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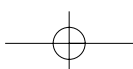
rights

young refugees

A guide to the rights and entitlements of separated refugee children



Save the Children



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List of abbreviations

AIT	Asylum and Immigration Tribunal	IND	Immigration and Nationality Directorate (Home Office)
ARC	Application registration card	IOM	International Organisation for Migration
AVID	Association of Visitors to Immigration Detainees	LAC	Local authority circular
BID	Bail for Immigration Detainees	LEA	Local education authority
CAMHS	Child and adolescent mental health services	NASS	National Asylum and Support Service
DfES	Department for Education and Skills	NEAT	NASS eligibility and assessment team
ELE	Exceptional leave to enter	NINO	National Insurance number
ELR	Exceptional leave to remain	NRUC	National Register for Unaccompanied Children
EMA	Education Maintenance Allowance	NSA	Non-suspensive appeal
ESOL	English for Speakers of Other Languages	OISC	Office of the Immigration Service Commission
FGM	Female genital mutilation	SAL	Standard acknowledgement letter
ILPA	Immigration Law Practitioners' Association	UN	United Nations
ILR	Indefinite leave to remain		

what is this guide about?

This guide is about the rights and entitlements of separated refugee and asylum-seeking children in England (often described as unaccompanied children). These are children under 18 years of age who are outside their country and separated from both parents or their legal/customary primary care-giver. The majority of separated children come to the UK alone. However, some children become separated in the UK after informal foster arrangements or family break down. In this guide immigration status is only included when the type of status, eg, refugee or asylum-seeker, affects a right or entitlement; otherwise they are referred to as separated children and/or young people.

This guide specifically covers the rights and entitlements of separated children and young people in England. However, as immigration and asylum policy are non-devolved, the policy noted in this guide is also applicable in Scotland, Wales and Northern Ireland. However, the provision of support services to unaccompanied children, including social services, health, education and housing, are devolved, and therefore different in Scotland, Wales and Northern Ireland.

This 2005 edition of the guide has been comprehensively updated and expanded from the original version published in 2003. It provides information on the rights and entitlements of separated children, and includes advice to professionals on how to support young people to access them. National contact details of agencies that can support separated children are provided at the end of the guide.

This guide does not cover the rights and entitlements of children who are 'accompanied' by an adult who is not their parent or legal/customary care-giver. This adult may be an uncle, cousin, sibling, or non-blood relation with whom the young person has some relationship. These young people's rights and entitlements often differ to those of separated children, for example, support from social services under the Children Act 1989 is more limited. However, 'accompanied' children have equal rights to an assessment of need and any concerns or difficulties should be referred to social services.

This guide is for professionals working with separated children and young people, including:

- teachers and other professionals working at schools and colleges
- social workers
- personal advisers at Connexions
- career advisers
- youth workers
- mentors
- voluntary agency and refugee community organisation staff
- foster carers
- residential and hostel workers
- health workers – including outreach health workers and mental health professionals.

introduction

In the UK in April 2004 there were an estimated 6,500 separated young people under 18 in social services care and 2,500 separated young people over 18 entitled to leaving care support.¹ The majority of separated young people under 18 are 16–17 years old. By law, separated children in England have the same legal entitlements as citizen children, including the right to education and the rights enshrined in the Children Act 1989 and the Children (Leaving Care) Act 2000.

Separated children face many difficulties in England, which often include the following interrelated problems:

- poor housing
- emotional or mental health problems, such as loneliness or depression
- social isolation
- not speaking English
- separation from family and friends
- personal bereavement
- discrimination and racism
- difficulties in accessing mainstream services, such as GPs, appropriate social services support, and school and college places, and a lack of understanding about how 'the system' works
- changes in circumstances, for example, a change in a young person's status or age – particularly when they turn 18 – can result in having to move from one support system to another, causing major disruption and confusion in their life
- having their age disputed and being treated as an adult, which in some instances results in a young person being held in immigration detention
- living with the anxiety of potentially being removed from the country
- confusing asylum application procedures, for example, dealing with complicated appeals procedures.

Separated children have little control over many areas of their lives, often for the reasons noted here. They are vulnerable children in need of support. There are limited advocacy services available to separated children. We hope this guide will increase awareness of professionals about the rights and entitlements of separated children and help those advocating on behalf of separated children to ensure that their rights and entitlements are met.

It is important to recognise that there are limitations to the advice and support that any individual can provide. This will obviously depend on the individual's skills, qualifications and professional role. For example, there are strict guidelines about who can provide legal advice, of any kind, on the asylum process (see page 8 on legal representation).

types of immigration status

The immigration status of separated children affects their rights and entitlements. This section provides a brief summary of the existing types of status.

Asylum-seekers

Asylum-seekers are people who flee their home country, often because major conflicts have taken place or because serious human rights abuses occur, and seek refuge or asylum in another country by lodging an asylum application. It is the responsibility of the Immigration and Nationality Directorate (IND) at the Home Office to make the initial decision on asylum applications.

Refugees

A person is recognised as a refugee when the Government decides that they meet the definition of refugee under the United Nations (UN) Convention Relating to the Status of Refugees (1951) (amended by the 1967 protocol) and accepts that the person has a well-founded fear of persecution under one or more of the reasons set out in the Convention, namely their race, religion, nationality, political opinion or because they fall within a particular social group, for example, people who have a well-founded fear of being persecuted because of their gender or sexual orientation. A person with refugee status is currently granted indefinite leave to remain (ILR), which means there are no conditions set on his or her stay in the UK. However, recent government proposals, if implemented, will not grant ILR to refugees immediately, and will instead only grant this after five years of being a refugee, if the situation has not improved in the country they have fled.² Very few separated children are currently granted refugee status.

Humanitarian protection

Humanitarian protection may be granted where an asylum-seeker is refused refugee status because the Home Office does not accept that the person meets the strict criteria laid down in the UN Convention relating to the Status of Refugees, but still decides that it is too dangerous to return them back to their country of origin because they face a serious risk to their life or person. Humanitarian protection will normally be granted for three years; however, shorter periods may be granted. At the end of the three years, the Home Office will 'actively review' whether humanitarian protection should be extended, or ILR granted, or if there is no longer a need for protection, in which case a person is expected to return to their country of origin. The UK Government has recently proposed changes to humanitarian protection: in future, humanitarian protection is likely to be granted for five years and then reviewed as with refugee status, noted above. Very few separated children are currently granted humanitarian protection.

Before April 2003, when humanitarian protection and discretionary leave (see below) were brought in, a similar status known as exceptional leave to remain/enter (ELR/E) was granted to people that the Home Office considered did not meet the criteria of refugee status but for whom it would be too dangerous to return to their country of origin. ELR/E was normally granted for four years and following this, people with ELR/E could apply for ILR. There will, therefore, still be some separated young people who have ELR/E rather than humanitarian protection or discretionary leave.

types of immigration status

Discretionary leave

If the Home Office does not accept that a separated child be granted either refugee status or humanitarian protection, then discretionary leave is usually granted where adequate reception arrangements in their country of origin are not available. Discretionary leave is usually granted for either three years or until the young person's 18th birthday, whichever is earlier, although there may be some exceptions. For example, for young people who come from non-suspensive appeal (NSA) countries (see page 7), discretionary leave is now only given for 12 months or until their 18th birthday, whichever is shorter.³

Applications can be made for extensions to discretionary leave and this should be done before

the leave expires. After the discretionary leave period has expired, the claimant's situation will be reviewed with further leave granted if considered appropriate by the Home Office. A person on discretionary leave will normally become eligible to apply for ILR after six years.⁴

Temporary protection

In 2005, the Home Office added a new form of protection that will be given to people who need short-term protection in particular circumstances, such as where there is a mass influx of people fleeing a war. This will be similar to the one-year ELE given to Bosnians and Kosovars in 1999.

asylum process

Professionals working with separated children need to be aware of the importance of ensuring that children have appropriate legal advice and that children are supported through the asylum process. Joint working among professionals involved with children is essential in order to facilitate this support.

Asylum procedures are complex and are particularly complicated by the regularity of changes to the legislation. There have been three major pieces of asylum and immigration legislation since 1999, the most recent being the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. This section provides a brief outline of asylum procedures at the date of publication, July 2005. For more detailed information on immigration and asylum procedures, see the end of this guide for further reading and contact details of organisations available to provide advice to professionals and/or directly to people seeking asylum.

Applying for asylum

Separated children, like adults, may apply for asylum at ports of entry, such as airports, or after entry usually at the asylum screening units of the Home Office. The main asylum screening units are located in Croydon, Liverpool and Solihull. As separated children are deemed to be vulnerable they can also apply at local immigration service enforcement offices. Separated children applying for asylum will be finger-printed (unless they are under five), photographed and asked brief questions about how they travelled to the UK. Immigration officers should not ask for details of why a young person is seeking asylum at this point.

At this stage, the young person should receive immigration identification papers, including an Application Registration Card (ARC), which includes the asylum applicant's photo and personal details. The ARC confirms that the person has formally applied for asylum in the UK. They will also receive the information provided on this card in a paper format. They will receive a 'statement of evidence form (minor)', which is the asylum application form given to children that should be filled in with the support of a legal representative and submitted to the Home Office within 28 days. They should also receive a 'one-stop notice'⁵ and

'statement of additional grounds' form, which gives applicants the opportunity to list all their reasons for wanting to enter or remain in the UK (including on human rights or ill-health grounds) as early as possible. People applying for asylum at ports of entry will also be issued with a document called an IS96, which gives temporary admission to enter the UK.

Documentation on arrival

Since 22 September 2004, it is a criminal offence under Section 2 of the Asylum and Immigration Act 2004 for someone not to have proper immigration documents on arrival (ie, a passport). A person convicted of this crime can be fined and/or imprisoned for a maximum of two years.

There are three main defences to a charge under Section 2:

- the person can prove that they have a 'reasonable excuse' for not possessing the appropriate immigration document
- the person can prove that they have used a false immigration document throughout their journey to the UK
- the person can prove that they travelled to the UK without at any stage of the journey being in possession of an immigration document.

Separated children over the age of ten are *not* excluded from being charged under Section 2. However, the Home Office guidelines on Section 2 acknowledge that special consideration should be given to the age and maturity of separated children in assessing their case, and that children may not understand that they need a passport or may not understand the consequences of destroying it. In particular, the guidance says consideration should be given as to whether the child could be expected *not* to comply with instructions given by an agent who may have told them to destroy their documents. The Home Office guidelines also

asylum process

acknowledge that the same consideration applies when assessing whether a charge should be brought against a person with a disability. Other vulnerable people to whom special consideration should be given include women and victims of trafficking.

There have been instances where separated young people have been charged under Section 2, and it is important that advocates support a young person in this situation.⁶ The young person needs a legal representative who has a good understanding of criminal as well as immigration and asylum law. It is likely that young people whose age is being disputed and are being treated as adults will also be prosecuted under Section 2. The Immigration Law Practitioners' Association (ILPA) has recently produced guidelines on working with young people subject to immigration control which clearly state that children should not be prosecuted for failing to produce identity documents.⁷

Fast-tracking and NSA countries

Separated children are not part of the fast-tracking procedure. However, if they are age-disputed and treated as an adult, they may find themselves going through this system.

People may be fast-tracked through the asylum process if they come from countries on the 'fast-track suitability list'. This list changes, with countries added and deleted. Some categories of asylum-seekers from countries on the list are not put through the fast-track process. For example, it is often considered inappropriate to fast-track women from certain countries. The 'fast-track suitability list' includes but is not restricted to non-suspensive appeal (NSA) countries. People from NSA countries who are fast-tracked will usually have their cases certified as 'clearly unfounded' and be denied a right of appeal in the UK. This new system was brought in under the Nationality, Immigration and Asylum Act 2002 to speed up the asylum process for people from countries that the Home Office deems to be safe from the need to seek refuge from. People going through these procedures are normally detained while the initial application process is carried out. A 'super-fast-track' system was set up in April 2003, where asylum applicants are held in detention throughout the asylum process (including

appeals). The target is to make a final decision within 18 days of the asylum application being submitted. The list of countries subject to the super-fast-track is the same as those for the fast-track.

Trafficking

Children are being trafficked to the UK to work in the sex trade, in sweatshops and restaurants, factories, agriculture and domestic servitude. Trafficking children is different to smuggling children into the UK, which is solely about facilitating travel to the UK. Many trafficked children, once in the UK, are forced to work, commit crimes or sell themselves for sex with adults.⁸

These young people are often threatened with harm to themselves or their families if they do not do as they are told, or if they tell anybody about what is happening to them. Some of them are told by traffickers to claim asylum as unaccompanied children. Others may come in claiming to be adults seeking asylum, or come under false passports, or with student or tourist visas. Some young people may arrive accompanied by an adult who is the trafficker. Trafficked children and young people are extremely vulnerable and it is the responsibility of professionals who come into contact with them to provide support and protection. Trafficked children are entitled to support under Section 20 of the Children Act 1989 – as children in need of accommodation and without an adult in this country with parental responsibility for them – and should be provided with safe accommodation. If there is a risk that they will suffer significant harm if recaptured by the trafficker, they should be taken into care under Section 31 of the Children Act 1989.

'Safe third country'

If a person comes through what is described as a 'safe third country' en route to the UK, then under EU law the country that let the person into the EU, whether legally or by failing to prevent their illegal entry, must take responsibility for their asylum claim. The safe third country rule *does* apply to unaccompanied children. There are exceptions to

asylum process

this rule, including having family connections in another state. It is therefore worth checking with the young person's legal representation as to whether a challenge can be made to returning a young person to another EU country under the safe third country rule.

The Asylum and Immigration Act 2004 makes it possible for the Home Office to add other countries, in addition to those in the European Economic Area, to the safe third country list. It is predicted that this will increase the number of people being returned under the safe third country rule.⁹

Age assessments

Young people's ages are regularly disputed either by the Home Office or social services.¹⁰ Assessing a person's age is often difficult where young people arrive without identification documents or with false ones. Age disputes are usually about whether the young person is under or over 18. If a young person is assessed as being over 18 they are referred to the National Asylum and Support Service (NASS), the government agency responsible for supporting adults and families, and will follow the adult asylum procedures (see 'NASS support' on page 26). Young people whose age is being disputed by immigration will be issued with an IS97M document and a NASS eligibility and assessment team (NEAT) form. The asylum process described in this chapter focuses on those who are assessed as under 18 when they claim asylum. See the section on age disputes on page 32 for more information about how to appeal against an age assessment decision.

Legal representation

A young person will need to find a legal representative to make his or her case for asylum to the Home Office. (Although there is no requirement under current asylum legislation that claimants have a legal representative, it is strongly advised, given the complexity of the legal issues, particularly in dealing with separated children's asylum claims.) A legal representative supporting separated children should, along with

having a thorough knowledge of asylum law and policy, have a special understanding of policies and procedures applying to separated children, and skills in communicating with children and young people.

Representatives can be any one of the following: solicitors, barristers, caseworkers in specialist law centres or agencies such as the Refugee Legal Centre, or representatives from some refugee organisations. Solicitors and barristers are regulated by their own professional bodies. Other legal representatives are legally bound to register with (or obtain an exemption from having to register with) the Office of the Immigration Service Commission (OISC), which is responsible for ensuring that immigration advisers fulfil the requirements of good practice.

Once a legal representative has been appointed, he or she will take down the child's statement by filling in a 'statement of evidence form (minor)'. When it is finalised, this should be submitted to the Home Office by the legal representative by the date given on the form – normally within 28 days of making an asylum claim (adults need to complete a different statement of evidence form).

Legal financial assistance

Since June 2003, legal help (formerly known as legal aid) for asylum applications and appeals has been reduced. The basic amount now available to those that meet entitlement criteria for legal help (ie, no or low income/capital) is five hours on preparing the asylum application and a maximum of £250 on associated expenses, such as interpreter costs. However, legal representatives can apply for more funding in specific cases. Adult asylum-seekers will receive no legal help for their legal representatives to attend Home Office interviews, but separated children should get legal help for this.

For appeals, what is known as 'controlled legal representation funding' is available for preparation and representation on the actual asylum appeal. The basic upper limit is £1,200 but more funding can be obtained in some cases. Access to public funding is generally subject to a means and a 'merits' test, which considers the likelihood of success at appeal. The Children and Family Team at the Legal Services Commission (who provide legal help through

asylum process

the Community Legal Service) has now decided that appeals by separated children should not be subject to a merits test. Publicly funded legal advice and representation is only available from legal representatives who have been granted a contract to do so by the Community Legal Service (see contact details for more information).

Legal representatives may have 'devolved powers' to provide extra support over and above the limits stated above, where appropriate. For example, when dealing with children's claims, extra legal help can be granted in some circumstances and should be granted to cover costs of a legal representative attending an asylum interview. Other legal representatives who do not have 'devolved powers' have to apply on a case-by-case basis for extra funds from the Legal Services Commission.

According to the Refugee Council, the reduction in public funding made available to asylum-seekers has had a negative impact on many children's applications. For example, some legal representatives are not applying for extra funding from the Legal Services Commission for things like medical or psychiatric reports, either because they do not know that they are allowed to or because they are not willing to make the effort. Even those legal representatives who are trying to provide a good quality service are severely hindered by the limits on time and expenses.¹¹

Interviewing children

Children are not normally interviewed by the Home Office as part of the asylum application process although the immigration rules allow for this. A pilot on interviewing children was carried out in October 2003 and a further pilot is taking place in 2005 before a decision is taken as to whether to interview all unaccompanied young people. The new pilot will include children aged 12 and over from a wider range of countries than the first pilot, which involved children only from NSA countries. Children being interviewed as part of the pilot should be supported by a 'responsible adult' (see page 18 for information on the role of a responsible adult) and should be given at least 28 days' notice of an interview.¹²

The Home Office provides guidelines on who the 'responsible adult' may be (including social workers, Refugee Council representative and foster carers) and their role, which is primarily one of ensuring that the welfare of the child is paramount in the process.¹³ Interviews are mandatory, and unless there is a serious reason for not being able to attend – examples given by the Home Office are certified sickness or serious transport disruption – the Home Office may refuse an asylum application on 'non-compliance' grounds.

The asylum decision and appeals

The Home Office's stated aim is to resolve initial asylum decisions within two months, and any subsequent appeals should be completed within a further four months. The Home Office will either inform the young person's representative, the responsible adult or the young person themselves of their decision. This will be one of the following: refugee status (currently granted as indefinite leave to remain), humanitarian protection, discretionary leave, temporary protection (see page 4–5), or a direct refusal of their asylum application. Where an asylum application has been unsuccessful, the applicant may be entitled to appeal against this decision. This includes the right to appeal in some circumstances against a decision where a limited form of leave to remain is granted instead of refugee status (see page 10 on 'discretionary leave' for a caveat to this if a young person receives less than 12 months' leave to remain). Young people whose asylum application is refused outright have the right to appeal.

Appeals process

The appeals process is complex and it is advisable to get expert legal advice on the asylum appeals process if you need to understand it in detail (see contact details for organisations that provide this advice). Below is a brief summary of the current appeals process.

The appeals process changed on 4 April 2005 as a result of the Asylum and Immigration Act 2004. A single level of appeal run by a new body called the Asylum and Immigration Tribunal (AIT) has been formed. (Previously, there was a two-tier

asylum process

system of appeals administered by two bodies, adjudicators and the Immigration Appeal Tribunal.)

Appeals are now determined by a single immigration judge or by a panel of two or three judges, depending on the complexity of the case. There remains an opportunity to seek a statutory review to the High Court (if an error in law is alleged). However, this will be a paper appeal only (not an oral hearing). The High Court can order the AIT to reconsider its decision, or decide to refuse the case, at which point the case will close. If the case is reconsidered by the AIT and is still refused, the appellant can ask the Court of Appeal to have the case looked at again on the grounds that there was an error in law (the High Court can also send a case directly to the Court of Appeal rather than back to the AIT for reconsideration).

