The Local Authority is required to:

- Arrange a visit by a social worker to the home of the family member, preferably before the child arrives and undertake a viability assessment (Kinship Team)
- Inform the UKVI of the outcome of the Kinship Assessment
- Ensure that a further follow up visit is undertaken to the child after their arrival (UASC Team)
- Undertake an assessment (SAF) of the family to inform ongoing decision making and of the child or young person to ascertain their needs (UASC Team)

The reasons why a family member may be considered unsuitable are:

- The UKVI cannot confirm the identity of a family or initial checks (local authority, police or reference checks) indicate they are not suitable
- Initial checks identify significant concerns regarding the family member or a member of the household;
- The home conditions are a significant concern;
- The social care assessment raises significant concerns for the child or young person.

The Local Authority must notify the UKVI of the outcome of the assessment and status of the child or young person.

4. Provision of Accommodation Pending a Full Assessment

If an immediate assessment is not possible it may be necessary to place and support newly arrived UASC temporarily pending a full assessment, however, it is important to establish as much information as possible and make arrangements for the full assessment before such a

placement is made. This includes establishing if the young person has a local connection to another Local Authority.

Department of Health and Social Care (DHSC) guidelines (Framework for Assessment of Children in Need and their Families)¹ stipulate that while an assessment of their needs is carried out, UASC should usually be accommodated under Section 20, unless there are specific reasons that warrant an alternative response. This could be because the young person has access to suitable alternative accommodation in the meantime.

5. Assessment

UASC are assessed according to the *Framework for the Assessment of Children in Need and their Families*. However, this generic framework needs to be adapted to their specific circumstances and should be carried out with an appropriate interpreter.

The Age Assessment Flowchart is attached as Appendix 2.

5.1 Child in Need Assessment

If a young person is accepted as a minor, a Social Care Assessment will be completed within 45 days. This will give sufficient time for the young person to get to know their social worker, establish communication through an interpreter and to understand that the social care process is one built on support and care and is separate from the immigration decisions.

A good assessment is one which investigates the three domains; set out in the **Assessment Framework Triangle (AFT)** and includes an assessment of risk:

¹

<https://webarchive.nationalarchives.gov.uk/20130403154741/https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DH-4014430>



All areas of the AFT are important for UASC so that the local authority has a good, rounded understanding of their childhood experiences, needs and significant relationships. But also because it is important that the young person has a document that described their journey and story in a way they can best understand it.

It is important to bear in mind that some young people may have encountered traumatic experiences, that they may find it difficult to talk about family members or that they may be suspicious towards social services staff. The assessment will be completed within 45 days and will be updated through the report for the Review of Arrangements.

When a UASC arrives in a local authority area and if evidence suggests they may have been trafficked a strategy meeting should be convened. Three relevant agencies should always participate – e.g. children's social care, the police and health or the Home Office. If a UASC goes missing soon after arrival or from care, a strategy meeting should always be convened.

Where there are concerns that a young person may have been trafficked to the UK, the Leicestershire Safeguarding Hub as well as the Police and Immigration Services should be involved. Referrals can also be made to the National Crime Agency - UK Human Trafficking Centre.

Workflow for assessment attached as Appendix 2.

5.2 Age Assessment

Age assessments should only be carried out where there is reason to doubt that the claimant is a child so unless it is very clear that an individual is an adult well over the age of 18, a full age assessment must be carried out. Where the child's age is in doubt they must be treated as a child unless until a full age assessment shows the person to be an adult. Age assessments should not be a routine part of a local authority's assessment of unaccompanied or trafficked children. Particular care should be given where there is any possibility that the



young person has been trafficked and in these cases the young person should be assumed to be under 18 years of age.

Where age assessments are conducted, they must be Merton Compliant.
Attached as Appendix 1 – ADCS Age Assessment Guidance October 2015

The Care of unaccompanied migrant children and child victims of modern slavery Statutory Guidance published in November 2017 provides that where the age of a person is uncertain and there are reasons to believe that they are a child, they are presumed to be a child in order to receive immediate access to assistance, support and protection in accordance with Section 51 of the Modern Slavery Act 2015.

