

WORKING ARRANGEMENTS FOR THE WELFARE AND SAFEGUARDING OF UNACCOMPANIED AND SEPARATED CHILDREN AND YOUNG PEOPLE

Guidance issued by

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Terms

A Child

A person under the age of 18 years.

Age Assessment

Age assessment is the process used to determine the age of a child/young person whose age is indeterminate or in dispute. Social Workers and others contributing to the age assessment process should comply with the ADCS “Age Assessment Guidance; Guidance to assist social workers and their managers in undertaking age assessments in England” [October 2015]¹ (See Merton-compliant age assessment).

Child Smuggling

Child smuggling, also called facilitation under UK law, is an arrangement whereby somebody, either secretly or by deception (whether for profit or otherwise) assists a child to enter the country illegally. Once the child enters the UK the relationship between the child and smuggler ends. The immigrants concerned are normally complicit in the offence so that they can remain in the UK illegally.

A number of factors help distinguish between smuggling and trafficking:

- Smuggling is characterised by illegal entry only and international movement only, either secretly or by deception (whether for profit or otherwise)
- There is normally no coercion/violence involved or required from those assisting in the smuggling

Child Trafficking

The offence of human trafficking is set out in section 2 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (“the HT Act”)². Child trafficking involves arranging or facilitating the travel of a child with a view to them being exploited.

This will involve recruiting or transporting or transferring the child; harbouring or receiving them; or transferring or exchanging control over them. Travel will involve either arriving in or entering any country; departing from any country or travelling within any country. It is irrelevant whether the child consents to any element that forms part of the offence, including the exploitation. Internal Child Trafficking also occurs in Northern Ireland when a child is transported from A to B within Northern Ireland to be exploited.

Those working with separated and unaccompanied children must always be vigilant and alert to the possibility that the child/young person may be a victim of Human Trafficking and/or Modern Slavery.

Children accompanied by adults who are not their parents

¹ http://adcs.org.uk/assets/documentation/Age_Assessment_Guidance_2015_Final.pdf

² <http://www.legislation.gov.uk/nia/2015/2/contents/enacted>

In many cases the child will be accompanied by an adult caregiver who may or may not be a relative of the child. In order to determine whether or not a child is considered as unaccompanied, see *Annex A* for practical guidelines.

Children (Northern Ireland) Order 1995

The Children (Northern Ireland) Order 1995 (the Children Order)³ is the primary legislation which makes provision for the welfare, safeguarding and protection of children and young people

Country of Origin

“Country of origin” is the country of nationality or, in the case of a stateless child, the country of habitual residence

European Economic Area (EEA) national

For the purpose of this guidance this means a citizen of one of the countries that make up the EEA i.e. Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and Switzerland. Although the latter is not a member of the EEA, Swiss citizens have rights, which are similar to those of EEA nationals.

Gateway Teams

Teams of social workers established in each Trust’s area to receive information, provide advice and guidance and respond to requests for assessment and assistance in matters to do with the safety, welfare and well-being of children. (Contact details for Trust’s Gateway Teams are included at *Annex B*).

Guardian ad Litem

The guardian ad litem is an independent officer of the Court who is experienced in working with children and families.

Article 60⁴ of the Children (Northern Ireland) Order 1995 provides that, in any case involving specified proceedings [specified proceedings are defined in Article 60(6) of the Order], the Court shall appoint a Guardian Ad Litem for the child concerned unless satisfied that it is not necessary to do so in order to safeguard his or her interest. The Guardian Ad Litem is appointed in accordance with rules of Court and has a duty to safeguard the interests of the child in the manner prescribed by such rules.

Health & Social Care Board (the HSCB)

HSCB is responsible for commissioning, performance managing and quality assuring the health and social care services provided by Health and Social Care Trusts in Northern Ireland. This includes ensuring that the Trusts comply with all legislative functions delegated

³ <http://www.legislation.gov.uk/nisi/1995/755/contents>

⁴ <http://www.legislation.gov.uk/nisi/1995/755/article/60>

to them, including those for the safeguarding and protection of children and young people. HSCB reports annually to DoH in respect of the Trusts performance in respect of the statutory functions that HSCB delegates to Trusts.

Health & Social Care Trust (Trust)

There are 5 Health and Social Care Trusts in Northern Ireland. Trusts deliver a range of health and social care services to improve the health and social well-being of the population within their geographical areas. Trusts have responsibility for provision of services to children, young people and families and specific responsibilities for safeguarding children and child protection.

Human Trafficking

The offence of human trafficking is set out in section 2 of the Human Trafficking Act and the types of exploitation relevant to this offence are set out in section 3 of the Act.

Human Trafficking involves arranging and facilitating the travel of another person with a view to them being exploited. This will involve recruiting or transporting or transferring the victim; harbouring or receiving them; or transferring or exchanging control over them. Travel will involve either arriving in or entering any country. It is irrelevant whether the victim consents to any element that forms part of the offence, including the exploitation. Internal Trafficking also occurs in Northern Ireland when a victim is transported from A to B within Northern Ireland to be exploited.

Human Trafficking is a distinct from of human smuggling, which is the movement of persons with their consent, without the intention to exploit them.

Independent Guardian

Section 21 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015⁵ made provisions to make arrangements for the appointment of an Independent Guardian to assist, represent and support a child where there are reasonable grounds to believe that the child is a victim of trafficking in human beings or the child is a separated or unaccompanied child.

Internal Trafficking

Internal trafficking is the movement of persons within the UK for the purposes of exploitation.

Merton-Compliant Age Assessment

‘Merton-compliant’ is a term used to describe a local authority age assessment that has been conducted in accordance with the case law on age assessments and is therefore fair and lawful. The term derives from the Merton judgment of 2003 [*The Queen on the application of B v London Borough of Merton* [2003] EWHC 1689 (Admin) (14 July 2003)]⁶ which gives guidance as to the requirements of a lawful assessment by a local authority of the age of a young asylum seeker claiming to be under the age of 18 years.

⁵ <http://www.legislation.gov.uk/nia/2015/2/enacted>

⁶ http://www.asylumlawdatabase.eu/sites/www.asylumlawdatabase.eu/files/aldfiles/UK_060%20Judgment.pdf

The judgment of the Supreme Court in *R (on the application of A) (FC) (Appellant) v London Borough of Croydon*⁷ held that, although age assessments remained the responsibility of local authorities, in the event of a challenge by judicial review, it would be for the Court itself to determine, as a matter of judicial fact, whether the person is a child and how old he or she is. As a consequence, when a local authority's age assessment is judicially reviewed, the central question is no longer whether its decision was rational. Instead, the Administrative Court or Upper Tribunal steps in as a primary decision maker in relation to the child's age. It will conduct a fact-finding hearing and review all the evidence, including the assessment reached by any social worker. Local authorities must still conduct lawful assessments, but can no longer rely on merely establishing that they have done so, as, if the case goes to Court, the local authority's assessment will be just one of a number of pieces of evidence which the Administrative Court and the Upper Tribunal will ultimately have to consider.

Modern Slavery

Modern slavery is an umbrella term that is used to describe all forms of serious exploitation including both slavery, servitude and forced or compulsory labour (which is an offence under section 1 of the HT Act) and human trafficking (an offence under section 2). Both offences involve exploitation of, or the intent to exploit, a victim. In the case of human trafficking the offence will also involve an element of movement, or arranging / facilitating movement, with the intent to exploit. Victims of either offence are eligible for support under the National Referral Mechanism (NRM).

Private Fostering

An arrangement whereby a child under 16 (or under 18, if disabled) receives care and accommodation continuously for 28 days or more by someone who is not a parent, does not have legal parental responsibility and is not a close relative. Close relatives are defined by the Children (NI) Order 1995 as parents, step-parents, grandparents, siblings, aunts or uncles. Such arrangements must be notified and supervised by a Health and Social Care Trust under the Children (Private Arrangements for Fostering) Regulations (Northern Ireland) 1996⁸.

PSNI Central Referral Unit (CRU) and Public Protection Unit (PPU)

The method by which police hear about many concerns about children is from Health and Social Care Trusts (HSC), any other agency, or member of the public to the PSNI's Central Referral Unit (CRU). CRU will screen each referral and assign to the appropriate PPU, Human Trafficking Unit, or other relevant District, Department or Branch, if it is determined, following assessment, that an investigation is required. PPU's are aligned to the 5 Health & Social Care Trusts.

Regional Emergency Social Work Service (RESWS)

The Regional Emergency Social Work Service provides an emergency social work response across all of Northern Ireland on an out of hour's basis:

- 5pm to 9am weekdays

⁷ <http://www.familylawweek.co.uk/site.aspx?i=ed46085>

⁸ <http://www.legislation.gov.uk/nisr/1996/452/contents/made>

- 24 hours at weekends and bank holidays.

RESWS will accept **Child Care Referrals** where:

- There are concerns that a child has suffered, or is likely to suffer significant harm (this includes the presentation of an Unaccompanied or Separated Child or young person and a child victim / potential child victim of Human Trafficking or Modern Slavery);
- There are concerns in relation to children who are Looked After by a health and social care Trust or their carers including foster carers;
- There is suspected or confirmed abuse of a child;
- In cases where there is a serious and imminent risk of family breakdown in the community, foster care or kinship placements;
- An appropriate adult is required for a separated or unaccompanied child or young person or a child or young people who is subject of a care order
- There is a need for authorised professionals to make an enquiry to the Child Protection Register;

Separated child

A Separated child is a person who is under the age of eighteen years who has been separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. These may, therefore, include children accompanied by and/or living with other adult family members.

Third Country national

For the purpose of this guidance, this means a person who does not hold British citizenship or the citizenship of an EEA country.

Unaccompanied Child

An unaccompanied child is a person who is under the age of eighteen years who has been separated from both parents and other relatives and is not being cared for by an adult who, by law or custom, is responsible for doing so.

Unaccompanied asylum-seeking child (UASC)

An unaccompanied asylum-seeking child is a “child who is applying for asylum in their own right and is separated from both parents and is not being cared for by an adult who in law or by custom has responsibility to do so”.

United Kingdom Immigration Enforcement

Immigration Enforcement is an operational unit within the Home Office which provides some of the functions of the former UK Border Agency. It is responsible for tackling the full range of immigration criminality, tackling and disrupting organised immigration crime and removing the most harmful individuals and those with no right to be here from the UK. Immigration Enforcement officers may encounter an Unaccompanied or Separated Child or young person and a child victim / potential child victim of Human Trafficking or Modern Slavery during the course of their duties. In all instances where UKIE Officers encounter an individual whom they believe or suspect to be an unaccompanied or separated child or a

trafficked child, a referral should be made to the local Health and Social Care Trust and to the PSNI CRU to enable a full response to be made including, as necessary, a criminal investigation.

United Kingdom Visas and Immigration

On 1 April 2013 the former UK Border Agency was split into two separate operation units within the Home Office.

- Border Force (BF)

Border Force (BF) was formed on 1 March 2012 as a law enforcement command within the Home Office. It secures the UK border by carrying out immigration and customs controls for people and goods entering the UK.

It is responsible for:

- checking the immigration status of people arriving in and departing the UK;
- searching baggage, vehicles and cargo for illicit goods or illegal immigrants;
- patrolling the UK coastline and searching vessels;
- gathering intelligence;
- alerting the police and security services to people of interest; and
- reporting all concerns in relation to child victims/potential victims of human trafficking to enable a full investigation to be made of that child's circumstances.

BF is a First Responder organisation for potential victims of trafficking. It works closely with Competent Authorities: the MSHTU and UKVI as well as Immigration Enforcement based at Drumkeen House in Belfast.

- UK Visas and Immigration (UKVI)

UKVI provides some of the functions of the former UK Border Agency and is responsible for handling visa applications to come to the UK, applications to extend a stay in the UK on a temporary and permanent basis, applications for asylum, appeals, correspondence and sponsor management.

As one of the UK's Competent Authorities, UKVI is responsible for assessing and making NRM Conclusive Determinations in cases where an asylum application is being dealt with through the NRM (i.e., generally where the individual is a non-EEA national who does not have extant leave to enter or remain in the UK).

UNOCINI Assessment Framework

UNOCINI stands for "Understanding the Needs of Children in Northern Ireland". It is a standardised framework to support professionals in assessment and planning to better meet the needs of children and their families. The quality of the UNOCINI assessment is central to children needs being comprehensively understood across agencies and ensuring that the most appropriate responses and services are provided to meet children's and young people's needs, including their need for protection.

UNOCINI guidance may be accessed on the following website:

<http://www.hscboard.hscni.net/publications/policies-protocols-guidelines>

1. INTRODUCTION

This Guidance refers to separated, unaccompanied and unaccompanied asylum seeking children collectively as ‘unaccompanied children’.

- 1.1 This guidance is issued by the Health and Social Care Board (HSCB). It has been developed and informed in consultation with the Department of Health (DoH).
- 1.2 It is intended to provide information on Unaccompanied and Separated Children and Young People and the arrangements that are in place to identify and support them and ensure their needs are met and their welfare is promoted.
- 1.3 This guidance should be read in conjunction with:-
 - The United Nations’ Committee On The Rights Of The Child General Comment No. 6 (2005) Treatment Of Unaccompanied And Separated Children Outside Their Country Of Origin;
 - The Convention On Jurisdiction, Applicable Law, Recognition, Enforcement And Co-Operation In Respect Of Parental Responsibility And Measures For The Protection Of Children (The 1996 Hague Convention);
 - the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (the HT Act) and Modern Slavery Act 2015;
 - the Children (Northern Ireland) Order 1995 (the Children Order);
 - Co-operating to Safeguard Children and Young People in Northern Ireland 2016;
 - The regional Child Protection Policies and Procedures
 - the “*Working Arrangements for the Welfare and Safeguarding of Child Victims and Potential Child Victims of Human Trafficking and Modern Slavery*” (<http://www.hscboard.hscni.net/publications/policies-protocols-guidelines>)
- 1.4 This guidance sets out the working arrangements that should be followed by Health and Social Care Trust staff when they encounter an unaccompanied young person.
- 1.5 Those encountering Children and Young People who present as Unaccompanied should always consider the **possibility that the child/young person may be a victim or potential victim of Human Trafficking or Modern Slavery.**
- 1.6 Any child or young person who is **known or suspected to be a victim of Human Trafficking is by definition a child in need of protection and should be subject of an investigation under the provisions of Article 66 of the Children Order (a child protection investigation).**

In **all** cases where a child or young person is known or suspected to be a victim of Human Trafficking the guidance in “*Working Arrangements for the Welfare and Safeguarding of Child Victims and Potential Child Victims of Human Trafficking and Modern Slavery*” **must** be complied with.

- 1.7 The *United Nations Convention on the Rights of the Child* (UNCRC)⁹ was passed by the UN General Assembly in 1989 and ratified by the UK in 1991. Ratification commits the UK to bringing its law, policy and practice into line with the UNCRC. In 2008 the UK Government lifted its reservation on Article 22 of the UNCRC concerning the rights of children who are refugees and asylum seekers.

All public authorities in the UK therefore have a duty to uphold the UNCRC rights afforded to such children. In particular, Article 3 of the UNCRC commits public authorities to ensuring that in all actions concerning children “*the best interests of the child shall be a primary consideration*” and that the child will be afforded “*such protection and care as is necessary for his or her well-being*”.

