

Unaccompanied Asylum Seeking Children Procedure (Milton Keynes City Council)

1. Introduction

- **An unaccompanied asylum-seeking child is a person who:**
 - a. Is under 18 years of age when the asylum application is submitted;
 - b. Is applying for asylum in their own right; and
 - c. Is separated from both parents and is not being cared for by an adult who in law or by custom has responsibility to do so.
[\(Immigration Rules Part 11\)](#)

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

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

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

NOTE: in November 2021 the Home Office announced that participation in the National Transfer Scheme is to become temporarily mandatory for all councils with responsibility for Children's Services. Local authorities have been given legal notice to accept transfers of children into their care and to provide placements for unaccompanied asylum seeking children. The Home Office will consider a number of factors when transferring children to a local authority including the existing child population, the number of supported asylum seekers and pressures on children's services, and the best interests of the child. Local authorities will be given a 14-day notice period to make representations regarding a transfer of children.

Unaccompanied migrant child not seeking asylum: a child who is not seeking asylum because their reasons for being here are not connected to seeking protection, or who may be undocumented, or is not seeking asylum because they have not been advised of

the need to do so. The child may be separated from both parents and is not being cared for by an adult who in law or by custom has responsibility to do so.

From 1 January 2021, following the UK's exit from the EEA, the rules relating to 'family reunions' have narrowed, and only cover children reuniting with parents who have refugee status or humanitarian protection.

2. Referral

2.1 Referrals (Form One- Sent From Police Station if spontaneous arrival) to be forwarded by email and telephone contact to be made with the 16-25 Team- Duty Social Worker and Duty Manager if young person claims to be over 15 and if Under 15 Referral to be sent to Children in Care Team- Duty Social Worker and Duty Manger.

Unaccompanied asylum-seeking children are referred to the 16-25 Team/Children in Care Team. The referral will action an assessment to commence.

If, during the referral, it is identified that the child has returned from an area of conflict and has been involved in any form of fighting then the Police must be informed.

2.2 Local Connection

In some circumstances, UASC may self-refer or be referred on the basis of a local connection with Milton Keynes. They may have a relative or close friend living within the Local Authority area. The establishment of a local connection forms part of the Child and Family Assessment process, and proof of address should be requested where appropriate.

There may also be certain circumstances in which a young person presents themselves to Milton Keynes Children's Services as first point of call. If this is the case and there is no local connection to another authority, the presumption is that Milton Keynes has a duty under the Children Act 1989 to carry out an assessment to establish whether this young person is a Child in Need.

2.3 National Transfer Scheme (NTS)

The National Transfer Scheme (NTS) is a mandatory scheme for Local Authorities to support Unaccompanied Asylum-Seeking Children (UASC), to share the caring responsibilities across the Country. Under the scheme, a child arriving in one Local Authority (LA) area, already under strain caring for UASC; (above an agreed threshold of 0.07% of the population) may be transferred to another LA with capacity. Milton Keynes is part of this scheme and will accept an agreed number of additional young people into

the care of the LA. The coordination and acceptance of young people is managed by a National Rota and is administered by the South East Regional Strategic Migration Partnership (SERMP) and Milton Keynes joins the rota with partners across the region. For details on the process please refer to the Appendix 1 (see [National Transfer Scheme \(NTS\) Protocol for unaccompanied asylum seeking children \(UASC\) \(publishing.service.gov.uk\)](#)).

2.4 UASC Presenting in Milton Keynes (Operation Innerste)

Operation Innerste is a National Operation, and is a multi-agency response to better safeguard unaccompanied migrant children. The overall aim is to maximise the effectiveness of the initial encounter with these children, building early rapport and 'locking in' their identity prior to their handover to children's services.

