



Department  
for Education

# Care of unaccompanied and trafficked children

**Statutory guidance for local authorities  
on the care of unaccompanied asylum  
seeking and trafficked children**

**July 2014**

# Contents

Introduction	3
Status of this guidance	3
Who is this guidance for?	4
Definitions used in this guidance	4
Local authority responsibilities	5
Training and awareness	5
When is a child a victim of human trafficking?	6
Age determination	7
Assessment	8
Planning, protection and placement	10
Review, advocacy and wider support	12
Planning transition to adulthood	13
Annex A	18
Associated resources	18

## Introduction

1. Unaccompanied asylum seeking children and child victims of human trafficking are some of the most vulnerable children in the country. Unaccompanied children are alone, in an unfamiliar country and are likely to be surrounded by people unable to speak their first language. Trafficked children can be at risk of returning to their traffickers and of further exploitation for sex, forced labour, domestic servitude or criminal activities. Both groups may have experienced emotional trauma in their country of birth, in their journey to the UK or through their treatment by adults in the UK. They are likely to be uncertain or unaware of who to trust and of their rights. They may be unaware of their right to have a childhood.
2. The local authority providing for their care has a duty to protect and support these highly vulnerable children. Because of the circumstances they have faced, unaccompanied and trafficked children often have complex needs in addition to those faced by looked after children more generally. The special support required to address these needs must begin as soon as the child becomes looked after by the local authority. It will be most effective where this support is provided through a stable, continuous relationship with the child.
3. This guidance sets out the steps local authorities should take to plan for the provision of support for looked after children who are unaccompanied asylum seeking children and child victims of trafficking. It does not provide detailed guidance on steps that local authorities should take, in partnership with other agencies, to identify and protect trafficked children before they become looked after. This is described in practice guidance "*Safeguarding children who may have been trafficked*"<sup>1</sup>, published by the Department for Education and Home Office in 2011.
4. This guidance should be read alongside The Children Act 1989 Guidance and Regulations, Volume 2: Care Planning, Placement and Case Review; and, Volume 3: Planning Transition to Adulthood for Care Leavers.

## Status of this guidance

5. This guidance is issued under Section 7 of the Local Authority Social Services Act 1970, which requires local authorities in exercising their social services functions to act under the general guidance of the Secretary of State. This guidance must be complied

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<sup>1</sup> Safeguarding children who may have been trafficked (DfE and Home Office, 2011): <https://www.gov.uk/government/publications/safeguarding-children-who-may-have-been-trafficked-practice-guidance>

with by local authorities when exercising these functions, unless there are exceptional reasons which justify a departure.

## Who is this guidance for?

6. The guidance is addressed to Chief Executives, Directors of Children's Services and Lead Members for Children's Services. It will be of relevance to Local Safeguarding Children Boards (LSCB) Chairs, Home Office, as well as social care professionals, police, health, education and youth offender services practitioners and those who care for looked after children.

## Definitions used in this guidance

7. The terms below are used throughout this document with the following definitions:

- *Child*: anyone who has not yet reached their 18th birthday. 'Children' therefore means 'children and young people under the age of 18' throughout this guidance. Note that, where the person's age is in doubt, they must be treated as a child unless, and until, a full age assessment shows the person to be an adult.
- *Unaccompanied asylum seeking child*: a child who is applying for asylum in their own right and is separated from both parents and is not being cared for by an adult who in law or by custom has responsibility to do so. "Unaccompanied child" is used with the same meaning throughout the guidance for brevity.
- *Trafficked child*: a child who is a victim, or for whom there is reason to believe they may be a victim, of trafficking in human beings within the meaning of victim in the Council of Europe Convention on Action against Human Trafficking in Human Beings (see paragraphs 17-18 below):
- *Looked after child*: a child who is looked after by a local authority by reason of a care order, or being accommodated under section 20 of the Children Act 1989.
- *Care leaver*: an eligible, relevant or former relevant child as defined by the Children Act 1989.

