

# **Consultation Paper for a Blueprint on Unaccompanied Asylum Seeking Children**



**February 2016**

## Foreword

The Syrian conflict shows no signs of slowing down. More than 250,000 Syrians have lost their lives since the conflict started and 11 million people have been displaced as a result of the fighting. There are still very few safe and legal routes for those whose homes have been destroyed, made inhabitable, or simply are no longer safe to live in. The majority are living in camps in the region in countries like Lebanon, Turkey and Jordan but a comparatively small number are making treacherous journeys across the Mediterranean to seek safety on European shores. In the first two months of 2016 alone 76,607 have arrived in Italy and Greece – over half of these are women and children.

Last year I visited Lesbos and saw for myself the conditions refugees who have escaped war and persecution face when they arrive in Europe. I met children who lost family on the way or who made the journey all alone. Save the Children estimates that there are more than 20,000 unaccompanied children in Europe, these are the most vulnerable group who are at risk of falling prey to child traffickers dealing in prostitution and child labour. Europol, the EU's criminal intelligence agency, have estimated that over 10,000 children who registered on arrival in Europe have now gone missing – the true number is likely to be significantly higher.

I have been campaigning for the UK Government to take 3,000 child refugees from Europe. Let us be clear this is not a solution to the crisis or the only thing Britain should do, but it is the least the Government can do and it is a start. I welcome what the Prime Minister is doing in the region both in terms of the Vulnerable Persons Relocation Scheme which will relocate 20,000 vulnerable Syrians from the camps in the region to the UK and with regards to the generous sums of money we are giving to the aid agencies working there. However, the Government cannot simply ignore those who have already reached Europe. We have a responsibility to work with our European partners to take our fair share.

I understand that there will be challenges in the UK but I strongly believe that where the political will exists, matched with the generosity and open-hearted spirit of the British people, we can take in these vulnerable orphaned children. Recently, I hosted a roundtable which brought together domestic stakeholders for a full and frank discussion about the impact and challenges local authorities and communities would face in taking in these children. The overwhelming sense was that whilst there were some hurdles a coordinated and multi-agency approach could overcome them. A number of ideas and issues were flagged to me which require further thought and development.

It is clear that the Government's approach is to deliver as little as possible and there are no signs that anyone in Government is looking for a long-term, successful solution. This consultation, taking up the main themes and issues that came out of the roundtable, will be the starting point for a blueprint of the logistics and requirements needed for Britain to take the 3,000 children. What is also clear is that this crisis presents a real opportunity for the UK to get its own house in order – to bring together a fragmented system and address some of the underlying concerns in dealing with unaccompanied asylum seeking children and children in the system.

We can only make progress if we pull together and that is why the Liberal Democrats have taken it upon ourselves to consult with experts, stakeholders and the general public. I look forward to reading your views and moving forward together.

Yours sincerely,

A handwritten signature in black ink that reads "Tim Farron". The signature is written in a cursive, slightly slanted style.

Tim Farron MP

Leader of the Liberal Democrats

## **About the Consultation**

The consultation builds on the campaign led by Save the Children and the Liberal Democrats calling on the Government to take 3,000 unaccompanied asylum seeking children from refugee producing countries who have arrived in Europe.

On the 10<sup>th</sup> February 2016, the leader of the Liberal Democrats, Tim Farron MP, hosted a roundtable which brought together key stakeholders to discuss the practical implications of taking 3,000 orphaned children. A number of key issues, explored in the consultation, were discussed at the roundtable.

The consultation will run for three weeks and we encourage all interested parties to submit a response. We are particularly interested in hearing from NGOs, charities and organisations with expertise and experience in this area.

The responses to this consultation will inform a blueprint for the 3,000 which will be presented to the Prime Minister, relevant Government departments and parliamentarians to inform thinking going forward.