In advance of undertaking an age assessment for an unaccompanied asylum seeking child, local authorities must seek Home Office assistance with verifying the authenticity of identity documents e.g. travel documents or a birth certificate. For further information and contact details for local authorities *see Age Assessment Guidance ACDS*.

The ADCS guidance is not Statutory Guidance so is not legally binding on local authorities. However, following the guidance will greatly reduce the number of judicial review proceedings being issued against local authorities in relation to age assessments.

An assessment of age is carried out:

- If there is no documentation to support a young person's age, and
- Their physical appearance and demeanour suggest they may be significantly older or younger than they claim to be or
- If the Home Office has disputed their age.

Specific age assessment requirements:

. Age assessments must be carried out by two qualified social workers, both experienced in working with children and young people and of undertaking assessments of children in need. Best practice is that at least one of the social workers has experience of working with young asylum seekers and undertaking age assessments.

- It is important to make the role of Children's Services clear to the young person who is being assessed.
- The young person should have an appropriate adult present at the age assessment interview who must be independent of the Local Authority, have the relevant skills and training to undertake the role and be experienced in working with children and young people.

An interpreter must be present who speaks the young person's language and dialect if required. Best practice is that the same interpreter is used for all age assessment interviews for the child or young person, unless they indicate they do not wish this to happen.

- Age assessment interviews will need to be recorded, preferably by taping or videoing where appropriate facilities are available if not detailed written notes must be taken and even if the notes are subsequently typed, the hand-written notes should be retained on the child or young person's case record.

- The venue for the assessment interview(s) must offer appropriate bathroom and refreshment facilities. A police station is not an appropriate environment to conduct an age assessment interview.
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- If the assessment is the re-determination or review of a previous decision of the Authority, it should be conducted by different qualified Social Workers who have had no involvement with the previous assessment.
- It is best practice for the assessment to be written up within 28 days.
- The assessment takes into account the following factors-
 - ✓ physical appearance and demeanour
 - ✓ interaction
 - ✓ social history and family composition
 - ✓ developmental consideration
 - ✓ education
 - ✓ independence / self-care skills and health
 - ✓ Information from other sources, such as carers / key workers or medical reports also need to be considered.

In assessing the information, the social workers should consider –

- The statement(s) of the child/young person
- Country of origin information
- Child or young person's individual history and experiences, particularly any traumatic events
- Child or young person's cultural background, education level, gender, maturity, developmental stage and behaviours
- Views and opinions of other relevant professionals
- Any medical evidence
- Documentation presented
- The appropriate weight given to each piece of information collected – not all information needs to be given the same weight.

The social workers should give children/young people the opportunity to address any relevant gaps in consistencies in their account, by way of further interviews if necessary. The social workers should bear in mind the impact of trauma when assessing gaps, inconsistencies or lack of information in accounts given.

- A conclusion is formed based on the assessing workers' professional judgement on whether or not the available information casts considerable doubt on the claimed age of the young person. Age assessments are not an exact science, and young people should therefore be given the benefit of doubt.
- The young person must be informed at the end of the age assessment in a face to face meeting whether or not their age is accepted or disputed by Children's Services, and an interpreter of the appropriate dialect should be present, as should an appropriate adult.

- The young person must be given the chance to respond to the reasons for disputing their age claim, and this must be recorded. The Age Assessment Form contains a detachable decision sheet, which gives a summary of the assessment and this must be issued to the young person in all cases.
- Good Practice also entails that the young person is given a full copy of the assessment, or that this is forwarded to the young person's legal representative.
- The young person should be advised both verbally and in writing that they may be able to challenge the decision and informed of how to seek further advice regarding their assessment.
- In all cases, the Home Office needs to be informed of the outcome of the assessment, as they will usually amend their records accordingly. The young person must be informed that information regarding the outcome of their age assessment is given to the Home Office. A copy of the full assessment should not be sent to the Home Office.
- If a young person is assessed to be over 18, they will not be eligible for support from Children's Services, but they may be entitled to support from the *UK Visas and Immigration (UKVI)*.