## Local authority responsibilities

8. The Care Planning, Placement and Case Review (England) Regulations 2010 set out local authorities' duties with regard to providing for looked after children and care leavers who are eligible children. The Care Leavers (England) Regulations 2010 likewise set out duties regarding care leavers who are relevant or former relevant children. These regulations were amended in 2014 to require that those duties are fulfilled with particular regard to the child's circumstances and needs as unaccompanied or trafficked children. The Children Act 1989 requires that local authorities perform their duties under these regulations for all children, regardless of their immigration status, nationality or documentation.

9. Local authorities should ensure that they have processes in place to monitor their policies and performance relating to both unaccompanied children and to trafficked children. They should ensure that responsible managers look beyond this guidance to understand the risks and issues facing unaccompanied and trafficked children and to review best practice in planning for the care of these children.

10. A close multi-agency approach is essential to protecting trafficked children from further risk from their traffickers. In particular, there should be a clear understanding between the local authority and the police of roles in planning for this protection and responding if a trafficked child goes missing. Local Safeguarding Children Boards should play a central role in providing oversight of local multi-agency arrangements.

11. For unaccompanied asylum seeking children and for children trafficked into the UK, a number of possible immigration outcomes may be involved depending on the individual case. The importance of planning for different outcomes and what these may be are described at paragraphs 56-64 below.

12. The needs of both unaccompanied and trafficked children may require specialist support. This may be best provided by voluntary organisations, a number of whom are referenced in this guidance.

## Training and awareness

13. Everyone involved in the care of unaccompanied and trafficked children should be trained to recognise and understand the particular issues likely to be faced by these children. This includes recognising the indicators of trafficking as a child's previous history or current experience of being trafficked might not be apparent on entering care. Social workers and their managers should understand how the child's experiences and vulnerabilities impact on assessment, care planning and delivery.

14. Social workers should also be aware of the wider child protection system around trafficked children, including how and when to refer a child to the National Referral

Mechanism, and what detail to include in any referral. Social workers should understand how to access specialist legal advice and representation for unaccompanied children or children trafficked from overseas. This specialist advice will be required to ensure that their immigration case, including international protection and human rights issues, is fully explored. Legal advice about immigration must be provided by a registered immigration advisor (see paragraph 50 below). Ideally, the advisor would specialise in working with children.

15. Independent reviewing officers need to be aware of local authority duties to take regard of the child's needs as an unaccompanied or trafficked child when planning and providing for care. They must also have an awareness of the particular needs and issues children may face as a result of being an unaccompanied or trafficked child so that they can provide appropriate challenge at review. Foster or residential care providers need to be aware of appropriate steps to reduce the risk of trafficked children returning to their traffickers.

16. A number of organisations can provide relevant training, either face-to-face or on-line. Some examples of the training available are included at Annex A.

## **When is a child a victim of human trafficking?**

17. Human trafficking is the movement, abuse and exploitation of women, men and children for gain. It involves the movement of individuals across international borders as well as within internal borders, by force, coercion or deception (except in the case of children) with a view to exploiting them. The Council of Europe Convention on Action against Human Trafficking in Human Beings (Article 4) defines relevant terms relating to trafficking as follows:

- a. "trafficking in human beings" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- b. the consent of a victim of "trafficking in human beings" to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- c. the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in human beings" even if this does not involve any of the means set forth in subparagraph (a) of this article;

d. "child" shall mean any person under eighteen years of age.

18. Many children falling under the definitions above will be trafficked into the UK from overseas. They may be accompanied by an adult or unaccompanied on their arrival into the UK. Children may also be trafficked *within* the UK, for example, for the purposes of sexual exploitation. While this group might not face difficulties specifically associated with being trafficked from overseas – in relation to culture, language, or immigration status, for example – they do share other needs, particularly with regards to their protection from the risk of further trafficking. This guidance applies equally to all trafficked children who are looked after by a local authority, whether they have been trafficked into the UK from overseas, or within the UK.