- 1.8 The Children Order provides the main statutory framework for agencies to respond effectively to children and young people’s needs, including their need for protection. The Order outlines arrangements for children and young people who are accommodated and Looked After by Trusts including arrangements for Leaving Care and their Aftercare.

The protection of children and young people in Northern Ireland is of the highest and most immediate priority and Government is committed to ensuring the safety and well-being of all children.

A list of International and Regional Standards is included in *Annex C* (this is not a definitive or exhausted list).

1.9 **The 1996 Hague Convention**

In exercising its duties under the Children Order, each Trust is required to have due regard to and act in compliance with the requirements of the 1996 Hague Convention.

The Convention enables an authority¹⁰ to:

1. ask another state to provide a report/information to inform decisions on whether child protection measures should be taken.
2. take action to protect a child at immediate risk of harm, even if the child is usually resident in another contracting state.

⁹ https://353ld710iigr2n4po7k4kgvv-wpengine.netdna-ssl.com/wp-content/uploads/2010/05/UNCRC_PRESS200910web.pdf

¹⁰ The 5 HSC Trusts in Northern Ireland on behalf of HSCB, through a Scheme for the Delegation of Statutory Functions, fulfil the legal functions that the Children Order ascribes to HSCB. The 5 Trusts thereby act as ‘authorities’.

3. ask another contracting state to transfer jurisdiction for a child if a local authority feels it is better placed to make decisions about his/her welfare, or ask another state to take on jurisdiction in the reverse situation.
4. consult with the relevant authority in another state about placing a child in foster or residential care in that state.
5. ask for help in tracing a child in a contracting state when a local authority is concerned about his/her welfare.
6. ask another state to consider taking measures to protect a child who lives in that state.
7. provide a report to support a parent's case for contact with a child living in another contracting state.

Each of the five Trusts are required to agree a first point of contact to manage any communications between the Central Authority and relevant frontline staff and to let the Central Authority know the contact details. Trusts' nominated person should be of sufficient seniority to make decisions on action for international cases, and there should be cover arrangements to ensure that urgent requests can be dealt with promptly.

Brussels IIa Regulation¹¹

Brussels IIA or II bis is a [European Union](#) Regulation on [conflict of law](#) issues in [family law](#) between member states; in particular those related to [divorce](#), [child custody](#) and [international child abduction](#). It replaces Convention Council Regulation (EC) No 1347/2000 of 29 May 2000 on the jurisdiction, recognition and enforcement of judgments in matrimonial matters and in matters of joint parental responsibility for children. The regulation does not apply to Denmark.

Brussels Ila covers children in all civil matters (Art 1(1)(b)) and includes private law custody, access (now known as contact in England), guardianship and property protection (e.g. appointment of representatives). It includes parental responsibility, widely defined in Art 2(7) as: "all rights and duties relating to the person or the property of a child which are given to a natural or legal person by judgment, by operation of law or by an agreement having legal effect. The term shall include rights of custody and rights of access."

It covers enforceable agreements made after 1 March 2005 and decisions by authorities with jurisdiction which covers social services, arrangements in public law care proceedings, international foster care. It does not include adoption, maintenance, trusts or criminal offences by children.

The starting point is Art 8 which gives priority to the state of the habitual residence of a child. This jurisdiction does not normally change even if the child later moves to another country. There are exceptions to this general priority of habitual residence where the child has lived previously in another member state (Art 9), in cases of child abduction (Art 10),

¹¹ <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32003R2201>

in cases where there may be a closer connection with a member state other than that of habitual residence (Art 12), where it is impossible to determine the habitual residence of a child (Art 13) and where the court which has jurisdiction of the matter transfers the case to a country better placed to deal with it (Art 15). But each of these Articles has strict preconditions. The general and most used rule is that jurisdiction is based on a child's habitual residence: a phrase not defined, but left to the interpretation of individual judges.

Where a child has moved from one member state to another and has acquired habitual residence in that other state, the original state may still have jurisdiction but the provisions in Article 9 are detailed and dependent on the movement being lawful, action being taken in three months etc, and reference should be made to the Convention and to the Practice Guide.

Where there are divorce proceedings in a member state, that country can deal with issues of parental responsibility which, as stated above, covers custody and access, in accordance with Art 12 provided it is in the best (described as "superior") interests of the child. Jurisdiction on this basis ends when the divorce action ends, e.g. with a decree absolute. Even if there are no divorce proceedings, a country can still take jurisdiction when a child is not habitually resident if the child has a substantial connection with the country and all relevant parties agree to that country dealing with the matter and again it is in the best interests of the child (Art 12).

If a child is present in a country then it can deal with matters of parental responsibility if it is impossible to determine habitual residence (Art 13).

A new innovation in Art 15 is to allow a transfer of a case (or part of a case) from one country to another if the latter is better placed to hear it and the transfer is in the best interests of the child. The specific criteria for any transfer are in Art 15(3). A second transfer is not allowed. The application for the transfer can be by a party, the court of its own motion or the court of another member state. There are strict time limits and procedures to invoke Art 15 but it is a very valuable addition.

Cases between the UK and other EU Member States continue to be dealt with under Council Regulation 2201/2003 for matters which this Regulation applies. However, the implementing Regulations for Hague 1996 include provisions to ensure that the requirements under Brussels IIa are in line with those applying under the Convention. This is to ensure that co-operation between EU states is consistent with that available to Hague 1996 countries outside the EU.

The European Commission has produced a practice guide to the Brussels IIa regulations¹².

¹² http://ec.europa.eu/justice/civil/files/brussels_ii_practice_guide_en.pdf

2. PRINCIPLES

General Principles

These principles shall be taken into account during all stages of caring for and protecting unaccompanied children.

Rights of the Child

- 2.1 All actions undertaken in relation to unaccompanied children shall be guided by applicable human rights standards and in particular by the principles of protection and respect for children's rights as set out in the United Nations Convention on the Rights of the Child (UNCRC). All Articles of the Convention have equal standing and are interdependent.

State obligations under the UNCRC apply to each child within the State's territory and to all other children subject to its jurisdiction; the enjoyment of rights stipulated in the Convention is not limited to children who are citizens of a State, but must also be available to all children including trafficked children – irrespective of their nationality, immigration status or statelessness.

Such responsibilities are not only limited to the provision of protection and assistance to children who are already unaccompanied, but include measures to prevent separation.

The state is required not only to refrain from taking actions that infringe on children's rights, but also to **proactively take positive measures to ensure the enjoyment of these rights without discrimination.**

Right to be protected

- 2.2 Unaccompanied children are entitled to special protection measures, both as victims and as children, in accordance with their specific rights and needs.

The state is obliged to protect and assist unaccompanied children and to ensure their safety.

The particular vulnerability of unaccompanied children, explicitly recognised in article 20 of the Convention, must be taken into account and will result in making the assignment of available resources to such children a priority.

Where there are indications that an unaccompanied child cannot return to his/her country or place of origin due to a well-founded fear of persecution, refugee status determination and the granting or corresponding status will be the most appropriate avenue to pursue.

All decisions regarding unaccompanied children for protection must be taken expeditiously.

The involvement of an unaccompanied child in criminal activities shall not undermine their status as both a child and a victim, or their related rights to special protection.

Right to Survival and Development

- 2.3 All unaccompanied children have the right to life and the right to seek international protection. The denial of a child's rights and the abuse of a child are never acceptable. Unaccompanied children must be provided with protection and assistance to ensure that they are adequately fed, clothed and accommodated and that their physical, mental, spiritual and emotional health needs are met. Unaccompanied children must be given opportunities to develop, learn and thrive and they must be supported and encouraged to achieve their potential.

Best Interests of the Child

- 2.4 In all decisions and actions concerning unaccompanied children, the best interests of the child shall be a primary consideration. A best interests determination must be documented in preparation of any decision fundamentally impacting on the unaccompanied child's life.

A determination of what is in the best interests of the child requires a clear and comprehensive assessment of the child's identity, including her or his nationality, upbringing, ethnic, cultural and linguistic background, particular vulnerabilities and protection needs.

Consequently, allowing the child access to the territory is a prerequisite to this initial assessment process. The assessment process should be carried out in a friendly and safe atmosphere by qualified professionals who are trained in age and gender-sensitive interviewing techniques.

Right to Non-Discrimination

- 2.5 Unaccompanied children have the right to protection. They must be considered as children first and foremost.

Every unaccompanied child shall have, without discrimination of any kind as to race, sex, language, religion, ethnic or social origin, birth, or other status, including immigration status, the right to such measures of protection as are required by his or her status as a minor.

Respect for the Views of the Child

- 2.6 An unaccompanied child who is capable of forming his or her own views has the right to express those views freely in all matters affecting him or her.

To allow for a well-informed expression of such views and wishes, it is imperative that such children are provided with all relevant information concerning, for example, their entitlements, services available including means of communication, the asylum process, family tracing and the situation in their country of origin.

In guardianship, care and accommodation arrangements, and legal representation, children's views should also be taken into account. Such information must be provided in a manner that is appropriate to the maturity and level of understanding of each child. As participation is dependent on reliable communication, where necessary, interpreters should be made available at all stages of the procedure.

Respect for the views of the child must be maintained in relation to the legal process, interim care and protection, and the identification and implementation of a durable solution, particularly in decisions concerning the child's possible return to the family, country or region of origin.

The views of the unaccompanied child must be sought, recorded and given due weight in accordance with his/her age, maturity and capacity.

The child shall be provided the opportunity to be heard in any judicial and administrative proceedings affecting him or her, either directly, or through a representative or an appropriate body, in a manner consistent with procedural rules of national law.

Right to Information

- 2.7 Unaccompanied children shall be provided with age appropriate and accessible information regarding their situation and their rights, including protection mechanisms, other available services, and the immigration process, making an asylum claim and processes of family reunification and/or repatriation.

Information shall be provided in a language and format that the child is able to understand. Suitable interpreters shall be provided whenever a child is questioned or interviewed, or whenever she or he requests it.

Right to Confidentiality

- 2.8 All necessary measures shall be taken to protect the privacy and identity of unaccompanied children to ensure the safety and security of the child and his/her family.

This obligation applies in all settings, including health and social welfare. Care must be taken that information sought and legitimately shared for one purpose is not inappropriately used for that of another. Confidentiality concerns also involve respect for the rights of others. In obtaining, sharing and preserving the information collected in respect of unaccompanied children, particular care must be taken in order not to endanger the well-being of persons still within the child's country of origin, especially the child's family members.

Information relating to the whereabouts of the child shall only be withheld from the child's parents where required for the safety of the child or to otherwise secure the "best interests" of the child.

Information that could lead to the identification of an unaccompanied child or his or her family members and/or their whereabouts shall not be revealed to the public or media¹³.

For some unaccompanied children, contacting the authorities of the country or place of origin should be done with caution, to avoid increasing the child's risk and/or the risk of his or her family being targeted by the authorities.

Organisations must ensure the permanent preservation of their records in such a manner as guarantees confidentiality.

Right to information and support in relation to Immigration Status and Asylum Claims

2.9 All unaccompanied children should be properly informed of;

- their right to seek and enjoy asylum;
- their right to make application for leave to remain in the UK.

Children should not, as a general rule, be detained. Detention cannot be justified solely on the basis of the child being unaccompanied, or on their migratory or residence status, or lack thereof.

Where detention is exceptionally justified for other reasons, it shall be conducted in accordance with article 37 (b) of the Convention that requires detention to conform to the law of the relevant country and only to be used as a measure of last resort and for the shortest appropriate period of time. In consequence, all efforts, including acceleration of relevant processes, should be made to allow for the immediate release of unaccompanied children from detention and their placement in other forms of appropriate accommodation.

States should further take into account that illegal entry into or stay in a country by an unaccompanied child may also be justified according to general principles of law, where such entry or stay is the only way of preventing a violation of the fundamental human rights of the child. More generally, in developing policies on unaccompanied children, including those who are victims of trafficking and exploitation, States should ensure that such children are not criminalized solely for reasons of illegal entry or presence in the country.

Staff Training

2.10 All those working with unaccompanied children must receive appropriate and ongoing training. Such training should focus specifically on the rights and needs of unaccompanied children, but also on cultural factors and the appropriate skills for communicating with them. Training should also be given to ensure that those working

¹³ Exceptions may be made, with the informed consent of the child/young person, in circumstances such as to facilitate the tracing of family members or otherwise secure the well-being and protection of the child. Information about a child victim that could endanger the child or the child's family members shall not be disclosed in any case. The PSNI will take the lead role and provide appropriate advice and guidance to other agencies/organisations to facilitate decision-making and action.

with unaccompanied children are culturally and gender sensitive and understand intercultural communication.

Durability

- 2.11 Decisions that are taken regarding unaccompanied children must take into account, to the greatest possible extent, the long-term best interests and welfare of the child. Solutions should be concrete, secure and sustainable.

Timeliness

- 2.12 All decisions regarding unaccompanied children must be taken in a timely fashion taking into account the child's perception of time. Whilst all decisions should be given thorough consideration, delay shall be presumed to be prejudicial to the child. Perceptions that a child is merely in transit should not affect the duty of officials to take appropriate steps to start and actively progress any relevant procedures and processes. Timely decisions are in the interests of all concerned parties.

3. THE ROLE OF HEALTH AND SOCIAL CARE TRUSTS

Consideration of the possibility of Human Trafficking and/or Modern Slavery

- 3.1 The Children Order imposes a **general duty**¹⁴ on Trusts **to safeguard and promote the welfare of children in need** in their area and a **specific duty**¹⁵ to **investigate the circumstances of any child if the Trust has reasonable cause to suspect that the child is suffering, or is likely to suffer, significant harm and to take action to safeguard or promote the child's welfare.**

Children or young people who are recovered as part of police operations or come to the attention of the Trust by some other means and initially present as Unaccompanied Children or young people may be victims or potential victims of human trafficking and/or modern slavery. All children and young people who are suspected of being victims of trafficking or modern slavery are entitled to **support, care and protection** under the full provisions of the Children Order, regardless of their immigration status or nationality.

- 3.2 **A Trust must always give consideration, in the first instance, to the possibility that a child or young person presenting as an unaccompanied child may be a victim or potential victim of human trafficking or modern slavery. Consideration should always be given to the indication of Human Trafficking as per the United Nations Human Trafficking indicators (Annex D) and that an Emergency Protection Order or Interim Care Order may be necessary to secure the safety and welfare of that child/young person and 'Parental Responsibility' in respect of the child /young person.**

Unaccompanied or separated children should not be referred to the National Referral Mechanism where there are no grounds to suspect the child is a potential victims of Human Trafficking or Modern Slavery.

- 3.3 Where a child is **known or suspected to be a victim of trafficking or modern slavery**, the relevant Trust **must always respond to that child's circumstances and needs in compliance with**:-
- **Article 66 of the Children (NI) Order 1995;**
 - ***Co-operating to Safeguard Children and Young People in Northern Ireland 2016***¹⁶;
 - **the *Regional Child Protection Policy and Procedures (2005)***¹⁷;

¹⁴ <http://www.legislation.gov.uk/nisi/1995/755/article/16/made>

¹⁵ <http://www.legislation.gov.uk/nisi/1995/755/article/66/made>

¹⁶ <https://www.health-ni.gov.uk/publications/co-operating-safeguard-children-and-young-people-northern-ireland>

¹⁷ <http://www.safeguardingni.org/sites/default/files/sites/default/files/imce/REGIONAL%20POLICY%20AND%20PROCEDURES.pdf>

- the *Working Arrangements for the Welfare and Safeguarding of Child Victims/Potential Child Victims of Human Trafficking and Modern Slavery*; (<http://www.hscboard.hscni.net/publications/policies-protocols-guidelines>)
- the 'Joint Protocol' ¹⁸;
- 'Achieving Best Evidence'.