**Closing deadline: 5pm, 18<sup>th</sup> March 2016**

Please submit your responses to: [3000@libdems.org.uk](mailto:3000@libdems.org.uk)

## Local Authority Coordination

There are currently over 4,000 unaccompanied asylum seeking children (UASC) in the UK. There were 2,168 asylum applications from UASC in the year ending June 2015, an increase of 46% from the previous year (1,488).<sup>1</sup>

The local authority where the UASC first presents has responsibility for that child. This rule means that local authorities who are ports of entry are disproportionately affected. One-third of local authorities currently look after 91% of the UASC population. This has meant that some local authorities have come under incredible pressure whilst others do not have the infrastructure to cope with UASC as they've never had to deal with them.

### Case study: Kent

Recent world events have led to a huge increase in the number coming through the Port of Dover and Eurotunnel. In January 2016 Kent County Council was responsible for 1397 unaccompanied asylum seekers, with 929 of those under 18, this is up from 368 in March 2015. The overall spend that Kent County Council forecast on UASC (including Care Leavers) in 2015/16 was £34m whilst some was reimbursed by the Home Office a £2.6m was left for Kent County Council to plug. In addition to the financial pressures there are also implications for human resources such as the number of social workers and health professionals needed.

The Immigration Bill (2015), which is currently being debated by Parliament, includes provisions for the Home Secretary to compel local authorities to take unaccompanied asylum seeking children from other parts of the country which have become pressure points. This followed a [letter](#) from the Home Secretary to local authorities only days earlier encouraging council leaders to offer support to Kent County Council and outlining the funding that would be made available to councils to contribute to the care for the UASC they take in. By November 2015 under the voluntary dispersal scheme only 42 children had been transferred away from Kent County Council to other areas.<sup>2</sup>

Models that could help ensure that unaccompanied children find placements in the area best placed to meet their needs would overcome many of these issues, with councils allocated children through an open and transparent system which takes account of their current capacity and the existing pressure on services. Two models have been put forward by the LGA, briefly summarised below:

- third party contractual arrangement to manage the whole process, which has the particular advantage of building a national centre of expertise and simplifying funding; or
- regional hubs liaising with their local councils to ensure that no areas are put under undue pressure.

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<sup>1</sup> <https://www.gov.uk/government/publications/immigration-statistics-april-to-june-2015/asylum>

<sup>2</sup> [http://adcs.org.uk/assets/documentation/151124\\_HO\\_DfE\\_DCLG\\_Letter\\_UASCs.pdf](http://adcs.org.uk/assets/documentation/151124_HO_DfE_DCLG_Letter_UASCs.pdf)

## Questions

1. What are your views of the amendments to the Immigration Bill with regards to the dispersal mechanism?
2. Do you believe that there should be a coordinated national system to disperse unaccompanied minors? How do you believe this would best work? Are either of the two models proposed above favourable and viable?
3. What can be done to ensure that local authorities with long histories of caring for unaccompanied asylum seeking children share best practice?

## Funding

The Home Office will make funding available to local authorities in respect of the costs incurred supporting Unaccompanied Asylum Seeking Children (UASC). Funding instructions<sup>3</sup> for 2015/16 are as follows:

Category	£ daily
UASC Under 16	£95.00
UASC 16/17	£71.00

This was recently raised to £114.00 for under 16s and £91.00 for over 16s.

## Questions

1. Is the funding available to local authorities sufficient?
2. Does the funding model as currently structured provide the necessary stability to local authorities to enable them to plan and budget?

## Status of Unaccompanied Asylum Seeking Children

Children will be screened to register an application for asylum. The outcomes of the application process can vary. A child may be granted refugee status where their best interests are served by remaining in the United Kingdom. This will usually mean long-term residency in the UK unless the child has siblings or other family who are settled in a third country and would like to be reunited with these relatives. Where a child's claim does not qualify for refugee status they may qualify for Humanitarian Protection (HP). As with the granting of asylum, it will generally be the case that the child's best interests are to remain in the United Kingdom; however, there is no firm route to permanent settlement. Similarly, an unaccompanied asylum seeking child who does not receive refugee status or humanitarian protection will get discretionary leave to remain. The UK Border Agency has a policy commitment that no unaccompanied child will be removed from the United Kingdom unless