Operation Innerste identifies that if the presenting asylum seeker is claiming to be a child (aged under 18 years), then the response to the UASC by Thames Valley Police and Milton Keynes Children's Services will be that of them being a potential victim of trafficking in the first instance. Therefore, all appropriate attempts to prevent the presenting UASC from being arrested and taken to a Police Station will be made (unless there are concerns or necessity to best protect and support the presenting asylum seeker). Thames Valley Police and Milton Keynes Children's Services will work together to best respond to the presenting UASC's needs both at the time of presentation, and to ensure safeguarding action can be taken if future concerns of trafficking or missing from care. A referral to the National Referral mechanism (NRM) should be considered and criteria and application can be made at www.modernslavery.gov.uk.

Current procedure relating to Age Assessments process remains in place. If the presenting UASC is identified as being aged 18 years or older, then Thames Valley Police may opt to take steps to detain and transport the presenting asylum seeker to a Police Station in order to issue notification to UK Immigration and for the Home Office Asylum Support process to commence. In these case, Milton Keynes Children's Services will be responsible for completing the Model Information Sharing Proforma (MISP), which will be shared with UK Immigration / Home Office.

If the presenting UASC is identified as potentially being aged 17 years or under, then a referral will be made via Thames Valley Police to the 16-25 Team/Children in Care Team, where a suitable venue will be identified for the presenting UASC to be escorted to by Thames Valley Police for a Strategy Discussion. The identified Team will then initiate a Child and Family Assessment, which will take account of:

1. The Age Assessment of the UASC (if required);
2. Ethnicity, religion, gender and language and how these will impact on immediate needs;
3. Available information regarding how the UASC arrived in the UK, how long they may have been here, possible family or friends that they may be intending to meet;
4. The UASC's health and any factors which may increase their vulnerability;
5. The UASC's accommodation and financial needs.

Thames Valley Police will share the presenting UASC's fingerprint information with the Home Office Command and Control Unit (CCU) to identify any previously held information on the UASC's identity, asylum claim or if they are known to any other Local Authority (including being reported as a Missing Person). This information will be shared with Milton Keynes Children's Services so that if the presenting UASC is already known to a Local Authority, action can be taken to contact that relevant Local Authority for them to arrange safe transportation back to their care.

Consideration should always be given to the use of interpreters when required. Milton Keynes Children's Services has a commissioned service to provide interpreting and translation services to meet this requirement. Consideration should be given in providing documents in the language of their choice.

The threshold of eligibility and priority for services are the same for unaccompanied asylum-seeking children as any other child. The same thresholds for child protection responsibilities also apply. There is no difference in entitlement to allowances or financial support because of immigration status for children in need, children in care and care leavers. Where a child is accompanied consideration needs to be given as to their relationship with that adult and whether private fostering duties and responsibilities apply.

2.5 Dublin III

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

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

The Local Authority will need to satisfy themselves that the family in question is suitable to take responsibility for the arriving child or young person. This will require a child and family assessment once the decision has been made as to whether the child can or cannot be placed with the family.

The Local Authority is required to:

- Arrange a visit by a social worker to the home of the family member, preferably before the child arrives and undertake a viability assessment with the Proforma from the Home Office;
- Ensure that a further follow up visit is undertaken to the child after their arrival;
- Undertake a child and family assessment of the family to inform ongoing decision making and of the child or young person to ascertain their needs;
- Inform the UKVI of the status of the child and the outcome of the assessment.

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

- The UKVI cannot confirm the identity of a family or initial checks indicate they are not suitable;

- Initial checks identify significant concerns regarding the family member or a member of the household;
- The home conditions are a significant concern;
- The child and family assessment raises significant concerns for the child or young person.

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

2.6 Provision of Accommodation Pending a Full Assessment

If an immediate assessment is not possible it may be necessary to place and support newly arrived UASC temporarily pending a full assessment, however, it is important to establish as much information as possible and make arrangements for the full assessment before such a placement is made. This includes establishing if the young person has a local connection to another Local Authority.