The time limits on lodging an appeal remain the same: within ten days of receiving a decision or within five days for people in detention. If the appeal cannot be made in-country it should be lodged within 28 days of departure. Late appeals may be allowed to proceed in special circumstances.

As noted on page 9, the Legal Services Commission has recently decided that separated children's cases should not be subject to a merits test to receive legal help. For other cases (including separated young people over 18), publicly funded legal advice and representation is only available to those that meet the very strict merits test and income test at the AIT appeal stage. If the appeal goes to the High Court or Court of Appeal, the court decides what legal help is available. It is feared that this is likely to be decided on the basis of the success of the appeal. Where the High Court sends an appeal back to the AIT, it is the AIT, not the court, that decides what legal help is available. It is very unclear at the moment which solicitors' firms will be prepared to undertake both a statutory review to the High Court and a review hearing to the AIT in the hope that they will be granted public funding in retrospect. This may lead to separated young people (over 18) having even more difficulty in obtaining legal representation.

Discretionary leave

Young people who are granted leave to remain under discretionary leave (currently the majority of separated young people) have the right to appeal if it is felt that they should have been recognised as a refugee or granted humanitarian protection. However, since April 2003, such appeals are only possible where 12 months' limited leave is granted. Therefore, someone who arrives, for example, at 17½ and receives discretionary leave up until their 18th birthday will not be entitled to appeal against this decision, as they will have received less than 12 months' stay. If, however, an extension to this leave is granted, which combined with the initial leave granted totals more than 12 months, then an appeal can be lodged at this point. This also applies to children from NSA countries who are granted 12 months' discretionary leave (see page 5 for more information). In this case, where they are granted a further period of leave after the initial one year, they *will* then be able to appeal the refusal of asylum because the aggregated leave exceeds one year.

A young person who receives discretionary leave (for any length of time) has the right to apply for an extension of this leave at 18, and this should be done before expiry of the leave. Young people in this situation also have a right to appeal a refusal of extension. Further leave to remain can be, and sometimes is, granted.

Failure to apply for an extension 'in time' (ie, before expiry of leave) means the young person becomes an 'overstayer' and will have no right to appeal the decision in the UK but can appeal from outside the UK, following removal. There are cases where 'out of time' applications (ie, applications made after expiry of leave) are treated as fresh claims because new evidence has been provided on the case for asylum.

Humanitarian protection

Young people who are granted humanitarian protection also have the right to appeal if it is felt that they should have been recognised as a refugee under the UN Convention on the Status of Refugees (1951), provided that the humanitarian protection is for at least 12 months.

asylum process

Outright refusal

Young people are entitled to appeal an outright refusal of their asylum application. The appeal may be pursued in the UK, except where the asylum claim has been certified as 'clearly unfounded' (which can happen to people from NSA countries – see page 7), in which case an appeal can be made from outside of the UK within 28 days of departure from the UK. Given government plans to return young people who are under 18, it is likely that more young people will be refused outright rather than be given discretionary leave until 18. Currently, those who arrive within two months of their 18th birthday will not normally have a decision made on their claim until they reach adulthood and, if refused, do not get discretionary leave.¹⁴

Common reasons given for outright refusal include:

- non-compliance with the asylum process, for example, not submitting an asylum application on time or not attending an interview
- lack of credibility of the asylum application
- no objective risk of persecution (possibly because the situation has changed in the person's country of origin).

Reporting

Some people going through the asylum process are asked to report to an immigration office or police station on a regular basis. In addition, since 4 February 2005, all asylum-seekers over 16 are now required to register with the police.¹⁵ There are no set criteria for who is asked to report, or how often they are required to report. For example, some people are asked to report weekly, others monthly. Usually it only affects young people over 16, though there have been cases where children under 16 have been expected to report.¹⁶ The reporting centre should be within a 25-mile radius or up to 90 minutes' travelling time from where the person lives. The reporting system is part of the Home Office's plan to keep track of people as they go through the asylum process.

There have been incidents where advocates have been successful in changing the reporting

requirements of young people, eg, because of the distance to travel (for more information see 'how can you help?' section on page 15).

Travel costs

Travel costs to visit a legal representative can be reimbursed if the client's case is supported through legal help, although this does not happen routinely. The legal representatives who do this reimburse the client on production of travel receipts, which they claim back from the Legal Services Commission. If a young person is not getting their travel costs reimbursed through their legal representative, then social services should cover these costs and travel costs to asylum interviews and appeals.

If supported by NASS, travel will be arranged or expenses reimbursed for substantial interviews, appeal and bail hearings and appointments at the Medical Foundation for the Care of Victims of Torture. Expenses for visiting legal representatives are not normally covered.¹⁷

There is no specific entitlement to travel expenses to cover the cost of reporting. However, social services should take this into account when deciding how much money a young person needs to live on. Young people who are 18 or over who transfer to NASS can apply to get travel expenses from NASS to cover transport to the reporting centre, although it is only provided in exceptional circumstances.

Returns

Government policy is to remove more people to their countries of origin where their application for asylum has been finally determined and they have exhausted all their appeal rights. If a separated child is granted discretionary leave until he or she is 18, no removal directions will be set before that time. However, after the young person's 18th birthday, if no extension to leave is granted and the appeals process is exhausted, young people are being returned. It is government policy to only return children (under 18) to their countries of origin if there are adequate reception and care arrangements in place for them there. To date,

asylum process

the adequacy of these arrangements has rarely been considered and separated children have been granted limited leave to remain until they are 18 as a matter of practice. However, this may change following a new Home Office pilot initiative to return under 18s (see below).

Voluntary returns

For separated children who are thinking about returning to their country of origin voluntarily, there are special procedures to help them make an informed decision and to make sure that they will be safe if they return. Choices, a project run by Refugee Action, provides support and advice to young people who are considering returning home, and has offices in London, Manchester, Leeds and Leicester (see contact information at the end of this guide). Social workers should also be able to provide support to a young person considering this option. If a young person decides to return home they need to register with the International Organisation for Migration (IOM). Anyone can apply to return voluntarily, apart from people who have been issued with a removals direction or have ILR. The Home Office makes the decision on whether the person is entitled to voluntary return with support from IOM or Choices.

If the young person decides to opt for voluntary return there will be time to prepare the young person, make the necessary practical arrangements and make contact with people who might support the young person on their return. However, the vast majority of young people do not opt for voluntary return. Young people who have been refused asylum should therefore be prepared for the possibility of being forcibly removed.

Enforced returns

The possibility of being returned once 18 and the likelihood of being detained as part of the process is one of the main anxieties young people have as they turn 18. With the exception of safe third country cases (see page 7), removal proceedings normally begin when a negative decision is given on an asylum application and all appeals have been exhausted (or it has been decided that there is no case to appeal) and/or the time limit of leave to

remain has come to an end and no extension has been granted. Removal proceedings are started when the Immigration Service serves removal directions in the form of a notice stating the time and place where the person must go in order to leave the country. However, if the Immigration Service suspects that the person may not comply with removal, they are entitled to detain in preparation for removal.

All Home Office detention facilities are now called 'removal centres' and this is where people are taken prior to being removed. The Home Office seeks to remove people as quickly as possible once they have been detained. However, there are often delays because of problems arranging travel documents with countries of return (for more information on detention see next page).

The experiences of some young people who have been forcibly returned have been very disturbing. Young people have been picked up by immigration with no warning and have had no opportunity to gather their personal belongings before being detained and returned. Social services usually have no idea that this has happened and are often left not knowing for sure whether the young people have been returned, whether they have gone missing or absconded to avoid immigration control.

Returns of under-18s pilot

As noted above, up until recently separated young people who are under 18 have not been returned to their country of origin because as a matter of practice the Home Office was not assessing whether adequate reception and care arrangements could be made for their return. However, the Home Office is currently investigating options in relation to returning separated children under the age of 18 where they consider 'adequate reception and care arrangements' can be made. A pilot returns programme to Albania for 16–18-year-olds is due to start in 2005. The local authorities supporting children who have been identified for return as part of this pilot have been notified.

The Home Office plan is to establish inter-agency planning meetings with social services to discuss the implications of what it describes as 'early return'. This meeting will take place after a decision on

asylum process

the young person's asylum application is made and will include a welfare assessment of the young person. If extreme welfare needs are identified by social services, this could influence the decision of whether to return. The decision about how and when to return a young person could be affected by education, health and child protection issues.

To find out more about how you can help a young person who wants to consider returning voluntarily, or is part of the returns pilot see 'How can you help?' section on the following pages.

Section 35 – Re-documentation

Section 35 of the Asylum and Immigration Act 2004 makes it a criminal offence not to comply with any actions to enable a travel document to be obtained to facilitate a person's removal, without 'reasonable excuse'. Conviction of this offence could lead to up to two years' imprisonment and a fine. According to Home Office guidelines, examples of 'reasonable excuse' are emergency medical care or problems with transport which mean that it is not possible for a person to attend an interview to provide information required to facilitate their removal.

Separated children aged ten or over can be prosecuted. However, special efforts should be made by Home Office staff to make sure the young person understands the consequences of failing to comply.

Detention

Current government policy is to detain separated young people only in exceptional circumstances and for not more than 24 hours.¹⁸ However, young people are often detained when their age has been disputed by immigration officers and are being treated as adults. Recent research in a report by Save the Children found evidence that the number of age-disputed asylum-seekers has increased, and that a significant proportion of those who are detained are found to be children who are separated from their parents/carers.¹⁹ This report raised significant concerns about the detention of these children, including mental health problems, lack of access to education and child protection worries. The research found

that the Home Office does not always take social services age assessments into account, contrary to stated policy.

For young people who have turned 18 and who have been refused asylum or any other form of status, and have exhausted the appeals process (including those who have been refused extension to their discretionary leave), there is an increased likelihood that they will be detained prior to removal as the UK Government has increased the number of immigration removal centres. Failure to report regularly, which the Home Office considers a sign of 'absconding', is one of the main reasons that people are detained.

Immigration detainees have the right to apply for bail if they have been in the UK for more than seven days. While in detention they also have a right to receive visitors, make and receive telephone calls and send and receive faxes.

The Panel of Advisers

The Refugee Council provides services to separated children through the Children's Panel of Advisers – around 20 advisers travel all over the country to support separated children. Their primary role is to assist the child in accessing quality legal representation and guide them through the complexities of the asylum procedures, alongside building a support network for the child. However, due to limited capacity of the panel, it is not guaranteed that a young person will get to see an adviser.

All separated children are referred to the panel by the Home Office. However, the details provided are often insufficient for the panel to make contact and therefore other agencies are encouraged to refer young people to the panel. If a request for help is urgent or the young person is particularly vulnerable, then the panel recommends that this is made clear when the young person is being referred in order to help them prioritise cases (see contact details).

how can you help?

Legal representation and advice

- For **detailed advice and information** on working with children subject to immigration control, read the ILPA guidelines for best practice (see further reading).
- Make sure the young person has a **legal representative** who is either registered with the Office of the Immigration Service Commission (OISC), which is responsible for ensuring that immigration advisers fulfil the requirements of good practice, or monitored by their own professional body, as is the case with solicitors. You can check this through the OISC website or the Community Legal Service website (see contact details). Anecdotal evidence suggests that even some legal representatives who are regulated are not providing a good quality service and act in an unscrupulous manner, including the way they tout for business. It is important to recognise that immigration advisers registered by the OISC are not required to hold a formal legal qualification. In children's cases, which are often complex, a referral to a legally and professionally qualified solicitor may be more appropriate.
- Make sure the legal representative knows that they can apply for **additional funds** from the Legal Services Commission, over the current limits of five hours per initial application and £250 associated expenses.
- If you have **concerns** about a young person's legal representative you should discuss them with the young person (and their panel adviser at the Refugee Council if they have one). Concerns should be raised with the legal representatives and **complaints** can be made on behalf of the young person through the OISC (see contact details). See page 20 on what makes a good legal representative. Explain to the young person that they have the right to change their legal representative, although following recent restrictions on legal help this has become more difficult.
- If a legal representative **refuses to take on an appeal** case in the belief that it would fail the merits test, they must refer the appellant to the Legal Services Commission.
- Be aware that young people may prefer to have a legal representative of the same sex, particularly if they have **sensitive issues** to discuss as part of their asylum claim. In such circumstances, help ensure they have a legal representative of the appropriate gender.
- **Know your limitations.** There are strict guidelines about who can provide legal advice. If you do not meet these criteria you should never advise the child about legal issues or, for example, help a child to complete a statement of evidence (minor) form. Have a good understanding of which organisations are able to provide quality legal advice and refer as appropriate.

Trafficking

- **Be aware** of the possibility that young people you are in contact with may have been trafficked. If you have concerns about this, get advice from specialist agencies working with trafficked children on how to take it forward (for example, the organisation End Child Prostitution, Child Pornography, and the Trafficking of Children for Sexual Purposes). The Children's Panel at the Refugee Council has experience in helping young people who have been trafficked, so you may also wish to seek advice from them.
- **Alert social services** so they can initiate child protection procedures if appropriate.
- Young people who have been trafficked may benefit from getting **mental health support** (see contact details for mental health agencies to refer to).
- Being trafficked could be grounds to put in an **application for asylum**. If appropriate, explore this option with the young person and seek legal advice.

how can you help?

Home Office interviews

- Ensure the young person knows they are entitled to have a **responsible adult** with them in interviews to make sure the welfare of the young person is considered throughout (see page 18 for the role of a responsible adult and tips on accompanying a young person to an interview).
- If a young person **fails to attend an interview**, they may be refused asylum on non-compliance grounds. Therefore if the young person has a valid reason for not attending the interview it is important that the Home Office knows about it and can take this into account when making their decision. Also, if a young person knows in advance of the interview that they are not able to attend, it is important that they inform the Home Office and try to reschedule the date.
- Make sure where appropriate that the immigration officer conducting the interview is the **same sex** as the young person, if the young person would prefer that. This is particularly important if the young person has **sensitive issues** to discuss as part of their asylum claim.

Interpreters

- Ensure the young person knows they are **entitled to have an interpreter** during an asylum interview and any appeals, bail hearings and meetings with their legal representative.
- Find out if the young person would prefer to have an interpreter of the **same sex**.
- Make sure the young person is **happy with their interpreter**, ie, they trust and understand the interpreter, and as far as the young person can tell, the interpreter is correctly interpreting what the young person has said. If there is a problem, it is important that the young person knows they are entitled to change their interpreter.

Safe third country

- If a young person is being returned to another EU country under the safe third country rule, check with the young person's legal representative as to whether a **challenge** could be made to this.

Identification and documentation

- If a young person is being prosecuted under Section 2 or 35 of the 2004 Act regarding immigration documentation, make sure that this is **challenged** by the young person's legal representative if there is a defence to this charge (see pages 6 and 13 for details).
- **Check** that the young person has been given the right **immigration forms** to fill in. For example, did they get a statement of evidence (minor) form and a one-stop notice form at the initial screening interview with immigration?
- Explain to the young person that it is very important to **keep their immigration ID papers/cards safe**. Their representative should retain a copy of these documents but the original should always be kept by the client. They will help them gain access to certain entitlements.

Reporting

- If a young person is having difficulty meeting the reporting requirements placed upon them by the Home Office, then it may be possible to negotiate with the Home Office to review this. Email – Contactmanagementoperationpolicyunit@homeoffice.gsi.gov.uk

Detention

- **Under 18:** Young people under 18 should not be detained, apart from in exceptional circumstances. If a young person under 18 is being detained alert the centre to this and actively pursue the release of this young person. If a separated young person is in detention, immediately inform the local social services department, which is unlikely to be aware of the young person. They will carry out an age assessment and, where the assessment decides the young person is under 18, carry out a child in need assessment and support the young person under the Children Act 1989 (see page 21 on social services support for more information on this). The Panel of Advisers at the Refugee Council should also be informed if a separated young person is in detention, as well as other organisations supporting detainees, such as Bail for Immigration Detainees (BID) and the Association of Visitors to Immigration Detainees (AVID) (see contact details).

how can you help?

- **Legal representative:** Liaise with the young person's legal representative to ensure they are actively pursuing the young person's release and any outstanding asylum issues. If the young person has no legal representative, then it is very important for him or her to get a good one. Contact the Refugee Legal Centre or another reputable firm (see contact details) to help with this.
- **Bail:** Immigration detainees have the right to apply for bail if they have been in the UK for more than seven days. If the legal representative refuses to apply for bail, or they have no legal representative, then the young person may want to apply for bail on their own. BID may provide support. See the bail notebook and information sheets published by BID for details on applying for bail (see further reading section).
- **Contact/visits:** The detained young person has a right to receive visitors, make and receive telephone calls and send and receive faxes while in detention. Ring the removals centre and speak to the young person. Find out how they are coping, if they would like you to visit, if there is anything in particular you could help them with and if they need anything, such as any personal belongings or a phonecard. Contact the removals centre and find out about visiting times and identification required to gain access. Contact the visitor group attached to the detention centre (see AVID contact details for more information on this). These are independent organisations that offer support to detainees by providing them with a volunteer visitor. Visitor groups can sometimes help find a solicitor, or provide phonecards and toiletries. They often prioritise support for vulnerable young people.
- **Complaints and advocacy:** Social workers should encourage the young person to complain to the Home Office and/or the various private agencies contracted by the Home Office to run the removals centres and return people, if the young person has been mistreated by any of these agencies.

Returns

- **Information on return:** Young people should be made aware of what happens during the returns process and the possibility that they may be detained. A sensitive approach to this is needed. Encourage young people who may be about to be returned to visit Choices project, which provides advice and information on returns and also facilitates voluntary returns. (see contact details). As this is a very difficult issue for many young people to deal with, if the young person wishes, it is advisable that the social worker or another supportive adult also attends the meeting with Choices in order to provide support to the young person. Young people who have been refused asylum or any other form of status, and who have exhausted the appeals process (including those who have been refused extension to their discretionary leave), should be aware of circumstances in which they are liable to be detained/removed. For example, they are liable to be detained or removed if they are picked up by the police for a minor offence or when they are reporting to the Home Office, to comply with an ongoing reporting requirement, if a removal direction has been issued. Young people should not be discouraged from reporting, however, as failure to report regularly is considered by the Home Office as a sign of 'absconding' and is one of the main reasons that people are detained.
- **Confidentiality:** Be clear with the young person what is and is not confidential between you and the young person. Young people should be made aware of what information is accessible to the Home Office through the recently established National Register for Unaccompanied Children (NRUC) database, and more generally what social workers are obliged to inform the Home Office of if they make an enquiry.
- **Preparation for return:** Preparation for the possibility of enforced return should include encouraging the young person to keep some money and important personal possessions on them at all times. This should include important

how can you help?

telephone numbers both in the UK (for example, phone numbers for their social worker and legal representative) and in the country they may be returned to, and a phonecard to use to call people if they are detained. Young people should also be encouraged to consider and plan how they will access money from their bank account (if they have one) if they are removed.

- **Emotional support:** Help prepare the young person emotionally for the possibility of being returned. Remember, even when practical solutions are beyond the power or remit of a supporting adult, listening is helpful in itself. Emotional support should be an ongoing activity with the young person, not just a one-off chat. This could take various forms, such as spending

time listening to the young person's worries; practical assistance to help them deal with their concerns; encouraging young people to exercise and meet up with friends; and referring to specialised mental health support services where necessary.

- **Innovative approaches to support:** Young people are often returned with very little clothing or money. Think of innovative ways to support young people. For example, are there opportunities to use the leaving care grant flexibly? Could it be given to a young person who is being returned to ensure they have some money for subsistence and accommodation on their return?

tips on accompanying a young person to a meeting or interview

There are a number of things you can do to help a young person who has a meeting with their legal representative or a Home Office interview.