6. Documentation

Most young people do not have any form of identification, apart from documents issued by the Home Office. However, on arrival the UK Visas and Immigration (UKVI) will issue a Port Reference Number for each young person and a Home Office Number; these numbers are unique to them and should be noted on all documentation relating to the young person. It is essential that staff and the young person are aware that the Port Reference Number and the Home Office Number are linked to their progress through their immigration claim and both numbers may be required by the Home Office.

7. Asylum Screening

- The First Reporting Event is usually done over the telephone between the Social Worker and the Home Office case owner, initially just to provide the young person's details;
- A screening interview will take place usually within 2-4 weeks of arrival. This is arranged by a Social Worker/Keyworker depending on the age of the young person. The young person will need to be accompanied by a responsible adult, such as a legal representative, Social Worker/Keyworker or Foster Carer;
- The young person will be given a copy of the screening interview and will be issued with a Self-Evidence Form (SEF). This should be completed with a Solicitor and is the formal application for Asylum. The SEF usually has to be submitted to the Home Office with 28 days of screening interview;
- Any issues that may indicate that the child is or has been trafficked or a victim of compulsory labour, servitude and slavery.

8. Asylum Registration Card (ARC)

UASC may apply for an ARC photo card. This may be obtained by either making an ARC Card appointment or via email to the central booking unit. This is usually their only



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identification with a photograph. The ARC card states the full name, Date of Birth, Nationality and languages spoken by the young person.

It is important to note that these documents have a street value and UASC or their carers need to be advised on the importance of keeping these safe and how best to do so.

9. Letter from a legal representative

If the young person has a solicitor, they should issue them with a letter on headed paper confirming the fact that they will be acting on their behalf in immigration matters and stating the young person's current asylum status.

A copy of all the above should be taken and placed on the young person's file.

10. Decision on Services Offered

When a young person is accepted as a child in need for whom Leicestershire Children's Services has responsibility, a decision will be made on whether they should be accommodated under Section 20 of the Children Act 1989 or supported under Section 17 or Section 24.

Where a newly arrived, young person has no parents or suitable carers in the UK, the presumption of the Department of Health and Social Care (DHSC) is that he or she "would fall within the scope of Section 20 and become looked after, unless the needs assessment reveals particular factors which would suggest that an alternative response would be more appropriate".

However, wishes and feelings of the young person, who may not want to become looked after, need to be taken into account. In some cases, young people may wish to live with friends or relatives. If the young person does go on and live with friends and family, they will no longer be a UASC, they will be 'accompanied' and their support and asylum claim continued by their guardian. The family or friend may be entitled for support through the DWP for the young person and will apply directly to them.

If the needs assessment concludes that accommodation under Section 20 is not a suitable course of action, young people will be supported under Section 17 or Section 24, as detailed below. It is important to explain the implications of different services to young people as part of the assessment and decision-making process.

10.1 Support Under Section 17 (New Cases)

The service under Section 17 may include accommodation (in exceptional cases), financial assistance and social work support relevant to the developmental needs of the young person. This involves regular meetings with the young person (home visits, office appointments).

The support under Section 17 usually continues until they reach the age of 18, or until they no longer require support as children in need through other circumstances. If they are

granted leave to remain, young people under Section 17 may be able to access benefits (see section on Asylum Status).

Issues around accommodation and support after their 18th birthday, such as application for relevant housing schemes, Housing Benefit, or, depending on their status, UK Visas and Immigration (UKVI) support, need to be addressed through a Transition / Child and Family Progress Plan.

10.2 Support under Section 24

The Children Act 1989 places duties on Local Authorities towards looked after children and previously looked after children as they exit the care system.

All children are over 16 and leaving care fall within one of the following categories – eligible, relevant, former relevant or other qualifying care leavers.

10.3 Support Under Section 20 of the Children Act

Young people who are assessed to be in need of accommodation and support under Section 20, will be offered services as a child or young person Looked After.