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

3. Assessment

UASC are assessed according to the [Framework for the Assessment of Children in Need and their Families](#). However, this generic framework needs to be adapted to their specific circumstances, and should be carried out with an appropriate interpreter. The assessment may include the following:

3.1 Age Assessment

[Children Act 1989 Guidance and Regulations - Volume 2: Care Planning, Placement and Case Review](#) provides that in every case where someone seeking asylum claims to be a child but their age is in doubt they should be treated as the age they claim to be, unless, and until, a case law compliant age assessment – including a less prolonged enquiry carried out by a social worker in accordance with [Home Office guidance 'Assessing Age'](#) - shows them to be otherwise, or other documentary evidence of age comes to light.

[Care of unaccompanied migrant children and child victims of modern slavery](#) provides that where the age of a person is uncertain and there are reasons to believe that they are a child, they are presumed to be a child in order to receive immediate access to assistance, support and protection in accordance with Section 51 of the Modern Slavery Act 2015. Age assessments should only be carried out where there is significant reason to doubt that the claimant is a child. Age assessments should

not be a routine part of a local authority's assessment of unaccompanied or trafficked children. Where age assessments are conducted, they must be Merton Compliant.

In advance of undertaking an age assessment for an unaccompanied asylum-seeking child, local authorities must seek Home Office assistance with verifying the authenticity of identity documents e.g. travel documents or a birth certificate. For further information and contact details for local authorities see [Age Assessment Guidance and Information Sharing Guidance for UASC \(ADCS\)](#).

An assessment of age is carried out:

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

Age assessments should be carried out by two suitably experienced workers, one of whom should be a qualified Social Worker. It is important to make the role of Children's Services clear to the young person who is being assessed.

Guidance on Age Assessments can be accessed through the 'Seeking Support' Guide for practitioners through the following link; ['Seeking Support - A Guide to the Rights and Entitlements of Separated Refugee and Asylum Seeking Children'](#).

In addition to the Age Assessment the Social Worker is to complete an Age Assessment Information Sharing Proforma form this should be sent to relevant professionals working with the young person to ascertain their views on the age of the young person.

The young person should have an appropriate adult present at the age assessment interview and an interpreter present who speaks the young person's language and dialect if required; although failure to do so will not necessarily validate the decision it has been held to do so in the circumstances of some cases.

If the assessment is the re determination or review of a previous decision of the Authority it should be conducted by different Social Workers so they are not influenced by a desire to uphold their previous decision.

The assessment report should be written up within 7 days.

The assessment takes into account the following factors: physical appearance and demeanour, interaction, social history and family composition, developmental considerations, education, independence / self care skills and health. Information from other sources, such as carers / key workers or medical reports also need to be taken into account. A conclusion is formed based on the assessing workers' professional judgement on whether or not the available information casts considerable doubt on the claimed age of the young person.

Age assessments are not an exact science, and young people should therefore be given the benefit of doubt.

The young person must be informed at the end of the age assessment whether or not their age is accepted or disputed by Children's Services, and an appropriate interpreter

should be consulted in order to explain the reasons of a possible age dispute. The young person must be given the chance to respond to the reasons for disputing their age claim, and this must be recorded. The Age Assessment Form contains a detachable decision sheet, which gives the outcome of the assessment, and this must be issued to the young person in all cases. Good Practice also entails that the young person is given a copy of the assessment, or that this is forwarded to the young person's legal representative.

In all cases, the Home Office needs to be advised on the outcome of the assessment, as they will usually amend their records accordingly. The young person must be informed that their age assessment is given to the Home Office.

If a young person is assessed to be over 18, they will not be eligible for support from Children's Services, but they may be entitled to support from the [UK Visas and Immigration \(UKVI\)](#).

The ADCS Asylum Task Force has worked with the Home Office to provide a set of jointly agreed "[good practice documents](#)". These documents are offered as practice guidance and are for information only, by way of assistance to local authorities and their partners.