- 3.4 All staff in Trusts' Children's Services Teams and the Regional Emergency Duty Social Work Service should have knowledge of the United Nations Indicators of Child Trafficking (see *Annex D*) and ensure compliance with the requirements of all International Conventions, Domestic Legislation and Procedural Guidance.

The Appointment of an Independent Guardian

- 3.5 The social worker appointed for the child should ensure that an Independent Guardian is appointed in respect of the child as immediately as possible.
- 3.6 An Unaccompanied Child should only be referred to asylum or other procedures **after** the appointment of a guardian.

The Appointment of an Independent Legal Representative for the Child

- 3.7 The social worker should liaise with the Independent Guardian appointed for the child to ensure that the Independent Guardian has appointed an independent solicitor to represent the child and protect his/her best interests.

Legal issues in relation to the child's care and case management considerations

- 3.8 The Trust should **consider the legal status of the child as a matter of urgency and seek legal advice on the appropriate action necessary** to provide optimum protection to the child. The Trust should **always** give immediate consideration to the necessity to secure **Parental Responsibility** in respect of the child and obtain legal advice in relation to the securing an appropriate legal order to enable the Trust to make judicially mandated decisions to promote the child's protection, safety and welfare, and secure the child's **immediate safety**.

Each case must be examined on its own merits to determine the most appropriate legal position for the child concerned.

- 3.9 If emergency protection or care order proceedings are initiated, a guardian ad-litem will normally be appointed by the court. The guardian ad-litem will consult with the independent guardian and the child's social worker to agree appropriate legal advice for the child.

¹⁸ <http://www.hscboard.hscni.net/download/PUBLICATIONS/policies-protocols-and-guidelines/Protocol-for-joint-investigation-by-social-workers-and-police-officers-of-alleged-and-suspected-cases-of-child-abuse-NI.pdf>

3.10 Acknowledging the confusion and anxiety that may exist for the child, the unnecessary introduction of additional professionals should be avoided. Ideally, the independent guardian, the guardian ad litem and social worker should agree one legal representative to work on the child's behalf and engage in a collaborative manner with other professionals and agencies.

3.11 A significant number of professionals and agencies may need to be involved in the child's case within a short timescale. There is potential for this to overwhelm and be detrimental to a child who is already extremely vulnerable. The social work manager responsible for the child's case should, in collaboration with the PSNI and independent guardian and in compliance with legislative and procedural requirements, establish a case management approach which secures effective joint working and co-operation between the various professionals and agencies involved.

This should help to ensure that all essential interviews and proceedings involving the child are planned and take place, in compliance with procedural requirements and guidance, at a pace that recognises the child's need for a measured approach.

3.12 Relevant information should be shared appropriately between agency professionals, the independent guardian and the guardian-ad-litem to avoid the child having to engage in unnecessary repetition.

The child's access to independent legal advice

3.13 Third country national children who are identified as unaccompanied children and young people will need to be aware of immigration issues and the provisions for seeking asylum or humanitarian protection in the UK as well as rights and other considerations which may be pertinent to their circumstances.

3.14 Having explained the advantage of seeking legal advice in relation to these issues, the child's social worker should, with the child's consent and consultation with the Independent Guardian appointed, assure him/herself that the necessary and appropriate legal advice and representation has been arranged by the independent guardian on the child's behalf. A co-operative and collaborative approach should be agreed between the child's/young person's social worker and independent guardian in respect of legal representation for the child/young person.

3.15 Independent legal advice to the child/young person should include considerations in relation to the child's/young person's status as a victim/potential victim of human trafficking and/or modern slavery, care proceedings, immigration issues, asylum issues, criminal injuries compensation redress, repatriation and reunification with family if appropriate and the child's status in the context of the 1996 Hague Convention and Dublin III arrangements.

Liaison with the Immigration Authorities

3.16 Unaccompanied children should be provided with their own personal identity documentation as soon as possible and tracing of family members to be commenced as early as possible (see 3.39).

- 3.17 Unaccompanied children should not be referred into asylum procedures if their presence in the territory does not raise the question of international refugee protection needs.
- 3.18 Having consulted with the child's independent guardian, the child's social worker should liaise with the child's solicitor and provide information and assure him/herself that representation has been lodged on the child's behalf with UKVI. The child's social worker should also ensure that the child's solicitor is aware of all impending interviews between Border Force, UKVI and/or the PSNI and the child in relation to trafficking, modern slavery, asylum and other immigration matters and should at all stages co-operate in the provision of timely information to assist the child's case.
- 3.19 In all interviews conducted by the UKVI, the child should be accompanied by his/her social worker unless it has been agreed beforehand that the child's independent guardian or solicitor should attend the interview as the responsible adult.
- 3.20 In all instances, the social worker with statutory responsibility for the child must assure him/herself that all relevant records and documentation is made available to be included on the child's case-file. The Trust retains 'corporate parenting' responsibility in respect of the child and should always be in possession of any significant information, documentation and records relevant to it meeting the child's needs in the widest sense and promoting and safeguarding his/her welfare and best interests.
- 3.21 Issues may arise during the course of the interview which could have implications for that child's immigration status and/or outstanding application with UKVI.
- 3.22 The child's social worker should, in consultation with the independent guardian (and, where necessary, the guardian ad-litem), assure him/herself that any such issues which may have implications for that child's immigration status and/or outstanding application with UKVI are addressed in an appropriate and timely manner by the child's legal representative.

The social worker should ensure that an application for a National Insurance Number namely for the child is made. (See Annex E)

- 3.23 The child's/young person's social worker and independent guardian should also ensure that any records maintained by the Immigration Authority (for example, identification measures, photographs, fingerprinting, DNA, tattoos and other identifying characteristics) that can be shared are retained securely within their records.

Care of the child

- 3.24 A child who has adult relatives arriving with him or her or after him or her or who are already living in Northern Ireland, or in another country, should be allowed to stay with them unless such action would be contrary to the best interests of the child.
- 3.25 Children and young people should not, as a general rule, be deprived of liberty and, in order to ensure continuity of care and considering the best interests of the child, changes in residence for unaccompanied children should be limited to instances where such change is in the best interests of the child.
- 3.26 In accordance with the principle of family unity, siblings should be kept together.

- 3.27 **When a child/young person is accommodated and/or Looked After by the Trust under Article 21 of the Children Order the full regulatory provisions and guidance in respect of ‘Looked After Children’ will apply.**
- 3.28 The Trust should provide an appropriate, safe placement taking into account the child's individual needs and (depending on his/her age and level of maturity) the child's wishes and feelings.
- 3.29 The child's immediate placement will be determined by his/her needs for emergency accommodation and an initial assessment of any potential risks to the child and others.
- 3.30 The child's integration into the local community must be based on a secure legal status (including residence status) and be governed by the Convention rights and rights under the Children Order.
- 3.31 Once it has been determined that a unaccompanied child will remain in the jurisdiction, the Trust should conduct an assessment of the child's situation and then, in consultation with the child and his or her guardian and legal representative, determine the appropriate long-term arrangements to support the child and facilitate his/her integration.
- 3.32 The long-term placement for the child/young person should be decided in his/her best interests. The unaccompanied child has the same rights (including to education, training employment and health care) as enjoyed by national children. In ensuring that the rights of unaccompanied child /young person are fully enjoyed by him/her, the responsible Trust must pay special attention to any extra measures required to address the child's vulnerable status and promote his/her welfare.

Age Assessment

- 3.33 Where there is uncertainty about the age of the victim, particularly in relation to concerns that a young person may be younger or older than stated, an age assessment (see part 3.83) should be undertaken.

Needs Assessment

- 3.34 All unaccompanied children and young people should be treated as **children in need** as defined in Article 17¹⁹ of the Children Order and a full and comprehensive assessment of their needs should be undertaken by the Trust in whose area the child/young person resides or is found. Consideration must always be given to; -
- Article 21(3) Duty to provide accommodation for 16/17 year olds whose welfare would be seriously prejudiced without such service.
 - Article 21(4) Power to provide accommodation to safeguard and promote.
 - Article 21(5) Power to accommodate persons aged 16-21 if it will safeguard and promote the young person's welfare.

¹⁹ <http://www.legislation.gov.uk/nisi/1995/755/article/17>

- Statutory Duty Article 26(2) of Assessment of Need before the Trust provides accommodation.
 - Paragraph 11 Schedule 2 of the Children (NI) Order 1995, see Regulations and Guidance Vol 2 Family Support para 2.28.
- 3.35 The ultimate aim in addressing the needs of unaccompanied children is to identify a durable solution that addresses all their protection needs, takes into account the child's view and, wherever possible, leads to overcoming the situation of a child being unaccompanied. Efforts to find durable solutions for unaccompanied children should be initiated and implemented without undue delay and, wherever possible, immediately upon the assessment of a child being unaccompanied. Following a rights-based approach, the search for a durable solution commences with analysing the possibility of family reunification.
- 3.36 The assessment must take account of the particular vulnerabilities the child/young person may experience and include consideration of the child's/young person's health needs, his/her physical and psychosocial well-being, his/her need for accommodation as well as the child's/young person's need for protection.
- 3.37 The assessment should take into account the fact that unaccompanied children have undergone separation from family members and have also, to varying degrees, experienced loss, trauma, disruption and violence. Many such children, in particular those who are refugees, may have further experienced pervasive violence and the stress associated with a country afflicted by war. This may have created deep-rooted feelings of helplessness and undermined a child's trust in others. Moreover, girls are particularly susceptible to marginalization, poverty and suffering during armed conflict, and many may have experienced gender-based violence in the context of armed conflict. The profound trauma experienced by many affected children calls for special sensitivity and attention in their care and rehabilitation.
- 3.38 The assessment must consider all available information to determine the potential existence of international protection needs, including:-
- those due to a "well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion" in the child's country of origin
 - children and young people may be secretive about giving family details in an attempt to protect families from perceived or real threat and because of a lack of trust in professional
 - those deriving from external aggression, occupation, foreign domination or events seriously disturbing public order
 - those relating to the indiscriminate effects of generalized violence.
- 3.39 Tracing is an essential component of any search for a durable solution and should be prioritized except where tracing, or the way in which tracing is conducted, would be contrary to the best interests of the child or jeopardize fundamental rights of those being traced. When conducting tracing activities, no reference should be made to the status of the child as an asylum-seeker or refugee. Tracing efforts should be continued as the child's immigration status is clarified and/or the asylum procedure is progressed.

3.40 At this stage a full UNOCINI assessment of the child's needs should commence and due regard must be given to the vulnerability of the child/young person and his/her need for:

- personal safety and risk management, including the potential that the child/young person may go missing (part 3.60-3.75);
- the protection of the court (part 3.8-3.12);
- a safe, contained environment, sufficiently compatible, as far as possible, with the child's culture and ethnicity, to help reduce his/her sense of isolation and where the child can feel sufficiently secure to provide evidence if he/she is willing to do so (part 3.53-3.54);
- risk management (part 3.60-3.75)
- appointment of an independent visitor (part 3.97-3.99);
- ongoing independent legal advice (part 3.13-3.15);
- access to medical and health advice (part 3.48-3.52)
- appropriate linguistic, cultural and other support (part 3.53-5.54);
- education (part 3.55-3.59);
- ongoing support (part 3.102-3.105).

In addition, a complete social history must be taken, drawing on all sources of information, by the Trust. This should cover:

- Family information (in the country of origin and elsewhere)
- Information on non-family members important to the child
- Circumstances where the child was found/identified
- Information concerning the child's separation from family
- Information about the child's life before and since separation
- Child's physical condition, health and past medical history
- Educational background (formal and informal)
- Religious, cultural and linguistic background
- Present care arrangements
- Child's wishes and plans for the future
- Preliminary assessment of the child's mental and emotional development and maturity

3.41 Decisions, and any further actions necessary to secure the welfare of the child, should be based on the findings of an initial protection assessment.

3.42 The initial assessment should identify appropriate options for care and accommodation arrangements and these should be made explicit in the initial plans to meet the child's needs. Accommodation arrangements should be informed by the particular vulnerabilities of the child/young person who has not only lost connection with his or her family environment, but further finds him or herself outside of his or her country of origin.

3.43 The assessment should be informed by the child's age, gender and level of understanding and his/her ethnic, religious, cultural and linguistic background.

3.44 The child's social worker, independent guardian and legal representative should share information regularly as assessments are on-going.

- 3.45 Given the particular vulnerabilities of an unaccompanied child, assessments should be regularly updated by the social worker with case responsibility, in consultation and co-operation with other key personnel who have responsibilities towards the child/young person to ensure the child's physical and psychosocial health, protection from harm and access to appropriate educational and vocational skills and opportunities.
- 3.46 The child/young person must be kept informed of the care arrangements being made for him/her, and their opinions must be taken into consideration, as well as those of others with defined responsibilities for the child/young person.
- 3.47 Where interpreting services are required during or following the initial investigations and the Trust's ongoing engagement with the children or young person, the Trust must make provision for an appropriate interpreting service to assist the care and support of the child.

Health care needs

- 3.48 Promotion of health is an integral part of care planning for all children, including Unaccompanied Children and young people. The child's/young person's health needs should be considered in all review processes. General health care needs, i.e. registration with and access to GP services and routine treatment should be arranged at the earliest opportunity by the child's social worker. If a child has emergency medical needs, Accident and Emergency units at hospitals will provide such treatment.
- 3.49 In view of the life circumstances and experiences to which they may have been exposed, all Unaccompanied Children and young people should be offered and encouraged to avail of a full health screening, including sexual health screening. Where the child can provide appropriate informed consent, the social worker should make contact with the relevant services/clinic to arrange an appointment – see *Annex F* for local clinics.
- 3.50 If the child/young person does not consent to any medical examination or treatment which may be deemed necessary, further advice and guidance should be sought, including legal advice when necessary and the advice of the independent guardian as to whether health screening/treatment should be pursued. **In the case of a very young child or a child who is not deemed legally competent to give valid consent to a medical investigation or the provision of a DNA sample, and no-one with parental responsibility is available to consent to a medical investigation or DNA sample, the responsible HSC Trust should seek legal advice as to an application for a Child Assessment Order or an Emergency Child Protection Order under Article 62 and 63 of the Children (NI) Order 1995 respectively.**
- 3.51 The appointed social worker should accompany the child to medical appointments and provide support to the child or, if the child expresses a wish to be accompanied by the independent guardian, assure him/her that the independent guardian will do so.
- 3.52 Unaccompanied Children and young people may also have deep-seated emotional and/or mental health needs, and may experience post-traumatic stress symptoms during the recovery period and long afterwards. In such cases, LAC Therapeutic Services, Child and Adolescent Mental Health Services or other relevant counselling

and support services should be sought and provided in a timely manner for the child to promote the child's emotional well-being.