Preparing for a meeting or interview

- Plan the visit in advance. Prepare the young person by explaining what the procedure will be and the types of questions they will be asked. Call the Panel of Advisers for advice on this (see contact details; also see further reading section for details on the ILPA guidelines on *Working with Children and Young People Subject to Immigration Control*).
- If you are taking on the position of 'responsible adult' in an asylum interview (see below for details), discuss with the young person what your role is and find out what support they might like from you during the meeting.
- Explain the different roles and responsibilities of people that young people may encounter through the asylum process. For example, explain that the legal representative is independent of the Home Office; explain the role of the Panel of Advisers and social workers.
- Inform the legal representative or Home Office of any particular requirements regarding the interpreter for the meeting. You can ask that the interpreter has a Diploma in Public Service Interpreting (DPSI) with a specialism in legal interpreting. Find out if the young person has a gender preference for their interpreter and/or interviewer and inform the legal representative or Home Office of this in advance.

Who can be a responsible adult?

The Home Office has guidelines on the role of a responsible adult in an asylum interview. Their view is that a responsible adult could include a young person's legal representative, social worker, guardian, relative, foster carer, doctor, priest, vicar, teacher, charity worker or Refugee Council representative. The Home Office clearly states that a responsible adult cannot be an immigration officer, an officer of the Secretary of State or a police officer.

Given that the legal representative has an important legal role to play in an asylum interview, the legal representative should not take on the role of the responsible adult. Another adult, in particular a young person's social worker, is a more appropriate person to take on the role of responsible adult. This is not to detract from the responsible role that the legal representative should take in ensuring the well-being of the young person is taken into account in all encounters with their legal representative and the Home Office.

The role of a responsible adult

ILPA provides best practice guidelines on the role of a responsible adult and provides details of the main role of a responsible adult at an immigration interview, which are:

- to ensure that the young person understands the interview process and the purpose of the interview

- to be present at the interview with the Home Office to ensure that the young person is not unduly inhibited or alarmed by the interview process
- to give moral support and reassurance as necessary
- to facilitate communication between the young person and the interviewer where necessary
- to ensure that the young person's welfare needs are sufficiently provided for, with adequate breaks, refreshments, etc
- to offer any additional information to the interviewer that may have a bearing on the young person's application, emotional well-being, mental health and fitness for interview
- to ensure that the interviewer is made aware if the young person is becoming distressed or tired and a break is required, or the interview should be curtailed²⁰
- to verify the competence of the interpreter. At the interview ask the young person how they feel about the interpretation and if they are not happy with it, advocate for another interpreter to be brought in.

At a meeting with a legal representative

If the young person wishes, it is good practice for a young person's carer or other adult who the young person wishes to invite, to be present at meetings with their legal representative as well as at asylum interviews. The role of this person at a meeting

with a legal representative would include all of the points detailed above under the role of a responsible adult, as well as the following tips:

- A good rapport between the legal representative and the accompanying adult will help set a child at ease. On the other hand, your presence should not inhibit the development of a good rapport between the child and their legal representative.
- Be aware that a legal representative will have to ask difficult questions that may be distressing to their client – be prepared to offer support to the young person in this situation.
- Do not answer questions on a young person's behalf. However, if you have knowledge of the child's experiences it may be appropriate to suggest lines of enquiry to the representative. However, agree this in advance with the young person when you plan for the meeting.
- If the child has sensitive information to recount, eg, about abuse in their country of origin, it may be appropriate for you to offer to leave the meeting temporarily. Discuss this with the young person when you plan for the meeting.
- The legal representative may ask you to leave the meeting. In this situation, the representative should explain why they are asking you to leave the room. If you have a concern regarding the quality of the advice being given, you should ask the client for permission to remain with them throughout the meeting.

what makes a good legal representative?

A good legal representative for separated children is someone who:

- has a thorough knowledge of national and international asylum law and policy
- understands the special rules, procedures and policies that apply to separated children
- has skills in communicating with and interviewing children and young people and uses an interpreter when appropriate
- acts promptly, keeps appointments and responds to the young person's phone calls as soon as they can
- is aware of local authorities' duties to separated children
- works in partnership with other agencies supporting the young person, and in particular their responsible adult, their social worker, if different, and their adviser at the Refugee Council if they have one
- is able to assess the young person's understanding of the asylum process, their maturity and capacity to provide accurate information, and is able to give instruction and to act appropriately based on this assessment
- recognises the limits of their experience and expertise and seeks advice from other specialists and experts as appropriate.²¹

The legal representative should explain carefully to the child or young person in a language they understand, using an interpreter if necessary, the following:

- the role of the legal representative
- the young person's role in the asylum application process
- how the asylum application and appeals process works (including answering any questions a young person may have on asylum procedures)
- the strengths and weaknesses of their claim, based on an accurate assessment of their case.

The legal representative should carry out the following tasks on behalf of the young person:

- take down a comprehensive statement about her or his asylum case (unless the maturity of the child makes it inappropriate to do so) and find supporting documentation about the situation in the child's home country
- verify the statement with the child at each stage and give the child a copy of the statement, in the child's preferred language
- commission expert reports, including medical reports, and other additional information as necessary to support the young person's application
- ensure they have a 'responsible adult' with them during a screening interview and a substantive asylum interview with the Home Office
- arrange for an independent interpreter, where appropriate, to attend a substantive asylum interview at the Home Office
- ensure the young person has correct immigration ID papers
- keep up to date with the progress of an asylum application, keep the young person informed and, if the young person gives consent, keep the responsible adult, social worker and adviser from the Refugee Council up to date with the progress of the young person's asylum application
- if required, help the child to apply for an appeal after a refusal or when a form of temporary status is given that does not recognise the applicant as a refugee (for example, if discretionary leave or humanitarian protection is given). Make sure the appeal is submitted in time. Also, if appropriate, help the young person to apply for an extension to their temporary leave, in the time specified.
- deal professionally with any anxiety the young person has regarding the asylum process
- confirm in writing any action plan and any advice given to the young person.

social services support

All separated children should receive a full needs assessment by social services, in line with the Department of Health's national framework for assessment.²² This provides a systematic approach to establishing the needs of a child and stresses that particular care and attention is required in the assessment of separated refugee and asylum-seeking children. The framework lays down the following requirements of social services departments:

- make a decision about a response to a referral to social services within one working day
- an initial assessment of whether the child is in need must be carried out within a maximum of seven days
- a core assessment must be undertaken within a maximum of 35 working days (a young person should have access to a copy of this in their own language)
- a care plan or children in need plan must be prepared for all children. This is a plan to meet the needs (accommodation, financial and other support needs) identified in set time-scales and contingency plans if they are not successful. Plans should be reviewed regularly.

Services should be provided in line with needs identified using Section 17 and Section 20 of the Children Act 1989. The section of the Children Act that the separated child is supported under is very important, as it not only determines the level of support they are provided with as a child (under 18) but also affects whether they are entitled to leaving care support from social services once they reach 18.

In the past, age was often the determining factor in assessment – separated children aged under 16 tended to receive support services under Section 20 and 16- and 17-year-olds under Section 17.²³ Section 20 brings with it a wider range of services and support than Section 17.

Given recent policy developments (see box opposite), the majority of separated young people should now normally be given support under Section 20 of the Children Act 1989 and provided with leaving care services. However, this is not happening consistently across all local authorities and although there has been some improvement

in practice in local authorities, there is still a lack of consistency in the response from local authorities to separated young people.²⁴

Policy developments

Over the past couple of years there have been a number of legal and policy developments which have provided clarity on the social services support entitlements of separated children and young people. Local Authority Circular (LAC (2003) 13) was issued by the Department of Health in June 2003 (following legal judgements²⁵ and an amendment to the Children Act 1989). LAC 13 stated that support should be based on a needs assessment and that the majority of separated young people are likely to be assessed as requiring Section 20 support under the Children Act 1989.²⁶ Additionally, a judicial review was taken out against the London Borough of Hillingdon regarding the lack of leaving care support services for a number of former separated young people who had been supported under Section 17 of the Children Act 1989. In August 2003 the judgement found that some former separated young people who had been supported under Section 17 had essentially been 'looked after' as defined by Section 20 and were therefore entitled to leaving care support.²⁷

Leaving care services

The majority of separated young people will be entitled to leaving care services under the Children (Leaving Care) Act 2000. This Act came into force in October 2001 and builds on and amends the Children Act 1989. It sought to improve support to care leavers in a number of ways, including:

- to ensure that young people do not leave care until they are ready
- to ensure that they receive more effective support once they have left.

There are four different categories of young people who have been 'looked after' and are entitled to some form of leaving care support. Which category a young person falls into determines

social services support

the type of leaving care services they are entitled to. The categories and entitlements are summarised below:

- **Eligible children** (Section 20 of the Children Act): young people aged 16 or 17 who have been 'looked after' for at least 13 weeks since the age of 14 and are still 'looked after'. Leaving care entitlements: needs assessment, personal adviser, pathway plan (see below) subject to six-monthly review.
- **Relevant children** (Section 23 of the Children Act): young people aged 16 or 17 who are no longer 'looked after' but were 'looked after' for at least 13 weeks after the age of 14 and had continued to be 'looked after' at some time while they were 16 or 17. Leaving care entitlements: needs assessment, personal adviser, pathway plan (see below) subject to six-monthly review. Other entitlements include accommodation, maintenance and assistance to achieve educational goals agreed in the pathway plan.
- **Former relevant children** (Section 23 of the Children Act): young people aged 18–21 who had previously been either an eligible or relevant child. Leaving care entitlements: a personal adviser and a pathway plan (see below) subject to six-monthly review. Entitlements also include assistance with employment, education and training, and may include vacation accommodation for higher education or residential further education if needed. If at the age of 21 the young person is still being helped by the responsible authority with education or training, he or she remains a former relevant child to the end of the agreed programme of education or training, even if that takes him or her past the age of 21.
- **Qualifying children** (Section 24 of the Children Act): young people under the age of 21 (under 24 if in education or training) who ceased being 'looked after' or accommodated in a variety of other settings, or privately fostered, after the age of 16 but while still a child. This includes young people who are accommodated within 13 weeks of their 18th birthday who will not qualify for full leaving care services (even if

they have been provided with Section 20 or Section 23 support), as they have not been 'looked after' for the required 13-week period. Leaving care entitlements: advice, assistance and befriending as appropriate. This includes entitlement to assistance with education and training up to the age of 24 and vacation accommodation for higher education courses or residential further education courses if necessary. Not entitled to a pathway plan or personal adviser.

What is a needs assessment and pathway plan?

The needs assessment and pathway plan are central parts of the leaving care service. They are carried out by social services. The assessment identifies what needs the young person has and the plan details how these needs will be actioned. Areas covered in the needs assessment and pathway plan include:

- accommodation
- practical life skills
- education and training
- employment
- financial support
- specific support needs
- contingency plans for support if independent living breaks down.

The pathway plan must be recorded in writing, reviewed if either the young person or personal adviser request it and carried out at least every six months.

Young people should be actively involved in the assessment and planning, as well as significant adults in the young person's life.

What is the role of a personal adviser?

A personal adviser will provide advice (including practical advice) and support to all young people leaving care. In the case of eligible children and relevant children, they can assist with the child or young person's assessment and drawing up the pathway plan. In the case of eligible, relevant and

social services support

former relevant children, they can participate in reviews of the pathway plan, liaise with the responsible authority in the implementation of the pathway plan, co-ordinate the provision of services and take steps to make sure the child or young person is using those services. They should keep themselves informed of the child or young person's progress and well-being, and maintain written records of contact with them.

The personal adviser may be a social worker, but not necessarily. They may also be a Connexions adviser or an adviser from a voluntary organisation contracted by the local authority to provide leaving care services. It is the responsibility of the local authority to appoint and train people they consider to be suitable as personal advisers.

Out-of-borough placements and safe case transfer

A number of local authorities in the south-east make placements out-of-borough, often long-distance placements with private companies, as far away as Manchester and Hull. There are a number of problems with this type of placement, primarily to do with poor monitoring of placements and lack of support from social workers.²⁸

A scheme transferring the responsibility of care for the young person to the local authority they are placed in is about to be piloted and is known as 'safe case transfer'. It is expected that this pilot will involve transferring young people from the care of the Department of Social Services in Kent to Manchester, Bolton and Bury. All young people transferred under this scheme will be supported under Section 20 of the Children Act 1989, and be assigned a social worker and have access to independent advocacy support.

Financial support

Social services are responsible for financially supporting young people up to the age of 18, regardless of immigration status, if they are supported under Section 20 of the Children Act 1989 or are a 'relevant' or 'eligible' child as defined above (for young people over 18 see section on 'Supporting young people turning 18').²⁹

An assessment of a young person's financial requirements should be part of their core assessment and the amount should therefore depend on need. The amount may vary according to the local authority policy on financial support and where the young person is housed. It will also depend on whether the young person is working or not (for information on permission to work see page 50). It should be made clear to the young person how they will receive their financial support, eg, through their foster carers, accommodation provider, directly from social services or via another agency contracted by social services to give out money.

Advocacy services

The Advocacy Services and Representations Procedure (Children) (Amendment) Regulations 2004, which came into force on 1 April 2004, introduce new duties for local authorities to ensure that advocacy services are provided for children and young people (including care-leavers) making or intending to make a complaint. Social services should provide information about advocacy services and offer to help find an advocate. For more information go to the Voice for the Child in Care website (see contact details section).

how can you help?

- The majority of separated young people under 18 years old should now be receiving **social services support under Section 20** of the Children Act 1989 and be entitled to **leaving care services** (see page 21). If the young person you are supporting is not receiving this level of support and wants to, talk to the social services department responsible and find out why. Advocate for the young person to be provided with the level of support they require and are entitled to. If necessary, and if the young person wants you to, refer and support the young person to see a solicitor or child rights organisation (see contact details) to challenge this and assess whether a complaint or a civil claim against the local authority is justified.
- Young people should be clear about how they access **financial support**, eg, how often and the means of payment. Young people should also know who to go to in order to sort out any problems with their financial support. If the young person does not know, find out through talking to the appropriate social worker who works in the relevant team (usually within the social services team responsible for separated children, though this varies from one local authority to another).
- If the circumstances of a young person change, encourage them to inform social services. Social services should then **reassess need**, review the plan and provide support accordingly.
- If the young person has **concerns** about the support provided by social services, including housing problems, support the young person to find out how to make a **complaint** to social services or the housing provider contracted by social services. Also help them get their rights met and refer the young person to specialist agencies who may be able to help. Find out about local advocacy services in your area. Other agencies who may be able to provide support include: A Voice for the Child in Care, the Children's Legal Centre (Refugee Project), the National Youth Advocacy Service, and the Children's Panel at the Refugee Council (see contact details).
- Check if there is a **local project** that the young person could join to help get their rights and entitlements met (eg, the City Centre Project in Manchester and the Befriending Unaccompanied Minors Project in Birmingham).
- For a young person in an **out-of-borough, long-distance placement**, help them find out how to access support from their social worker (eg, over the phone or through visits) and find out what the private accommodation provider's responsibilities are. For example, do the private providers have a responsibility to help the young person access appropriate education? Inform the young person what support they should be receiving and to what standard and, if they have concerns about this, support the young person to make a complaint.
- In situations where young people lack support from a social worker, find out and inform the young person about **additional support** available in the area (for example, Connexions services, youth service support, mentoring schemes, young refugee groups, counselling support).

support for young people turning 18

Research has shown that there is considerable confusion among separated young people about what will happen when they reach the age of 18.³⁰ The shift from childhood to adulthood is a difficult time for any young person, grappling with concerns around relationships, sex, education and careers. Separated young people have to deal with considerable additional anxieties on top of those faced by their peers. Many separated young people who are turning 18 face an uncertain future and are extremely concerned about being removed from the UK. Also, immigration status has a significant impact on rights and entitlements. Statutory service providers, and separated young people themselves, are often unclear about what housing, subsistence and emotional support young people are entitled to in the UK as they turn 18.

It is therefore important that a young person is prepared for the changes in support at 18 and that professionals are clear about how to help young people to prepare. The section below provides a summary of basic information on turning 18, including rights and entitlements, and the most crucial ways of supporting young people going through this transition. Save the Children is publishing a separate guide on this issue in 2005, which is particularly directed at social workers and personal advisers supporting young people through this transition period (see further reading section).

Social services support at 18

The majority of separated young people turning 18 should now be entitled to leaving care support. Young people are entitled to this support up to the age of 21 at least, as long as they were previously supported under Section 20 of the Children Act 1989 for at least 13 weeks subsequent to their 14th birthday and either continue to be 'looked after' up to age 18 or have been 'looked after' at some time while 16 or 17. They are known as 'former relevant children' (see pages 21–23 on

leaving care services for more information on what support is provided to care-leavers).

Young people who arrive within 13 weeks of their 18th birthday will not qualify for full leaving care services even if they have been provided with Section 20 or Section 23 support under the Children Act 1989 for the weeks leading up to their 18th birthday, as they have not been 'looked after' for 13 weeks or more. They are known as 'qualifying children' and although they are not entitled to the main leaving care entitlements, they are entitled to advice, assistance and befriending by social services (see page 22 on leaving care services for more information).

Triple planning

Social workers need to plan for three possible outcomes for those turning 18 who do not have status beyond this age. This is known as triple planning and should be part of their regular statutory planning through the care plan, pathway plan and review process. Planning for three possible outcomes at 18 includes:

1. equipping the young person to have a future in the UK if they receive some form of leave to remain in the UK past their 18th birthday
2. preparing a young person to be returned to their country of origin either if they are refused an extension to remain in the UK and are being returned or if they decide to return of their own accord
3. supporting young people who are refused leave to remain in the UK and who have exhausted all appeals but are not removed because there are difficulties in getting permission for them to return to their country of origin or place of flight (this often happens when nationality is being disputed). These so-called 'end of line' cases are the fastest-growing group of young people in social services care (see below for more information).

support for young people turning 18

Social services support and 'end of line' cases

As noted above, social services support should continue post-18 as the majority of separated young people are entitled to leaving care support services. However, there has been some confusion over whether social services are required to provide support to all separated young people at 18, regardless of immigration status.

The confusion is about whether young people who are often referred to as 'end of line' or 'failed asylum-seekers' are entitled to social services support. These are people who have been refused asylum or any form of temporary protection or their leave to remain has expired, and they have exhausted all appeals but have not been removed and instead they remain in the UK. This often happens when the Home Office is not able to obtain travel documents, which give the person permission to return to their country of origin.

The law on withdrawal or withholding of social services support to young people is included in Schedule 3 of the Nationality, Immigration and Asylum Act 2002. The law states that young people who are considered to be 'failed asylum-seekers' are entitled to continue to receive leaving care support from social services up to the point where they fail to comply with the removals directions set by the Immigration Service (a removal direction details the time and place of removal from the UK). Being a failed asylum-seeker is not sufficient cause on its own to withdraw or withhold social services support. They must, in addition, have failed to comply with removal directions issued in respect of them. In some circumstances, even if the young person has failed to comply with a removals direction, they may still be entitled to continue to receive social services support, if it would breach Article 3 of the European Convention on Human Rights³¹ not to provide this support. For more information see the Children's Legal Centre report *Care and Support for Unaccompanied Asylum-Seeking Children* (see further reading for details).