In addition, the Right to Remain Website have provided a useful [Right to Remain Toolkit](#). The Toolkit is free to use, and provides useful information on the UK immigration and asylum system, the legal process, or a particular part of the legal process.

3.2 Child and Family Assessment

If a young person is accepted as a minor, a Child and Family Assessment will be completed. Apart from establishing the young person's developmental needs, the following should be assessed:

- The circumstances under which the young person has left their country of origin and come to the UK;
- Where appropriate, the details / circumstances of the young person's local connection to Milton Keynes should be established;
- If a young person has been staying with an adult, the relationship to that adult and their suitability as a potential carer should form part of the assessment, and this should inform the decision on services which may be offered.

It is important to bear in mind that some young people may have encountered traumatic experiences, that they may find it difficult to talk about family members or that they may be suspicious towards social services staff. Practice Guidelines for age assessments of UASC, can be located via the following link: [Assessing Age - GOV.UK](#).

Where there are concerns that a young person may have been trafficked to the UK, referrals can also be made to the [National Referral Mechanism Digital Referral System: Report Modern Slavery](#).

In areas where the Independent Child Trafficking Guardians service has been implemented, if the social worker considers a child to be a potential victim of modern slavery, they should refer them to the ICTG service by completing the [online referral form](#).

Where there are concerns that a young person has been subject to radicalisation then the Children's Services **Prevent National Referral Form** must be followed.

Where there are concerns when a young person arrives spontaneously, consideration should be given to whether they have been trafficked and if concerned to convene a strategy meeting. Please see also [Trafficking & Exploitation | Milton Keynes Inter-Agency Safeguarding Children \(procedures.org.uk\)](#).

3.3 Documentation

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

Asylum Screening

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

Asylum Registration Card (ARC)

UASC may apply for an ARC photo card. This may be obtained by either making an ARC Card appointment or via email to the central booking unit. This is usually their only identification with a photograph. The ARC card states the full name, Date of Birth, Nationality and languages spoken by the young person.

Letter from a legal representative

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

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

4. Decision on Services Offered

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

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

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

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

5. Support Under Section 20 of the Children Act

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

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

The relevant procedures for Children in Care under Section 20 should be followed. (See [Decision to Look After Procedure](#)).

6.1 Placement Options

Placement options for unaccompanied migrant children are the same as for other Looked After Children i.e.:

6.1.1 Connected Carers (or Family and Friends carers)

The [Placements with Kinship Carers Procedure](#) should be followed.

6.1.2 Foster Care

Young people supported under Section 20 may be placed in foster care if this appears the best option due to their development and vulnerability. These placements need to be approved by the appropriate Head of Service and a placement identified by the Fostering Duty Desk or the Emergency Duty Team; existing procedures should be followed for this.

Young people supported under Section 20 may be placed in suitable supported accommodation if this appears to be the best option due to their development and vulnerability.

6.1.3 Residential Care

Within an Ofsted registered and inspected children's residential care home.

6.1.4 Semi - Independent living arrangements or "other arrangements" including supported lodgings, supported accommodation and shared housing

These forms of accommodation are usually for older children, who require less intensive support and close monitoring and require only accommodation, as opposed to care and accommodation. Where there has been an assessment of need and the best match is in "other arrangements" the placement could be supported lodgings, supported accommodation or shared accommodation. Statutory guidance and the Care Planning Regulations clearly set out that in some cases, a child can be suitably placed in accommodation termed as "other arrangements", and [Regulation 27](#) sets out the duties of a local authority when placing a child in such arrangements (see also: [Schedule 6](#)).