19. In accordance with the requirements of the Council of Europe Convention on Action against Trafficking in Human Beings, the UK has a National Referral Mechanism (NRM) for identifying and recording victims of trafficking and ensuring that they receive appropriate support wherever they are in the UK (though the NRM does not itself provide that support). In cases where a child displays indicators that they may have been trafficked, whether from overseas or within the UK, social workers or other front line professionals should refer the case to the relevant competent authority by sending the child NRM referral form to the UK Human Trafficking Centre (UKHTC).

20. Assessment of whether a child is being exploited or is at risk of exploitation, including where there is reason to believe a child has been trafficked, is a child protection decision. Child protection and care planning should be enacted accordingly depending on the outcome of that decision. Not all children trafficked within the UK will become looked after children and it will not always be appropriate to bring care proceedings. This guidance applies only to those that become looked after children.

21. For more information on referring to the NRM, see <http://www.ecpat.org.uk/content/national-referral-mechanism> . Referral forms are available at <https://www.gov.uk/government/publications/human-trafficking-victims-referral-and-assessment-forms> and provide a comprehensive list of indicators of children who may have been trafficked.

## Age determination

22. Many unaccompanied and trafficked children arrive in the UK without documentation or with fake documents. Where the age of a person is uncertain and there are reasons to believe that the person is a child, that person is presumed to be a child in order to receive immediate access to assistance, support and protection in accordance with Article 10(3) of the European Convention on Action against Trafficking in Human Beings. Where an age assessment is required, local authorities must adhere to standards established within case law. 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.

## Assessment

23. The assessment conducted as the first step in the care planning process must be made with reference to the child's needs as an unaccompanied or trafficked child. This means that particular account must be taken through the assessment of any specific needs the child has, for example, because of their experiences in their country of origin (such as experience of conflict), their journey to the UK, abuse at the hands of traffickers or exploitation as a consequence of being trafficked.

24. Where a child has been trafficked, the assessment should be carried out immediately as the opportunity to intervene is very narrow. Many trafficked children go missing from care, often within the first 48 hours. Provision may need to be made for the child to be in a safe place before any assessment takes place and for the possibility that they may not be able to disclose full information about their circumstances immediately. The location of the child should not be divulged to any enquirers until their identity and relationship with the child has been established, if necessary, with the help of police and immigration services.

25. Local authorities should prioritise unaccompanied and trafficked children to provide the best likelihood that they will receive continuity of care and be able to build a sustained relationship with their social worker. This continuity should begin, where possible, from the child's assessment and be promoted throughout their time in care. Trafficked children might not initially recognise that they are victims of a crime. They may have been told that the authorities will try to put them in prison, or have been passed from one unknown adult to another. They need to know they can trust their social worker, and others involved in their care, and that they will be able to rely on support from allocated workers over time.

26. The assessment should ascertain any particular psychological or emotional impact of experiences as an unaccompanied or trafficked child. These experiences can be severe and traumatic. They should be noted, along with any consequent need for psychological or mental health support to help the child deal with them. As for any child, the assessment should also cover the child's needs in relation to their health, disability, education, religious persuasion, racial origin, cultural and linguistic background.

27. No assumptions should be made about the child's language skills. Where interpreters are required, they should be appropriately trained to understand the particular issues the child may face. In particular, "trafficking" as a concept may not translate literally or easily, and may need to be expressed in a different way to ensure the child fully comprehends their situation. Care should be taken and appropriate checks



made to ensure that the interpreter is not linked in any way with those who may have been involved in their trafficking or exploitation.

28. The assessment should establish that the child fully understands their situation and how they will be supported. This includes ensuring they understand the risks they may face, particularly from traffickers. An assessment of their continued vulnerability to the influence or control of their traffickers and the risks of them going missing from care should be recorded and kept under review.