A recent note from the Home Office, however, has indicated that 'end of line' young people, apart from being defined as 'failed asylum-seekers', may fit another category detailed in Schedule 3, paragraph 7, of the Nationality, Immigration and

Asylum Act 2002 (the section of the Act that covers withdrawal of social services support), namely 'persons unlawfully in the UK'. If this is correct, social services could withdraw support to 'end of line' cases before a failure to comply with a removals direction, unless this would be in breach of Article 3 of the European Convention on Human Rights. The note states that for 'persons unlawfully in the United Kingdom' social services are 'precluded from providing support under sections 23C, 24A or 24B of the Children Act 1989' (ie, the leaving care provisions of the Children Act) 'unless it is necessary to provide support for the purpose of avoiding a breach of a person's rights under the European Convention on Human Rights'.³² However, this is only a Home Office 'note' and has not been incorporated into local authority guidance. It is noted here only to alert readers to a possible change to support in the future.

Young people who become 'end of line' are particularly vulnerable as their rights are reduced, and it is essential that they get support from social services at this time.

NASS support

Young people who are entitled to support from the National Asylum and Support Service (NASS) when they turn 18 include:

- young people who do not have a decision on their initial asylum application (usually affects those that have arrived within two months of their 18th birthday)
- young people who have an outstanding appeal against an outright refusal of asylum but only if they have not been granted any other form of leave, such as a period of discretionary leave
- young people who have applied for an extension of leave to remain 'out of time', ie, after their leave has expired, and their asylum claim is being treated as a 'fresh application' by the Home Office (this decision is not made by NASS).

Young people who have refugee status, humanitarian protection or discretionary leave (including those who are applying

support for young people turning 18

for an extension in-time or are appealing a refusal of extension) will not be entitled to NASS support, as they will be entitled to apply for mainstream benefits.

Although NASS normally disperses asylum-seekers to another part of the country when they start receiving NASS support, since 1 October 2001 it has been agreed that NASS will not disperse young people who reach the age of 18 on or after 1 October 2001, if they are receiving leaving care services. Instead, if the young person is receiving leaving care support, NASS provides funding directly to the social services department as a contribution towards their accommodation and subsistence (£140 per week in May 2005).

If the young person is not receiving leaving care support because they were previously supported under Section 17 of the Children Act 1989 and/or they arrived within 13 weeks of turning 18, they will be transferred from social services support to NASS support on their 18th birthday – **if they fit the NASS criteria noted above** – and receive subsistence and accommodation directly from NASS. These young people may be dispersed by NASS. However, if they are receiving some support from social services as ‘qualifying children’ (see page 22 for more information), then it should be possible to argue for the young person to remain in the area where they are receiving this support.

Social services should help a young person turning 18 to apply for NASS support, if eligible, which should be done before their 18th birthday, and social services should inform NASS of whether they continue to have a duty to support them under leaving care arrangements and thus not be dispersed.

For more information on NASS support please refer to *NASS Policy Bulletin 29* (see further reading).

Section 55 – No support

Section 55 of the Nationality, Immigration and Asylum Act 2002 restricted entitlement to NASS

support. Asylum-seekers who according to the Home Office did not apply for asylum ‘as soon as reasonably practicable’ were not entitled to NASS support. However, since 28 June 2004, to comply with a judgement from the Court of Appeal in May 2004, the Home Office has revised its approach to Section 55. NASS should now not refuse support to an asylum-seeker ‘unless it is positively satisfied that the individual does have some alternative source(s) of support available to him/her’.³³ The NASS eligibility and assessment team (NEAT) deal with Section 55 support issues at NASS. For more information see *NASS Policy Bulletin 75*, which details procedures on Section 55.

Support available to those with refugee status, humanitarian protection or discretionary leave

Once granted a positive decision (ILR or humanitarian protection) or discretionary leave, the client has 28 days to move from NASS support to mainstream welfare benefits.

Detention and returns

The possibility of being returned and the likelihood of being detained as part of the process is obviously one of the main anxieties young people have as they turn 18, particularly for young people who receive discretionary leave up to 18. For more information on the detention and returns process and how to help a young person in this situation, see pages 11–13 in the asylum process section.

Rights and entitlements

The table on page 28 provides a summary of the rights and entitlements of separated young people at 18, based on immigration status. It excludes education entitlements as these are covered separately under the education section of the guide.

support for young people turning 18

Table 1 – Rights and entitlements of separated young people at 18 based on immigration status

Immigration Status	Refugee/ Indefinite Leave to Remain		Humanitarian Protection		Discretionary Leave/ Exceptional Leave to Remain to 18 ^a		'End of line' cases ^b		Asylum-seeker awaiting a final decision ^c	
	20	17	20	17	20	17	20	17	20	17
Section of the Children Act 1989 previously supported under.										
Social services support										
Entitled to Children Leaving Care (2000) Act services ^d	✓	◆ See note e	✓	◆ See note e	✓	◆ See note e	◆ See note f	◆ See notes e and f	✓	◆ See note e
Assistance with education costs, including travel and equipment costs and arguably tuition fees ^e	✓	◆ See note e	✓	◆ See note e	✓	◆ See note e	◆ See note f	◆ See notes e and f	✓	◆ See note e
Work										
Permission to do paid work	✓		✓		✓		◆ See note h		◆ See note i	
Voluntary work	✓		✓		✓		✓		✓	
Housing / benefits / NASS										
If unemployed, entitled to apply for a range of benefits including income support ^f	✓		✓		✓		×		×	
Eligibility for local authority housing ^g	✓		✓		✓		×		×	
Entitled to NASS support, including housing and subsistence	×		×		×		×		✓ See note l	
Apply for NASS hardship funds	×		×		×		✓ See note m		×	
Health										
Entitled to free NHS services	✓		✓		✓		◆ See note n		✓	
Entitled to free prescriptions	The following people are entitled to free prescriptions: those receiving income support; those who have an HC2 exemption certificate (including asylum-seekers and failed asylum-seekers); 16–19-year-olds in full-time education. People with certain illnesses, pregnant women and women who have had a baby in past 12 months are also eligible. For more information see the health section (page 43).									

Key

✓ entitled ◆ possible entitlement – read notes for details × not entitled

support for young people turning 18

Notes on Table 1

a Discretionary leave or ELR to 18 and awaiting outcome of in-time extension application, or granted an extension or appealing a refusal of extension received.

b Refused asylum and exhausted any appeal rights arising from that refusal *and/or* previously granted a period of 'limited leave' (discretionary leave, ELR or humanitarian protection) and not applied, in time, for an extension or refused an extension of the limited leave and any appeal rights from that refusal are exhausted.

c Awaiting decision on the asylum application or following an out-of-time application after the expiry of a period of limited leave, the matter is being treated as a 'fresh claim' and the decision is awaited or awaiting the outcome of a final appeal against refusal of an asylum or human rights claim.

d Leaving care services include a pathway plan, a personal adviser and six-monthly reviews up to the age of at least 21. To receive leaving care services a child must have been 'looked after' by social services for at least 13 weeks subsequent to their 14th birthday and either continue to be 'looked after' up to age 18 or have been 'looked after' at some time while 16 or 17. Those first accommodated by social services within 13 weeks of their 18th birthday would not be entitled to full leaving care services.

e Given the Hillingdon judgement (see page 21), it is possible that the young person ought to be entitled to leaving care support from social services and the lack of support could be challenged.

f Under Schedule 3 of the Nationality, Immigration and Asylum Act 2002, 'failed asylum-seekers' are entitled to continued support up to the point where they have failed to co-operate with a removals direction, or, where this has happened, if rights under the European Convention on Human Rights would be breached were support to be withdrawn. A recent note from the Home Office has indicated that 'end of line' young people may also fit another category detailed in Schedule 3, paragraph 7 of the Nationality, Immigration and Asylum Act 2002, namely 'persons unlawfully in the UK' and if this is correct, social services could withdraw support to 'end of line' cases unless this would be in breach of Article 3 of the European Convention on Human Rights. However, this is only a Home Office 'note' and has not been incorporated into local authority guidance; it is noted here only to alert local authorities to a possible change in the future.

g Those entitled to leaving care services who are in full-time further education when they turn 19 are not entitled to income support and housing benefit after their 19th birthday

but the local authority should pay for their accommodation and maintenance to allow them to continue in full-time study.

h For more information on this, see employment section on page 50.

i Since 23 July 2002 asylum-seekers awaiting a decision can no longer apply for permission to work. Therefore, very few young asylum-seekers who are still awaiting a decision will now have permission to work, but do check if they received permission prior to the July 2002 change, in which case they will continue to have permission. If asylum-seekers have been waiting for more than a year for an initial decision on their asylum claim, they are entitled to apply to the Home Office for permission to work.

j These include income support (which those in low-income work are also entitled to) or jobseeker's allowance, housing benefit and council tax. While it is normally the case that those in receipt of jobseeker's allowance or income support can only study up to 16 hours a week without losing entitlement to these benefits, unaccompanied children with limited leave (including those with an extension application outstanding) who are 18 and in full-time non-advanced education (ie, attendance at a school, college or similar establishment for education up to and including GCE A levels) can receive income support up until their 19th birthday.

k As stated in a letter from the Office of the Deputy Prime Minister to chief executives and housing directors of all English local housing authorities, 25 March 2005.

l Young people receiving leaving care support from social services will not be dispersed by NASS, which currently reimburses the local authority with a sum of £140 per week for the young person's accommodation and support.

m There are strict eligibility criteria for access to hardship funds. Hardship funds are available only to people who are destitute and not entitled to any other public funds. See NASS Bulletin on hard-case support in further reading section for more information.

n People at the end of the line are still able to access NHS primary healthcare for emergencies or treatment which is immediately necessary and this should be provided free of charge. However, although some secondary NHS care in a hospital is free, such as treatment in an accident and emergency department, if a patient is admitted as an in-patient or registered as an outpatient they will be charged for this service. Restrictions to entitlements for asylum-seekers at the end of the asylum process came into force on 1 April 2004.

how can you help?

For more detailed information on supporting young people turning 18, please refer to the Save the Children guide *Unaccompanied Refugees and Asylum-Seekers Turning 18*, to be published in 2005 (see further reading section). Also see the section of this guide on the asylum process (pages 16–17) for advice on how to provide support to young people who have turned 18 and are being detained and/or removed, and on legal representation at 18.

Leaving care support

- If a young person is not receiving leaving care support at 18 because they were previously supported under **Section 17** of the Children Act 1989, this may be **challenged**, given the Hillingdon judgement and LAC 13 (see page 21 for more information). It may be that the young person should have been supported under Section 20 and is therefore **entitled to full leaving care services**, or that, given the Hillingdon judgement, the Section 17 services they were provided with prior to the age of 18 were actually more in line with ‘looked after’ Section 20 support and therefore they should be entitled to leaving care services. Talk to the local social services department and encourage them to provide leaving care services in this situation. If this fails, then, with the full consent of the young person, a legal challenge could be initiated.
- If a young person arrived within 13 weeks of their 18th birthday, under the Children (Leaving Care) Act provisions they are still considered as ‘qualifying children’. This does entitle them to some support from the local authority (see page 22). Therefore, ensure the young person is accessing this support if they want it.

‘End of line’

- If a young person becomes ‘end of line’ (see page 26 for definition) then it is essential that they continue to be provided with **social services support** as they are particularly vulnerable. If social services refuse to provide support, this could be challenged legally, in

particular if it is in breach of Article 3 of the European Convention on Human Rights.³⁴ With the full consent of the young person, consider doing this. Non-governmental organisations supporting young refugees, such as the Refugee Council, may be able to provide advice on how to do this.

- ‘End of line’ young people who are in **education** are still entitled to continue with their education. There are no legal restrictions on them studying in the UK, although local policies can make this difficult. This is an important entitlement and young people should be made aware of this.
- For young people who have had **social services support withdrawn**, there are agencies to refer them to who support destitute people, providing accommodation and food. Find out what agencies can provide support in your area. These include local churches and refugee community organisations. One-Stop Services provide confidential information and advice and may be able to organise emergency accommodation, food and clothing to destitute asylum-seekers and refugees (see contact details). The Refugee Council also has a list of day centres and shelters in London and eastern England (see contact details section). Take time to help the young person access this support, refer the young person to the appropriate services and follow up to ensure the young person has accessed the services referred to. The young person could also apply for NASS hard-case support. Let the young person know this is an option available to them, but do not raise hopes that they will receive it, as there are strict eligibility criteria. For more information on this and to request an application form, go to the Home Office website, click on ‘Applying’ then ‘NASS’ then ‘getting support’ (see contact details section for website). Bear in mind that NASS policy changes regularly and therefore you need to check the policy bulletins on the Home Office/NASS website to get up-to-date information (see contact details).

how can you help?

NASS

- Check whether the young person is eligible to receive **mainstream benefits**, rather than NASS support. For example, people with discretionary leave to 18 who apply for an extension to this leave 'in-time' are entitled to access mainstream benefits.
- For young people who are not entitled to mainstream benefits, make sure the young person, with the help of their social worker, **applies for NASS support, if eligible, in good time** before they actually reach 18, since NASS may take some weeks to assess the claim. You may need to help a young person ask for social services support to continue until the new system takes over. The case for this is strengthened if the application for NASS support was made at least two weeks before the young person's 18th birthday.
- If a young person is transferred to NASS and informed that they are going to be **dispersed**, check that they have not been 'looked after' under Section 20 of the Children Act, in which case they are entitled to remain where they are. Moreover, if young people are receiving some leaving care support as 'qualifying children', there is a strong argument for them to remain in the local authority where they are receiving this support. NASS will consider not dispersing people in exceptional circumstances, for example, if they are taking exams or have specific support needs that cannot be met in the area they are being dispersed to. Therefore, it is worth challenging a decision to disperse. Anecdotal evidence suggests that where a young person has an advocate, they are more likely to receive a positive outcome.
- Now that the majority of young people should be receiving Section 20 rather than Section 17 support (see page 21), it is also worth **challenging** the presumption that the young person has been or should have been supported under **Section 17**. This would be another way of ensuring not only that the young person is not dispersed at 18, *but* is also provided with full leaving care support from social services.
- If a young person is dispersed, help them **prepare for the move**. For example, find out what support networks are available in the city they are going to be dispersed to and make contact where possible. Contact the Refugee Council or Refugee Action for details of One-Stop Services in the area concerned.
- If a young person has been refused support under **Section 55** (see page 27 above), with the full consent of the young person, consider appealing this decision directly to NEAT, the team at NASS that deals with support. If this is not successful, find a legal representative who is an expert in benefit-related issues who may be able to bring a legal challenge to the decision refusing to provide support.

age disputes

The age of a separated asylum-seeking young person will determine how they are supported. Those under 18 must be supported by social services as part of their duty under the Children Act. For this reason NASS (the government agency for supporting asylum-seeking adults and families) has no power to support separated children. If the young person's first contact in the UK is with an immigration officer, it is initially their responsibility to get clarification on a young person's age.

According to research recently commissioned by Save the Children, the number of age-disputed asylum-seekers has increased and a significant proportion of age-disputed young people who are detained are found to be children who are separated from their parents/carers. In one instance nearly 50 per cent of age dispute cases were found to be children.³⁵

Assessing a person's age is often made difficult because young people arrive without identification documents or with false documents. It is recognised that age determination is an inexact science. Even when based on medical evidence, it is impossible to identify a child's exact age and the margin of error can be five years either way.³⁶

The following issues make age assessments difficult:

- Young people may look and act older than they are because of their experience in their country of origin.
- Boys in some parts of the world grow facial hair earlier than boys in Europe. For example, in some parts of Afghanistan it is common to grow a beard at the age of 13 or 14.
- Within ethnic and national groups there are wide variations in young people's sizes, ages of puberty and so on – just as in the UK.
- A young person may not know their date of birth. In some places date of birth is not important and birthdays are not celebrated. In some places calendars are not used.
- Different calendars are used in some countries. Converting from one calendar to the other can be difficult – mistakes can be made and the wrong date of birth provided.

The Home Office's policy 'when an applicant claims to be a child but his/her appearance strongly suggests that he/she is over 18' is to 'treat the applicant as an adult and offer NASS support until there is credible documentary or medical evidence to demonstrate the age claimed'.³⁷ Young people whose age is disputed by the Home Office are issued with a letter known as an IS97M.

Anyone claiming to be a child has the right to approach social services for support. Even if the Home Office is treating someone as an adult, if a referral is made to social services (either self-referral or by an agency supporting the young person), social services must make their own assessment of a young person's age. If the Home Office has any doubt it is required to refer to social services to do a detailed age assessment. **Social services have the right to override a decision made by immigration officers.**³⁸

Young people must be given a copy of the age assessment carried out by social services, which includes an explanation of the reason for the decision. If social services decide that the young person claiming to be a child is over 18, they will not house or support the young person and he or she will be referred to NASS. If they decide the young person is under 18, they will be provided with social services support under the Children Act 1989. Social workers should contact the IND by fax on 020 8760 3105 if they want the IND to alter the accepted age to under or over 18.³⁹ NASS will not house people as adults whose papers say that they are under 18 unless they also have written notification from social services to say that they have been assessed as over 18.⁴⁰

The Home Office must inform the Refugee Council Panel of Advisers of anyone who has had their age disputed, even when the person is being treated as an adult by the Home Office.⁴¹

Some social services departments investigate the age of separated asylum-seekers by making enquiries in their country of origin. While age determination is a complex process and social services have a need to protect the children in their care from adults claiming to be younger than they are, this practice is of serious concern. When

age disputes

a person claims asylum, it means that they are claiming to have fled from persecution by state actors, or persecution from non-state actors from which the state in the country of origin has failed to protect them. There is concern that when social services make enquiries about a particular child they are very likely to divulge information, such as their name, whereabouts or the fact they are claiming asylum, which may endanger the child or one of their family members. Therefore, extreme caution should be exercised when making any enquiries in the country of origin, particularly, though not exclusively, in relation to state actors.

There are three key documents to refer to for more information on dealing with age disputes (see further reading for more details):

- *NASS Policy Bulletin 33: Age-disputed cases*, which provides information on the procedures for immigration officers to follow if they dispute a young person's age.
- *Practice Guidelines for Age Assessment of Young Unaccompanied Asylum-Seekers* (published by Hillingdon Department of Social Services – see section on further reading), to help social workers carry out an age assessment. This includes a detailed form to fill in during the age assessment and a one-page age assessment form, which is given to the young person (preferably in their own language) giving them the decision and reason for decision. It is only this one-page form that should be sent to the Home Office to inform them of the decision – the rest of the form is confidential and should not be given to any other agency.
- Association of Directors of Social Services (ADSS) *Age Assessment Protocol* – due to be published in 2005 – will provide guidance on the role of the Home Office and social services on dealing with age-dispute cases.

how can you help?

- Encourage the young person to **provide proof of their age** in the assessment process, for example, medical reports or documentation from the young person's country of origin.
- If you are supporting someone who claims to be under 18 and whose age has been disputed by immigration, insist that **social services make their own assessment** and make sure they put in writing their reasons for their decision, whether this is that they are under or over 18. The Home Office will often not accept the decision without a written explanation from social services. Social services have the right to override a Home Office decision. If the Home Office does not accept the decision, this would be against its published policy and would therefore be unlawful and should be challenged by the young person's legal representative. It is clearly more appropriate that social services, as the childcare professionals, make the final decisions about the age of these young people.
- Where there has been an age dispute that has been successfully challenged, the young person may have incorrect ID and other asylum application documentation. To avoid confusion and difficulty in accessing services, it is essential that the young person has the **correct documentation**. The young person needs to write to the Central Event Booking Unit (for address see contact details) explaining that they need a new ARC because of an age dispute which has now been resolved. The Unit will write to the young person inviting them to the next available ARC booking event. When they attend the meeting they should take the invitation letter with them.
- If **social services refuse support** because they have assessed the young person as being 18 or over, then either:
 - make an appeal to social services to reassess the young person's age if, for example, the young person feels they were not listened to, or information was not properly taken into account, or
 - help the young person access NASS support.
- If you come across someone who is in **detention** and says they are under 18 and separated, refer to the Panel of Advisers at the Refugee Council and the local social services department to ensure that an age assessment is carried out. Young people under 18 should not be detained and therefore if the age assessment decides that the young person is under 18 they should be released immediately. For more information on detention see pages 13, 15 and 16.
- If social services are planning to make **contact with the country** the young person has fled from to verify their age, the social worker should first seek the permission of the young person involved and sensitively discuss the potential consequences of doing this for the young person and/or their family. This should form the basis for a decision by social services on whether contact should be made.
- Explain to the young person the practical **consequences of giving the wrong age**. For example, if a young person says they are 15 but they are actually 18, they might well be placed in a residential or foster home and be treated as much younger than they actually are, with limitations placed on what they can and cannot do. They will also be legally obliged to go to school and be placed in a class with children who are much younger than them, which may prevent them from learning effectively and limit their contact with people of their own age.

education

There is extensive research to show that attending a nursery, school or college can play a crucial role in supporting refugees and asylum-seeking children and young people to settle into life in the UK.