With effect from 9 September 2021, Regulation 27B Care Planning, Placement and Case Review (England) Regulations 2010 (as amended by Care Planning, Placement and Case Review (England) (Amendment) Regulations 2021) and [Children Act 1989 Guidance and Regulations - Volume 2: Care Planning, Placement and Case Review](#) provide that those claiming to be under 16 should not be placed in an 'other arrangements' placement until an age assessment has been carried out and the child is assessed as being 16 or 17. The responsible authority will need to plan for suitable accommodation before, during, and after the assessment with particular care given to ensuring that the placement is fully risk-assessed.

Where an asylum seeking person claims their age to be 16 or 17 they can be placed in an 'other arrangements' placement by a local authority only if such a placement is consistent with their welfare in line with the local authority's statutory duties. In cases where an unaccompanied asylum-seeking child's claimed age is 16 or 17 and they have been placed in an 'other arrangements' setting but on completion of a case law compliant age assessment are found to be under 16, the responsible authority has up to

10 working days following completion of the assessment to find a suitable alternative placement.

6.2 Health

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

For young people supported under Section 20, an Initial Health Assessment (see [Health Care Assessments and Plans Procedure](#)) should be arranged within 20 work days, as most UASC will have no previous health records. Please refer to the [Health Care Assessments and Plans Procedure](#)

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

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

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

6.3 Education

A UASC of statutory school age should be registered in a local school or if over statutory school age should be registered at a local college to study ESOL.

An 'ePEP' should be completed.

6.4 Referrals to the Leaving Care Team

A referral to the Leaving Care Team should be made at 15½ and an Initial Pathway Plan should be completed within 3 months of the 16th Birthday. The Pathway Plan is subject to regular review, and follows existing procedures for children leaving care but should take particular account of the status and specific needs of unaccompanied children. UASC should be asked (as they may not be able to read in their own language) if they would prefer a copy of their Pathway Plan in their first language or in English.

An Initial Pathway Plan should be completed within 13 weeks so that the case may transfer to Leaving care Team at the second LAC Review.

Please refer to the [Leaving Care and Transition Procedure](#).

7.2 Education

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

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

Only young people with Refugee Status or Indefinite Leave to Remain can apply for Education Bursaries. Please refer to the individual School, Academies, College or Training Provider for their eligibility criteria and to access to Bursary Schemes. Colleges can use their discretion and provide non-monetary assistance in the form of providing luncheon vouchers, books, or to pay for courses and field trips. (See [Catch22 Website](#)).

(See [16 – 19 Bursary Fund \(GOV.UK\)](#))

7.3 Health

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

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

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

8. Unaccompanied Asylum Seeking Children Who go Missing

8.1 UASC - Children in Care Children who go Missing

If a young person is reported 'Missing' as defined by the Milton Keynes City Council they will remain a Child in Care unless one or more of the criteria are met:

- They return to a birth parent/someone with Parental Responsibility;

- They are located in another country;
- The case is taken over by another Local Authority, or;
- They are age assessed as being over 18 years.

The child/young person's record should be updated to reflect their missing status and reported to the Police as a Missing Person. The Joint Protocol for Missing Children and Young People should be followed, please refer to the [TVP Joint Protocol for Missing Children and Young People](#) (internal policy – intranet is about to change so will have a new address).

The Home Office should also be informed of any UASC going missing using Part E of the Unique Unaccompanied Child Record (UUCR) form. Please refer to [Appendix 3: UASC Who Go Missing – Part E: Looked After Status Update](#). This form should also be used to inform the Home Office if the missing child subsequently returns to the care of the Local Authority. Please see the [National Transfer Scheme Protocol for Unaccompanied Asylum Seeking Children](#).

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

The Child in Care Reviews should be held as required by the statutory guidance, (please refer to [Looked After Reviews Procedure](#) until the young person is deemed to no longer be Child in Care. No children under 16 years who go missing should have their Child in Care Status removed.

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

If the levels of risk and vulnerability is considered high by the IRO and others attending the review meeting, the review can recommend a change to the status for the a missing young person to a Relevant Child as defined under [Volume 3: Planning Transition to Adulthood for Care Leavers](#).