As a young person in Local Authority Care, they will be entitled to a Care Plan subject to the provisions of the Children Act, 1989 & Care Planning, Placement and Case Review Regulations.

11. Placements - Foster Care and semi-independent accommodation

Young people supported under Section 20 may be placed in foster care if this appears the best option due to their development and vulnerability. These placements need to be approved by the appropriate Service Manager (if the placement is an internal resource) or Head of Service (if the placement is an external resource).

Placements are identified by the Family Placement Team following the receipt of a referral from the Social Worker.

Young people supported under Section 20 may be placed in suitable supported accommodation if this appears to be the best option due to their development and vulnerability and community-based needs (belonging and integration).

12. Health

Young people should be helped to access relevant primary health care services (GP, dentist, and optician) as soon as possible after their arrival. This task is usually undertaken by Social Worker/Keyworker, and needs to be addressed in the Care Plans / Pathway Plans.

For young people supported under Section 20, an Initial Health Assessment should be arranged within 20 work days, as most UASC will have no previous health records. The

Specialist Nurse for looked after children should also be consulted where there are specific health concerns or difficulties in arranging a Health Assessment.

Because UASC usually have no health records, it is important to establish as part of the Social Care Assessment process if they suffered from any medical conditions or are likely to have been exposed to certain diseases, which may be more common in their countries of origin.

Experiences in their countries of origin or during flight may cause young people to suffer emotional problems. Where appropriate, referrals to counselling services such as CAMHS should be made.

13. Education

A UASC of statutory school age should be registered in a local school. A PEP should be completed.

Young people will need particular support in accessing appropriate education. For many, this includes English for Speakers of Other Languages (ESOL) classes which are held at local colleges or community learning centres. In addition to this, UASC can access other courses for 16-19 year olds at colleges of further education, and these should usually be free of charge, provided the young people are able to present Home Office documentation.

Good Practice also includes encouraging young people to maintain their first language where appropriate. Libraries should have books in some more common languages, and young people should be provided with funds to purchase a dictionary. Refugee community groups may be able to offer further advice on language groups.

Only young people with Refugee Status or Indefinite Leave to Remain can apply for Education Bursaries. Please refer to the individual School, Academies, College or Training Provider for their eligibility criteria and to access to Bursary Schemes. Colleges can use their discretion and provide non-monetary assistance in the form of providing luncheon vouchers, books, or to pay for courses and field trips.

14. UASC - Looked After Children who go Missing

If a young person is reported missing, they will remain Looked After unless one or more of the criteria are met:

- They return to a birth parent/someone with Parental Responsibility;
- They are located in another country;
- The case is taken over by another Local Authority, or;
- They are age assessed as being over 18 years.

The child/young person's record should be updated to reflect their missing status and reported to the Police as a Missing Person. A Need to Know form must be completed and sent to the relevant senior managers.



The Home Office should also be informed of any UASC going missing using Part E of the Unique Unaccompanied Child Record (UUCR) form. This form should also be used to inform the Home Office if the missing child subsequently returns to the care of the Local Authority.

When we become aware of any concerns of significant harm, i.e. in cases of possible Trafficking or Sexual Exploitation, a Strategy Meeting must be held which should consider what preventative measures can be put in place to safeguard the child/young person.

The Looked After Reviews should be held as required by the statutory guidance, until the young person is deemed to no longer be looked after. **No children under 16 years who go missing should have their Looked After Status removed.**

For young people aged 16 and 17 years who go missing a statutory Looked After Review chaired by their IRO should be held to determine whether they remain looked after or whether it is appropriate to have their legal status changed to Relevant children. They will remain a Looked After Child until they reach Eligible status i.e. 13 weeks.

If the levels of risk and vulnerability is considered high by the IRO and others attending the review meeting, the review can recommend a change to the status for the a missing young person to a Relevant Child.