The structure and routine of a school day helps to provide a sense of normality and security for separated children. School communities also provide separated children with opportunities to make friends, play sports and games and make links with the wider community. Schools can help children through the loss, separation and change they are experiencing. However, many separated young people, particularly 14–19-year-olds, find it difficult to secure school and college places. It is crucial that separated children have access to education and are helped to settle in.

Preschool

Asylum-seeking children, as well as those with refugee status, humanitarian protection and discretionary leave, have the same entitlements to early years provision as UK citizens.

Schooling for 5–16-year-olds

Local education authorities (LEAs) have a duty to provide full-time education for all children of compulsory school age resident in that LEA, as outlined in Section 14 of the Education Act 1996. Asylum-seeking and refugee children aged 5–16 have the same entitlement to full-time education as other children in the UK.⁴²

LEAs also have other legal duties, including the following:

- LEAs have to offer school places in accordance with their published admissions arrangements.⁴³ LEAs must ensure that there are no unreasonable delays in securing school admission for refugee and asylum-seeking children. Separated children in public care should be found a full-time education placement in a local mainstream school within 20 school days.⁴⁴ The 2003 Department for Education and

Skills (DfES) *Code of Practice on School Admissions* recommends that children cared for under Section 20 of the Children Act 1989 receive priority when placed on the waiting lists of over-subscribed schools. The Education Act 2005 makes it a statutory responsibility rather than just guidance to prioritise school admissions of 'looked after' children.⁴⁵

- LEAs and schools have to comply with both the Race Relations Act 1976 and Race Relations (Amendment) Act 2000, which make discrimination on school admissions and school places on the grounds of race unlawful. The Race Relations Act 2000 also requires LEAs and schools to promote equality of opportunity and positively promote good race relations. LEAs must also comply with the Sex Discrimination Act 1975 and the Special Educational Needs and Disability Discrimination Act 2001, which means that LEAs cannot discriminate against prospective disabled pupils.⁴⁶
- LEAs have a duty to provide additional support for asylum-seeking and refugee children who are 'looked after' under Section 20 of the Children Act 1989. This includes providing a personal education plan with every child's care plan and a responsibility on schools to designate a named person to co-ordinate their educational provision.⁴⁷ If 'looked after' children are moved, for example to a new foster placement, education must be in place before the move, unless it is in an emergency. 'Looked after' children are not meant to spend more than 20 days out of education.

Free school meals

Separated children are not usually entitled to free school meals. Social services departments, under the provisions of the Children Act 1989, are responsible for ensuring that children have a midday

education

meal while at school. For example, a foster carer may provide a packed lunch, or a social worker may give money to the young person to buy a school meal.

School uniform grants

Under the Education Act 1996, LEAs have the power, but not the statutory duty, to provide financial assistance for school uniforms. Practice varies from one LEA to another. However, separated children who do not receive assistance from the LEA should get help from social services in obtaining a school uniform in accordance with the provisions of the Children Act 1989.

Travel costs

Current DfES guidance states that free transport is always necessary for pupils of compulsory school age (5–16) who attend their nearest suitable school if it is beyond statutory walking distance – two miles to a primary school and three miles to a secondary school. Separated children should apply to their local LEA for information and support about help with the cost of travel to school.

Schooling for 16–18-year-olds

There is no obligation for local authorities to provide school places for 16–18-year-olds. Between 16 and 19 years a young person is only accepted at school at the discretion of the headteacher. However, decisions on school places must comply with race relations legislation.

Schooling is free for asylum-seekers, those with leave to remain and refugee status. For information on the Education Maintenance Allowance see page 37.

Further education

Access

All separated young people, regardless of status, can apply to study at a sixth form college or further education college.⁴⁸ There are two conditions for accessing further education (and higher education) places:

- to satisfy the entry requirements of the course, eg, language skills and previous qualifications
- to pay for the course fees, either by accessing education public funding which they are entitled to, or by paying privately.

Getting a place at a sixth form college or further education college is at the discretion of the college itself.

Some colleges do not accept young people who are waiting for a decision or have discretionary leave to 18 who will reach their 18th birthday before the course they are applying for finishes. One of the reasons for this is that funding mechanisms are based in large part on completion rates – the college receives part of their funding once the student completes the course. It is important for further education institutions to be aware that when a young person's leave expires, they are entitled to apply for an extension, and if this is refused, appeal that extension (see asylum process on page 10). Therefore, even if a young person's leave does expire before the end of the course, given that applying for an extension and possibly appealing a decision take time, the likelihood of the young person not finishing the course because they have to leave the country is small, and thus should not influence the decision of whether or not to offer a place.

education

Course fees

The regulations are complex and depend on immigration status, whether study is part-time or full-time, and whether the young person is receiving benefits or social services support. Below is a brief introduction to course fees, but you are advised to seek further information from specialist advisers (see contact details).

Where there are no schools with sixth forms, further education provision for 16–19-year-olds must be free, including for asylum-seekers.

Further education colleges and sixth form colleges have different policies about fees for asylum-seeking young people, often depending on the funding they receive. Under present further education regulations, all separated young people who are being supported by social services are regarded as home students (which means apart from the possibility of paying for examinations or registration fees they will not be charged course fees) and may be entitled to total fee remission (for more information see Table 2 on education entitlements).

English for Speakers of Other Languages (ESOL) and other basic skills courses in further education colleges are free for everyone.⁴⁹

Learner support funds

Learner support funds can be accessed by some young people studying in a sixth form school or at a further education college. Funds can be used to cover various costs, including transport, childcare, books and equipment and study visits, and to provide in situations of financial hardship which affect a young person's learning. For eligibility see Table 2 on page 38.

Education Maintenance Allowance

The Education Maintenance Allowance (EMA) is a recent government initiative that offers

weekly payments to young people to encourage participation, retention and achievement in further education. EMA pays up to £30 a week directly into the young person's bank account (plus possible periodic bonuses) as long as the young person attends the course and keeps to the terms of a learning agreement. The exact amount provided depends on the income of the household. It is available to young people who stay on in education after GCSEs in either an academic or vocational course (up to level 3) that includes at least 12 hours of guided learning per week for two to three years.

There is some confusion among professionals helping young people to access EMA on who exactly is entitled. According to the DfES, which administers the grant, only people with refugee status and indefinite leave to remain are entitled to EMA. However, other government and voluntary guides state that other young people are entitled to claim EMA, including asylum-seekers and those with discretionary leave to remain and humanitarian protection.⁵⁰ There are no specific questions on the EMA application form on immigration status. For more information see the EMA section of the DfES website for details (see contact details).

Other support

All further education colleges should provide additional learning support to enable students to achieve their learning goals, including language support.

Colleges can apply to the Learning and Skills Council for extra funds to help cover course fees for young people in 'exceptional circumstances'.⁵¹ Therefore, those young people who are not entitled to home fees may still be able to access the course, if the college is able to get extra funds to do this.

Hardship funds administered by individual colleges are available and have their own eligibility criteria.

education

Table 2 – Further education entitlements based on immigration status

Immigration Status	Refugee/ Indefinite Leave to Remain	Humanitarian Protection	Discretionary Leave/ Exceptional Leave to Remain to 18 ^a	'End of line' cases ^b	Asylum-seeker awaiting a final decision ^c
Entitled to apply to study at further education institutions (eg, sixth form or college) ^d	✓	✓	✓	✓	✓
Home fees ^e	✓	✓	✓	◆ See note f	◆ See note g
Fee remission (ie, no fees) when studying on a course funded by the Learning and Skills Council	◆ See note h	◆ See note h	◆ See note h	◆ See note i	◆ See note j
Free adult literacy, numeracy and ESOL classes	✓	✓	✓	✓	✓
Education Maintenance Allowance (EMA)	✓	◆ See note k	◆ See note k	✗	✗
Learner Support Funds	✓ See note l	◆ See note m	◆ See note m	◆ See note n	◆ See note o

Key

✓ entitled ◆ possible entitlement – read notes for details ✗ not entitled

education

Notes on Table 2

a Discretionary leave or ELR to 18 and awaiting outcome of in-time extension application, or granted an extension or appealing a refusal of extension received.

b Refused asylum and exhausted any appeal rights arising from that refusal *and/or* previously granted a period of 'limited leave' (discretionary leave, ELR or humanitarian protection) and not applied, in time, for an extension or refused an extension of the limited leave and any appeal rights from that refusal are exhausted.

c Awaiting decision on the asylum application or following an out-of-time application after the expiry of a period of limited leave, the matter is being treated as a 'fresh claim' and the decision is awaited or awaiting the outcome of a final appeal against refusal of an asylum or human rights claim.

d There are no legal restrictions on asylum-seekers or refugees studying in the UK (including all the types of status included in the table). All refugees and asylum-seekers are free to study on any level of educational course in the UK providing they are able to satisfy the entry requirements of the course, which may include language skills and previous educational achievement, and that they are able to pay the course fees. Getting a college place is at the discretion of the college.

e Regulations regarding course fees for further education are complex and depend on whether the course is part-time or full-time and whether the young person is receiving benefits or social services support.

f The further education regulations do not mention that immigration status should be current but state that it should have been given at some point. Therefore, home fees apply to any young person who at some point previously had discretionary leave, ELR or humanitarian protection. However, if the young person did not receive any of these and has exhausted all the appeals procedures, they are likely to be expected to pay overseas fees.

g Asylum-seekers and their dependants are entitled to pay home fees if they are in receipt of one of the following: income-based benefits; assistance under the Children Act 1989; financial assistance from NASS; or assistance under the National Assistance Act 1948 (support from local authority). Otherwise, asylum-seekers who have been in the UK for three years are entitled to home fees; overseas fees apply for asylum-seekers who have been in the UK for less than three years.

h All refugees and people with ILR or limited leave aged 16, 17 or 18 on 31 August in the calendar year when they start their programme are entitled to fee remission when studying on a Learning and Skills Council-funded course. This ensures that funding for 16–18-year-old learners does not change

during an individual programme if they become 19 years old. They do not have to pay fees if they become 19 during their programme, and institutions may continue to claim fee remission. If 19 or over when they start their programme, they will only be eligible for fee remission if they are in receipt of jobseeker's allowance or income-based benefits (in which case they can only study part-time, ie, less than 16 hours a week). In addition all basic skills courses automatically attract fee remission regardless of age or immigration status.

i If already studying and not paying fees, this should at least continue until the end of the year.

j Asylum-seekers aged 16, 17 and 18 are entitled to apply for fee remission when studying on a Learning Skills Council course. If 19+ they will only be eligible if they receive assistance under the Immigration and Asylum Act 1999 (NASS support). In addition all basic skills courses (eg, ESOL) automatically attract fee remission regardless of age or immigration status.

k There is some confusion over this entitlement. In a guide written by Education Action International, *Educational Rights and Entitlements in Further and Higher Education 2004/05*, it states that 16–18-year-olds who have humanitarian protection or discretionary leave and have been ordinarily resident in the UK for three years prior to the due date at the start of their course are entitled to EMA, as well as people with ILR/refugee status. However, the Department for Education and Skills only highlights refugees and people with ILR as being eligible.

l Refugees of all ages over 16 are entitled to learner support funds from the date of being granted refugee status. Young people with ILR are entitled to learner support funds between 16 and 18 years of age and, if they meet the three-year 'ordinarily resident' requirement, entitlement continues when they reach 19 and over.

m Young people with ELR, humanitarian protection or discretionary leave are entitled to learner support funds between 16 and 18 years of age and, if they meet the three-year 'ordinarily resident' requirement, entitlement continues when they reach 19 and over.

n The further education regulations do not state that immigration status should be current but should have been given at some point. Therefore, the same entitlements should apply as to those young people with ELR or discretionary leave to 18 who received an extension. However, if they did not receive any of these and have exhausted all appeals, they will not be eligible.

o Asylum-seekers aged 16–18 are eligible for learner support funds. Those aged 19 or over are ineligible.

education

Higher education

Course fees

Refugees and people with humanitarian protection or discretionary leave are considered as 'home' students and home fees apply. Asylum-seekers are usually considered as 'overseas' students, although the institution has the discretion to waive this and charge the home student rate. Exceptions are usually made for the most able students, and those who apply to under-subscribed courses such as mathematics, physics, engineering and modern languages. Many universities have scholarships for overseas students too.

Student support

Refugees and people with indefinite leave to remain, humanitarian protection or discretionary leave (who fulfil the three-year 'ordinary' residence requirement) are eligible to access the student support system, which includes loans, grants and bursaries. The loan is meant to cover students' maintenance expenses and has to be paid back after completion of the course. The grant covers course fees for students in need. Asylum-seeking young people are not eligible for financial support under the student support system.

Table 3 – Higher education entitlements based on immigration status

Immigration Status	Refugee/ Indefinite Leave to Remain	Humanitarian Protection	Discretionary Leave/ Exceptional Leave to Remain to 18 ^a	'End of line' cases ^b	Asylum-seeker awaiting a final decision ^c
Entitled to apply to study	✓	✓	✓	✓	✓
Entitled to home fees	✓ See note d	✓ See note e	✓ See note e	◆ See note f	◆ See note g
Entitled to apply for loans and grants from student support system	✓ See note h	◆ See note i	◆ See note i	◆ See note j	✗ See note k

Key

✓ entitled ◆ possible entitlement – read notes for details ✗ not entitled

Notes

a Discretionary leave or ELR to 18 and awaiting outcome of in-time extension application, or granted an extension or appealing a refusal of extension received.

b Refused asylum and exhausted any appeal rights arising from that refusal and/or previously granted a period of 'limited leave' (discretionary leave, ELR or humanitarian protection) and not applied, in time, for an extension or refused an extension of the limited leave and any appeal rights from that refusal are exhausted.

c Awaiting decision on the asylum application or following an out-of-time application after the expiry of a period of limited leave, the matter is being treated as a 'fresh claim' and the

decision is awaited or awaiting the outcome of a final appeal against refusal of an asylum or human rights claim.

d Refugees are eligible to pay home fees. People with ILR are entitled to pay home fees after being 'ordinarily resident' in the UK for three years.

e People with humanitarian protection, ELR or discretionary leave are entitled to home fees.

f This will depend on whether they had ELR, humanitarian protection or discretionary leave which has expired. The higher education regulations only require that ELR/humanitarian protection/discretionary leave should have been granted at some time in the past. It does not impose a requirement that ELR/humanitarian protection/

education

discretionary leave should continue throughout the course. However, if they did not receive any of these and have exhausted all appeals then they are likely to be expected to pay overseas fees, although the university does not have to charge overseas fees – it is at the discretion of the institution.

g Although asylum-seekers can be charged overseas rates, education establishments do not have to do this. Three options are possible for young people in this situation. First, they could apply to universities who do treat asylum-seekers as home students. Second, they could apply to the educational establishment to reduce the fees because of their particular circumstances. Third, they could opt for a part-time course, as many colleges do not charge overseas fees for their part-time courses.

h Refugees are eligible from the date of being granted refugee status. People with ILR are eligible after being 'ordinarily resident' for three years.

i People with ELR, humanitarian protection or discretionary leave are eligible after being 'ordinarily resident' for three years.

j This will depend on whether they had ELR/humanitarian protection/discretionary leave which has expired. If this is the case they are entitled, as there is no regulation to state that status should continue throughout the course. However, if they did not receive any of these and have exhausted all appeals then they will not be eligible for higher education student support.

k Asylum-seekers are not eligible. However, if an asylum-seeker is granted refugee status they will become eligible to claim student support. If the young person is granted ILR, humanitarian protection or discretionary leave during the course they can become eligible if they meet the three-year ordinary residence requirement prior to the start of the course.

Educational support from social services

Young people who are entitled to provisions under the Children (Leaving Care) Act 2000 may be assisted by social services with education costs as part of their leaving care plan, including travel and equipment costs and in some circumstances tuition fees. Those entitled to leaving care services who are in full-time further education when they turn 19 are not entitled to income support and housing benefit after their 19th birthday, but the local authority should pay for their accommodation and maintenance to allow them to continue in full-time study.

Connexions

The Connexions service provides support to 13–19-year-olds in England with an overall objective to give all young people a better start in life. Connexions provides support in 'one-stop shops' across the country and personal advisers are there to provide advice, guidance and to act as advocates for young people. The personal adviser's role is to obtain an overview of a young person's ambitions and needs and to ensure that young people get the support they need without being passed from pillar to post. Connexions recognises the crucial

role personal advisers can play to support young refugees and asylum-seekers. **All** asylum-seekers and refugees aged 13–19 are entitled to access support from the Connexions service, and some Connexions services have specific personal advisers working with refugees and asylum-seekers and/or specific projects aimed at this group of young people.

Personal advisers are there to support young people with education, training and employment issues as well as help to deal with barriers that are preventing the young person from fulfilling their ambitions. For separated young people this could include help in:

- accessing the services they are entitled to, from benefits to social services support, to mental health support
- challenging wrong decisions, for example, if a young person's age is disputed
- ensuring that they have a good quality legal representative to deal with their asylum application, appeals and/or extensions
- integration issues through, for example, referrals to mentoring schemes or youth groups, or arranging life-skills training
- dealing with racial harassment and discrimination.

See contact details for how to access Connexions services.

how can you help?

School

- Gather information about local school and **LEA admission arrangements**. Most LEAs produce guides to local primary and secondary schools that include admission criteria. You can also find out which section of the LEA deals with school admissions and how to contact them for support in getting a place at school. If a child has not been able to get a school place, find out the reason why. Check the LEA and schools' admissions policies to make sure there has been no unfair treatment. Be prepared to challenge and ask questions if the issue is not resolved quickly. Anyone can challenge a decision. (See further reading for more information.)
- Find out about any **local education projects** that may exist, for example, to help children find school places, after-school homework clubs or supplementary schools for children to keep up and improve their literacy in their first language.
- Find out about the LEA's **education welfare service** and/or **Connexions** adviser. They may also provide help in getting children and young people into school or college.
- If a separated child does not have a **school uniform**, advocate with social services to provide financial assistance to provide one.
- If a separated child is having difficulty with **travel costs** to school, support the child to apply for assistance from the LEA.

Further and higher education

- If you are not sure what **financial support** the young person is entitled to, contact the Educational Grants Advisory Service (see contact details) who provide up-to-date information on loans, grants and benefits and maintain a database of educational trusts and charities.
- Help the young person apply for an **EMA** grant (see page 37 for more information).