29. The assessment should also establish whether the child knows where they are (for example, children trafficked from overseas may have been told by their traffickers that they are in a country other than the UK). For unaccompanied children and children trafficked from overseas, the assessment should understand the child's reasons for coming to the UK. The roles of those involved in their care should be explained. In particular, where border and immigration officials are involved it should be made clear that they have a separate role from those who provide for their care.

30. The local authority's duties to looked after children under the Children Act 1989 apply equally to unaccompanied or trafficked children who are looked after. This includes the duties to return a looked after child to their family, and to promote contact between the child and their parents. Planning for permanence should therefore include consideration of re-unification with the child's birth family.

31. In deciding whether it is appropriate to initiate contact with an unaccompanied child's family, child protection considerations will be paramount. The child's family may have been involved in trafficking, exploiting or subjecting the child to child-specific forms of persecution such as female genital mutilation, forced marriage or involvement in armed conflict. The wishes and feelings of the child will be important in establishing the steps to take when undertaking family tracing.

32. Regulation 6 of the Asylum Seekers (Reception Conditions) Regulations 2005 places a positive duty on the Secretary of State for the Home Department to endeavour to trace the members of a child's family as soon as possible after they make their claim for asylum, while ensuring those enquires are conducted in a way that does not jeopardise the safety of the child or their family. The Home Office will liaise with the authority where and when they believe it is appropriate to initiate tracing efforts beyond the collection of information from the child and UK governmental records. Children should always be informed, if family tracing is being undertaken or commissioned on their behalf.

33. Unaccompanied and trafficked children may have experienced or witnessed extreme trauma which is difficult for them to recount. Throughout the child's assessment, steps should be taken to minimise distress caused by asking children to repeat information they may already have provided, for example, to border officials, police or

social care staff assessing their child safeguarding needs. Care must be taken to ensure that the child does not become lost between the agencies involved and their different systems and procedures. This can be achieved through establishing clear processes for multi-agency working and transfer of all relevant information.

## **Planning, protection and placement**

### **Care planning**

34. If a child is an unaccompanied asylum seeking child or there is reason to believe they are a victim of human trafficking, this must be recorded on their care plan. The plan should include a description of how the child's needs in relation to being unaccompanied or trafficked will be met. This is to ensure that everyone involved in providing the child's care is aware of their circumstance and enable them to provide for any needs resulting from it. The plan should also note key stages relevant to the child's evolving asylum or immigration status.

35. Unaccompanied and trafficked children subject to immigration control will need access to specialised legal advice and support. This will be in relation to immigration and asylum applications, decisions or court proceedings. If they have been trafficked, it may also be in relation to criminal proceedings or compensation claims. The plan should note that legal support is required and how it will be provided. The child's social worker or carer should arrange for them to be accompanied in all meetings with legal professionals.

36. As for any looked after child, a health plan and a personal education plan should be produced as part of the overall care plan. The health plan should cover the children's state of health including physical, emotional and mental health. This should include detail of how any psychological issues will be addressed. For example, these may result from the child's experiences in their country of origin, on their journey to the UK or at the hands of traffickers in the UK. The health plan should also take into account any developmental or learning difficulties.

37. Traffickers may have sought to control the child by telling them that their family will come to harm if they do not co-operate. Trafficked children should be provided with on-going support to help them cope with the emotional impact of this kind of coercion. This may require referral to specialist mental health assessment and treatment. The health plan should set out the objectives, actions, timescales and responsibilities, arising from the health assessment.

38. The education plan should include a clear education pathway for securing high quality education provision in school or other education setting and details of particular support the child may need, for example, where the child has a special educational need.

With children for whom English is not their first language, this may also include support both to learn English and to develop literacy skills in their mother tongue.

39. All looked after children must be given priority in school admissions, as set out in the School Admissions Code. Social workers and carers should understand local arrangements for priority admissions and ensure the child gains a place at the most appropriate school for them. Schools may require support to understand the particular needs and issues faced by unaccompanied or trafficked children.