Relevant status means that they are no longer looked after but remain entitled to the same level of support as an Eligible Child (children in care post 16 years) other than the allocation of an IRO. The IRO needs to be satisfied that a Pathway Plan is in place prior to recommending a change in the legal status of the young person, that reflects:

- ✓ The vulnerability of the young person;
- ✓ Includes how the local authorities' duties to keep in touch with young people will be met, in the context of establishing the young person's whereabouts;
- ✓ A Contingency Plan in the event of the young person being found.

Should the young person be found an assessment of their need will be undertaken and services offered accordingly. The assessment should include undertaking an Age Assessment if one has not been completed previously.

If a young person remains missing by their 18th birthday, then a formal missing children meeting should be held to determine whether the case should be closed. The meeting should incorporate information from the Police and other agencies where appropriate. The case is to remain open if other agencies express concerns about the young person and are of the opinion that the young person is vulnerable e.g. trafficked and high probability of return.

Where a UASC has gone missing, the case can only be closed if there are no ongoing concerns about the vulnerability of the young person being expressed, and only if the case receives 'DCS sign off'.

Any decision to close the case should be on the proviso that it is reopened if the young person is located and found to be in need of services as an eligible, relevant or Former Relevant child.

15. Other Support

15.1 Community Support

Young people should be supported in establishing community links, including access to local religious facilities, youth groups, and ethnic community groups.

15.2 Family Tracing and Contact

Where appropriate, a young person should be helped to make contact with the **British Red Cross** for international family tracing within the UK and International cases. It is important to bear in mind that this process might take a long time, be unsuccessful or even bring the young person bad news about their family. There are also risks of jeopardising the welfare of family members in the country of origin. Young people should be prepared for the fact that they will only be able to trace family members if they can provide enough details about last addresses etc. It should always be the decision of the young person to undertake family tracing, and the Red Cross will not take referrals from professionals.

The Red Cross may advise a young person to write a letter to their family members if this is possible.

15.3 Support for UASC Turning 18

Young people supported under Section 20 will usually be entitled to Leaving Care Services as former relevant children. However, their support entitlements depend on their asylum / immigration status.

Young people with Indefinite Leave to Remain (ILR) are eligible for benefits (Income Support, Jobseekers Allowance and Housing Benefit), as well as to enter employment. Care Leavers are not able to access benefits until they are 18 (unless they are pregnant). They are also entitled to apply for Council Housing. Housing Applications should be made while a young person is 17 and 6 months.

This applies similarly to young people granted Humanitarian Protection / Exceptional Leave extending beyond their 18th birthday, with the possible restriction that they may not be offered permanent housing.

Young people who have been granted Discretionary / Exceptional Leave until their 18th birthday and who apply for an extension within time at age 17 and 6 months, before the leave expires are eligible for benefits while the application is pending with the Home Office. They should be assisted to apply for Housing Benefit.

Young people who are entitled to support from the UK Visas and Immigration (UKVI) when they turn 18 include:



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- Young people who have not had a decision on their initial asylum application when they turn 18 (an issue that usually affects those who have arrived within two months of their 18th birthday);
- Young people who have an outstanding appeal against an outright refusal of asylum upon turning 18;
- Over 18 former UASC's who have Humanitarian or Refugee status are also entitled to Leaving Care Support from UK Visas and Immigration as well as Housing Benefits and income Support/Job Seekers.

15.4 Ceasing Support for NRPF Young Person

Once there has been a decision by the Home Office to refuse a young person's application for Leave to Remain in the UK then their status in the UK will change, and so may their entitlement to all support including financial support by the Local Authority. It is imperative that the Local Authority are up-to-date with any Home Office decision(s) and so the process of the application with the Home Office should be checked prior to every review being held. In most cases, this will be before a pathway plan review. At the point at which a decision has been made by the Home Office then there will be an immediate twelve-week notification period of withdrawal of funding by the Local Authority and a letter sent to the young person to inform them of this decision.

A Human Rights Assessment (HRA) will be offered once the young person becomes ARE (Appeal Rights Exhausted) in relation to their asylum claim, in order to evidence whether by withdrawing support the young person's rights under Article 3 or 8 of the European Convention on Human Rights would be breached. It is expected that the HRA (which can be located under the Human Rights Assessment Templates within the NRPF website) will be completed by the leaving care worker and social worker within 6 weeks of notification of withdrawal of support.