- Ensure young people know what rights and entitlements they have in accessing and **funding** their **post-16 education** and support them to do this.
- Refer the young person to a **personal adviser** at the local **Connexions** service. Personal advisers can help get young people places at schools and colleges and help in removing barriers to getting an education.
- If a young person is being charged **overseas** fees at **university**, help the young person to apply to the university to treat them as a home student or help them negotiate a reduction of fees (both are at the discretion of the university). Help the student put forward their case for why they should not be charged overseas fees (eg, because of their personal circumstances, or because paying overseas fees would exclude them from further study).
- If a young person is being charged **overseas** fees at a further education college then explore whether the college is willing to apply for extra 'exceptional circumstances' funds from the Learning and Skills Council to cover these fees. Also, if the young person is not entitled to learner support funds or has extra needs, help them apply to the college hardship fund.
- If a young person has access to leaving care services, help the young person get **social services support** for their education (see box on page 41).

Other courses

A number of private companies, non-governmental organisations and refugee community organisations provide basic skills and vocational training (for example, the Refugee Council or Refugee Education and Training Advisory Service – see contact details). These courses may sometimes be targeted at refugees and/or asylum-seekers. Make enquiries about what is available in the area where the young person you are supporting is living.

healthcare

Despite having full legal entitlements to healthcare, separated children may have to overcome considerable barriers when seeking medical treatment, including access to a GP, interpreting support and mental health services.

Separated young people face numerous barriers to accessing appropriate healthcare. First, there are problems with accessing health services, including registering with a GP. Other problems include: language barriers; some GPs and other medical professionals are unsympathetic towards or are too busy to adequately support refugees and asylum-seekers, who may have complex problems (both physical and mental); and a lack of understanding by separated young people about how the UK medical system works and their entitlements.

All refugees, asylum-seekers and people with humanitarian protection or discretionary leave are entitled to access *all* NHS services. These include:

- medical treatment
- dental treatment
- eyesight tests
- family planning services
- prescriptions
- mental health services.

Separated young people who are under 16 or 16–19 and in full-time education are automatically exempt from paying for NHS prescriptions, dental treatment and eyesight tests. They are also entitled to financial support to help with costs of glasses, wigs and fabric supports and travel costs to hospitals for treatment. Over 16s not in full-time education will need to apply for an exemption by filling in an HC1 form. Social services need to provide a letter to say how much income the young person receives as part of the application process. If the young person is eligible for exemption – ie, they are on a low income – then they will receive an HC2 certificate, which shows that they are exempt from paying for these services.

Since 1 April 2004, asylum-seekers who are at the end of the asylum process (ie, 'failed' asylum-seekers) have to pay for non-urgent in-patient hospital care. This will affect young people who are 'end of line' (see page 26 for definition). However, people who are at the end of the asylum process continue to be entitled to the following free services: primary care services; treatment in accident and emergency wards; diagnosis of certain communicable diseases, eg, tuberculosis; treatment of sexually transmitted infections; community nursing (including midwifery services); and psychiatric treatment. They can also still apply for an exemption certificate (an HC2) to get free prescriptions. Social services may pay for non-urgent in-patient hospital care if a young person is accessing leaving care services.

The Government is consulting on whether to restrict access to free NHS services to failed asylum-seekers further by charging for primary health services. A decision on this is imminent. To find out the Government's decision on this, check the Refugee Council website for updates (see contact details).

A health assessment of all 'looked-after' separated young people supported by social services should be carried out under the Children Act 1989.

Social services should ensure that their clients are registered with a GP as soon as practically possible. Accessing a GP is at the discretion of the GP. If a young person is turned away, the GP needs to explain why and refer to another GP. If someone is turned away from three doctors' surgeries then it is the responsibility of the local primary care trust (PCT) to allocate the person a GP. This is done through an application form which needs to be completed in English.

healthcare

Mental healthcare

Research carried out by Save the Children found that many of the young separated refugees interviewed appeared to have emotional, or possibly mental health problems, although very few of them were receiving any kind of emotional or mental health support.⁵² Although it should not be assumed that all young separated refugees have mental health problems (which stigmatises them and leads to counter-productive generalisations), it is important to recognise that many young people will have had severely distressing experiences, either in their country of origin or since arrival in the UK.

There is a common debate within refugee mental health circles about 'pathologising' or 'medicalising' refugee health. Some mental health professionals believe that the majority of refugees have a natural response to extraordinary experiences and their response should not be treated as a psychiatric condition. Instead, these professionals argue that the focus should be on supporting the enhancement of protective factors, such as developing a sense of belonging; being given time and space to think about their experience; having the opportunity to form consistent relationships with adults and children; and having the chance to achieve in education and to undertake leisure activities. However, it is also important that serious mental health problems are recognised so that these young people get the specialist help that they need.

There are three types of mental health services available to young refugees:

1. **Non-governmental specialist mental health services**, specifically supporting refugees, for example, the Medical Foundation for the Care of Victims of Torture, which provides a free service, including child psychotherapy and counselling in an individual or group work setting. Each agency has its own referral procedures, including who is able to make a referral.
2. **Child and adolescent mental health services (CAMHS)** are the range of government health services and professionals

working in the field of child and adolescent mental health. CAMHS teams vary in the upper age limit of their clients – some teams only take referrals from under 16s, some up to 18 and some are now considering covering over 18s. For more information on your local service contact your local GP or primary care service.

3. **Emergency and crisis service** – for example, hospital accident and emergency departments. ChildLine, the Samaritans and other support services are there to help with specific experiences such as rape, bereavement or drug addiction. For more information, see contact details.

Antenatal and post-natal healthcare

There are a significant number of separated girls and young women who are pregnant or young mothers. This is sometimes a consequence of sexual exploitation or rape in the country they have fled from. Some young women have become pregnant since their arrival in the UK. In some cases, support workers who are in contact with separated girls and young women suspect they may have been trafficked to the UK and are working in the sex industry here. Young women who have experienced rape and/or working in the sex industry in the UK will almost always need extra support but may not ask for it, as they will often not feel comfortable to explain their personal circumstances, either out of fear and/or lack of trust.

All separated young girls and women who are pregnant or are mothers are likely to need help accessing financial support, alongside emotional support. The table opposite provides details of entitlements to maternity and child benefits. However, please note that the rules are complex and change regularly and benefits will depend on individual circumstances. It is therefore important to check with your local welfare rights unit or citizens' advice bureau to get up-to-date advice on benefits for individual young people.

healthcare

Table 4 – Maternity and child benefit entitlements

Immigration Status	Refugee/ Indefinite Leave to Remain	Humanitarian Protection	Discretionary Leave/ Exceptional Leave to Remain to 18 ^a	'End of line' cases ^b	Asylum-seeker awaiting a final decision ^c
Statutory maternity pay ^d	✓	✓	✓	✗	✗
Maternity allowance ^e	✓	✓	✓	✗	✗
Entitled to apply for a £500 Sure Start maternity grant ^f	✓	✓	✓	✗	✗
Entitled to £300 NASS maternity payment to help with the costs arising from the birth of a new baby	✗	✗	✗	✗	✓
Free NHS prescriptions and dental treatment ^g	✓	✓	✓	✓	✓
Free NHS care – primary and secondary	✓	✓	✓	◆ See note h	✓
Free milk and vitamins if unemployed or on low income (soon to change to health food vouchers)	✓	✓	✓	✗	✗
Entitled to apply for child benefit	✓	✓	✓	✗	✗
Entitled to apply for child tax credit	✓	✓	✓	✗	✗
Social services support ⁱ	✓	✓	✓	◆ See Table 1 for more information.	✓

Key

✓ entitled ◆ possible entitlement – read notes overleaf for details ✗ not entitled

healthcare

Notes on Table 4

a Discretionary leave or ELR to 18 and awaiting outcome of in-time extension application, or granted an extension or appealing a refusal of extension received.

b Refused asylum and exhausted any appeal rights arising from that refusal *and/or* previously granted a period of 'limited leave' (discretionary leave, ELR or humanitarian protection) and not applied, in time, for an extension or refused an extension of the limited leave and any appeal rights from that refusal are exhausted.

c Awaiting decision on the asylum application or following an out-of-time application after the expiry of a period of limited leave, the matter is being treated as a 'fresh claim' and the decision is awaited or awaiting the outcome of a final appeal against refusal of an asylum or human rights claim.

d If legally worked for a minimum of 26 weeks by the end of the young woman's 26th week of pregnancy, entitled to statutory maternity pay based on earnings level. Liaise with employer.

e If not entitled to statutory maternity pay but have earned a minimum of £30.00 per week (through self-employed or employed work) for 26 out of the 66 weeks immediately before the week the baby is due then entitled to maternity allowance.

f Entitled if on jobseeker's allowance, income support, or receiving working tax credit or child tax credit at a rate higher than the basic family elements (fixed amount paid towards cost of clothing and equipment for a baby).

g Need to apply for an exemption certificate as an expectant mother.

h People at the end of the line are still able to access NHS primary healthcare for emergencies or treatment which is immediately necessary and this should be provided free of charge. This will include midwifery support via a GP. However, although some secondary NHS care in a hospital is free, such as initial scans and hospital care during labour, if after labour a patient stays in for more than two days they may be charged for the cost of this in-patient care. Restrictions to entitlements for asylum-seekers at the end of the process came into force on 1 April 2004.

i If supported under the Children Act 1989 or Children (Leaving Care) Act 2000, social services should provide financial support to the child and mother if this cannot be accessed through entitlements noted above, or they require additional support needs.

People with disabilities

Recent research carried out with disabled refugees and asylum-seekers found that many people with disabilities have unmet personal care needs, are isolated and live in unsuitable housing with a lack of mobility aids and equipment. They found that there is a lack of knowledge of both service providers and refugees and asylum-seekers about entitlements. The research also found overstretched social services resources, which sometimes meant the needs of disabled refugees and asylum-seekers are seen as less pressing than those of other disabled people in the locality.⁵³

Children with disabilities are provided with support mainly through social services alongside support from local education authorities, schools, the NHS and voluntary agencies. The support provided by social services is mainly through the Children Act 1989 and accommodation and support should be appropriate to the child's particular needs. Disabled children are also eligible for services under Section 2 of the Chronically Sick and Disabled Persons Act 1970 and should be assessed for services under both Acts.⁵⁴ Each local authority has an allocated paediatric consultant, where young people with disabilities and other health issues can be referred to.

healthcare

Female genital mutilation

Female genital mutilation (FGM) includes practices such as cutting or removing the clitoris, the removal of the labia and the narrowing of the vaginal opening. It comprises all procedures involving partial or total removal of the external female genitalia or other injury to the female genital organs whether for cultural, religious or other non-therapeutic reasons. FGM is a major issue for some girls who come from countries where it is practised, including some countries in sub-Saharan Africa and the Middle East, such as Somalia, Sudan, Ethiopia, Eritrea and Yemen. FGM is practised either secretly in the UK (where it is illegal under the Female Genital Mutilation Act 2003), in the home country or in third countries where girls may be taken for so-called 'holidays' to undertake FGM. The age at

which FGM takes place varies from place to place, from soon after birth, through early childhood and adolescence, and sometimes even in older women. FGM can cause a range of short-term and long-term medical problems, from serious infections following procedures, which can in extreme circumstances cause death, to difficulties in childbirth, to menstrual and urinary problems. Genital mutilation may leave a lasting mark on the life and mind of the woman who has undergone it. In the longer term, women may suffer feelings of incompleteness, anxiety and depression.

Girls who are at risk of FGM can be protected under the UN Convention on Refugees (1951). Under the Female Genital Mutilation Act 2003, it is illegal to take a child or woman out of the UK to arrange for FGM to take place.

how can you help?

Accessing generic health services

- Help ensure the young person understands the **different health services** available and how to access them, for example, registering with a GP and making appointments. If the young person has been turned away from a GP, help them find another (see page 43).
- Many young people will require an **interpreter** for a consultation – inform the health service being used that an interpreter is required prior to the appointment.
- Help ensure young people are aware of **what to expect** from the different health services available, for example, what kind of advice a family planning service provides. Also explain when to access the different services available, for example, when it is appropriate to go to accident and emergency and when to make a doctor's appointment. The system may have been very different in the country where the young person was previously living.
- Find out about how to apply for a **free entitlement**, for example, free prescriptions, once a person has turned 18 (or 19 if in full-time education). See health contact details for information on where to get advice.
- If a young person is **'end of line'** make sure they understand what health services they are still entitled to access free (ie, currently primary health care and urgent and necessary treatment) – see page 43 for more information.

Mental health

It is recognised by mental health professionals that it is particularly helpful for young refugees to have a specific adult that they can talk to and who is there to support them through a bad time.⁵⁵ This person does not have to have professional skills in emotional support but needs to be someone who is interested in and sensitive to the young person's needs.

If you have concerns about the mental health of a young person you are supporting and feel that they might need specialist help, you can support them in a number of ways:

- Call **Young Minds Information Service** which provides free, confidential information for any adult with concerns about the mental

health of a child or young person (see contact details).

- **Try to discuss your concerns** with the young person to find out if they would like some additional help in dealing with their problems. Be sensitive to cultural aversions to mental health illness.
- The usual way of getting a **referral** to a mental health service is through the young person's GP. Social services, school nurses or doctors, hospital or community paediatricians, or health visitors can also usually refer young people or inform you who can.
- With the permission of the young person, discuss your concerns with the **social worker** responsible for the young person. Social services should include an assessment of the young person's mental health, as part of their assessment ('child in need' plan, care plan or pathway plan), which should regularly be reviewed.
- With the permission of the young person, make a referral to a **specialist refugee mental health service**, or encourage the young person to make a self-referral. The referral procedure varies according to each agency. See contact details.

For more information on how to help young separated refugees with their emotional and mental health, see Save the Children's separate free guide on this (see further reading).

Antenatal and post-natal care

- Help ensure the young woman **understands** the various types of antenatal and post-natal care available to them and what to expect at each stage – before, during and after birth (this varies across primary care trusts) – and how to access them.
- Ensure pregnant young women understand they have **choices** – adoption, termination, having a baby – and refer to appropriate agencies to get this information.
- Many young women will require an **interpreter** for a consultation – inform the health service being used that an interpreter is required prior to the appointment.

how can you help?

- Find out about how to apply for **free entitlements and maternity and childcare benefits**. For example, pregnant women are entitled to free prescriptions and free dental treatment.
- Young women will very often need **practical support** in attending GP and hospital appointments and preparing for the labour and birth of the child. In some places the Refugee Council and the Red Cross have volunteers who can help refugees and asylum-seekers access the support they need. They will attend appointments with their client and also do home visits once the baby is born, giving practical support. A Connexions personal adviser may also be able to provide practical support (see contact details).
- A young woman who becomes **pregnant after being raped** will require extra support. It may be appropriate to refer the young woman to specialist counselling services. You may, however, never know the circumstances in which the young woman became pregnant. In this situation, it is important not to make assumptions and be sensitive to the fact that the pregnancy may be due to being raped or sexually exploited.
- It is important to be aware that some girls and young women who are pregnant or are young mothers may have been **trafficked** to the UK (see page 7 for more information).
- Be sensitive to **cultural and religious issues** when supporting a young person. For example, a young woman may be expecting a lot of support once the baby is born because in her culture the extended family traditionally provide a lot of support. In such circumstances it is important that the young woman is prepared to have to do more herself. Also the young woman may not be familiar with the more medical approach to pregnancy and birth in the UK and may need some guidance on this.
- If a young woman who is expecting is supported by NASS, ensure that **NASS accommodation has adequate facilities for children**. This should include adequate cot, highchair and sterilisation equipment. For more information see *NASS Policy Bulletin 67* (see further reading section).

Disability

- Be aware that some young people with disabilities will be from countries where there is a lack of rights and support for disabled people. They may not be aware that in the UK disabled people should be treated as equal members of society, that they have **specific rights and entitlements**, and that there are laws to protect these rights. Explain this and encourage them to access their rights.
- **Help a young disabled person access his or her rights**. For detailed information on how to access disability services, the National Information Forum has published a comprehensive guide on rights and entitlements of refugees and asylum-seekers with disabilities, with specific sections on social services and community care, the NHS, money, equipment, caring, housing, education and employment (see further reading). This guide is specifically aimed at professionals working in Greater London. However, much of the information is relevant to professionals working across the country.

Female genital mutilation (FGM)

- Whatever your concern regarding a young woman and FGM, this must be **handled sensitively**, taking into account cultural issues and ensuring the welfare of the young person is paramount.
- If you suspect that a young woman is **leaving the UK to have FGM performed** in another country – which would be against UK law – it is important to get advice from specialists on what to do. See contact details for organisations that can give advice.
- If you are aware that a young woman has had FGM performed and either wants to have this corrected or is having medical problems as a result of it, help the young woman access the **medical help** she is entitled to. There may be an African Well Woman Clinic in a hospital in the area that can provide specialist help. If not it may be possible to travel to another part of the country to get this help.

work and national insurance numbers

Paid employment

Anyone with refugee status, indefinite leave to remain, humanitarian protection or discretionary leave has the right to work in the UK and does not need to apply for permission. In July 2002 the rules were changed to deny asylum-seekers permission to work (although the Home Office has the discretion to grant this). Since February 2005, if asylum-seekers have been waiting for an initial decision for longer than 12 months they can now apply for permission to work.⁵⁶ However, given that the majority of initial decisions of separated asylum-seekers are made within two months, this will not affect many young people.

This means that asylum-seekers without permission to work will not be able to do paid work or undertake work-placed vocational training (this does not include college-based vocational training) until they are given one of the immigration statuses noted above. Separated asylum-seeking young people who have already received permission to work are not affected by this policy change and can continue to work until a decision on their case is given.

Young people with humanitarian protection for a specified limited period or those with discretionary leave to 18, who have permission to work but whose leave expires, are entitled to continue to work if an application for the leave to be extended or varied is made before the expiry of the existing period of leave (an 'in time' application) as the young person will be treated as having leave, on the same terms, until the application is decided by the Home Office.⁵⁷ Where the Home Office refuses further leave, the entitlement to engage in paid employment continues *on the same terms* until the time for bringing an appeal from that decision expires – that is, ten working days after the decision to refuse further leave where no appeal is lodged. Where an appeal is brought within the ten-day working time limit for appealing, entitlement to work will continue until the appeal is finally disposed of either when the appeal is allowed (and not challenged by the Home Office), in which

case further leave will be granted on the same terms (permitting employment), or the appeal is dismissed, and either no further appeal can be brought or the time for appealing further expires.

According to a recent legal opinion on this issue, if the young person is not successful in extending the leave and has exhausted all appeals ('end of line' cases), he or she should still be able to work.⁵⁸ While there are legal limitations on an employer who employs a person without existing leave to enter/remain, this would appear only to apply when the person with leave *begins* their employment. A person *remaining* in their employment on expiry of their leave does so lawfully. There is no prohibition on a person in this situation continuing in employment *unless* they are granted temporary admission (as an overstayer) or leave to remain with a prohibition on employment.⁵⁹

Voluntary work

Asylum-seekers and people that are 'end of line' are allowed to volunteer or do work experience placements without getting permission to work, as long as the activity is 'genuinely voluntary', ie, the activity is not replacing a paid worker. Travel and lunch expenses should be paid for asylum-seekers who volunteer.