40. The local authority should also take steps to ensure robust procedures are in place to monitor educational progress and a culture of proactive commitment to secure the highest educational outcomes for unaccompanied or trafficked children. This should be monitored by a senior manager, such as the virtual school head.

### **Protection and placement planning**

41. A child protection plan may be required to protect children from further harm. This is particularly likely where there is reason to believe the child is a victim of trafficking and risks may arise because the child is a witness to serious organised crime or there is a high risk that they will go missing from care and return to their traffickers. In these cases, the plan should include what steps will be taken by carers, the local authority and police to recover the child if they do go missing, in accordance with local Runaway and Missing from Home and Care protocols. A photograph of the child should be kept on file for use if the child goes missing. More detail on dealing with a trafficked child who has gone missing is contained in statutory guidance on children who run away or go missing from home or care<sup>2</sup>.

42. Steps to build, quickly, a stable and trusting relationship with any child are important to planning for their protection. Children need to be told they are safe and be supported in keeping themselves safe. Unaccompanied children need to know they will not be removed from the UK before 18th birthday, and that they would put themselves at risk of harm if they absconded. As part of planning for their protection, the child should be asked about what would help them to feel safe. Involving the child in this way can help them regain a sense of control over their lives. It can also help to build the relationships that can form a protective factor, reducing the risk of the child going missing.

43. Taking steps that may be perceived by the child as punitive could put them at more risk of going missing. Efforts to protect the child should not replicate those that may have been used by traffickers to control the child. Involving the child in the development of their protection plan can help reduce this risk.

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<sup>2</sup> Statutory guidance on children who run away or go missing from home or care (DfE, January 2014): [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/298718/statutory\\_guidance\\_missing\\_from\\_care.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/298718/statutory_guidance_missing_from_care.pdf)

44. Placement decisions should take particular account of protecting the child from any continued risk from traffickers, and from a heightened risk of going missing. An out of area placement might in some cases be appropriate to put distance between the child and where the traffickers expect them to be. Specialist accommodation should be considered, for example, in settings which specialise in dealing with victims of trafficking.

45. Older children in particular may appear independent but can still lack the skills to keep themselves safe from their traffickers. While it is important that children do not feel they are subject to punitive measures, steps to keep trafficked children safe in their care setting could include, amongst others:

- temporarily removing mobile phones to prevent traffickers making contact with children and putting in place other methods for the child to stay in touch with friends or family if required;
- encouraging children to memorise a phone number so that, if they do go missing from care but then find they are at risk, they can contact the local authority or carer;
- allowing access to the internet only in group settings;
- providing 24 hour supervision whenever a child leaves their care setting for the first 4 - 12 weeks in care;
- ensuring the child's room does not allow for easy exit, for example, is on an upper floor;
- providing appropriate training to previously trafficked children so that they can talk to trafficked children newly taken into care about the risks they face.

46. All residential home staff or foster carers caring for unaccompanied or trafficked children must be aware of any particular risks of them going missing, or of any continued risk to the child from their traffickers. They must also be fully aware of the child's past experiences and any psychological issues they face. This may include the potential negative impact of protection measures which replicate methods previously used by their traffickers to control the child.

47. It is important that suitable emergency accommodation can be accessed directly at any time of the day or night. Bed and breakfast (B&B) accommodation is not suitable for any child under the age of 18 even on an emergency accommodation basis. Such accommodation could leave children particularly vulnerable to further risk from traffickers and does not cater for their protection or welfare needs.

## **Review, advocacy and wider support**

48. Case reviews chaired by the child's independent reviewing officer must include whether the needs related to their circumstances as an unaccompanied or trafficked child

are being met. A child's needs, including their protection needs, will change over time and should be kept under regular review.