When there is 6 weeks remaining of the 12 weeks notification period the Social Worker must notify the Family Placement Team to enable them to give the relevant 28 days' notice to the placement provider.

If the young person's circumstances change during the 12 weeks notification of withdrawal of support period, then this will need to be included within the HRA or a new HRA initiated. If it is identified that the young person would experience destitution if financial support was withdrawn by the Local Authority, then the notification period will be suspended and continuing support and review under s17 (CA 1989) will be actioned.

Any decision to withdraw support needs to be notified to the Home Office so that they are able to identify whether support and accommodation will be required by them or whether assistance (either through voluntary return, or removal) is required.

A young person who is 'ARE' may apply for Section 4 (Immigration and Asylum Act 1999) support provided by Central Government. This would apply to former UASCs who are over 18 and have had their asylum claims rejected by the Home Office, but only if they are destitute; and they satisfy one or more of the conditions set out in paragraph 3(2) of the Immigration and Asylum (Provision of Accommodation to Failed Asylum –Seekers) Regulations 2005; and they are not eligible to support from their local authority under

Section 23 and 24 of the Children Act 1989 (Leaving Care Support). The young person will only be entitled to Section 4 support if they can show one or more of the following are met:

1. The person is taking all reasonable steps to leave the UK or place themselves in a position in which they are able to leave the UK. This could include complying with attempts to obtain a travel document to facilitate departure;
2. The person is unable to leave the UK by reason of a physical impediment to travel or for some other medical reason;
3. The person is unable to leave the UK because in the opinion of the Secretary of State there is currently no viable route of return available;
4. The person has made an application for judicial review of a decision in relation to their asylum claim and been granted permission or leave to proceed;
5. The provision of accommodation is necessary for the purpose of avoiding a breach of a person's Convention rights, within the meaning of the Human Rights Act 1998.

Further information can be located on the '*No Resource for Public Funding*' *NRPF website* <http://www.nrpfnetwork.org.uk/information/Pages/default.aspx> which provides detailed practice guidance on the duties and responsibilities of local authorities to people with NRPF. Practice guidance and Human Right Assessment Templates are also available for use.

Young people should be offered advice on Voluntary Returns Programmes. Social Workers need to plan for three possible outcomes for those turning 18 who do not have immigration status beyond that age. This is known as triple planning and should be part of their regular statutory planning through the Care Plan, Pathway Plan and review process. Planning for three possible outcomes after reaching 18 involves:

- Equipping the young person to have a future in the UK if they receive some form of leave to remain in the UK past their 18th birthday;
- Preparing a young person to be returned to their country of origin either if they are refused an extension to remain in the UK and are being returned, or if they decide to return of their own accord;
- Supporting young people who have been refused leave to remain in the UK and who have exhausted all appeals but are not removed. This may be for a number of reasons, one of which may be difficulties in getting permission for them to return to their country of origin or place from which they fled (this often happens when nationality is being disputed). These so-called 'end of line' cases are a significant group of young people in local authority care.

Some young people who are Appeal Rights Exhausted (ARE); are from countries deemed non-returnable. The Government maintain a list of non-returnable countries and these change on a regular basis. However, the fact that they are ARE means that they have no leave to remain in the country and therefore future support will need to be addressed through completion of the HRA. All ARE should be served notice and following completion of the HRA, decisions will need to be made on a case by case basis for these young people. If the young people are in education, this should not prevent notice being served. However, if the young person is ARE but is undertaking an agreed course of education, Leicestershire will not withdraw financial support until the end of their current course of education.

16. Asylum Status



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16.1 Newly Arrived UASC

The First Reporting Event is usually done over the phone between the Social Worker and the Home Office case owner, initially just to provide the young persons' details.