Unaccompanied children living in Northern Ireland will be managed under looked after child procedures (and when necessary, Child Protection Procedures). Because of the circumstances they have faced, unaccompanied children often have complex health needs that will require assessment and intervention. As for any looked after child, an initial health assessment will be undertaken by a health visitor, school nurse or specialist nurse for looked after children. The health assessment will consider all aspects of the child's health including physical, emotional and mental health. Depending on outcome of assessment an appropriate health plan will be developed and the child or young person will be referred to any other health services as deemed appropriate. This health assessment will be reviewed and updated 6 monthly for preschool children and yearly for school aged. The health visitor, school nurse or specialist nurse for looked after children will be responsible for attending and contributing to Looked After Reviews for these children whilst they continue to have a health plan in place.

Cultural and Well Being Needs

- 3.53 All unaccompanied children have the right to maintain their cultural identity and values, including the maintenance and development of their native language. The child's social worker, in consultation with the child/young person and the independent guardian should consider how the child's/young person's cultural and wellbeing needs can be best met. The child/young person may want to establish connections with their faith communities/cultural groups or wish to have spiritual support.
- 3.54 Consideration should always be given to how the child/young person can be assisted to address their spiritual/cultural needs in a safe way.

Education and Training

- 3.55 Every unaccompanied child, irrespective of status, shall have full access to education and Trusts have a responsibility, along with other statutory authorities, to assure that unaccompanied and separated children/young people are enabled to avail of appropriate education or training opportunities. The unaccompanied or separated child should be registered with an appropriate school, college or training provider as soon as possible and get assistance in maximizing learning opportunities
- 3.56 All adolescents should be allowed to enrol in vocational/professional training or education, and early learning programmes should be made available to young children.
- 3.57 If the Unaccompanied Child/young person is under school leaving age, the Trust must consider and make provision for the child's educational needs. The social worker should explain the necessity for educational provision to the child/young person and make contact with the Educational Welfare Service. In the first instance this should be via the Chief Education Welfare Officer (EWO) or the Deputy Chief EWO for the area. Where there is a local Education Welfare Team for Looked After Children, any agreed actions or liaison arrangements should be made with the relevant staff from this team.

- 3.58 The social worker and Educational Welfare Service should involve the independent guardian in discussions and arrangements in respect of the child's educational arrangements and the child's Personal Education Plan.
- 3.59 If the Unaccompanied / Separated Child/young people young person is over the statutory age for school attendance the Trust should ensure that the young person is afforded opportunities to attend further education or training as appropriate.

Risk assessment, risk management and children who go missing

- 3.60 Risk management of Unaccompanied Children and young people should be undertaken in compliance with Protecting Looked After Children Guidance as part of each child's ongoing care plan and will take account of risk factors identified by the PSNI.
- 3.61 **Organisations/agencies should not divulge the location of the child to any enquirers** until the PSNI has conducted relevant checks and is in a position to offer advice as to the nature of the contact. Exceptions to this provision will include the independent guardian, the child's solicitor, the guardian ad litem appointed in care proceedings or any other professional essential to the plan for the child's care.

- 3.62 The child's carer or social worker should immediately notify the PSNI of any persons who attempt to contact the child by presenting as relatives or friends.

Where possible, in the first instance, the PSNI point of contact should be contacted by phone. If this officer or their supervisor cannot be contacted, the reporting person should email the officer concerned in non-emergency situations or in an emergency dial 999.

- 3.63 Where the child is in possession of a mobile phone, this may need to be obtained and retained by the PSNI in order to safeguard the child and/or secure evidence in the context of any investigation. In such cases, the child's use of telephone land lines and forms of electronic communication should be monitored.
- 3.64 There is high risk that unaccompanied children and those who may also be victims of trafficking or modern slavery may go missing (possibly back into the care of the traffickers or exploiters or to travel to another destination) before being properly identified as victims of trafficking or modern slavery.
- 3.65 **The Trust should seriously consider the risk that an unaccompanied child/young person may be likely to go missing and take this into account at the earliest stages in planning the child's care.** Trust Care Plans should be explicit in relation to the risks that exist to the child including the risk of going missing and the actions necessary to mitigate against these risks. Ensuring that robust information on the child / young person's profile is documented, is regularly updated and maintained in the child / young person's file from the point of admission to care is essential. Such information will be vital in assisting in the recovery of a child / young person should he / she go missing.
- 3.66 **Assessing the risk of an unaccompanied child/young person going missing should always be made jointly with the PSNI in advance of any placement being**

made and should be shared with those responsible for the management of that placement.

The PSNI point of contact must consider planned actions with the Trust Social Worker to reduce the opportunities that the child may subsequently go missing.

- 3.67 This risk assessment should be progressively updated.
- 3.68 Children and young people should also be provided with written information about how to contact the Child Trafficking Advice Centre (CTAC) (see part 8.10) and the emergency services as well as those who are directly involved in or responsible for their care.
- 3.69 An unaccompanied child/young person who goes missing should be immediately reported to the PSNI to their Call management Handling Centre by dialling 101. The independent guardian and child's solicitor should be informed as soon as possible. As both the Competent Authority and the immigration authority, the UKVI must also be notified of any third country national child who is missing.

The appropriate Central Authority must be notified in compliance with the 1996 Hague Convention.

- 3.70 In all instances the Trust and PSNI must comply with the requirements of the HSCB/PSNI guidance “**MISSING CHILDREN PROTOCOL (RUNAWAY AND MISSING FROM HOME AND CARE)**”²⁰.
- 3.71 Where there are concerns that a **an unaccompanied child/young person** is being moved within Northern Ireland, through the rest of the UK or to the Republic of Ireland, the Trust should convene a multi-agency meeting to share information, manage the situation and ascribe tasks as appropriate to agency representatives with the intention of locating the child/young person and securing his/her earliest return.
- 3.72 Consideration must be given at this meeting to the possibility/likelihood that the child/young person may be a victim/potential victim of human trafficking or modern slavery and the case managed in compliance with relevant legislation and procedural guidance.
- 3.73 A record of this discussion, including assessment of risk to the child/young person, must be retained on the child's/young person's case-file. Discussion should take place with the PSNI as to whether it might be helpful for the social worker to contact the Missing People (UK) Helpline (see part 8.14) which includes persons missing from Northern Ireland. Consideration also needs to be given to inclusion of the child / young person's name on the Missing Person's Notification system managed by the HSCB.

²⁰ <http://www.hscboard.hscni.net/download/PUBLICATIONS/policies-protocols-and-guidelines/Missing-Children-Protocol-June-2015.pdf>

- 3.74 Actions taken by the PSNI to alert UK police forces or the An Garda Siochána should be noted on the child's file.

Border Force should also be provided with the details of any child who has gone missing in order that Border Force officers at ports of entry may be alerted.

- 3.75 If the child or young person remains missing, regular reviews / discussions must take place between the relevant Trust and PSNI to assure that all up to date information is shared and that necessary actions are taken.

Age disputed children and young people

- 3.76 Some **unaccompanied children/young people** may not be in possession of official documentation confirming their date of birth or may have been told to lie about their age to evade attention from the authorities.

Young people under the age of 18 years, for example, may have been told to state that they are adult. Other older young people may have been told to claim they are under 18 years in order to secure the protection of the Trust and the more favourable outcomes for unaccompanied children in immigration decisions.

- 3.77 In all cases of disputed age, a full assessment should be made of any risks posed to the young person or by the young person to any other young person.
- 3.78 **Where the age of the child / young person is uncertain, they are to be treated as such in order to receive immediate access to assistance, support and protection in accordance with Article 10(3) of the European Convention on Action against Trafficking in Human Beings.** This complies with the Convention. Therefore, where there is concern that a young person who claims to be an adult is believed to be under the age of 18 years, the young person must be treated as a child and the above procedures must be followed until information to the contrary becomes available.
- 3.79 In the case of young people who are suspected of being over the age of 18 years, an age assessment must be carried out by the Trust at the earliest opportunity.
- 3.80 When making an age assessment, individuals whose age is being assessed should be given the benefit of the doubt. Examinations must never be forced or culturally inappropriate. The least invasive option must always be followed and the individual's dignity must be respected at all times. Particular care must be taken to ensure assessments are gender appropriate and that an independent guardian has oversight of the procedure and should be present if requested to attend by the individual concerned.
- 3.81 If such a young person is subsequently found to be over 18 years of age PSNI should be advised and the Trust and PSNI need to liaise with others to ensure that support is available to the person and reduce their future vulnerability.

A referral should be made with an individual's consent to Bryson House or other appropriate support agencies.

- 3.82 Where appropriate, Trusts should ensure that robust planning takes place to facilitate the transition from Children's Services into the appropriate support services. Trusts must retain a record of the exit plan and transition arrangements for young people in these circumstances.

Merton-compliant Age Assessment

- 3.83 When undertaking an assessment to attempt to determine a young person's age, social workers must ensure children's rights as outlined in the Articles of the United National Convention on the Rights of the Child and domestic legislation are fully protected and afforded to the young person. It is also essential that the full obligations of the primary domestic legislation, the Children (Northern Ireland) Order 1995 are complied with fully and the Trust can demonstrate full compliance with its Article 17 duty to safeguard and promote the welfare of children in its area who are in need.
- 3.84 One of the most important areas for social workers to consider in an age assessment will be the young person's own account of their age. Social workers should always give appropriate regard and consideration to statements made by the child or young person about their age and ensure that these are recorded and documented. Where an age assessment is required Trusts must adhere to standards established within case law.
- 3.85 *The Queen on the application of B v London Borough of Merton*²¹ was the first significant case to deal with the issue of local authority duties and processes when undertaking age assessments and provided a number of issues to be considered in order to make assessments lawful, including:-
- Local authorities should not simply accept an age assessment made by the Home Office but should undertake an independent assessment of its own.
 - At the outset of the age assessment, the social workers should explain the nature and purpose of the assessment. The roles of those present should also be explained.
 - "...where an interpreter is required, it is obviously greatly preferable for him or her to be present during the interview."
 - Physical appearance is a notoriously unreliable indicator of age. Social workers should have regard to a range of factors (e.g. culture, life experience, journey, etc.) and not rely on appearance to make a decision.
 - Before the social workers have reached a final decision about the child's or young person's age, they should put any adverse findings they are minded to make to the child to enable him or her to provide any appropriate explanation or additional facts, which might counter or modify such findings;
 - "(A)n untrue history, while relevant, is not necessarily indicative of a lie as to the age of the applicant. Lies may be told for reasons unconnected with the applicant's case as to his age, for example, to avoid his return to his country of origin."

²¹ *R (B) v London Borough of Merton* [2003] EWHC 1689 (Admin). Available at <http://www.bailii.org/ew/cases/EWHC/Admin/2003/1689.html>

- “Cases will vary from those in which the answer is obvious to those in which it is far from being so, and the level of inquiry unnecessary in one type of case will be necessary in another.”
- Local authorities, as decision makers, have a duty to give adequate, cogent and relevant reasons for any decision.

3.86 Subsequent case law and other requirements which have become accepted case law over time elaborated on the requirements of social workers completing age assessments.

3.87 A lawful assessment will now have regard to the following:

- Trust decisions are likely to be found to be more cogent if they are as holistic as possible and assessors have drawn together multi-agency information from others who have contact with the child or young person and where social workers had considered personally observing the child interact with his or her peers;
- The assessment should be undertaken by two qualified social workers, who have received appropriate training and have experience of interviewing young vulnerable children;
- The Independent Guardian should attend age assessment interviews and should be made aware that they are there to support and assist the child being interviewed and not merely as a passive observer;
- Social workers should pay attention to the level of tiredness, trauma, bewilderment and/or anxiety of the child and provide appropriate breaks as necessary. If the child is ill then the interview should be rearranged;
- Social workers should seek to establish a rapport with the child and should ask open-ended questions;
- Social workers may hear from children who have been “coached” and others who have already been asked to recount their story several times, thereby unwittingly blurring the possible accuracy of their answers. In these situations social workers should bear in mind that even where a child may have received coaching in relation to some aspect of his or her account, this does not necessarily mean that he or she is lying about being a child;
- If an adverse decision is made then the Trust has an obligation to explain the reasons for it. It is best practice for these reasons to be provided in writing, with an explanation of how the child can challenge the decision;
- The reasons for a social worker’s decision should be internally consistent and should not exhibit any obvious error or inadequate explanation for not accepting any apparently credible and consistent answers of the child;
- The age assessment process should be inquisitorial (not adversarial) and non-hostile, allowing for the difficulties children might face giving evidence. In particular “due allowance should be made for the fact that a child might have a different way of recounting narratives and that proper regard should be paid to the fact that it was a child who was the subject of the age assessment process;
- The court was likely to find that a decision was unlawful if it failed to take into account the fact that a child’s cultural and social background would have had a significant effect on his or her ability to provide documentary evidence of his or her age or a clear chronology of his or her previous experiences.

- 3.88 The judgment of the Supreme Court in *R (on the application of A) (FC) (Appellant) v London Borough of Croydon*²² held that, although age assessments remained the responsibility of local authorities, in the event of a challenge by judicial review, **it would be for the Court itself to determine, as a matter of judicial fact, whether the person is a child and how old he or she is.**

As a consequence, when an age assessment is judicially reviewed, the central question is no longer whether its decision was rational. Instead, the Administrative Court or Upper Tribunal steps in as a primary decision maker in relation to the child's age. It will conduct a fact-finding hearing and review all the evidence, including the assessment reached by any social worker. Trusts must still conduct lawful assessments, but can no longer rely on merely establishing that they have done so, as if the case goes to Court the Trust's assessment will be just one of a number of pieces of evidence which the Administrative Court and the Upper Tribunal will ultimately have to consider in determining a decision about the applicant's age.

In short, the better the quality of the Trust age assessment, the less likely it is that the court will depart from its conclusion.

- 3.89 Trusts should have ready access to social workers who have been trained in conducting Merton-compliant age assessment of young people. Age assessment should be undertaken by two social workers, one of whom must be Merton trained and the other preferably the child's social worker or a social worker who is familiar with the child's case. The British Association of Social Workers²³ and the Association of Directors of Children's Services²⁴ have produced guidance and advice for social workers who are required to undertake Merton-compliant age assessment of young people (see part 3.83-3.85).
- 3.90 Social workers intending to undertake an age assessment in respect of **an unaccompanied child/young person** should consult with the child's/young person's independent guardian and ensure that the independent guardian can participate in the age assessment process and as an "appropriate adult who is independent of the local authority" attend any interviews necessary.

Appointment of an Independent Guardian

- 3.91 Section 21 of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 (the HT Act) imposes a requirement upon the HSCB to make arrangements to appoint an "independent guardian" to assist, represent and support any unaccompanied child/young person who comes to attention of an authority in Northern Ireland and any trafficked child in Northern Ireland in respect of whom no-one is exercising parental responsibility. An independent guardian appointed in relation to a child must at all times act in the best interests of the child. The legislation requires an Independent Guardian to be an employee of a registered charity and is required to continue to represent the child's best interest and assist, represent and

²² *R (on the application of A) (FC) (Appellant) v London Borough of Croydon* [2009] UKSC 8, at <http://www.familylawweek.co.uk/site.aspx?i=ed46085>

²³ http://cdn.basw.co.uk/upload/basw_35330-3.pdf

²⁴ http://adcs.org.uk/assets/documentation/Age_Assessment_Guidance_2015_Final.pdf

support him/her until the child attains a minimum age of 18 years of age; the Independent Guardian can, with the consent of the young person, remain involved in the young person's life, assisting, representing and supporting the young person until he/she attains 24 years of age.