49. Throughout all assessment and care planning processes, children should have the opportunity to make their wishes and feelings known. All looked after children must be made aware of their entitlement to independent advocacy support. The local authority should facilitate this access where required. This entitlement is not just for when the child has a complaint, but includes where children need to make representations about their care and support. For unaccompanied and trafficked children, support from an independent advocate could help overcome cultural or language barriers so that they can express their wishes and feelings.

50. Unaccompanied and trafficked children will require support in dealing with immigration questions or proceedings. Specialist knowledge is required to provide advice and support on these issues. Where immigration legal advice is required, the person providing it must be a regulated solicitor or registered with the Office of the Immigration Services Commissioner (OISC)<sup>3</sup> to provide immigration advice to the relevant level. For example, to advise on issues such as asylum applications, out-of-time applications for leave to remain or applications for citizenship, the advisor would need to be competent to provide advice to OISC level 2.

51. Unaccompanied children and children trafficked from overseas are likely to be a long way from home and family. Children trafficked within the UK that have been taken into care could feel isolated from their peers. An independent visitor could help bridge this gap and provide informal support. The child should be offered an independent visitor, ensuring that they understand the role the independent visitor could play in providing support. If they decline this offer, their reasons for doing so should be recorded. Any independent visitor appointed should have appropriate training and demonstrate an understanding of the needs faced by unaccompanied or trafficked children.

52. In addition, unaccompanied children should be informed of the availability of the Assisted Voluntary Return (AVR) scheme run by Refugee Action: Choices on behalf of the Home Office. Most unaccompanied asylum seeking children will be eligible to apply for the Assisted Voluntary Returns Families and Children (AVRFC) programme. Further information on all the schemes is available on the Choices website: <http://www.choices-avr.org.uk/choices> or via their free phone number: 0808 800 0007.

## **Planning transition to adulthood**

53. A child's immigration status has no bearing on a local authority's duties to provide care leaving support. Unaccompanied children must be provided with the same support

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<sup>3</sup> Office of the Immigration Services Commissioner (OISC): <http://oisc.homeoffice.gov.uk>

as for any care leaver, as set out in The Children Act 1989 Guidance and Regulations volume 3: Planning Transition to Adulthood for Care Leavers.

54. A child's needs related to being an unaccompanied or trafficked child must be considered in the assessment of needs undertaken as part of the pathway planning process, and by the independent reviewing officer in any review of the pathway plan. For unaccompanied children or children trafficked from overseas, this may include issues relating to their immigration status. For trafficked children, including children trafficked within the UK, this may include assistance in continuing to keep themselves safe from risk of further exploitation or trafficking.

55. Transition planning will need to consider the challenges and issues facing any care leaver, such as education or preparing for independent living. Planning for a care leaver that has recently entered the UK from overseas may need to cover additional support in understanding the institutions and systems that they will need to deal with in the UK.

56. Unaccompanied children and children trafficked from overseas can be at particular risk of becoming isolated on leaving care. When planning for transition, the local authority must ensure that language or cultural factors are taken into account to reduce this risk. A trafficked child may still be at risk of exploitation from their traffickers on leaving care. This risk should be considered, particularly with regard to arranging accommodation.

### **Advice and support**

57. As for any relevant child, once an unaccompanied or trafficked child leaves care or reaches the age of 18, a personal advisor must be appointed to support them. For care leavers who had been unaccompanied asylum seeking children, the personal advisor should have an understanding of the issues that may be facing a young migrant settling into a new country. For care leavers who had been trafficked, the personal advisor should be aware of any continued risk the care leaver may face from traffickers.

58. If support with immigration or asylum processes is required, the person providing this advice should be a registered solicitor or registered with the Office of the Immigration Services Commissioner (OISC) as set out in paragraph 50 above.

### **Immigration status and transition planning**

59. Planning transition to adulthood for unaccompanied children is a particularly complex process that needs to address their care needs in the context of wider asylum and immigration legislation and how these needs change over time. Pathway planning to support an unaccompanied child's transition to adulthood should cover all areas that would be addressed within all care leaver's plans as well as any additional needs arising from their specific immigration issues.