Newly arrived unaccompanied minors will be required to attend a screening interview within 2-4 weeks at the Home Office. For this appointment, they should be accompanied by a responsible adult, i.e. a legal representative, Keyworker/Social Worker or Foster Carer. It is important to establish who will accompany the young person. Particularly for young people who are looked after Children's Services are seen to have a duty of care in this area. Suitable documentation from Children's Services needs to be provided for the Home Office to state that the unaccompanied minor is receiving support.

In the first 4 weeks, following screening, young people will also need to see their Solicitor to receive legal advice on their asylum claim and complete their SEF, in some cases young people will need to be accompanied to some of these meetings.

Young people over the age of 12 will be invited back to the Home Office for a substantive interview.

It is important to discuss the importance of matters relating to their asylum claim with the young people, as well as to liaise regularly with their solicitors, particularly if the young person has received a decision on their claim or they are approaching 18.

16.2 Possible Outcomes of Asylum Claims

Timelines in which decisions on asylum claims are reached vary considerably. The following outcomes are possible:

- **Granted Indefinite Leave to Remain (ILR) or Refugee Status**

Young people who are successful in their asylum claim are granted Refugee Status and Indefinite Leave to Remain in the UK. This gives young people the same benefit entitlements as citizens (subject to their status as eligible / relevant children, they may only be able to access relevant benefits after reaching 18). Only young people with refugee status are entitled to refugee travel documents, applications for family reunion and, after a certain period and providing they meet the relevant criteria, British citizenship.

- **Refused asylum but granted Humanitarian Protection – which in effect gives the claimant the same “rights” as being granted refugee status.**

In cases where criteria for recognition as a refugee is not seen to be satisfied, the Home Office may grant a young person Humanitarian Protection on the basis that they would be in danger if returned to their country of origin. This used to be granted for a period 4 years, but is now usually for 3 years or less. Young people are entitled to public funds (i.e. relevant benefits) while they have leave to remain.

Access to travel documents is very restricted (young people need to prove they have good reasons for travel and for not being able to obtain a passport from their national embassies).

- Refused asylum but granted unaccompanied asylum seeking child leave – normally for 30 months or until the age of 17½, whichever is the shorter

This is usually granted when the asylum claim of a minor is being refused. In some cases, young people may have the right to appeal against the refusal. If they do not or are not allowed to appeal, they can apply for an extension of discretionary leave before they turn 18. If this application is made within time (i.e. before the current discretionary leave expires), their right to stay (and to receive the continued relevant benefits until a final decision has been reached. Current experience is that the Home Office's decision on whether or not an extension is granted can take a long time, and it is important that during this time Pathway Planning for the young person continues in order to discuss the options that may be open to them.

- Refused asylum and granted no leave to remain

This is mostly the case if the Home Office have not accepted that the young person is a minor. In this case, the young person has the right to appeal but not if the Home Office certifies the application as unfounded. Appeal hearings can be very stressful for young people. It is important that the young person is supported to access competent legal advice.

17. Rights of Appeal

If any asylum application is refused by the Home Office it is important that the child is helped to access a specialist immigration lawyer with advice on whether the child has the right of appeal (not all applicants have a right of appeal and the Home Office can certify an application as “clearly unfounded” thus preventing an appeal) and grounds for appeal, or if there is no right of appeal, grounds for judicial review of the Home Office decision.

18. Interpreting Services

Interpreting services can be accessed via telephone if necessary, but a face-to-face interpreter should be used whenever this is possible to arrange. A face to face interpreter should always be used for an assessment of age interview.

When working with interpreters, professionals should use or ask clear short questions/sentences because information may be lost in the process. In turn, interpreters should be asked to feed back all parts of the conversation to the workers rather than clarifying directly with clients, particularly during assessments.

It is generally advisable to use the same interpreter if several meetings are needed.

19. Finance/Administration

The Home Office will not begin to reimburse costs to the Local authority under the relevant funding arrangements on a child or young person until a Home Office Reference Number is allocated. A Home Office number is not generated unless a screening interview has been conducted and a port reference number is given. Therefore, this is vitally important that this is carried out at the earliest opportunity.