Applying for national insurance numbers

In order to work or claim benefits, young separated refugees need to get a national insurance number (NINO). Separated young people aged 16 who have refugee status, discretionary leave or indefinite leave to remain are entitled to a NINO. Also, asylum-seekers who received permission to work before 23 July 2002, or have recently received permission to work because they have been waiting for an initial decision on their asylum claim for over 12 months, are entitled to a NINO, following the EU directive (see above).

work and national insurance numbers

There are a number of ways that a young separated refugee may receive a NINO:

- If the young person attends a substantive asylum interview (interviewing children is currently being piloted – see page 9) then if they are entitled to a NINO, ie, they are over 16, they will be asked questions to facilitate the issuing of a NINO if they receive discretionary leave, humanitarian protection, indefinite leave to remain or refugee status. Since July 2004 this has been expanded to interviews at appeal stage.
- The majority of young people will not have had a substantive interview and therefore will need to apply for a NINO at their local jobcentre plus office. There are two ways of doing this:
 1. For all young people 'looked after' under Section 20, including asylum-seekers, there is a facility for social workers to be able to apply for a NINO on the young person's behalf before they reach 16 years of age (although asylum-seekers will still not be able to work unless they have received permission).
 2. For young people who have turned 16 who are entitled to apply for a NINO and have not already got one through the above

facility, they can apply for one at their local jobcentre. There should be a person responsible for NINO applications at all jobcentres. To apply for a NINO, identification is required, such as a passport or birth certificate, if the young person has one, or other identification documents from the Home Office, including Application Registration Cards, Standard Acknowledgement Letters or a decision letter. Also two proofs of current address – such as utility bills or bank statements – are required. The jobcentre plus office may require the applicant to attend an interview to establish their identity and to rule out fraud.

People have experienced a number of problems when applying for a NINO. For example, some people have experienced very tough and intrusive questioning at the job centre interview for a NINO or staff have not accepted identity documentation. Moreover, applications for NINOs have been known to take up to six months to be processed for foreign nationals, including refugees (interim benefits can be granted while the claimant's application for a NINO is considered).

how can you help?

- Help young people who are entitled to mainstream benefits or to work to apply for a NINO or ask their social worker to help them. Explain to the young person the process of applying for a NINO and warn them of the possible intrusive questions they may be asked at an interview. Offer to go with the young person to apply for a NINO and, in particular, if they are asked for an interview, to give them moral support and to challenge any inappropriate questioning.
- Provide information and support in finding a job – eg, information on where particular jobs are advertised, how to fill in an application form and guidance on interview techniques – or refer the young person to agencies that provide this support. For example, there are specific refugee agencies that focus on supporting refugees into employment (see contact details).

tackling racism

Separated young people experience racism in many places, including on the streets, in schools and colleges and other public services they have contact with.⁶⁰ Experiences include being verbally abused, being physically attacked, and being subject to indirect institutional racism.

The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, makes it unlawful to discriminate against anyone on grounds of race, colour, nationality (including citizenship), or ethnic or national origin. The amended Act imposes a general duty on all major public bodies to promote equality of opportunity and good race relations.

Under the Crime and Disorder Act 1998, local authorities have a duty to establish crime and

disorder partnerships in their area to include the specific aim of reducing and combating racial crime.

Racist incidents, ranging from harassment and abuse to physical violence, are offences under criminal law. Inciting racial hatred is also a criminal offence. Publishing and disseminating materials such as leaflets and newspapers that are likely to incite racial hatred is also a criminal offence. If anyone has a complaint in respect to any of these criminal matters they should be reported to the police.

If a young person feels that they have been discriminated against on racial grounds, the amended Race Relations Act 2000 gives them the right to take their complaint before an employment tribunal or a county court.

how can you help?

- Inform the young person of their rights and support them to make a complaint to the relevant body. Young people may feel wary of going to the authorities, particularly the police, either because they have had a bad experience with the authorities in their country of origin, and/or because of the perceived links the authorities have with the Home Office and their asylum claim. Be aware of this when supporting the young person to make a complaint.
- Racially offensive material in the media contravenes media codes of practice. Complaints can be made by any member of the public to the Press Complaints Commission or the Broadcasting Standards Commission (see contact details).

family reunion and tracing

Young separated refugees can apply to the Home Office for their parents or any other family members to join them in the UK, but there is no automatic right to this under immigration law or rules. Young people expressing a wish to do this should seek legal advice. On a number of occasions young people with refugee status have been successful in challenging refusals of family reunion in court.

It is extremely important that it is the decision of the young person to trace their family and they do not feel pressured by social workers or other professionals to do this. Young people will often

need to be supported when making the decision about whether to trace family members and during the time tracing is being attempted, as this can be a very worrying and stressful time for the young person.

The British Red Cross and International Social Services provide advice on family reunion and also provide a tracing service that helps people find relatives abroad. The British Red Cross has a message service for families who have become separated due to war or disaster. See contact details.

travelling overseas

Separated children are likely to have restrictions on where they can travel according to their immigration status (see Table 5 below). The Home Office issues travel documents (see contact details for more information). It can take a very long time to process travel documents and therefore needs to be done well in advance of date of travel.

Since March 2003, people with exceptional leave to remain/enter, humanitarian protection or discretionary leave are only being granted a certificate of identify in order to allow them to travel if they can show that they need to travel for one of the following four reasons: essential employment or business; exceptional compassionate grounds; education; religious or other essential reasons of conscience. The applicant also needs to prove to the Home Office, by means of a letter from their high commission or embassy, that they have been refused a passport from their country of nationality. This is waived if the applicant was

granted protection based on a fear of authorities in their country of nationality.

There are fees for getting a travel document from the Home Office. Check Home Office website for current charges (see contact details).

Refugees or those with exceptional leave to remain/enter, humanitarian protection or discretionary leave who choose to visit the country from which refuge was sought may have their leave to remain withdrawn on return to the UK. In the past, such trips were largely overlooked by the immigration authorities, but specific powers under the Nationality, Immigration and Asylum Act 2002 now exist to withdraw protection. Young refugees should be made aware of the dangers of returning to their former home country for a visit, even after many years of living in the UK. Young people who wish to return voluntarily to their country of origin can get help with this (see page 12).

Table 5 – Travel and documentation

Immigration Status	Refugee	Exceptional Leave to Remain/Enter, Humanitarian Protection or Discretionary Leave	Asylum-seeker
Where can they travel to?	Any country except the one from which he/she sought asylum, if they get visa from country travelling to.	It will depend on whether the applicant can meet the criteria noted above, can get permission to travel and whether the country he or she is travelling to accepts the 'certificate of identity' issued by the Home Office as valid.	Nowhere outside the UK
On what document?	UN Convention Travel Document (CTD) or 'blue document'	Home passport if available and valid or by applying for a 'certificate of identity' or 'brown document'	Not applicable

naturalisation

Naturalisation is the process of applying for British citizenship. A British citizen has the right to vote in European and British local and national government elections. British citizens also have the right to live in the UK permanently and are free to leave and re-enter the UK at any time. However, British citizenship can be withdrawn if a naturalised citizen does anything which is seriously prejudicial to the vital interests of the UK.⁶¹

Currently someone with refugee status can apply for British citizenship if they:

- have had ILR for at least one year, and
- have lived in the UK continuously for five years already, or for three years if they are married to a British citizen
- are 18 or over
- are not of unsound mind

- are of good character
- have sufficient knowledge of English, Welsh or Scottish Gaelic – they may be required to pass a language test (depending on their age and physical and mental condition)
- stay closely connected with the UK.

If granted British citizenship, the new citizen is required to attend a citizenship ceremony where they swear 'an oath or affirmation to Her Majesty the Queen and a pledge of loyalty to the United Kingdom'.⁶² Separated children and young people under 18 are not expected to attend a citizenship ceremony.

A fee is charged by the Home Office to become a British citizen. For up-to-date information on this, and naturalisation information, go to the UK nationality website (see contact details).

endnotes

- 1** Information provided by Refugee Council. Original source: National Register of Unaccompanied Children taken from information on the grant returns provided by local authorities to NASS.
- 2** Refugee Council Briefing, *The Government's Five-year Asylum and Immigration Strategy*, February 2005
- 3** The NSA countries that this currently applies to are: Albania, Bangladesh, Bulgaria, Jamaica, Macedonia, Moldova, Romania, Serbia and Montenegro, Sri Lanka. See Home Office, Asylum Policy Unit Notice 5/2004, 1 October 2004
- 4** Home Office, Asylum Policy Unit Notice 1/2003, 1 April 2003
- 5** A one-stop notice was introduced in order to prevent applicants benefiting from a further right to appeal against refusal of fresh asylum or human rights claims after determination of an earlier claim when there was 'no reasonable excuse' for not raising the matters earlier. Claimants are required to disclose everything that is relevant to their case and warned that if they do not do so, they may not be able to appeal any decision on a later claim. Taken from www.ind.homeoffice.gov.uk/ind/en/home/laws___policy/policy_instructions/apis/appeals_-_annex_f.html
- 6** From an interview with a member of the Children's Panel, Refugee Council, February 2005
- 7** See page 60, *Working with Children and Young People Subject to Immigration Control: Guidelines for best practice*, Immigration Law Practitioners' Association (ILPA)
- 8** *Case for Concern?: London social services and child trafficking, End Child Prostitution, Pornography and Trafficking (ECPAT)*, 2004
- 9** *Asylum and Immigration Act 2004: An update*, Refugee Council, March 2005
- 10** *No Place for a Child: Children in UK immigration detention: Impacts, alternatives and safeguards*, Save the Children, 2005
- 11** From a meeting with Refugee Council, February 2005
- 12** See page 44, *Working with Children and Young People Subject to Immigration Control: Guidelines for best practice*, ILPA, 2005
- 13** See page 45, *Working with Children and Young People Subject to Immigration Control: Guidelines for best practice*, ILPA, 2005, for more information on the role of a responsible adult.
- 14** NASS Policy Bulletin 29: *Transition at 18*
- 15** Immigration Rule 325 and 326, See Immigration and Nationality Directorate, *Statement of Changes in Immigration Rules HC 194*, January 2005
- 16** Taken from an interview with a member of the Children's Panel, February 2005
- 17** For more information see NASS Policy Bulletin 28
- 18** Page 5, *No Place for a Child: Children in UK immigration detention: Impacts, alternatives and safeguards*, Save the Children, 2005
- 19** *No Place for a Child: Children in UK immigration detention: Impacts, alternatives and safeguards*, Save the Children, 2005
- 20** The points above were taken from page 45, *Working with Children and Young People Subject to Immigration Control: Guidelines for best practice*, ILPA, 2005
- 21** The last four bullet points are based on guidance in *Working with Children and Young People Subject to Immigration Control: Guidelines for best practice*, ILPA, 2005
- 22** Department of Health, *Framework for the Assessment of Children in Need and their Families*, 2000, The Stationery Office
- 23** K Stanley, *Cold Comfort: Young separated refugees in England*, Save the Children, 2001
- 24** J Dennis, The Refugee Council, *Ringling the Changes: The impact of guidance on the use of Sections 17 and 20 of the Children Act 1989 to support unaccompanied asylum-seeking children*, January 2005, see www.refugeecouncil.org.uk
- 25** There were a series of Court of Appeal judgements – *A v London Borough of Lambeth*, followed by *VV v London Borough of Lambeth*
- 26** Department of Health, *Local Authority Circular (LAC) 13*, 2 June 2003 see: www.doh.gov.uk/publications/
- 27** London Borough of Hillingdon Judicial Review, August 2003. Full text can be obtained through: <http://www.asylumsupport.info/courtcases.htm>
- 28** K Stanley, *Cold Comfort: Young separated refugees in England*, Save the Children, 2001
- 29** Separated children supported under Section 17 are financially supported by social services up until their 16th birthday. At 16, those who have indefinite leave to remain, humanitarian protection or discretionary leave will transfer to mainstream benefits and housing. However, this should affect very few people as the majority of separated young people should be being supported under Section 20 of the Children Act 1989 and therefore continue to receive financial support from social services at least up until 18 years of age.
- 30** R Howarth, *Turning 18 – A Reason to Celebrate?: Experiences of young unaccompanied asylum-seekers in transition at 18*, Save the Children, 2004
- 31** Article 3 of the Convention (now enshrined in domestic law under Article 3 of the Human Rights Act (2000)) prohibits torture and inhuman or degrading treatment or punishment.
- 32** Home Office, *Former Unaccompanied Asylum-Seeking Children: Schedule 3 of the Nationality Immigration and Asylum Act 2002*, January 2005
- 33** NASS Policy Bulletin 75
- 34** Article 3 of the Convention (now enshrined in domestic law under Article 3 of the Human Rights Act (2000)) prohibits torture and inhuman or degrading treatment or punishment.
- 35** At Oakington Reception Centre, between November 2003 and September 2004, 48 per cent of those age-assessed by social services where found to be under 18 years of age and released from detention, see page 8, *No Place for a Child: Children in UK immigration detention: Impacts, alternatives and safeguards*, Save the Children, 2005.

- 36** Kings Fund, *The Health of Refugee Children: Guidelines for paediatricians*, 1999
- 37** Note on Unaccompanied Asylum-Seeking Children, Home Office, July 2002 www.ind.homeoffice.gov.uk/ind/en/home/applying/asylumapplications/unaccompaniedasylumseekingchildren
- 38** Note on Unaccompanied Asylum-Seeking Children, Home Office, July 2002 www.ind.homeoffice.gov.uk/ind/en/home/applying/asylumapplications/unaccompaniedasylumseekingchildren
- 39** Please note that an Age Assessment Protocol, which is currently being finalised by the Association of Directors of Social Services, may soon change this procedure.
- 40** NASS Policy Bulletin 33: Age-disputed cases
- 41** NASS Policy Bulletin 33: Age-disputed cases
- 42** The rights of refugee and asylum-seeking children to education are enshrined in the Human Rights Act 1998 and the United Nations Convention on the Rights of the Child 1989.
- 43** Guidance for LEAs is provided in the *Code of Practice on School Admissions*, Annex B www.dfes.gov.uk/sacode/
- 44** *Guidance on the Education of Children and Young People in Public Care*, Department of Health, May 2000
- 45** The Education Act 2005, Section 106, available at www.hmso.gov.uk/acts/acts2005/20050018.htm#aofs
- 46** See page 143, *Information Service*, Refugee Council, September 2004
- 47** *Guidance on the Education of Children Being Looked After by Local Authorities*, Circular LAC 2000, DfES and Department of Health
- 48** Page 2, *Education Rights and Entitlements in Further and Higher Education 2004/05: A guide for refugees and asylum seekers*, Education Action International
- 49** Page 95, *Funding Guidance for Further Education 2004/05*, www.lsc.gov.uk
- 50** See Table 2, footnote k.
- 51** Paragraph 312, *Funding Guidance for Further Education in 2004/05*, DfES.
- 52** K Stanley, *Cold Comfort: Young separated refugees in England*, Save the Children, 2001
- 53** K Roberts and J Harris, *Disabled People in Refugee and Asylum Seeking Communities*, The Policy Press, 2002
- 54** Page 64, *How to access disability services*, The National Information Forum, 2004
- 55** Taken from *Far from the Battle but Still at War*, the Child Psychotherapy Trust, 2000
- 56** This is based on Article 11, EU Council 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum-seekers.
- 57** Immigration Act 1971 s3A, as amended by Immigration and Asylum Act 1999, s3. Section 3A replaced the Variation of Leave Order (VOLO) 1976 (SI No 1572) for all cases where an application to vary leave was made on or after 2 October 2000. See Immigration (Variation of Leave) (Amendment) Order 2000 (SI No 2445).
- 58** When all appeal rights are exhausted the person then becomes (again) a person who requires leave to enter or remain in the UK and does not have it. The lack of leave *per se* does not prohibit a person from working, as a prohibition on working can only be attached to a grant of leave to enter/remain or to temporary admission. A person whose leave has expired is not thereby prohibited from working unless and until they are granted temporary admission (as an overstayer) and such a prohibition is attached.
- 59** Legal Opinion, 'Entitlement to engage in paid work once further leave has been refused after a period of limited leave (humanitarian protection or discretionary leave)' Children's Legal Centre, April 2005
- 60** *A Case for Change*, Refugee Council, Save the Children, The Children's Society, May 2002
- 61** *Explanatory Notes to Nationality, Immigration and Asylum Act 2002*, Chapter 41 <http://www.hmso.gov.uk/acts/en2002/2002en41.htm>
- 62** See www.uknationality.gov.uk

further reading

Cold Comfort: Young separated refugees in England

Kate Stanley, Save the Children, 2001

Research with young separated refugees in England and professionals working with them. It focuses on the needs of young separated refugees in the areas of social services, education, health, immigration, social integration and accommodation.

£7.50. To order a copy contact NBN International, Tel 01752 202301 or email orders@nbninternational.com

Series of Save the Children guides on working with young refugees

Save the Children, published between September 2002 and May 2003

The guides are on: working with unaccompanied asylum-seeking children at ports of entry; setting up mentoring schemes; setting up young refugee groups; and emotional support.

Free. To order contact the Information Officer at Save the Children on 020 8741 4054 x112 or they are available on Save the Children's website www.savethechildren.org.uk

Separated Children Coming to Western Europe

Wendy Ayotte, Save the Children, 2000

Explores the issues that lead children to flee from their home country and looks at the often perilous journeys these children make and the situation they face on arrival in Western Europe.

£9.95. To order a copy contact NBN International, Tel 01752 202301 or email orders@nbninternational.com

Separated Children in Europe Programme: Statement of good practice

UNHCR/Save the Children, 2004

Provides a straightforward account of the policies and practices required to implement and protect the rights of separated children in Europe from the point of arrival.

Free. Available on the internet www.separated-children-europe-programme.org

A Case for Change: How refugee children in England are missing out

Refugee Council, Save the Children, The Children's Society, May 2002

This report highlights findings of a monitoring project carried out by three non-governmental organisations on where refugee children live, and records the difficulties they encounter in accessing services.

Free. Available on the internet: www.refugeecouncil.org.uk/publications/pub004.htm

rights and entitlements

Unaccompanied Refugees and Asylum-seekers Turning 18

Save the Children, due out Summer 2005

A guide for social workers and other professionals on providing support to unaccompanied young people during the transition from childhood to adulthood. The guide includes a table on the key rights and entitlements at 18 and two easy-reference checklists for social workers and team managers to guide them through the process.

Free. For details on how to order a copy contact the Information Officer at Save the Children, tel: 020 8741 4054 x112

Information Service

Refugee Council, updated regularly

Aimed at service providers working with refugees and asylum-seekers, the Information Service explains the asylum process, the asylum support system and other entitlements for refugees and asylum-seekers in plain English.

For details of how to order a copy go to <http://www.refugeecouncil.org.uk/publications/pub001.htm> or email subscriptions@refugeecouncil.org.uk, or fax 01438 365 275

Regional Support Pack for Advisers

Refugee Council, September 2004

The advice guides aim to help anyone advising asylum-seekers and refugees in the Eastern region, the West Midlands, Yorkshire and Humberside and London. The advice guides detail the asylum process as well as the rights and entitlements of asylum-seekers and refugees. They also give practical steps an adviser can take when a client has trouble accessing support.

Free. Available on the internet www.refugeecouncil.org.uk/publications/pub016.htm or tel Eastern Region: 01473 297 900, West Midlands: 0121 622 1515, Yorkshire and Humberside: 0113 386 2210, London: 020 7346 6777

policy

Local Authority Circular (2003) 13, June 2003

Guidance on accommodating children in need and their families

<http://www.dh.gov.uk/assetRoot/04/01/27/56/04012756.pdf>

London Borough of Hillingdon Judicial Review, August 2003

Full text can be obtained through :

<http://www.asylumsupport.info/courtcases.htm>

further reading

Ringling the Changes

J.Dennis, The Refugee Council, January 2005

The impact of guidance on the use of Sections 17 and 20 of the Children Act 1989 to support unaccompanied asylum-seeking children.

Free. Available online: www.refugeecouncil.org.uk/publications/pub007.htm

NASS Policy Bulletins

Immigration and Nationality Directorate, Home Office

A series of more than 70 policy bulletins covering areas such as age disputes, pregnancy benefits, etc

Free. Available online www.ind.homeoffice.gov.uk/ind/en/home/applying/national_asylum_support/stakeholders/policy_bulletin/age_disputes_.html?

legal

Working with children and young people subject to immigration control – guidelines for best practice
Heaven Crawley, Immigration Law Practitioners' Association, November 2004

To order a free copy tel: 020 7251 8383. Soon to be available on the website – www.ilpa.org.uk

social services

Framework for the Assessment of Children in Need and their Families

Department of Health, Department for Education and Employment, Home Office, 2000. London: The Stationery Office.