3.92 Whilst the Independent Guardian is distinguished from social workers with statutory responsibility for the child's welfare and protection and other caregivers responsible for the material needs of the child, the Independent Guardian is required to act within an integrated, systems approach to child protection and child care, interacting with other actors and elements of the child protection and care systems, while seeking to ensure that the best interests of the child are taken into consideration in all decisions and actions affecting the child. The Independent Guardian should attend and contribute to all key planning and decision-making meetings in respect of the child, providing information, support and advice as appropriate and ensure him/herself that effective actions are being taken to promote all aspects of the child's/young person's welfare. The function of the Independent Guardian is not to replace the actions of social workers who have statutory responsibilities for children's care and protection nor other children's services authorities²⁵ or those providing direct care for the child but to ensure coordinated collaborative action to promote the welfare of the child. The Independent Guardian is required to act as a reference person for the child/young person and as a link between the child and the professionals and agencies involved in the child's life. The Independent Guardian should ensure that there is effective co-ordination in the decision-making and actions of the various service providers and that the network of support to the child functions effectively to promote the child's welfare and serve his/her best interests.

3.93 Independent Guardians have responsibilities for:-

- ascertaining and communicating the views of the child in relation to matters affecting the child; making representations to, and liaising with, bodies or persons who have other responsibilities for the child/young person;
- assisting the child to obtain legal or other advice, assistance and representation and instructing the appointed legal representative;
- consulting regularly with the child and keeping the child informed of legal and other proceedings affecting him/her;
- contributing to a plan to safeguard and promote the future welfare of the child based on an individual assessment of that child's best interests;
- providing a link between the child and any body or person who may provide services to the child;
- assisting in establishing contact with members of the child's family, where the child so wishes and it is in the child's best interests;
- accompanying the child to meetings or on other occasions.

3.94 Others providing services or taking administrative decisions in relation to a child for whom an independent guardian has been appointed must recognise, and pay due regard to, the functions of the guardian. This includes providing the guardian with

²⁵ See the Children's Services Co-operation (Northern Ireland) Act 2015 - available at <http://www.legislation.gov.uk/nia/2015/10/2015-12-10>

access to such information relating to the child as will enable the guardian to carry out his or her functions effectively.

Appointment of an Independent visitor

- 3.95 In situations where communication or visitation between a child and his parents is infrequent, Article 31(1) of the Children Order places a duty on a Trust to appoint an independent visitor in respect of any child whom it is looking after, if it believes that this would be in a child's best interests.
- 3.96 The functions of independent visitors include visiting, advising and befriending children. An independent visitor who is able to build up trust will be well placed to recognise the child's needs and encourage the child to exercise his/her rights and participate in decisions. The views of the independent visitor and his/her support will also be of relevance to the child in care proceedings and in the child's review meetings held by the Trust.
- 3.97 An unaccompanied child/young person is likely to be bereft of family in Northern Ireland; however the functions of an Independent Visitor can be fulfilled by the Independent Guardian.

This will be an important consideration for the care of every unaccompanied child/young person accommodated by the Trust; whilst ensuring that all unaccompanied children/young people have the right to the appointment of an Independent Visitor any unnecessary development of "professional overload" should be considered with the child/young person by those already closely involved (the social worker, independent guardian and legal representative) and an informed decision made as to whether the child/young person would benefit from the introduction of another person/professional into his/her life.

Appointment of an Advocate

- 3.98 The HSCB contracts independent advocacy for all looked after children and care experienced young people in Northern Ireland. An unaccompanied child/young person may also benefit from receiving the services of an advocate but the same consideration should be given to the interface of the role of the independent guardian with that of an advocate and child-centred decisions made as to the appropriateness of an advocate being appointed when an independent guardian is already appointed to assist, represent and support the child/young person.
- 3.99 In view of the important contribution independent visitors and advocates may make generally to the welfare of an unaccompanied child/young person during their period in care and beyond, the Trust should ensure that any persons appointed as an independent visitor or advocate to a unaccompanied child/young person has a full knowledge and understanding the issues affecting unaccompanied children/young people; the trauma the child may have faced; relevant race and cultural issues and the implications of child's immigration status (see 3.16-3.23).

Ongoing support and leaving care provisions

- 3.100 Planning and follow up support for an unaccompanied child/young person will be led by the Trust in accordance with the care planning, leaving care and after-care procedures for looked after children. Such planning will form an integral part of the child's/young person's Looked After Child Review of Arrangements and Protecting Looked After Children meetings. Planning needs to take account of any ongoing process to determine entitlement to remain in the UK and therefore should also build on the achievement of short term goals pending resolution of immigration status.
- 3.101 Planning cannot pre-empt the outcome of any immigration decision and may therefore need to adopt a dual or triple planning approach which can be revised and refined over time as the young person's immigration status is resolved.

Planning therefore may be based on:

- A transitional plan during the period of uncertainty when the young person is in NI without a permanent immigration status;
 - A longer term perspective plan should the young person be granted long term permission to stay in the UK, for example, through the award of refugee status; and
 - A return to country of origin at any appropriate point or at the end of the immigration consideration process, should that be necessary either because the young person decides to leave or is required to do so.
- 3.102 As part of the care plan, the Trust should also support the child in relation to matters such as family tracing, immigration issues and, where appropriate, to continue living in the UK or to co-operate with repatriation arrangements (see section 5).
- 3.103 Where the child continues to live in the UK and is an 'eligible' or 'relevant' child within the meaning of the Children (Leaving Care) Regulations (2005) he/she will be entitled to receive appropriate leaving and after care support in accordance with Articles 34A to 35D of the Children Order (see also section 4).
- 3.104 Consideration must be given by all agencies and practitioners, commensurate with their roles and responsibilities, to the young person's continuing need for protection and support as the young person makes the transition into adult life.

4. TRANSITIONS TO ADULT SERVICES

- 4.1 As unaccompanied children/young people remain vulnerable to a range of other risks and challenges, it is essential that service provision recognises the need for on-going support.

Support should begin with the end in mind and all unaccompanied children/young people should be made aware that the support being offered is limited.

It is therefore crucial that an exit strategy and leaving care plan is devised as soon as possible in the engagement with the child/young person to ensure an appropriate level of support that assists the young person into the fullest independent adulthood possible.

The Leaving Care Plan/exit plan and Aftercare Support should only set realistic expectations.

- 4.2 It is important that on-going planning and engagement with the young person assists him/her to:-

- explore and understand all the exit options available, including repatriation if the young person has expressed a clear desire to return home based on an informed decision;
- make safe and appropriate travel arrangements if returning to his/her country of origin;
- move on from the service, find suitable accommodation, training or employment and financial support, and making appropriate travel arrangements;
- contribute as fully as possible to a final assessment to identify areas where he/she has made progress and/ or needs that have not been fully met yet.

- 4.3 The continued vulnerability of unaccompanied children/young people, as well as their potential need for on-going support to address trauma they have experienced, should inform support plans and packages to assist them and promote their independence in adult life.

- 4.4 Arrangements to support unaccompanied children and young people should include an evaluation of the support they have received and consider the following areas:-

- On-going safety (including risk from traffickers or exploiters)²⁶;
- Health Issues and on-going access to appropriate healthcare services;
- Legal issues and immigration status;
- Housing and finance (access to welfare, managing money and debts);
- Living skills (readiness for independence);
- Education and work (including any entitlement to support education, employment and training up to the 24 years of age);

²⁶ In instances where there is a concern that a young person may remain at risk from traffickers if he/she moves to another geographical area, consideration must always be given to the necessity that PSNI make a notification to the local area into which the young person has moved

- Social and spiritual networks (contacts with family, friends, and community agencies);
- Options in relation to future return to their country of origin;
- An on-going effective multi-agency service provision that ensures those exiting services have access to appropriate additional support;
- How young adults are best enabled to access services that are available in the local area where they are moving to;
- An adequate 'moving-on' package, including a list of useful contacts, addresses, numbers and referral forms they can use if needed;
- How young adults exiting services can be positively assisted to engage with other supportive services in advance of their departure;
- How young adults can be assisted to recognise the progress they have made and the positive outcomes in their life;
- If necessary, how any issues of drug and/or alcohol dependence or misuse will continue to be addressed.

5. REPATRIATION / REUNIFICATION / SAFE RETURNS

- 5.1 All efforts should be made to return an unaccompanied child to his or her parents except where further separation is necessary for the best interests of the child

The Directive (2011/36/EU, preamble para.10) recognises that survivors of trafficking have the right to be protected against return to a country where there is a risk of the death penalty, torture or other inhuman or degrading treatment or punishment as prescribed by the Charter of Fundamental Rights of the European Union (2000/C 364/01, Art. 4 and Art 19(2)) and, if found to be a refugee in accordance with the Convention Relating to the Status of Refugees (UN, 1951), not to be returned (non-refoulement)²⁷ to a place where they fear persecution. Furthermore, Article 11(6) of the Directive requires Member States to give victims information about the "...possibility of being granted international protection...".

States must fully respect non-refoulement obligations deriving from international human rights, humanitarian and refugee law and, in particular, must respect obligations codified in article 33 of the 1951 Refugee Convention and in article 3 of CAT.

No child should ever be returned to a country where there are substantial grounds for believing that there is a real risk of irreparable harm to the child, either in the country to which removal is to be effected or in any country to which the child may subsequently be removed.

Non-refoulement obligations apply irrespective of whether serious violations of those rights guaranteed under the Convention originate from non-State actors or whether such violations are directly intended or are the indirect consequence of action or inaction.

- 5.2 The assessment of the risk of such serious violations should be conducted in an age and gender-sensitive manner and should, for example, take into account the particularly serious consequences for children of the insufficient provision of food or health services.
- 5.3 In many cases, and with advice from their lawyers, unaccompanied children/young people apply to the UKVI for asylum or for humanitarian protection. This is often because of the high risk they face of coming to harm if they are forced to return to their countries of origin. All such risks must be carefully considered.
- 5.4 Decisions in relation to the immigration status and/or asylum claim of an unaccompanied child/young person should be informed by consideration of the risks of further exploitation and abuse if he/she is deported. When the child's/young person's application is being considered it will be important for the social worker and independent guardian to gather information about the child's family, community and general conditions in the country of origin.

²⁷ Non-refoulement: the practice of not forcing refugees or asylum seekers to return to a country in which they are liable to be subject to persecution

- 5.5 If the child/young person does not qualify for asylum or humanitarian protection, and adequate reception arrangements are in place in the country of origin, the child will usually have to return.

Support is available from voluntary repatriation scheme should the young person wish to return to his/her country of origin.

- 5.6 The process of returning the child should be handled sensitively and will require close co-operation between the UKVI, the PSNI, the child's social worker and independent guardian.

An assessment of the appropriateness of pursuing reunification and/or return of an unaccompanied child to the care of parents and/or to his/her country of origin should take account of:

- The safety, security and other conditions, including socio-economic conditions, awaiting the child upon return, including through home study, where appropriate, conducted by social network organizations;
- The availability of care arrangements for that particular child;
- The views and opinions of the child and those of the caretakers;
- The child's level of integration in the host country and the duration of absence from the home country;
- The child's right "to preserve his or her identity, including nationality, name and family relations";
- The "desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background".

In the absence of the child's/young person's parents or members of the extended family, return to the country of origin should, in principle, not take place without advance secure and concrete arrangements of care and custodial responsibilities upon return to the country of origin.

- 5.7 The child's social worker and independent guardian should ensure that the local social services department in the country of origin have been notified of the child's return.
- 5.8 It is important that appropriate steps are taken to minimise the possibility of the child going missing once a decision to return him or her to their country of origin has been made.
- 5.9 Careful consideration must be given to how the decision will be communicated to the child/young person.
- 5.10 The child's/young person's social worker and/or independent guardian may be best placed to reconcile the child to being returned, and in helping the child access the assistance with reintegration which is available through close co-operation with the social services department in the country of origin.
- 5.11 Most countries have some form of reintegration support for unaccompanied or separated children/young people, taking account of education, health, accommodation and psychological support, details of which can be accessed through Children and

Families Across Borders (CFAB, www.cfab.uk.net). CFAB may also be able to assist with social work checks and assessments in the child's country of origin.

- 5.12 When gathering information that may help inform decisions about whether a child/young person should be returned to their country, it is essential that the child's/young person's social worker and independent guardian hear the child's/young person's views and wishes and elicit as much information from the child/young person as possible to help inform decisions.

Children/young people should specifically be asked:-

- Do they want to return?
- Would they be returning to a place where they may be at risk?
- Will they have supportive family and friends if relocated?
- Will they be at risk of trafficking?
- Do they have support networks and specialist services they can access if they return?
- Do they believe they will be safeguarded and protected if returned?
- Do they have good prospects for a financially stable and independent life upon return?

- 5.13 However, unaccompanied children/young people may wish to voluntarily return to their country of origin, in which case they should be encouraged to consider whether this is a viable and safe solution for them.

- 5.14 Trusts and independent guardians have a duty of care towards children who are being returned; this includes making adequate social work checks and assessments in the country of origin to ensure that the child will be safeguarded upon their return.

It is crucial that these checks are thorough and adequately address risk, taking account of specific factors relevant to the child – whether their town or village is known for trafficking children, for example, and the likelihood of the child's family allowing them to be re-trafficked or to travel again as an unaccompanied child/young person.

Each individual case should be evaluated on its own merits based on a thorough risk assessment which should consider the family circumstances in each individual case, as well as advice from independent country experts on socio-economic, cultural and gender identity issues.

- 5.15 It is essential that those who have been unaccompanied children/young people in their childhood are able to discuss and consider any risks prior to their return.
- 5.16 The concept of 'abuse of a position of vulnerability', to which many unaccompanied children/young people are susceptible, should be borne in mind and if there are reasons to believe that return may endanger their lives and put their well-being at risk, they should be encouraged to consider other options.
- 5.17 In cases where child and young person victims wish to return to their country of origin, it is important that every effort is made to ensure that they can do so as safely as possible.

- 5.18 If the child's/young person's family is believed to have been involved in the child's/young person's facilitated immigration, trafficking or servitude, ensure that the child's experience and the intentions to repatriate are not disclosed to them without prior informed consent of the child/young person and only if a multi-agency and multi-disciplinary assessment concludes that it is appropriate to do so; these decisions must be informed by the opinion of law enforcement agencies.
- 5.19 Ensuring the safety of such arrangements to repatriate unaccompanied children/young people or reunifying them with their families will require;
- carrying out a multi-agency risk assessment, with parties within the UK and abroad, and ensuring as far as possible that risks of re-trafficking or reprisals are limited;
 - a thorough assessment of the family's circumstances and, where appropriate and safe, the local police should be notified of any active risk;
 - identifying NGOs and government agencies that can support and sustain the child's/young person's social reintegration and recovery upon return, by helping them access appropriate healthcare services, realistic and progressive training opportunities, financial and housing support;
 - liaison with other UK agencies and services that might be able to share existing contacts and arrange assistance in the country of origin;
 - providing assistance to make travel arrangements on behalf of survivors, through other agencies - such as Refugee Action or the International Organisation for Migration (IOM) - or directly by using your organisation's own funds if this is possible and appropriate in the circumstances;
 - accompanying child/young person to the relevant Embassy to collect their travel documents;
 - accompanying child/young person to the airport and arranging special assistance at the airport to ensure the child/young person are escorted to the plane and arrange pick up on landing (if available);
 - ensuring that a named and identifiable person from a support agency and/or a named family member, who is known to be safe and acting in the child/young person's best interests, picks them up at the airport;
 - where appropriate and if possible, agreeing with the unaccompanied child/young person continued contact and/or call on safe arrival (avoiding giving commitments or making promises that you will not be able to keep);
 - understanding the child's/young person's plans on return – access to education, work etc. – and how to address any vulnerabilities that may remain, eliminating, so far as reasonably practicable, any vulnerability to risks.