60. Planning may have to be based around short-term achievable goals whilst entitlement to remain in the UK is being determined. For the majority of unaccompanied children who do not have permanent immigration status, transition planning should initially take a dual or triple planning perspective, which, over time should be refined as the young person's immigration status is resolved. Planning cannot pre-empt the outcome of any immigration decision and may be based on:

- a transitional plan during the period of uncertainty when the care leaver is in the UK without permanent immigration status;
- a longer-term perspective plan should the care leaver be granted long-term permission to stay in the UK (for example through the grant of Refugee Status); and
- a return to their country of origin at any appropriate point or at the end of the immigration consideration process, should that be necessary because the care leaver decides to leave the UK or is required to do so.

61. Claiming asylum can be a complex process. Social workers and personal advisors should work with the care leaver's legal representative and the Home Office decision maker to ensure that the young person understands the process of claiming asylum, the possible outcomes and to provide them with necessary support.

62. There are four principal possible outcomes of the asylum claim, outlined below.

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

63. Those found to require Refugee Status or, more rarely, Humanitarian Protection, are usually granted leave to remain for five years. Although it is not guaranteed that further leave to remain will be granted at the end of the five year period, it is certainly a

strong likelihood and care and pathway planning should primarily focus on longer term residence in the UK, in the same way as for any other care leaver.

64. Planning for a return home may be difficult, but care and pathway plans should include contingencies for durable and best interest plans for unaccompanied children who are likely to have to return to their country of origin. Pathway plans should always consider the implications for the care leaver if: their application for asylum is refused without a grant of leave; or their application to extend their leave to remain, or their appeal against refusal of that application, is dismissed. In such circumstances, the person will become unlawfully present in the UK and be expected to make plans for return to the country of origin.

65. Assistance with plans for voluntary return can be sought from Choices. Where needed, Choices will help an applicant: obtain travel documentation; arrange and pay for return flights; arrange transport to the UK departure airport; give assistance at the departure airport; and arrange onward transport when back in the country of origin or the third country to which a person is permanently admissible (country of return).

66. Those who return under Assisted Voluntary Returns Families and Children are eligible for up to £2,000 worth of reintegration assistance for each person, including a £500 relocation grant in cash on departure for immediate resettlement needs. Once home, a range of reintegration assistance options are available, tailored to the returnee's individual needs. This assistance is to help returnees make an income and become financially independent. To take up this part of the reintegration assistance, returnees must contact Choices within one month of their return. All reintegration assistance is supplied within the first year of return. Reintegration assistance can be used for business set-up, education, vocational training, job placement, housing (temporary accommodation or for repair work), childcare fees, or medical and psychosocial support.

### **Access to public funds, welfare benefits and other public funds**

67. Financial support for looked after unaccompanied children should reflect their needs as eligible care leavers and their immigration needs. Financial policies should highlight their entitlements and how their immigration status may impact on current and future entitlements. Pathway plans should address funding arrangements for education and training and how a young person's immigration status may limit education, training and employment opportunities.

68. Pathway plans should always consider the implications for the care leaver if their application to extend their leave to remain is refused, or their appeal against refusal of that application is dismissed. In such circumstances the person may become ineligible for further support and assistance because of the effect of Schedule 3 of the Nationality, Immigration and Asylum Act 2002. This support may only be withdrawn where it would not breach the care leaver's human rights to do so. The local authority should carry out a



human rights assessment before deciding to withdraw such support. A template for human rights assessments is published by the No Recourse to Public Funds Network.