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ADCS Age Assessment Guidance to assist social workers and their managers in undertaking age assessments in England published, October 2015

Where there is a need for a Full Merton Compliant Age Assessment, this will be completed alongside the LAC process and completion of SAF. The age assessment of unaccompanied children seeking asylum is a challenging process. The process listed below provides user-friendly guidance to social workers:

1. Preparation & Planning:

Allocating two age assessed trained social workers
Information Gathering
Information from other sources
Appropriate Adult to be present during interview and readback sessions
Interpreter to be present throughout duration of assessment process.

2. Location/Venue:

The venue for the age assessment interview(s) needs to be conducive to helping the child or young person feel safe, comfortable and able to participate to the best of their ability in their interview(s).

3. Scheduling time for assessment:

Time and date of the interview is to be arranged as soon as possible in order to ensure we have enough time to complete the report on time. The aim would be to complete the final age assessment within 21 days of the final interview.

(Good practice guidance recommends write up within 21 days but this is not always possible due to staff pressures).

4. Gathering Information from other sources:

It will be necessary to write to any relevant professionals who have come into regular contact with the young person whom the assessors feel it is appropriate to write to. This could include foster carers, youth workers, school/college staff or workers in the voluntary sector. We find that it benefits the reports if other professionals pass their professional opinion.

The assessors will also research Country of Origin Guidance and take into account Exploitation and Human Trafficking.

5. Making the Decision:

Before reaching a decision that contradicts the stated age, s/w's should discuss with the young person the factors which have led us to form our opinion. The interpreter and the appropriate adult should be present for that session to help the child or young person ask any questions or clarify information. If the young person offers any further information or explanation, this should be considered as part of the assessment before the final decision is made. Once all the information is compiled, then s/w's should set out the factors that lead to the conclusion.

Team Manager to Quality Assure the Age assessment.



6. Conclusions and sharing the outcome:

Only after a full analysis has been conducted, considering all the available information, should a conclusion be made.

Sharing Results

- The young person being age assessed should be informed of the conclusion, face-to-face, at the earliest possible opportunity. This should be done in a manner which is in accordance with their assessed age and maturity and should also be provided in writing.
- An interpreter of the appropriate dialect should be used to ensure clarity in delivering the decision, preferably the same one who has been present at previous interviews.
- The child or young person should have an appropriate adult present at the meeting.
- The young person will have already had an opportunity to comment at the decision-making stage, and should be given an opportunity to comment on the conclusion.
- The child or young person should be advised both verbally and in writing that if they wish they may be able to challenge the decision and they should seek further advice, including legal advice regarding their assessment, if they disagree with its outcome. In most cases, there will be a three-month time limit to make an application for a judicial review and so they should be advised to seek further advice as soon as possible.

Breakdown of hours to complete an age assessment is minimum 30 hours per assessment.

Appendix 2 –

<u>Working with UASC - The Age Assessment Process</u>					
(Where there is a need for an age assessment, this will be done alongside the LAC process and completion of the SAF)					
Please refer to the UASC Policy and Procedures					
On Arrival		Referral to First Response Children's Duty			
Within 24 hours	Deemed to be under 16, accommodate S20 in foster care.	Age assessment: First visit to child or young person (interview not to be held at a policy station)			Over 18, not eligible for support from CSC. Assessed as over 16 and becomes LAC under S20 and placed in supported accommodation
Within 7 days		Query age initiate full age assessment (Merton Compliant)	SAF initiated	Age accepted	



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Within 1 month	Placement Plan, Care Plan, Assessment to ROA or SAF, PEP, health assessment	Screening interview and Solicitor's appointment	Placement Plan, Care Plan, Assessment to ROA or SAF, PEP, health assessment
2 months		SAF completed (SW); First Reporting Event (not necessary to attend; Self Evidence Form (Solicitor - formal application for asylum)	
3 months	3 Month LAC Review	Newly Arrived Minor Interview - must be attended. Solicitor and Social Worker, Foster Carer or key support worker.	3 Month LAC Review
4 months+		Status issued - (NB: some young people do not have their case determined before 18)	



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