6. SUPPORTING UNACCOMPANIED CHILDREN AND YOUNG PEOPLE WITH ASYLUM AND IMMIGRATION ISSUES

Immigration and Asylum

- 6.1 Those working to support an unaccompanied child/young person should always consider that illegal entry into or stay in a country by a child may be justified according to general principles of law, where such entry or stay is the only way of preventing a violation of the child's fundamental human rights.

States should ensure that penalties are not imposed on an unaccompanied child/young person on account of their illegal entry into or presence in the country.

- 6.2 Unaccompanied children/young people are entitled to Humanitarian Protection and the protections enshrined in International Conventions.

An unaccompanied child/young person who has left his/her country of origin and is unable to go back to his /her country because of fear of persecution can apply for asylum.

- 6.3 Trusts, acting as 'Corporate Parents' to unaccompanied children/young people, and independent guardians and legal representatives have duties to ensure that the immigration status and asylum claims of such children and young people are resolved as quickly as possible.

Information in relation to an asylum claim process is included in *Annex H*.

- 6.4 Social Workers and independent guardians working with unaccompanied children/young people should regularly ensure that the child's solicitor is proactively pursuing the child's asylum claim and immigration status.

The potential outcomes of a child's or young person's asylum claim are included in *Annex I*.

Prevention of deprivation of liberty

- 6.5 Unaccompanied children/young people should not, as a general rule, be detained. Detention cannot be justified solely on the basis of the child being unaccompanied or separated, of their migratory or residence status, or lack thereof. Similarly, detention cannot be justified on the basis of a 'blanket' intention to safeguard and/or protect the child/young person.

7. DATA COLLECTION AND INFORMATION MANAGEMENT

- 7.1 Comprehensive data collection and monitoring systems are required to develop a better understanding of the nature and extent of unaccompanied children/young people in Northern Ireland (and children and young people who are victims of modern slavery and/or children and young people who are victims of controlled/organized/facilitated immigration crime).
- 7.2 Detailed analysis of information, patterns, statistics, methods and profiles contributes significantly to our understanding of countries and areas from which unaccompanied children/young people come and the routes and carrier methods by which they arrive into the country.
- 7.3 Such understanding is key to identifying trends in relation to unaccompanied children/young people, including children and young people who are victims and potential victims of trafficking and modern slavery and in turn contributes to improved identification of unaccompanied children/young people, recovery of victims and potential victims of human trafficking and modern slavery and, in turn, pursuit and prosecution of those who traffic and/or who enslave them.
- 7.4 HSCB has developed a robust electronic information system for use by each of the 5 Trusts to ensure consistent recording and reporting of information in relation to unaccompanied children/young people (including young people who have been trafficked or are suspected of having been trafficked into the jurisdiction).

The information provided is used by HSCB to inform its delegation of statutory functions to Trusts in respect of this particular area of work and to oversee Trusts performance in relation to unaccompanied children/young people and children and young people who have been or are suspected of having been trafficked into the jurisdiction.

[HSCB also maintains records relating to children and young people ordinarily resident within HSC Trust areas who have been trafficked within the UK].

- 7.5 To fulfil their statutory duties and operational objectives HSCB, Trusts and PSNI share information with each other and with other organisations in respect of unaccompanied children/young people (including child victims and potential child victims of human trafficking and modern slavery).
- 7.6 The quality of information also enables HSCB, Trusts and PSNI to identify emerging trends, monitor and assess work done, outcomes achieved and learning points relating to unaccompanied children/young people.
- 7.7 Sharing information between HSCB, Trusts and PSNI also helps assure the veracity of that information and quality assure its collection and collation, reporting of the scale and nature of the problem of unaccompanied children/young people, detected and suspected trafficking of children and young people and modern slavery and, in turn, representation of that information.

- 7.8 Collated and anonymised information is shared by HSCB, Trust and PSNI with other statutory organisations and with the Safeguarding Board for Northern Ireland to contribute to the effectiveness of child safeguarding and child protection processes in relation to unaccompanied children/young people.
- 7.9 Given the very sensitive nature of work with unaccompanied children/young people, child victims and potential child victims of human trafficking and modern slavery and the need to protect those vulnerable children and young people information is not shared outside operational arrangements given that doing so may identify individual children/young person victims who are vulnerable and/or may be potential victims of human trafficking and modern slavery.
- 7.10 So that Unaccompanied children/young people can have confidence and trust in those individuals and organisations who endeavour to help and protect them, it is important that individual unaccompanied children/young people, especially child/young person victims or potential victims of human trafficking and modern slavery understand that their information is only shared on a very judicious 'need-to-know' basis with professionals who are contributing to their care.

8. SOURCES OF INFORMATION AND SUPPORT

Practitioners working with Unaccompanied or Separated Children may find the following contacts and sources of information helpful.

8.1 PSNI

Web: <https://www.psni.police.uk/>

Telephone: **101 or in an emergency dial 999**

PSNI investigate any allegations where there is a clear concern for the safety of a child. This may include the abuse of a child, be that physical, sexual or wilful neglect, or if the child is a potential victim of Human Trafficking or Modern Slavery. They work in partnership with other stakeholders within the Organised Crime Task Force (OCTF) subgroup to ensure rescued victims are properly supported. PSNI are first responders for the purposes.

8.2 HSCB (Health and Social Care Board)

Web: <http://www.hscboard.hscni.net/>

Telephone: **0300 555 0115**

E-mail: Enquiry.hscb@hscni.net

The HSCB commissions social work and social care services for people with different individual needs who require support to live life fully and as independently as possible.

8.3 HSCTs (Health and Social Care Trusts)

Refer to **Annex A** for each Trust's Gateway Teams.

Each Trust provides services to the public within its geographical boundaries.

8.4 United Kingdom Visas and Immigration (UKVI)

Telephone: **9019 1030** (Competent Authority contact for Northern Ireland)

Competent Authority functions under the Convention are discharged by the local Northern Ireland Office of the UKIC.

8.5 United Kingdom Border Force (UKBF)

Web: <https://www.gov.uk/government/organisations/border-force>

Telephone: **0300 123 700**

UKBF is a law enforcement command within the Home Office. They secure the borders of the UK by carrying out immigration and customs control for people and goods entering the UK.

8.6 **Belfast and Lisburn Women's Aid**

Web address: <http://belfastwomensaid.org.uk/>

Telephone: **028 9066 6049** (9-5pm)
0808 802 1414 (24 Hour Domestic & sexual Violence Helpline)

E-mail: admin@belfastwomensaid.org.uk

Belfast & Lisburn Women's Aid is funded by the Department of Justice (DoJ) to provide support for adult females who are potential victims of Modern Slavery or Human Trafficking irrespective of the type of exploitation (labour/sexual/servitude) who are going through the NRM process. They provide confidential support, information and emergency accommodation.

8.7 **Migrant Help**

Web: <http://www.migranthelpuk.org/>

Telephone: **0808 8000 630**

Migrant Help provides advice and support to vulnerable migrants in the UK. They provide support primarily for adult male potential victims of modern slavery and units²⁸ of human trafficking while they go through the NRM process. This is funded by the Department of Justice.

8.8 **Human Trafficking Foundation**

Web: <http://www.humantraffickingfoundation.org/>

Telephone: **020 3773 2040**

E-mail: info@humantraffickingfoundation.org

The Human Trafficking Foundation is a UK-based charity which grew out of the work of the All Party Parliamentary Group on Human Trafficking. HTF was created in order to

²⁸ A variation has been put into place to allow Migrant Help to provide accommodation and support to males and females who have accompanied their partners/husbands in order to keep the family unit together. In instances where children accompany where parent(s) have been trafficked, Migrant Help will accommodate the entire family unit. As it is not under the remit of the DoJ contract to 'support' children, a referral should be made to social services in order to assess the needs of the child.

support and add value to the work of the many charities and agencies operating to combat human trafficking in the UK.

8.9 **Modern Slavery Human Trafficking Unit (MSHTU)**

Web: <http://www.nationalcrimeagency.gov.uk/about-us/what-we-do/specialist-capabilities/uk-human-trafficking-centre>

Telephone: **0870 496 5534** (National Referral Mechanism Team)

E-mail: nrm@nca.x.gsi.gov.uk (for NRM Referral forms)

A multi-agency centre that provides a central point for the development of expertise and cooperation in relation to the trafficking of human beings. It works with other stakeholders from the governmental, non-governmental and inter-governmental sectors in the UK and abroad.

8.10 **The NSPCC National Child Trafficking Advice Centre (CTAC)**

Web: <https://www.nspcc.org.uk/services-and-resources/services-for-children-and-families/child-trafficking-advice-centre-ctac/>

Telephone: **0800 800 5000**

E-mail: help@nspcc.org.uk

An NSPCC initiative part funded by the Home Office to provide advice, information and safeguarding guidance in relation to children and young people who are suspected to have been, or who may have been, trafficked internally and across borders. CTAC also works in partnership with the Child Exploitation Online Protection Centre (CEOP) and ECPAT UK (End Child Prostitution, Pornography and Trafficking) and, where relevant, will be able to direct professional staff to other sources of support.

8.11 **The Child Exploitation and Online Protection Centre (CEOP)**

Web: www.ceop.gov.uk

Telephone: **0870 000 3344** (Public Enquiries)

0370 496 7622 (available 24/7)

E-mail: communication@nca.x.gsi.gov.uk (General enquiries or to verify person as an NCA Officer)

CEOP delivers a multi-agency service dedicated to tackling the exploitation of children. That means building intelligence around the risks, tracking and bringing offenders to account either directly or with local and international police forces and working with children and parents to deliver the ThinkuKnow internet safety programme.

8.12 ECPAT (UK)

Web: www.ecpat.org.uk

Telephone: **0207 233 9887**

E-mail: info@ecpat.org.uk

ECPAT UK stands for End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes. It is a children's rights organisation campaigning against the commercial sexual exploitation of children in the UK and on its international aspects. In particular, it focuses on the protection of trafficked children and children exploited in tourism and the prevention of such crimes.

8.13 International Organisation for Migration (UK)

Web: www.iomlondon.org

Telephone: **020 7233 0001**

0800 0121 700 (Modern Slavery Helpline)

E-mail: iomuk@iom.int

IOM UK runs two voluntary return programmes: one is for anyone who has been in the asylum system at any stage – applying, appealing, refused – (VARRP); another for irregular migrants – who have overstayed their visas or have been smuggled or trafficked into the country (AVRIM). Under both programmes IOM arranges flights and onward transportation to the home doorstep but under the scheme for asylum seekers IOM also delivers Reintegration Assistance in the country of return.

8.14 Missing People UK

Web: missingpeople.org.uk

Telephone: **020 8392 4527 (Missing from Care Team)**
116 000 (helpline)

Missing People is a voluntary organisation that provides support for missing children, vulnerable adults and families. It offers specialist advice and practical support as well as searching and securing publicity. Local Authorities in England fund the Missing People's Missing from Care Team that provides a specialist service to LA children's social care when any of their 'looked after' children go missing. LA children's social care professionals can contact the Missing from Care Team. They work with a number of partners across the UK to ensure that they actively refer into services, so that missing adults and children are offered independent practical and emotional support before, during and following their return.

8.15 The Corum's Children's Legal Centre (CLC)

Web: www.childrenslegalcentre.com

Telephone: **01206 877 910** (Administration and Publications)

08088 020 008 (Child Law Advice Line)

CLC is an independent national charity concerned with law and policy affecting children and young people. It provides a range of information and services, including the Migrant Children's Project, and aims to assist non-legal specialists and front-line professionals and carers in ensuring that the children with whom they are dealing obtain the services and assistance to which they are legally entitled. CLC has recently brought out a guide to working with separated refugee and asylum seeking children, aimed at social workers and other professionals working with these children which can be downloaded from the website.

8.16 Voice of Young People in Care (VOYPIC)

Web: www.voypic.org

Telephone: **9024 4888** (Belfast)

2563 2641 (Ballymena)

7137 8980 (Derry / Londonderry)

3831 3380 (Lurgan)

08450 742 942 (Advocacy Line, Lifeline and emergency number duty numbers given)

VOYPIC is a charity working across Northern Ireland promoting the rights and improving the lives of children and young people who have experience of being in care or looked after by statutory bodies.

VOYPIC offers an independent advocacy service which aims to help young people find out about their rights, to enable them to make choices about the services they are entitled to receive and fully involved in the decisions that affect their lives.

8.17 Bryson Charitable Group

Web: www.brysongroup@brysongroup.org

E-mail: Assistant Director of Children and Young People's Services
dthompson@brysongroup.org

Bryson Charitable Group provides Bryson Intercultural which includes an Intercultural Asylum Advice Team for newly arrived asylum seekers, for those supported by the National Asylum Support Service (NASS) as well as successful asylum applicants who require signposting to agencies which help in accessing mainstream services and accommodation. Bryson also provides an independent advice and advocacy service. Bryson advice work covers a range of specialist topics, including access to NASS support, understanding the asylum application process, liaison with the Home Office, applying for Section 4 support, administration advocacy, and referral to external support agencies. We also advise clients facing problems such as racial harassment, domestic violence, health concerns, destitution, and those who have experienced trafficking.

Bryson Intercultural is also a member of the Syrian refugee Vulnerable Persons Relocation Consortium and lead partner in the Syrian refugee Vulnerable Persons Relocation (VPR) scheme. The principle aim of this scheme is to support Syrian refugees relocated in Northern Ireland, to ensure their well-being and dignity after arrival and assist their integration into society.

The **National Asylum Support Service (NASS)** is a section of the UKVI. It is responsible for supporting and accommodating people seeking asylum while their cases are being dealt with.

NASS provides certain types of support to people seeking asylum during the time that their applications are under way, while not itself judging the asylum applications, which is a responsibility of other parts of the UKVI. The support can be support for accommodation, subsistence costs or both.