£9.50 (plus P+P £3.00). To order a copy tel: 0870 600 5522 or on the internet www.tso.co.uk

Food, Shelter and Half a Chance

Selam Kidane, British Agencies for Adoption and Fostering, 2001

A good practice guide on assessing the needs of unaccompanied asylum-seeking and refugee children.

£6.50. To order a copy tel: 020 7593 2000 or on the internet www.baaf.org.uk

How Can I Complain?: Making a complaint to the social services department

Children's Legal Centre, 2000

A step-by-step guide covering informal and formal complaints under the Children Act 1989 and the Local Authority Social Services Act 1970, including the role of the review panel, local government Ombudsman, courts and the Secretary of State for Health.

£3.00. To order a copy tel: 01206 872466 or order via their website www.childrenslegalcentre.com

detention

No Place for a Child

Save the Children, 2005

Research into children in UK immigration detention, looking at impacts, alternatives and safeguards.

£8.95. To order a copy contact NBN International, Tel 01752 202301 or email orders@nbninternational.com

Also available online at www.savethechildren.org.uk

trafficking

Cause for Concern?: London social services and child trafficking

C. Somerset, End Child Prostitution and Trafficking, 2004

Available online www.ecpat.org.uk

End Child Exploitation: Stop the traffic

UNICEF UK, July 2003

Available online:

www.endchildexploitation.org.uk/resources_publications.asp

age disputes

Practice Guidelines for Age Assessment of Young Separated Asylum Seekers

Hillingdon Social Services, telephone: 01895 556514

education

Educational Rights and Entitlements in Further and Higher Education 2004/05: A guide for refugees and asylum seekers

Nick Lawson, Education Action International, 2004

Free. Tel: 020 7426 5800

Aiming High: Guidance on the education of asylum-seeking and refugee pupils

Department for Education and Skills, 2004, London: DfES

Available online: www.standards.dfes.gov.uk/ethnicminorities/links_and_publications/AH_Gdnc_AS_RFG_Apr04/

Supporting Refugee Children in 21st Century Britain

J. Rutter, 2003, Stoke on Trent: Trentham Books

www.trentham-books.co.uk

School Admissions Code of Practice

Department for Education and Skills, 2003

See Annex B on Guidance on Pupils from Overseas

Available online: www.dfes.gov.uk/sacode/

further reading

School Admission Appeals Code of Practice

Department for Education and Skills, 2003

Available on the internet: www.dfes.gov.uk/sacode/

Good Practice Guidance on the Education of Asylum-Seeking and Refugee Children

Department for Education and Skills, 2002

This guide has been produced to support teachers in their work with refugees and asylum-seeking children and contains information ranging from the role of LEAs through to advice on supporting individual communities.

Available on the internet: www.standards.dfes.gov.uk/ethnicminorities/links_and_publications/

Managing Mid-phase Pupil Admissions

Tim Spafford and Bill Bolloten, Newham Education Action Zone, 2003

A resource and guidance folder to help schools ensure all new pupils settle quickly and successfully in their new schools.

£25 (inc P+P). To order a copy write to: John Douglas, Newham, EIC EAZ, Credon Centre, Kirton Road, London, E13 9BT

health

Meeting the Health Needs of Refugees and Asylum Seekers in the UK: An information and resource pack for health workers

Angela Burnett and Yohannes Fassil, NHS/Department of Health, 2002

A comprehensive information and resource pack. Building on the skills and experiences of health workers, the pack contains practical information, details of useful contacts and recourses and includes examples of good practice from around the UK.

Available on the internet: www.london.nhs.uk/newsmedia/publications/Asylum-Refugee.pdf

The Health of Refugee Children: Guidelines for paediatricians

Kings Fund, 1999

To order a copy tel: 020 7303 2568

Available on the internet: [www.nelh.shef.ac.uk/nelh/kit/ch/files.nsf/Lookup/Health_of_Refugee_Children/\\$file/refugee.pdf](http://www.nelh.shef.ac.uk/nelh/kit/ch/files.nsf/Lookup/Health_of_Refugee_Children/$file/refugee.pdf)

How to Access Disability Services: A guide for organisations in contact with refugees and asylum-seekers in London

National Information Forum, 2004

This guide provides practical signpost information on rights, benefits, services and opportunities available to disabled refugees and asylum-seekers in London. However, much of the information given will be relevant throughout the country.

Priced publication. Tel: 020 7402 6681, email info@nif.org.uk

Disabled people in Refugee and Asylum-Seeking Communities

Keri Roberts and Jennifer Harris, Senior Research Fellow at the Social Policy Research Unit, University of York, published for the Joseph Rowntree Foundation by the Policy Press, September 2002

A research report on the experiences of disabled refugees and asylum-seekers.

To download a summary go to www.refugeecouncil.org.uk

To order a full copy, please contact Marston Book Services, Tel 01235 465500, or email direct.orders@marston.co.uk Price £11.95 + P&P

race equality

A Code of Practice on the Duty to Promote Race Equality

Commission for Racial Equality, May 2002

Information on the duty to promote equality. It offers practical guidance to public authorities on how they may fulfil these duties.

To order a copy contact The Stationery Office on 0870 240 3697 or email CRE@tso.co.uk Also available on the internet at www.cre.gov.uk/duty

contact details

rights and entitlements

Children's Legal Centre

The Refugee and Asylum-Seeking Children's Project provides up-to-date information on issues affecting unaccompanied young people on its website – it aims to help non-immigration specialist professionals working with asylum-seeking and refugee children find out about this group of children's rights and entitlements. The Education Law and Advocacy Unit provides free legal advice and representation to children and/or carers with concerns relating to schools or local education authorities.

Education Law and Advocacy Unit tel: 01206 874807
Email: clc@essex.ac.uk
Website: www.childrenslegalcentre.com

A Voice for the Child in Care

Provides support and information to children and young people in care. They can provide independent advocates for young people.

Tel: 020 7833 5792
www.vcc-uk.org

National Youth Advocacy Services (NYAS)

A national organisation offering socio-legal advocacy services for children and young people, carers and professionals.

Tel: 0151 649 8700
Freephone: 0800 616101 (for children and young people)
Email advice: info@nyas.net
Website: www.nyas.net

The Citizens' Advice service

Citizens' Advice Bureaux (CABs) deliver confidential and impartial advice and information across the country. Advice covers everything from benefits and employment rights to housing and legal matters.

The National Federation of CABS tel: 020 7833 2181
Website: www.citizensadvice.org.uk

Jobcentre Plus

Jobcentre Plus is replacing the Benefits Agency and will be available everywhere by 2006. Many areas already have Jobcentre Plus offices where applications for National Insurance (NI) numbers and benefit claims can be made alongside support in finding a job. In areas where Jobcentre Plus offices have not been established yet, social security offices continue to process benefit claims and NI numbers. The Jobcentre Plus website provides details of where your nearest Jobcentre Plus or social security office is.

Website: www.jobcentreplus.gov.uk

Refugee Council

The Refugee Council provides advice and support to asylum-seekers and refugees as well as campaigning and lobbying and producing information on refugee issues.

Main reception – tel: 020 7346 6700
Email: info@refugeecouncil.org.uk
www.refugeecouncil.org.uk

Panel of Advisers, Children's Section

Assisting separated children in accessing quality legal representation and guiding them through the complexities of the asylum process.

Tel: 020 7346 1134

Home Office

Immigration and Nationality Directorate (IND)

Tel: 0870 606 7766
Website: www.ind.homeoffice.gov.uk

NASS helpline on issues affecting young people turning 18.
Tel: 020 8633 0522

The Children and Family Asylum Policy Team,

Asylum and Appeals Policy Directorate
Tel: 020 8760 8674

IND Central Point of Contact

Fax number to contact to check that a young person is not receiving NASS support or support from another local authority. If there is an age dispute issue, social services departments can fax this Central Point if they wish IND to alter the accepted age to under or over 18.
Fax 020 8760 4527/4040.

Asylum Registration Cards (ARCs)

To change ARC after resolving an age dispute case write to: Central Event Booking Unit, PO Box 222, Liverpool, L69 2TY

Reporting

If a young person is having difficulty meeting the reporting requirements placed upon them by the Home Office, then it may be possible to negotiate changes to the requirements. To find out email: Contactmanagementoperationpolicyunit@homeoffice.gsi.gov.uk

Travel documents

For an application form for any type of travel document: Write to: Travel Document Section, Immigration and Nationality Directorate, Block C, Whitgift Centre, Wellesley Road, Croydon, CR9 1AT
Or tel: 0870 606 7766
or download from www.ind.homeoffice.gov.uk

British citizenship

For information on applying to become a British citizen go to: www.ind.homeoffice.gov.uk/british_citizenship/english/homepage.html

contact details

immigration and asylum legal advice

Refugee Legal Centre

Providing free legal advice and representation for those seeking protection under international and national human rights and asylum law.

Tel: 020 7780 3200

Advice line tel: 020 7780 3220

Website: www.refugee-legal-centre.org.uk

Asylum Aid

Asylum Aid is a charity which provides free legal advice and representation to refugees and asylum-seekers. They also have a Refugee Women's Resource Project which specialises in support to women refugees and asylum-seekers.

Tel: 020 7377 5123

Advice line tel: 020 7247 8741

Email: info@asylumaid.org.uk

Website: www.asylumaid.org.uk

Immigration Advisory Service (IAS)

IAS is an independent non-governmental organisation which gives free and confidential legal advice and representation on immigration and asylum issues. IAS has offices all over the UK. To find out where your nearest office is, see [website](http://www.iasuk.org).

Tel: 020 7967 1200

Website: www.iasuk.org

Immigration Law Practitioners' Association (ILPA)

ILPA is an association of lawyers specialising in immigration law. It may be able to advise about finding a solicitor who is able to take on a case.

Tel: 020 7251 8383

Email: info@ilpa.org.uk

Website: www.ilpa.org.uk

The Office of the Immigration Services Commission (OISC)

OISC is an independent public body responsible for ensuring that all immigration advisers fulfil the requirements of good practice. The OISC's aims include eliminating unscrupulous advisers. The website provides information on how to make a complaint about legal advice and also a database of OISC-registered organisations.

Helpline tel: 0845 000 0046

Website: www.oisc.co.uk

The Office for Supervision of Solicitors

Set up by the Law Society of England and Wales to deal with complaints about solicitors and to regulate their work.

Helpline tel: 0845 608 6565

Email: enquiries@lawsociety.org.uk

Website: www.lawsociety.org.uk/choosingandusing/redressscheme.law

Community Legal Service (CLS)

CLS, part of the Legal Services Commission, aims to ensure that people can get information and help about their legal rights and understand how to enforce them. CLS direct (the website) provides a directory to locate an advice provider in your area with whom you can discuss your query (this includes lists of solicitors and provides information on the quality marks they have acquired).

Tel: 0845 3454345

Website: www.clsdirect.org.uk

Appeals process

Asylum and Immigration Tribunal (AIT)

Customer Service Centre: 0845 600 0877

Court Service Disability Helpline: 0845 606 0766

Website: www.ait.gov.uk

detention

Bail for Immigration Detainees (BID)

Helps immigration detainees get access to bail.

Tel: 020 7247 3590

Email: bailforimmigrationdetainees@yahoo.co.uk

Website: www.biduk.org

The Association of Visitors to Immigration Detainees (AVID)

A national umbrella charity for groups visiting immigration detainees. They can put you in touch with your local visitors group.

Tel: 01883 717 275

Website: www.aviddetention.org.uk

returns

Choices, Refugee Action

A project providing confidential and impartial information and advice to people considering returning home.

Tel: London 020 7654 7719/8

Manchester 0161 233 1216/9

Leicester 0116 261 4841/4846

Leeds 0113 244 5345

Website: www.refugee-action.org.uk/ourwork/choices/

International Organisation for Migration (IOM), Voluntary Assisted Return and Reintegration Programme

Assistance is given in obtaining travel documentation, organising flights, departure, transit, arrival and reintegration.

Freephone: 0800 783 2332 or call 020 7233 0001

Website: www.iomlondon.org

contact details

National Coalition of Anti-Deportation Campaigns (NCADC)

A voluntary organisation which provides practical help and advice to people facing deportation on how to launch and run anti-deportation campaigns.

Tel: 0121 554 6947

Email: ncadc@ncadc.org.uk

Website: www.ncadc.org.uk

education, training and employment

Refugee Education Email Network (REFED)

REFED was set up to support teachers and other professionals who work with refugees and asylum-seeking children and young people. Subscribers share information and discuss practice issues.

For more information visit the web page at:

www.groups.yahoo.com/group/refed or www.refed.org.uk/

Education Grants Advisory Service (EGAS)

EGAS offers guidance and advice on funding for those studying in post-16 education in the UK.

Tel: 020 7254 6251

Website: www.egas-online.org

Connexions

To find out where your nearest Connexions service is, go to their website.

Website: www.connexions.gov.uk

Connexions direct helpline – tel: 080 800 13 2 19

Refugee Education and Training Advisory Service, Education Action International

Provides advice and guidance to refugees and asylum-seekers aged 16+ on aspects of education and employment. They are happy to provide guidance to professionals on education entitlements.

Tel: 020 7426 5800

Advice Line: 020 7426 5801

Website: www.education-action.org

The Learning and Skills Council

Has a web page on 'demystifying the refugee question' which provides a simple table on education entitlements.

Helpline: 0870 900 6800

Email: info@lsc.gov.uk

Website: www.lsc.gov.uk

The Refugee Assessment and Guidance Unit (RAGU) Education and Employment website

RAGU was set up to improve the employment prospects of refugees and asylum-seekers with higher level education or professional qualifications from their own countries. This website details the rights and entitlements of asylum-seekers to further and higher education and provides practical help on education and preparation for employment.

Website: www.learning.unl.ac.uk/ragu/asset/

Tel: 020 7753 5044

Email: ragu@londonmet.ac.uk

Website: www.londonmet.ac.uk/ragu/about-us.cfm

Ethnic Minority Achievement, DfES Website

This site aims to provide support to LEAs and schools and provides information on sharing successful experiences of schools and LEAs. It signposts useful links and publications which provide information and research on minority ethnic pupils' educational achievement.

Website: www.standards.dfes.gov.uk/ethnicminorities/

Education Maintenance Allowance (EMA)

To find out more about EMA and to get an application pack, go to the DfES website:

<http://www.dfes.gov.uk/financialhelp/ema>

Refugee Council, Training and Employment Section

The Refugee Council's Training and Employment Section provides learning, development and employment opportunities for refugees and asylum-seekers.

Tel: 020 7840 4484

Volunteering and Asylum Project

The Volunteering and Asylum Project works to promote good practice in volunteering, and to encourage volunteering initiatives that involve refugees, asylum-seekers and others.

For more information contact Ruth Wilson

Tel: 0113 266 9123

Email: ruth.wilson@tandem-uk.com

Website: www.tandem-uk.com/vol_asylum.htm

contact details

health

Health of Asylum-Seekers and Refugees Portal – HARPWEB

A website recourse for professionals working to support the health of asylum-seekers and refugees. It includes a link to a free on-line multi-lingual appointment card.

Website: www.harpweb.org.uk

Department of Health

Asylum-Seeker Health Team

Tel: 0113 254 6605

British Red Cross Society

There is a network of branches and around 1,000 centres across the UK with around 30,000 volunteers. Volunteers provide caring and emergency services within their local communities for people in crisis, and care in the community services for people with disabilities, among other people. This may include transporting and escorting people to hospital or other appointments. Red Cross centres provide support to asylum-seekers and refugees, including practical and emotional support.

Tel: 020 7235 5454

Email: information@redcross.org.uk

Website: www.redcross.org.uk

NHS Direct

Operates a 24-hour nurse advice and health information service, providing confidential information on what to do if someone is feeling ill; local health services, such as doctors, dentists, mental health services, other support services and contacts at primary care trusts who can provide details of languages spoken by GPs and local access to interpreting services.

Tel: 0845 46 47

Website: www.nhsdirect.nhs.uk

Mental health

The Medical Foundation for the Care of Victims of Torture

Provides a range of services including child psychotherapy and a befriending scheme for separated children. Located in London, Manchester and Glasgow.

London tel: 020 7697 7777

Manchester tel: 0161 839 8090

Glasgow tel: 0141 847 0012

Email: clinical@torturecare.org.uk

Website: www.torturecare.org.uk

Young Minds

Provides a free, confidential information and advice service to any adult with concerns about the mental health of a child or young person.

Free advice line: 0800 018 2138

Main reception tel: 020 7336 8445

Website: www.youngminds.org.uk

Female genital mutilation

Black Women's Health and Family Support provide information, support and counselling to women affected by female genital mutilation. Based in London, they offer help to women across the UK.

Tel: 020 8980 3503

Email: bwhafs@btconnect.com

FORWARD (The Foundation for Women's Health Research and Development)

Offer advice and information on female genital mutilation. They also offer support and counselling to African women and children who have been affected by, or are at risk of, female genital mutilation.

Tel: 020 8960 4000

Email: forward@forwarduk.org.uk

Website: www.forwarduk.org.uk

Disability

The Disability Alliance

Rights advice line for disabled people and carers on benefits, rights and entitlements.

Tel: 020 7247 8776

Website: www.disabilityalliance.org

Disability Rights Commission

An independent body established to combat discrimination against disabled people and promote equality of opportunity. A core function is that of securing disabled people's rights in relation to employment, access to services, education, transport and housing.

Helpline: 0845 7622 633

Email: enquiry@drc-gb.org

Website: www.drc-gb.org

one-stop shops

Local one-stop services may be able to organise emergency accommodation, food and clothing for destitute asylum-seekers. To find your nearest one-stop service call the Inter-Agency Co-ordination Team

Tel: 020 7346 1154

rape

RAPE Crisis Federation

Acts as a referral service to individual women who are seeking advice or support around the issue of rape or sexual abuse.

Tel: 0115 900 3560

Website: www.rapecrisis.co.uk

contact details

trafficking

End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes (ECPAT)

Up-to-date information on trafficking of minors in the UK.

Tel: 020 7501 8927

Email: ecpatuk@antislavery.org

Website: www.ecpat.org.uk

National Missing Persons Helpline

For professionals wanting to trace a missing child/young person from care (including young separated refugees suspected of being trafficked).

Missing Persons Helpline: 0500 700 700

Website: www.missingpersons.org

family reunion and tracing

British Red Cross

Tries to restore family links and reunite families separated by war or disaster.

To contact any local Red Cross Office, freephone:

0800 169 2030

Website: www.redcross.org.uk/trace

International Social Services

Assistance with tracing family members and providing home assessments in countries of origin.

Tel: 020 7735 8941

Email: mark.issuk@btopenworld.com

interpreters

Language Line offers over-the-phone interpretation and document translation.

Tel: 0800 169 2879

Email: enquiries@languageline.co.uk

Website: www.languageline.co.uk

national register for unaccompanied children

Key information kept by care agencies looking after unaccompanied children is shared on one database with central government. For more information see website: www.nruc.gov.uk

media and broadcasting

Press Complaints Commission

If you have a complaint about something in a newspaper or magazine which you think breaks the press Code of Practice you can write to the Press Complaints Commission at 1 Salisbury Square, London, EC4Y 8JB.

Helpline: 020 7353 3732

Email: ppc@ppc.org.uk

Broadcasting Standards Commission

If you want to make a complaint about a programme broadcast on television, radio or an advertisement, write to the Complaints Department, Broadcasting Standards Commission, 7 The Sanctuary, London, SW1P 3JS

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