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

- A Pathway Plan in place and reviewed every 6 months that reflects:
 - The Vulnerability of the young person;
 - Includes how the local authorities' duties to keep in touch with young people will be met, in context of establishing the young person's whereabouts;
 - A Contingency Plan in the event of the young person being found.

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

If a young person remains missing by their 18th birthday, then a formal Missing children meeting should be held to determine whether the case should be closed.

The Missing children meeting should incorporate information from Thames Valley Police and other agencies where appropriate. The case is to remain open if other agencies express concerns about the young person and are of the opinion that the young person is vulnerable e.g. trafficked and high probability of return.

Where a UASC has gone missing, the case can only be closed if there are no ongoing concerns about the vulnerability of the young person being expressed, and only if the case receives 'DCS sign off'. (See [Leaving Care and Transition Procedure](#)).

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

8.2 UASC – Relevant Children (16 & 17 year olds) who go Missing

The young person will be reported missing as defined by the Milton Keynes City Council Safeguarding Children Partnership [Joint Protocol for Missing Children and Young People](#) (internal policy – intranet is about to change so will have a new address):

- They will remain a Relevant child until their 18th birthday;
- The child's record should be updated to notify of the missing status;
- The relevant Children's Service Manager should be notified.

The young person's Pathway Plan will be reviewed every 6 months that reflects:

- The vulnerability of the young person;
- How the local authorities' duties to keep in touch with young people will be met in context of establishing the young person's whereabouts;
- A contingency plan in the event of the young person being found.

Should the young person return to Milton Keynes an assessment of their needs will be undertaken by **the 16-25 Duty Worker** and services offered accordingly. The assessment should include undertaking an age assessment if one has not been completed.

If a young person has not been found by their 18th birthday then a formal Missing children meeting should be held to determine whether the case should be closed.

The Missing children meeting should incorporate information from Thames Valley Police and other agencies where appropriate. The case should only be closed if there are no ongoing concerns about the vulnerability of the young person being expressed.

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

9. Further Areas of Support for UASC

9.1 Community Support

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

9.2 Family Tracing and Contact

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

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

10. Support for UASC Turning 18

Please see also [Check if you can get benefits if you're from the EU - Citizens Advice](#) for additional guidance.

Young people supported under Section 20 will usually be entitled to Leaving Care Services as former relevant children. However, their support entitlements depend on their asylum / immigration status (see [Leaving Care and Transition Procedure](#)).

Young people with Indefinite Leave to Remain (ILR) are eligible for benefits (Income Support, Jobseekers Allowance and Housing Benefit), as well as to enter employment. Care Leavers are not able to apply for benefits until they are 18 (unless they are pregnant). They are also entitled to apply for Council Housing. Housing Applications should be made while a young person turns 16 is eligible.

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

Young people who have been granted Discretionary / Exceptional Leave until their 18th birthday and who apply for an extension within time at age 17½, before the leave expires

are eligible for benefits while the application is pending with the Home Office. They should be assisted to apply for Housing Benefit.

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

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

10.1 Ceasing Support for NRPF Young Person

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

Please refer to [Appendix 5: UASC Process for Young People – 'ARE' \(Appeal Rights Exhausted\)](#).

A translated template letter: 'ARE - Withdrawal of Support from Milton Keynes City Council, Children's Services – Leave Status Refused' can be located on Children's Services Forms.

A Human Rights Assessment (HRA) will be offered once the young person becomes ARE (Appeal Rights Exhausted), in order to evidence whether by withdrawing support the young person would be in breach of Article 3 or 8 of the Human Rights Act. It is expected that the HRA (which can be located under the Human Rights Assessment Templates within the NRPF website) will be completed by the leaving care worker and social worker within 6 weeks of notification of withdrawal of support. In most cases, this will not be identified, as the Home Office have will have refused status due to it being identified safe for the young person to return to their country of origin, or will have issued Leave to Remain status, which means that the young person would have recourse to public funds. At the conclusion of the Human Rights Assessment a copy should be issued to the young person alongside an outcome notification letter.

