

Briefing Note

Unaccompanied Asylum Seeking Children and Young People Reunited With Family (Dublin III)

Children and Young People's Scrutiny Committee

20th June 2017

Background

Local authorities have a legal duty under the Children Act 1989 to provide support to children and young people in their local area who are 'children in need'. These same duties apply to unaccompanied asylum seeking children (UASC). This duty requires that there is an assessment of their needs and as there is no one who has parental responsibility (PR) or who is prepared to accept PR for the young person it is often the case that UASC are accommodated under the Children Act 1989. For some people claiming to be UASC it may be unclear whether they are under 18 and, where this is the case, an age assessment is conducted to ascertain whether they should be considered to be a child or an adult.

Where UASC are accommodated under the Children Act 1989 they gain all of the rights of a child in care (CiC) and receive all of the same support and services as any other CiC. This includes accommodation, support to access education, employment or training (depending on their age) and support to ensure that their health needs are met. They are supported to access legal advice to help progress their asylum claim with the Home Office. They are also helped to make links in local communities which reflect the language, culture and religion of their countries of origin. These links are often facilitated through voluntary sector organisations like the Nottinghamshire Refugee Forum. As a CiC, they are also allocated an Independent Reviewing Officer to ensure that there is an independent review of whether the Care Plan put in place is meeting the needs of the young person.

UASC CiC also become eligible for support as care leavers which means that they are able to access support from a Personal Advisor and a Leaving Care Allowance until they are 21 (or 25 if they access further or higher education).

In 2016 the Association for Directors of Children's Services (ADCS) published a thematic report on UASC and refugee children. Some key facts and figures from this research are detailed at appendix 1. The profile of Nottingham City's UASC cohort is in line with the national picture reflected in this report.

Local authorities are able to access a grant from the Home Office to help meet the costs of caring for UASC. The grant amount depends on the age of the young person and is accessed via a monthly return detailing the costs associated with the UASC cohort. These allowances were increased in 2016 but it has been widely reported through national bodies like the ADCS that this grant does not meet the full cost of care for UASC incurred by local authorities when we include social work costs etc.

Nottingham City has always received a number of spontaneous arrivals of UASC young people and we have a legal duty to respond as outlined. Over the past few years there has been a gradual increase in the number of UASC CiC and in 2016 there were a range of national initiatives that impacted on our numbers of UASC. These initiatives are outlined below.

National Transfer Scheme

In 2016 the Home Office approached local authorities to ask that they take part in a voluntary National Transfer Scheme (NTS) to support those local authorities (e.g. Kent) who were receiving large numbers of spontaneous arrivals. The aim was for all local authorities to support a number of UASC which was equivalent to 0.07% of their child age population. This approach was designed to ensure that need was met across the country and that all participating LAs would then benefit from the support of other LAs if their local demand increased. Nottingham City agreed to take part in this scheme and have been working across the East Midlands region to consider all requests under the NTS to see whether the young person's needs could be met within one of the 9 local authorities in the region. As a region we

agreed that all local authorities should move gradually towards the 0.07%. Not all local authorities in the region have agreed to take part in the NTS scheme. To date, Nottingham City has accepted a small number of UASC under the NTS.

Dubs Amendment

In addition to the NTS national government made commitments within the Immigration Act 2016 (Section 67) to support the resettlement of a number of UASC from camps in Europe. This is commonly known as the 'Dubs Amendment'. In February 2017, after consultation with local authorities, it was announced that 350 children and young people would be resettled in the UK under the Dubs Amendment. All requests for children to be resettled under Section 67 are managed through the regional arrangements as above for NTS. To date, Nottingham City has not accepted any young people under Dubs Amendment.

Dublin III

During the clearance of the camps in Calais in October 2016 a number of children were identified who could be reunified with family members already living in the UK and make an application for asylum in the UK. These children could be reunified under a European Union law known as Dublin III regulations (Regulation (EU) No 604/2013). Under this process the local authority is required to make an assessment of the relative residing in the UK to ascertain whether they can meet the support needs of the child or young person. Children reunified under Dublin III are not considered to be CiC but there was guidance issues from the DfE which stated that it was likely that they would require ongoing support as a child in need (CiN) Due to the pressing timescales associated with the clearance of the camps in Calais it was necessary to conduct these assessments in a very short period of time. However, as CiN this meant that the young people and their families received ongoing social work support to ensure that the young person's needs were being met and that they were able to access other support services, legal advice and education, employment or training. Some families' accessed financial support as the young person had no recourse to public funds pending the outcome of their asylum claim and the family member was therefore unable to access any benefits to support the young person during this period. Nottingham City supported the reunification of 24 young people under the Dublin III regulation. A number of these young people have subsequently become CiC as their family members were unable to care for them.

What's happening locally?

Children's Integrated Services are working closely with partner agencies to ensure that we are able to meet the needs of UASC and reunified young people. We are working across Children's Integrated Services, Nottingham City CCG, schools/education providers, Community Protection and voluntary sector organisations to track the progress of these young people and ensure that any issues or themes in relation to their care and support can be addressed.

We have recently made a bid to the Home Office's Controlling Migration Fund to seek further financial support for Children's Integrated Services and to mitigate the impact of the increasing numbers of UASC on our services. This bid would see further investment in education provision for UASC, mental health support as well as additional health and social work support. The bids are being considered by the Home Office and we should hear whether this bid has been successful in Summer 2017.

We are working closely with regional colleagues to ensure that the Home Office are aware of emerging themes and issues relating to these cohorts.

Findings of the ADCS Thematic Report into UASC and Refugee Children

“This thematic report draws together returns from over 100 local authorities in England and supplements this with national data and a literature review to provide an insight into the characteristics and needs of unaccompanied asylum seeking and refugee children and the services available or being developed by councils to meet these needs.

This research shows that:

- *As at 31 March 2016 local authorities were supporting 4,689 unaccompanied asylum seeking children (UASC). However, in intervening months there has been a sharp increase in arrivals of unaccompanied children largely driven by the clearance of the Calais migrant camp, the Dubs Amendment to the Immigration Act and children being transferred under Dublin III arrangements which means that the total number of UASC to date is significantly larger today and is set to grow further in the coming weeks and months*
- *76% of unaccompanied children and young people arriving in the UK were aged 16-17 and over 90% were male, this picture is likely to change as more and more children are reunited in this country under Dublin III arrangements*
- *The most prevalent countries of origin for UASC arriving in the UK were found to be Afghanistan, Eritrea, Albania, Iran, Vietnam, Iraq and Syria; regions with long-running conflicts, political instability, and a poor record on human rights*
- *Local authorities highlighted the mental and physical health of UASCs arriving in the UK as a common concern, over a third of young people displayed psychological symptoms upon arrival, such as post-traumatic stress disorder, flashbacks and depression*
- *A growing concern for local authorities is finding a suitable placement that meets the needs of each child or young person arriving in the UK, over 75% of respondents talked about the struggle to find placements. With the majority of UASC placed in foster care the national shortage of foster care placements was cited as the main challenge for most authorities*
- *Using data provided by dozens of responding local authorities ADCS has calculated that the grant funding provided by the Home Office covers on average 50% of the costs of caring for a UASC”.*

ADCS Press Release - published 3rd November 2016

Full press release available at <http://adcs.org.uk/safeguarding/article/adcs-thematic-report-on-unaccompanied-asylum-seeking-and-refugee-children>