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<sup>3</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/426933/UASC\\_Funding\\_Instructions\\_2015-16.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/426933/UASC_Funding_Instructions_2015-16.pdf)

the Secretary of State is satisfied that safe and adequate reception arrangements are in place in the country to which the child is to be removed.<sup>4</sup>

Before reaching 17 ½ those with a temporary form of leave can apply for an extension of this leave to remain for another three years, after which they can apply to stay in the UK indefinitely. However, many children in care are not advised that their immigration status is temporary so they do not know to reapply in time or their application to extend their leave is refused. This means that upon turning 18 years old, many of these young people are left without status even if they have strong legal arguments for remaining in the UK. Provisions in Schedule 3 of the Nationality, Immigration and Asylum Act 2002 allows local authorities to withdraw support from care leavers who are 'appeal rights exhausted' and classed as 'unlawfully in the UK' on the basis of their immigration status, in conflict with care leaver legislation. This often leaves them facing destitution and homelessness.

There was general consensus at the roundtable hosted on the 10<sup>th</sup> February 2016, that leave other than indefinite leave to remain (ILR) introduced an element of insecurity and instability both for the child in question and the local authority with caring responsibilities for the child.

### **Questions**

1. What challenges do different statuses being awarded pose to local authorities both in the short and long term?
2. Do you agree with the paragraph above which states that a lack of long-term settlement can lead to insecurity and instability? Should ILR be awarded be seen as the rule rather than the exception when dealing with unaccompanied asylum seeking children? Please give reasons for your answer.
3. What is your assessment of the process a child must go through to (a) register their asylum application and (b) see it through to its conclusion?
4. The 3,000 children would be initially screened at European reception centres. In the majority of cases they would be given refugee status. Does this put them in a favourable position compared to the UASC already in the system?

### **Fostering**

The refugee crisis has sparked an outpouring of generosity from individuals, families and communities up and down the country who want to do their part to help those in need. Home for Good, a faith-based charity which aims to find homes for children in care, has received over 10,000 offers from individuals who have volunteered to become foster carers. The availability of foster carers ultimately holds the key to successfully taking in and integrating 3000 orphaned refugee children.

The Fostering Network estimate that 9,000 more foster families are needed in the next 12 months to support the already overstretched system. There are currently over 60,000 foster

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<sup>4</sup>[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/257469/processingasylumapplication1.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/257469/processingasylumapplication1.pdf)

care households in the UK but the process of becoming a foster carer can be long and arduous. It takes somewhere between six and nine months to properly train a foster carer and the assessment process requires interviews with social workers, medical assessments and several other months of training and preparation.

A number of suggestions have been made to speed up the assessment process and help retain foster carers once they have been approved in order to cope with the ever increasing number of unaccompanied children.

No national foster carers register currently exists. If a foster carer moves from one local authority to another they will need to go through the assessment process again and be approved by the new fostering service. Local authorities are required to conduct the assessment. This burden can slow down the process further, particularly given the current financial climate and limited resources.

### **Questions**

1. Given the refugee crisis and the outpouring of generosity, should there be a fast-track process for those who have expressed an interest in becoming a foster carer? How would this work?
2. What are the pros and cons of training up existing foster carers to care for unaccompanied asylum seeking children? What is the estimated cost for this additional training per foster carer?
3. Should there be a national register of foster carers?
4. How can current foster carers be retained?
5. Do you believe that when an existing foster-carer moves from one fostering service to another should they have to be re-assessed and approved? Why?
6. What is your assessment of the existence and operation of independent foster care services?

### **3,000 Children: Creating a two-tiered system**

At the roundtable concerns were raised that the 3,000 children call and resettlement scheme were exacerbating distinctions that government wants to draw between those who arrive under their own steam and seek asylum and those who are brought here by the Government.

The Liberal Democrats are clear that there should be safe and legal routes to ensure that those that are genuine seekers of sanctuary are able to reach safety without attempting perilous journeys. However, those granted leave in the UK must be treated equally without distinction as to their country of origin or how they received asylum.

### **Questions**

1. What more can be done to create safe and legal routes?
2. What can central government and local authorities do to minimise the creation of a two-tiered system?