When there is 6 weeks remaining of the 12 weeks notification period the Social Worker/Personal Advisor must notify the **relevant provider** to enable them to give the relevant 28 days' notice to the placement provider.

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

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

A young person who is 'ARE' may apply for Section 4 support provided by Central Government. This would apply to former UASCs who are over 18 and have had their asylum claims rejected by the Home Office, but only if they are destitute; and they satisfy one or more of the conditions set out in paragraph 3(2) of the Immigration and Asylum (Provision of Accommodation to Failed Asylum –Seekers) Regulations 2005; and they are not eligible to support from their local authority under Section 23 and 24 of the Children Act 1989 (Leaving Care Support). The young person will only be entitled to Section 4 support if they can show one or more of the following are met:

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

Further information can be located on the ['No Resource for Public Funding' NRPF website](#) which provides detailed practice guidance on the duties and responsibilities of local authorities to people with NRPF. Practice guidance and Human Right Assessment Templates are also available for use.

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

- Equipping the young person to have a future in the UK if they receive some form of leave to remain in the UK past their 18th birthday;
- Preparing a young person to be returned to their country of origin either if they are refused an extension to remain in the UK and are being returned, or if they decide to return of their own accord;
- Supporting young people who have been refused leave to remain in the UK and who have exhausted all appeals but are not removed. This may be for a number of reasons, one of which many be difficulties in getting permission for them to

return to their country of origin or place from which they fled (this often happens when nationality is being disputed). These so-called 'end of line' cases are a significant group of young people in local authority care.

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

11. Asylum Status

11.1 Newly Arrived UASC

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

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

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

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

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

11.2 Possible Outcomes of Asylum Claims

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

11.2.1 Indefinite Leave to Remain (ILR) or refugee status

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

11.2.2 Humanitarian Protection (formerly Exceptional Leave to Remain)

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

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

11.2.3 Discretionary Leave - usually until 17½

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

11.2.4 Refusal without being granted Discretionary Leave

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

12. Interpreting Services

Interpreting services can be accessed via telephone if necessary, but a face-to-face interpreter should be used whenever this is possible to arrange. A face to face interpreter should always be used for an assessment of age interview. Currently interpreting services are available via AA Global Services. It is important to establish if the young person speaks a particular dialect of a language and request the interpreter accordingly. Consideration should also be given to gender preference, particularly for sensitive issues. The interpreter should be briefed about the circumstances of the meeting.

When working with interpreters, professionals should be careful not to construct too long sentences, because information may be lost in the process. In turn, interpreters should be asked to feed back all parts of the conversation to the workers rather than clarifying directly with clients, particularly during assessments.

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

13. Finance/Administration

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

14. Reference Documents/Bibliography

Ayotte, W. (2000) Separated Children Coming to Western Europe: Why they travel and how they arrive, Save the Children, London

Department of Health and Social Care (DHSC) (2003) Local Authority Circular 2003 / 13

[Department of Health and Social Care \(DHSC\) \(2000\) Framework for the Assessment of Children in Need and their Families, London: The Stationery Office](#)

Home Office (2002) Unaccompanied Asylum Seeking Children Information Note, Immigration and Nationality Directorate

Kidane, S. (2001) Food, Shelter and Half a Chance: Assessing the needs of unaccompanied asylum seeking and refugee children

[Refugee Action website](#)

Save the Children (2005) Young Refugees: A guide to the rights and entitlements of separated refugee children, 2nd edition, Save the Children England

Save the Children (2003) Young Refugees: Providing emotional support to young separated refugees in the UK, Save the Children England

Seeking Support (2009) A Guide to the Rights and Entitlements of Separated Refugee and Asylum Seeking Children, 3rd edition, The Children's Legal Centre