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OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES GENEVA

Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum, February 1997**CHILDREN ACCOMPANIED BY ADULTS WHO ARE NOT THEIR PARENTS****Principal caregivers**

1. In many cases the child will be accompanied by an adult caregiver who may or may not be a relative of the child. In order to determine whether or not a child is considered unaccompanied, the following specific but non-exhaustive guidelines may assist in identifying and measuring the quality of the relationship between a child and a potential principal caregiver.
2. Where a child is not with his/her parents in the first asylum country, then s/he will be, *prima facie*, unaccompanied.
3. The attachment of a child to the refugee claim of an adult principal caregiver for the purpose of refugee status determination should only be made after a careful assessment of all known facts. Caution should be exercised when considering such a claim. The consequences of an erroneous judgement or an ill-advised finding that a child is accompanied by an adult principal caregiver for the purposes of refugee status determination under the principle of family unity are serious:
 - (a) It may deprive the authority of the opportunity properly to investigate the child's history in the presentation of the refugee claim in an age-appropriate way;
 - (b) It may prevent the authority from being alerted to the particular vulnerability and needs of the child and from assessing the best interest durable solution for the child once refugee status determination has been completed.
5. If the interviewer is in doubt as to the veracity of the account presented or the nature of the relationship between caregiver and child, then the child should be processed as an unaccompanied child.
6. Where a child is accompanied by an adult caregiver, the quality and durability of the relationship between the child and the caregiver must be evaluated to decide whether the presumption of "unaccompanied status" should be set aside. If, on evaluation of the nature of the relationship between the child and the caregiver, it is concluded that the child is not unaccompanied, then the child's case may be processed for refugee status under the regular status determination procedures with the adult caregiver according to the principle of family unity. (See paragraph 10)
7. The primary parental responsibilities of a natural parent are the upbringing and development of the child to meet his/her fundamental needs (physical, psychological and spiritual requirements) in accordance with the child's rights under the Convention on the Rights of the Child. For cultural, social or other reasons, a child may not have been

raised by his/her natural parents. If a child is in a first asylum country with an adult other than the natural parent but who has nevertheless assumed the principal caretaking responsibilities towards the child, then this arrangement should be respected even if it has not been legally formalised. In this respect, it should be noted that the terms “adoption” and “fostering” are sometimes used informally by custom in certain cultures and should not be confused with the legal use of such terms in industrialized countries. On the other hand, care should be exercised to ensure that the situation presented by the caregiver actually reflects the true relationship and is not open to abuse.

8. As the primary caregiving responsibilities for the upbringing and development of a child usually rest with the natural parents, the competent authority should be satisfied that the natural parents of the child have entrusted caregiving responsibility to the accompanying adult principal caregiver. This adult principal caregiver should take full account of the longer-term consequence of taking on the responsibility for an extra child.
9. The competent authority should also be satisfied that the principal caregiver has the maturity, commitment and expertise to adequately assume these responsibilities (i.e. the assumption of responsibility must be enduring and not simply transitory and will continue whatever the outcome of the refugee status determination procedure.) When meeting the basic needs of the family becomes a daily struggle, the child should not be put at risk of rejection, abandonment or exploitation by this adult caregiver.
10. Where the child has been under the guidance of several de facto caregivers over a significant period during his/her upbringing in the country of origin, then the principal caregiver should be identified. Where the natural parents are included in this household structure, it may not be appropriate for the child to be attached to any other caregiver unless clear evidence is available that the natural parents had entrusted the long term care of the child to another relative for reasons unrelated to the departure from the country of origin.
11. If the principal caregiver is not recognized refugee status, “there is nothing to prevent any one of his dependants, if they can invoke reasons on their own account, from applying for recognition as refugees under the 1951 Convention or the 1967 Protocol relating to the Status of Refugees. The principle of family unity operates in favour of dependents, and not against them.”¹⁴ Therefore, the substance of a child’s circumstances should be evaluated for refugee status even if the child forms part of a family unit.

Adult siblings

1. A child accompanied by an adult sibling should be processed with that sibling through the refugee status determination procedure on the presumption that:
 - (a) they have a shared or common history and;
 - (b) the adult sibling is aware of and able to articulate the child’s claim for refugee status.

¹⁴ “Handbook on Procedures and Criteria for Determining Refugee Status”, UNHCR, 1992, para. 185.

2. If evidence suggests that the assumption of similar backgrounds is not valid or the adult sibling is not capable of articulating the child's claim for refugee status on his/her behalf then the child should be treated as an unaccompanied child for the purposes of his/her refugee status determination procedures. These should then be followed by an assessment of the durable solution in the 'best interests' of the child.
3. The option of review to assess the durable solution in the best interests of each child should remain open, even if their cases have been processed together for refugee status determination. It should be a fluid rather than a static process which reflects the evolving nature of a child's legal or personal circumstances. If the background is shared and leads to a determination that the child and the adult sibling are refugees, then the durable solution for both will be either local integration or resettlement in the third country.

TRUSTS GATEWAY TEAM CONTACTS

Northern Ireland Health and Social Care (HSC) Trusts
Gateway Services for Children's Social Work

Belfast HSC Trust			
Telephone (for referral)	028 90507000		
Areas	Greater Belfast area		
Further Contact Details (for ongoing professional liaison)	Greater Belfast Gateway Team 110 Saintfield Road Belfast BT8 6HD		
Website	http://www.belfasttrust.hscni.net/		
Out of Hours Emergency Service (after 5pm each evening at weekends, and public bank holidays)	028 95049999 (Regional number) / 028 90565444 (Belfast City Hospital Social Services number)		
South Eastern HSC Trust			
Telephone (for referral)	03001000300		
Areas	Lisburn, Dunmurry, Moira, Hillsborough, Bangor, Newtownards, Ards Peninsula, Comber, Downpatrick, Newcastle and Ballynahinch		
Further Contact Details (for ongoing professional liaison)	Greater Lisburn Gateway Team Stewartstown Road Health Centre 212 Stewartstown Road Dunmurry Belfast, BT17 0FG Tel: 028 90602705 Fax: 028 90629827	North Down Gateway Team James Street Newtownards, BT23 4EP Tel: 028 91818518 Fax: 028 90564830	Down Gateway Team Children's Services 81 Market Street Downpatrick, BT30 6LZ Tel: 028 44613511 Fax: 028 44615734
Website	http://www.sestrust.hscni.net/		
Out of Hours Emergency Service (after 5pm each evening at weekends, and public bank holidays)	028 95049999 (Regional number) / 028 90565444		
Northern HSC Trust			
Telephone (for referral)	03001234333		
Areas	Antrim, Carrickfergus, Newtownabbey, Larne, Ballymena, Cookstown, Magherafelt, Ballycastle, Ballymoney, Portrush and Coleraine		
Further Contact Details (for ongoing professional liaison)	Central Gateway Team Unit 5A, Toome Business Park Hillhead Road Toomebridge, BT41 3SF Tel: 028 7965 1020 Fax: 028 7965 1036	South Eastern Gateway Team The Beeches 76 Avondale Drive Ballyclare, BT39 9DB Tel: 028 94424377 Fax: 028 9334 2531	Northern Gateway Team Coleraine Child Care Team 7A Castlerock Road Coleraine, BT51 3HP Tel: 028 7032 5462 Fax: 028 7035 7614
Website	http://www.northern-trust.hscni.net/		
Out of Hours Emergency Service (after 5pm each evening at weekends, and public bank holidays)	028 95049999 (Regional number)		
Southern HSC Trust			
Telephone (for referral)	08007837745 (Free phone number from landlines only) / 028 37415285 (Central number)		
Areas	Craigavon, Banbridge, Dromore, Lurgan, Portadown, Clifton, Armagh, Coalisland, Dungannon, Fivemiletown, Markethill, Moy, Tandragee, Ballygarvey, Newry City, Bessbrook, Annalong, Rathfriland, Warrenpoint, Crossmaglen, Killeel, Newtownhamilton		
Further Contact Details (for ongoing professional liaison)	Craigavon/Banbridge Gateway Team Brownlow H&SS Centre 1 Legahory Centre Craigavon, BT65 5BE Tel: 028 38343011 Fax: 028 38324366	Newry/Mourne Gateway Team Dromalane House Dromalane Road Newry, BT35 8AP Tel: 028 30825000 Option 1 Fax: 028 30825016	Armagh/Dungannon Gateway Team E Floor South Tyrone Hospital Carland Road Dungannon, BT71 4AJ Tel: 028 87713506 Fax: 028 87713671
Website	http://www.southern-trust.hscni.net/		
Out of Hours Emergency Service (after 5pm each evening at weekends, and public bank holidays)	028 95049999 (Regional number)		
	Central Gateway Team Lisnally House Lisnally Lane Armagh, BT61 7HW Tel: 028 37415285 Fax: 028 37522544		
Western HSC Trust			
Telephone (for referral)	028 71314090		
Areas	Derry, Limavady, Strabane, Omagh and Enniskillen		
Further Contact Details (for ongoing professional liaison)	Derry Gateway Team Whitehill, 106 Irish Street Derry, BT47 2ND Tel: 028 71314090 Fax: 028 71314091	Omagh Gateway Team Tyrone and Fermanagh Hospital 1 Donaghane Road Omagh, BT79 0NS Tel: 028 62835156 Fax: n/a	Enniskillen Gateway Team 2 Colleshill Road Enniskillen BT74 7HG Tel: 028 66344103 Fax: n/a
Website	http://www.western-trust.hscni.net/		
Out of Hours Emergency Service (after 5pm each evening at weekends, and public bank holidays)	028 95049999 (Regional number)		

This document is available, on request, in accessible formats, including Braille, disk, audio cassette and minority languages.

Updated May 2015

LIST OF INTERNATIONAL AND REGIONAL STANDARDS

- Convention relating to the Status of Refugees, 1951
- Protocol relating to the Status of Refugees, 1967
- Universal Declaration of Human Rights, 1948
- Convention relating to the Status of Stateless Persons, 1954
- International Covenant on Civil and Political Rights and Optional Protocol thereto, 1966
- International Covenant on Economic, Social and Cultural Rights, 1966
- European Convention for the Protection of Human Rights and Fundamental Freedoms and Protocols, 1950
- Hague Convention for the Protection of Minors, 1961
- Convention on the Civil Aspects of Child Abduction, 1980
- Convention on the Rights of the Child, 1989
- Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, 1993
- United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, 1990
- UNHCR EXCOM Conclusions No. 47 and No. 59
- EU Resolution on Minimum Safeguards for Asylum Procedures, 1995

Other Guidelines:

- "The Handbook on Procedures and Criteria for Determining Refugee Status", UNHCR, 1992
- UNHCR Policy on Refugee Children, 1993¹³
- "Refugee Children – Guidelines on Protection and Care", UNHCR, 1992 Presented to UNHCR Executive Committee, October 1993 as Document EC/SCP/82.

UNITED NATIONS – HUMAN TRAFFICKING INDICATORS



Not all the indicators listed below are present in all situations involving trafficking in humans. Although the presence or absence of any of the indicators neither proves nor disproves that human trafficking is taking place, their presence should lead to investigation. Victims of trafficking in humans can be found in a variety of situations. You can play a role in identifying such victims.

GENERAL INDICATORS

People who have been trafficked may:

- Believe that they must work against their will
- Be unable to leave their work environment
- Show signs that their movements are being controlled
- Feel that they cannot leave
- Show fear or anxiety
- Be subjected to violence or threats of violence against themselves or their against family members and loved ones
- Suffer injuries that appear to be the result of an assault
- Suffer injuries or impairments typical of certain jobs or control measures
- Suffer injuries that appear to be the result of the application of control measures
- Be distrustful of the authorities
- Be threatened with being handed over to the authorities
- Be afraid of revealing their immigration status
- Not be in possession of their passports or other travel or identity documents, as those documents are being held by someone else
- Have false identity or travel documents
- Be found in or connected to a type of location likely to be used for exploiting people
- Be unfamiliar with the local language
- Not knowing their home or work address
- Allow others to speak for them when addressed directly
- Act as if they were instructed by someone else
- Be forced to work under certain conditions
- Be disciplined through punishment
- Be unable to negotiate working conditions
- Receive little or no payment
- Have no access to their earnings
- Work excessively long hours over long periods
- Not have any days off
- Live in poor or substandard accommodations
- Have no access to medical care
- Have limited or no social interaction
- Have limited contact with their families or with people outside of their immediate environment
- Be unable to communicate freely with others
- Be under the perception that they are bonded by debt
- Be in a situation of dependence
- Come from a place known to be a source of human trafficking
- Have had the fees for their transport to the country of destination paid for by facilitators, whom they must pay back by working or providing services in the destination
- Have acted on the basis of false promises

CHILDREN

Children who have been trafficked may:

- Have no access to their parents or guardians
- Look intimidated and behave in a way that does not correspond with behaviour typical of children their age
- Have no friends of their own age outside of work
- Have no access to education
- Have no time for playing
- Live apart from other children and in substandard accommodations
- Eat apart from other members of the “family”
- Be given only leftovers to eat
- Be engaged in work that is not suitable for children
- Travel unaccompanied by adults
- Travel in groups with persons who are not relatives

The following might also indicate that children have been trafficked:

- The presence of child-sized clothing typically worn for doing manual or sex work
- The presence of toys, beds and children’s clothing in inappropriate places such as brothels and factories
- The claim made by an adult that he or she has “found” an unaccompanied child
- The finding of unaccompanied children carrying telephone numbers for calling taxis
- The discovery of cases involving illegal adoption

DOMESTIC SERVITUDE

People who have been trafficked for the purpose of domestic servitude may:

- Live with a family
- Not eat with the rest of the family
- Have no private space
- Sleep in a shared or inappropriate space
- Be reported missing by their employer even though they are still living in their employer’s house
- Never or rarely leave the house for social reasons
- Never leave the house without their employer
- Be given only leftovers to eat
- Be subjected to insults, abuse, threats or violence

SEXUAL EXPLOITATION

People who have been trafficked for the purpose of sexual exploitation may:

- Be of any age, although the age may vary according to the location and the market
- Move from one brothel to the next or work in various locations
- Be escorted whenever they go to and return from work and other outside activities
- Have tattoos or other marks indicating "ownership" by their exploiters
- Work long hours or have few if any days off
- Sleep where they work
- Live or travel in a group, sometimes with other women who do not speak the same language
- Have very few items of clothing
- Have clothes that are mostly the kind typically worn for doing sex work
- Only know how to say sex-related words in the local language or in the language of the client group
- Have no cash of their own
- Be unable to show an identity document

The following might also indicate that children have been trafficked:

- There is evidence that suspected victims have had unprotected and/or violent sex
- There is evidence that suspected victims cannot refuse unprotected and/or violent sex
- There is evidence that a person has been bought and sold
- There is evidence that groups of women are under the control of others
- Advertisements are placed for brothels or similar places offering the services of women of a particular ethnicity or nationality
- It is reported that sex workers provide services to a clientele of a particular ethnicity or nationality
- It is reported by clients that sex workers do not smile

LABOUR EXPLOITATION

People who have been trafficked for the purpose of labour exploitation are typically made to work in sectors such as the following: agriculture, construction, entertainment, service industry and manufacturing (in sweatshops).

People who have been trafficked for labour exploitation may:

- Live in groups in the same place where they work and leave those premises infrequently, if at all
- Live in degraded, unsuitable places, such as in agricultural or industrial buildings
- Not be dressed adequately for the work they do: for example, they may lack protective equipment or warm clothing
- Be given only leftovers to eat
- Have no access to their earnings
- Have no labour contract
- Work excessively long hours
- Depend on their employer for a number of services,

- Have no choice of accommodation
- Never leave the work premises without their employers
- Be unable to move freely
- Be subject to security measures designed to keep them on the work premises
- Be disciplined through fines
- Be subjected to insults, abuse, threats or violence
- Lack basic training and professional licences

The following might also indicate that people have been trafficked for labour exploitation:

- Notices have been posted in languages other than the local language.
- There are no health and safety notices.
- The employer or manager is unable to show the documents required for employing workers from other countries.
- The employer or manager is unable to show records of wages paid to workers.
- The health and safety equipment is of poor quality or is missing.
- Equipment is designed or has been modified so that it can be operated by children.
- There is evidence that labour laws are being breached.
- There is evidence that workers must pay for tools, food or accommodation or that those costs are being deducted from their wages.