Separated Children in Europe Programme (2000) Statement of Good Practice, UNHCR / Save the Children Alliance, 2nd edition

[UK Visas and Immigration website \(GOV.UK\)](#)

15. Contacts and Further Guidance

15.1 Useful Contacts

Organisation	Address	Contact numbers	Description
British Red Cross International Family Tracing	UK Office address British Red Cross UK Office 44 Moorfields London EC2Y 9AL	Red Cross website Switchboard Tel: 0844 871 11 11 (+ 44 2071 3879 00 from abroad) Fax: 020 7562 2000 Textphone: 020 7562 2050	When families are separated by conflict, disaster or migration, red cross work through a global network to put them back in touch.
Refugee Training and Advisory Service	14 Dufferin Street London EC1Y 8PD	Tel: 020 7426 5800	Provide advice to refugees and asylum seekers with education, training and employment.
Refugee Action National Charity		Tel: 0808 800 0007 Refugee Action website	Provide information, support and confidential advice to asylum seekers and refugees.
Migrant Help		Migrant Help website	Provide information, support and advice to migrants.

15.2 Accommodation Providers

Please liaise with Milton Keynes City Council Commissioning Team for the list of current approved placement providers.

15.3 Information on Age Assessments

[CORAM Children's Legal Centre - CLC](#) provides free legal information, advice and representation to children, young people, their families, carers and professionals, as well as international consultancy on child law and children's rights.

Existing Age Determination Guidelines Mentioned in the Judgment

Guidelines for Paediatricians, from the Royal College of Paediatrics and Health, November 1999

"In practice, age determination is extremely difficult to do with certainty, and no single approach to this can be relied on. Moreover, for young people aged 15-18, it is even less

possible to be certain about age. There may also be difficulties in determining whether a young person who might be as old as 12 could, in fact, be under the age of 18. Age determination is an inexact science and the margin of error can sometimes be as much as 5 years either side.

Overall it is not possible to actually predict the age of an individual from any anthropometric measure, and this should not be attempted. Any assessments that are made should also take into account relevant factors from the child's medical, family and social history."

Practice Guidelines for age assessments of UASC, based on the 'Merton' case Law can be located via the following link: [UK Visas and Immigration Information](#).

15.4 UK Visas and Immigration (UKVI) Photograph Guidance

The UK Visas and Immigration have provided photograph guidance for immigration applications made in the UK. Please follow the link for the latest guidance. UK Visas and Immigration Photograph Guidance.

15.5 Refugee Action - Voluntary Return Service

[Refugee Action](#) is a national charity, they offer confidential, independent and impartial advice and information to asylum seekers, refugees and people in the UK with no legal status (irregular migrants).

Refugee Action provides a '[Choices](#)' service which enables people to make an informed decision about Voluntary Return, and to reach their potential on return. For further guidance, please follow the links on the [Voluntary Return Service](#) and the [Voluntary Assisted Return and Reintegration Programme \(VARRP\)](#).

15.6 Further Information

[Safeguarding Children who May Have Been Trafficked \(Home Office, 2011\)](#) - non-statutory government good practice guidance.

[Interim Guidance for Independent Child Trafficking Guardians](#)

[Independent Child Trafficked Guardians Referral Form](#) - in areas where the ICTG service has been implemented, if the first responder considers a child to be a potential victim of modern slavery, they should refer them to the ICTG service by completing the online referral form.

[Modern Slavery Victims: Referral](#) - guidance on referring potential victims of modern slavery/human trafficking to the National Referral Mechanism.

Appendices

Appendix 1: NTS Protocol

Appendix 2: Operation Innerste Process

Appendix 3: UASC Who Go Missing – Part E: Looked After Status Update

Appendix 4: UASC Process for Young People – 'ARE' (Appeal Rights Exhausted)

Appendix 5: EEA Nationals - Can they Claim Universal Credit? Flowchart