BEGGING AND PETTY CRIME

People who have been trafficked for the purpose of begging or committing petty crimes may:

- Be children, elderly persons or disabled migrants who tend to beg in public places and on public transport
- Be children carrying and/or selling illicit drugs
- Have physical impairments that appear to be the result of mutilation
- Be children of the same nationality or ethnicity who move in large groups with only a few adults
- Be unaccompanied minors who have been "found" by an adult of the same nationality or ethnicity
- Move in groups while travelling on public transport: for example, they may walk up and down the length of trains
- Participate in the activities of organised criminal gangs
- Be part of large groups of children who have the same adult guardian
- Be punished if they do not collect or steal enough
- Live with members of their gang
- Travel with members of their gang to the country of destination
- Live, as gang members, with adults who are not their parents
- Move daily in large groups and over considerable distances
- The following might also indicate that people have been trafficked for begging or for committing petty crimes:
 - New forms of gang-related crime appear.
 - There is evidence that the group of suspected victims has moved, over a period of time, through a number of countries.
 - There is evidence that suspected victims have been involved in begging or in committing petty crimes in another country

including work, transportation and accommodation

The link to the list of the United Nations Human Trafficking Indicators can be found at the following link;

https://www.unodc.org/pdf/HT_indicators_E_LOWRES.pdf

HOW TO APPLY FOR A NATIONAL INSURANCE NUMBER FOR A LOOKED AFTER CHILD

From: [HM Revenue & Customs](#) First published: 18 August 2014

Part of: [Tax agent and adviser guidance](#) and [Dealing with HMRC](#)

How to get a National Insurance number for a child who is being looked after by a local authority.

Children who are looked after by local authorities don't automatically get a National Insurance number.

To get a National Insurance number a social worker for a looked after child has to apply to HM Revenue and Customs (HMRC) on the child's behalf.

There may be 3 steps to get a number:

1. Register a request with HMRC

A social worker should apply for the National Insurance number after a child is 15 years and 9 months old by writing a letter to HMRC using their local authority's official letter-headed paper. The letter should say the social worker wishes to apply for a National Insurance number for a looked after child.

The letter must include:

- the child's full name
- any previous names the child has used
- the child's date of birth
- the date the child went into care
- the child's current address
- the contact details of the social worker who has written the letter

If the child is a British citizen, the letter should also include:

- any previous addresses (such as their parent's old address or the child's last address before they were taken into care)
- a photocopy of either:
 - the child's birth certificate
 - their Care Order

- the ID page of the child's passport

If the child is an unaccompanied minor and supported by the Home Office, photocopies of the child's Home Office documents should also be included.

The letter and photocopies of any documents should be posted or faxed to:

National Insurance contributions and Employers Office
HM Revenue and Customs
BX9 1AN

Fax: 0191 225 7384

A separate letter should be written for each National Insurance number application that is made.

2. Complete a CA3530 application form

If more information is needed HMRC will issue a CA3530 'Application for a National Insurance number for a child looked after by a local authority' form to the social worker to confirm the details required.

The form should be completed and posted back to HMRC within 1 month. If it is not returned within a month, another request to register letter will have to be sent to HMRC.

3. HMRC issue a National Insurance number

Once HMRC has received the required information they will send a letter to the child confirming their National Insurance number.

SEXUAL ASSAULT REFERRAL CENTRE AND GUM CLINICS

The Rowan is the regional Sexual Assault Referral Centre (SARC) for Northern Ireland. Their professional team operate a range of support and services to children, young people, women and men who have been sexually abused, assaulted or raped, whether this happened in the past or more recently.

Web: <http://therowan.net/>

Tel: **0800 389 4424** (24/7, landlines only)

(Domestic and Sexual Violence Helpline)

Tel: **0800 802 1414** (24/7)

Text: TEXT **SUPPORT** to **07797805839**

E-mail: 24hrsupport@dvhelpline.org

Health and Social Care Trusts Contact Details for Sexual Health Screening Genito-Urinary Medicine (GUM) Clinics

Genito-Urinary Clinics offer a range of services including;

- Testing and Treating for Sexually Transmitted Infections (STIs)
- Sexual Health Information
- Help for those who have been sexually assaulted
- Referrals to specialist if needs be.

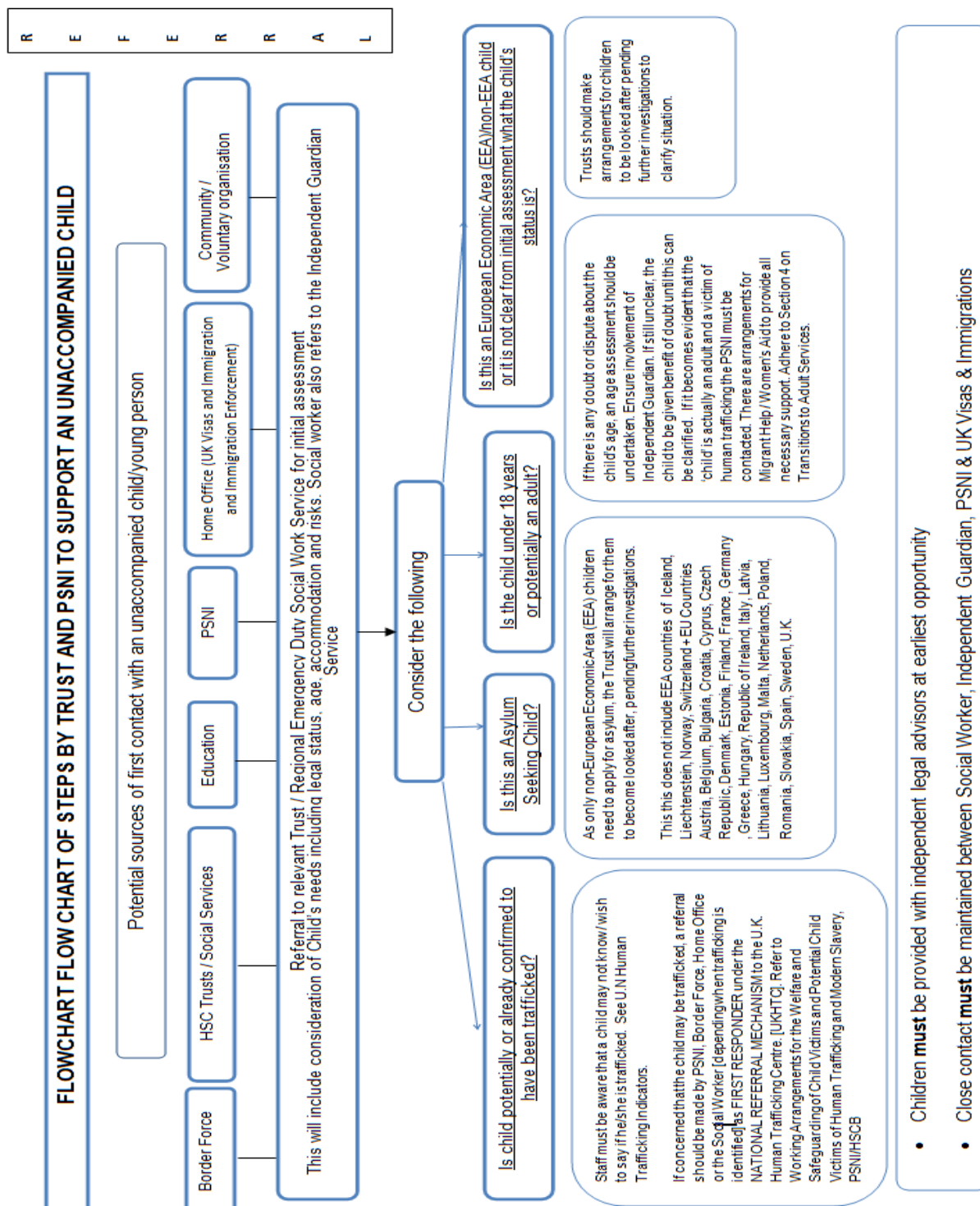
* Please note that this is not an exhausted list.

Trust / Area	Contact for appointment	Telephone Number	Clinic Hours
Belfast	Genitourinary Medicine Level 3, Outpatients Royal Victoria Hospital Grosvenor Road, Belfast	028 9063 4050 / 4054 Call between 8.15 & 11.15 am for an appointment.	Appointment Based Only Monday, Wednesday & Friday; 9am - 12pm, 1.30 - 4.30pm (MSM Clinic 1.30 - 4.30pm, Monday only) Tuesday; 2 - 6pm Thursday; 9am - 12.30pm
Northern	Genitourinary Medicine, Outpatients Department 2 Causeway Hospital, 4 Newbridge Road, Coleraine	028 7034 6028	Walk In Tuesday: registration 5pm Friday: registration 1.30pm

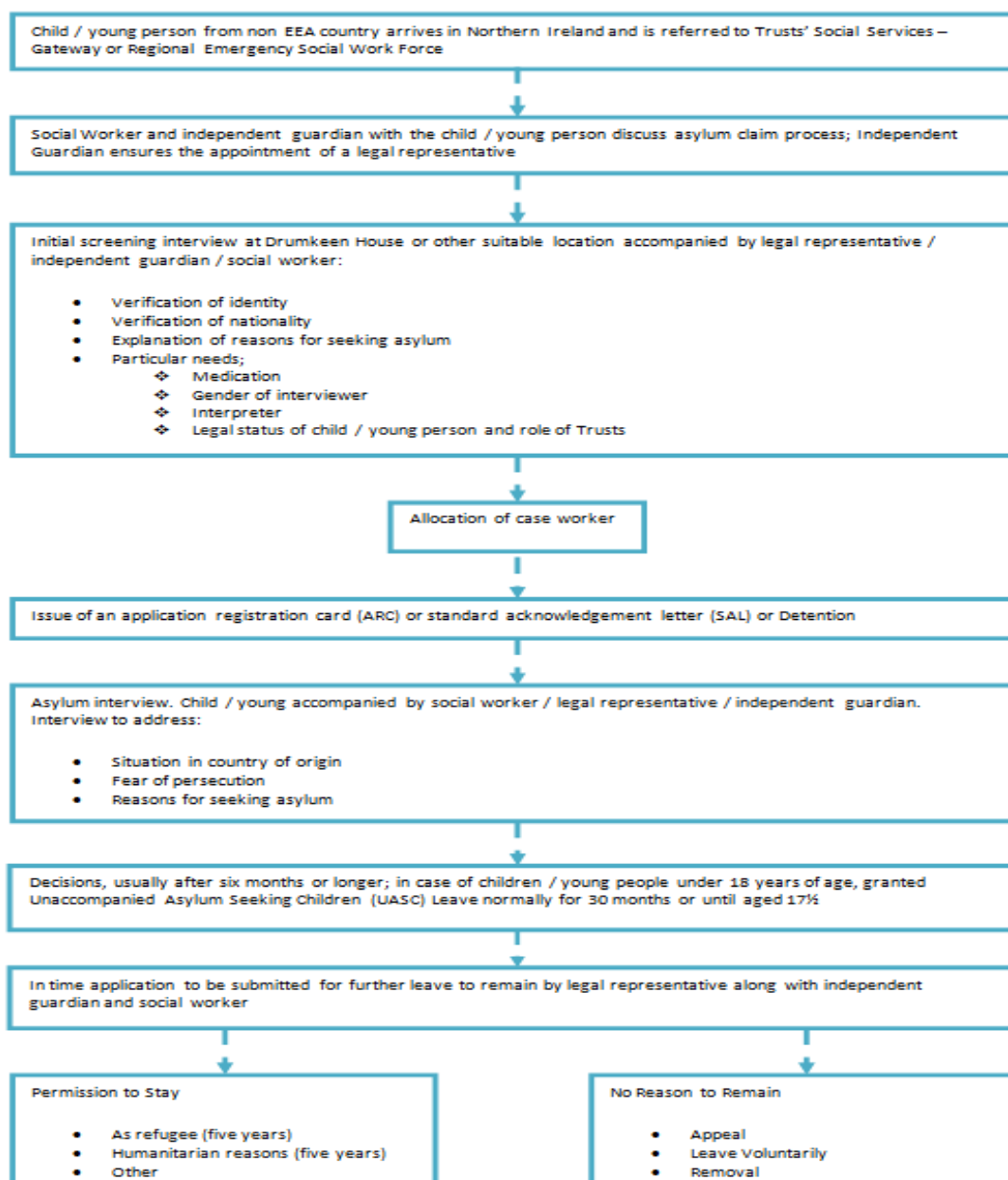
			Appointment Based Monday, Tuesday and Thursday; 9.30am – 12.30pm & 1.30 – 4.30pm Friday; 9.30am – 12.30pm
Southern			
Newry	Genitourinary Medicine John Mitchell Place Hill Street, Newry	028 3083 4215	Appointment Based Only Monday; 3 - 6.30pm Wednesday & Friday; 9am -12.30pm
Portadown	Portadown Health Centre Tavanagh Avenue, Portadown	028 3083 4215	Appointment Based Only Tuesday; 5 – 8pm
Western			
Londonderry	Genitourinary Medicine, Altnagelvin Area Hospital Glenshane Road, Derry	028 7161 1269	Walk In Monday, Wednesday, Thursday & Friday; 9 – 11.30am Appointment Based Tuesday; 9 – 11.30am Wednesday; 1.30 – 3.30pm Thursday; 2 – 3.45pm
Omagh	Nurse-led Sexual Health Clinic, Tyrone County Hospital, Hospital Road, Omagh	028 7161 1269	Appointment Based Only Wednesday; 9.30am – 4.30pm
South Eastern			
Bangor	Nurse-led Sexual Health Clinic, Bangor Community Hospital, Castle Street, Bangor	028 4483 8133	Appointment Based only Friday; 9am – 12pm

Downpatrick	Sexual Health Clinic Downe Hospital, 2 Struell Road, Downpatrick	028 4483 8133	Appointment Based only Monday; 9am – 12pm Wednesday; 9am – 6pm
Lisburn	Sexual Health Clinic Lisburn Health Centre, Linenhall Street, Lisburn	028 4483 8133	Appointment Based only Monday & Thursday; 9am – 12pm

FLOWCHART OF STEPS BY RUST AND PSNI TO SUPPORT A SEPARATED CHILD / YOUNG PERSON



ASYLUM CLAIM PROCESS FLOWCHART



OUTCOMES OF ASYLUM PROCESS

There are four main possible outcomes of the asylum claim, namely:

1. Granted Refugee Status (i.e. granted asylum). Leave to remain for five years.
2. Refused asylum but granted Humanitarian Protection. Leave to remain for five years. This is most commonly granted when the person is at some risk of “ill-treatment” in the particular country they left but does not meet the criteria of the Refugee Convention. This is a rare category for unaccompanied / separated children.
3. Refused asylum but granted Unaccompanied Asylum Seeking Children (UASC) Leave. This is normally for 30 months or until the age of 17½, whichever is the shorter period. It enables the child to remain in the UK with immigration status. Before the child reaches that age, they can submit an in-time application for further leave to remain which will be considered.
4. Refused asylum with no grant of leave. In this case the unaccompanied child must return to their country of origin. This is very unusual as the Home Office will not remove an unaccompanied child without safe and adequate reception arrangements being in place. Appeals and further applications should always be submitted where appropriate by the child’s solicitor.

Extract from Care of Unaccompanied and trafficked children; Statutory Guidance for local authorities on the care of unaccompanied asylum seeking and trafficked children, Department for Education, July 2014

PSNI CONTACT DETAILS (Includes 24-hour contact)

Child Safeguarding Referrals