# Annex A

## Associated resources

### General guidance

- Working Together to Safeguard Children (2013) clarifies the core legal requirements on individuals and organisations to keep children safe, including the legal requirements that health services, social workers, police, schools and other organisations who work with children must follow [www.gov.uk/government/publications/working-together-to-safeguard-children](http://www.gov.uk/government/publications/working-together-to-safeguard-children)
- The Children Act 1989 Guidance and Regulations volume 2: Care Planning, Placement and Case Review  
[www.gov.uk/government/publications/children-act-1989-care-planning-placement-and-case-review](http://www.gov.uk/government/publications/children-act-1989-care-planning-placement-and-case-review)
- The Children Act 1989 Guidance and Regulations volume 3: Planning Transition to Adulthood for Care Leavers  
[www.gov.uk/government/publications/children-act-1989-transition-to-adulthood-for-care-leavers](http://www.gov.uk/government/publications/children-act-1989-transition-to-adulthood-for-care-leavers)
- Joint statutory guidance, DCLG and DfE 'Provision of Accommodation for 16 and 17 year old young people who may be homeless and/or require accommodation' (April 2010)  
[www.gov.uk/government/publications/provision-of-accommodation-for-16-and-17-year-olds-who-may-be-homeless-and-or-require-accommodation](http://www.gov.uk/government/publications/provision-of-accommodation-for-16-and-17-year-olds-who-may-be-homeless-and-or-require-accommodation)

### Child trafficking

- Safeguarding Children Who May Have Been Trafficked Guidance (2011) [www.gov.uk/government/publications/safeguarding-children-who-may-have-been-trafficked-practice-guidance](http://www.gov.uk/government/publications/safeguarding-children-who-may-have-been-trafficked-practice-guidance)
- NSPCC Child Trafficking Advice Centre (providing specialist advice and information to professionals who have concerns that a child may have been trafficked)  
Phone: 0808 800 5000 Monday to Friday 9.30am to 4.30pm  
Email: [help@nspcc.org.uk](mailto:help@nspcc.org.uk)  
Web: [www.nspcc.org.uk/Inform/research/ctail/ctail\\_wda84866.html](http://www.nspcc.org.uk/Inform/research/ctail/ctail_wda84866.html)
- London Borough of Hillingdon resources for trafficked children [www.hillingdon.gov.uk/article/16450/Child-trafficking-sub-group](http://www.hillingdon.gov.uk/article/16450/Child-trafficking-sub-group)

- On the Safe Side: Principle of Safe Accommodation of Child Victims of Trafficking (ECPAT UK, 2011) link available here: [www.ecpat.org.uk/sites/default/files/on\\_the\\_safe\\_side.pdf](http://www.ecpat.org.uk/sites/default/files/on_the_safe_side.pdf)
- London Safeguarding Children Board toolkit and resources on trafficking [www.londonscb.gov.uk/trafficking/](http://www.londonscb.gov.uk/trafficking/)

## Immigration issues and refugee or migrant children

- Refugee Council – Children’s panel  
Phone: 0808 808 0500 (free to call from landlines and most mobile networks) or 0207 346 1134  
Email: [children@refugeecouncil.org.uk](mailto:children@refugeecouncil.org.uk)  
Web: [www.refugeecouncil.org.uk/what\\_we\\_do/childrens\\_services](http://www.refugeecouncil.org.uk/what_we_do/childrens_services)
- The Children’s Society provide specialist services supporting refugee and migrant children and young people in London, Leeds, Birmingham, Coventry, Blackburn, Newcastle, Oxford and Manchester  
Phone: 020 7841 4400  
Email: [supportercare@childrenssociety.org.uk](mailto:supportercare@childrenssociety.org.uk)  
Web: [www.childrenssociety.org.uk/in-your-area](http://www.childrenssociety.org.uk/in-your-area)
- The No Recourse to Public Funds Network provides focusing on the statutory duties to migrants with care needs who have no recourse to public funds  
[www.nrpfnetwork.org.uk/Pages/Home.aspx](http://www.nrpfnetwork.org.uk/Pages/Home.aspx)
- The Migrant Children's Project advice line at Coram Children's Legal Centre Provides specialist advice to professionals, young people and families on the rights and entitlements of asylum-seeking, refugee, trafficked and migrant children and young people:  
Phone: 0207 636 8505 (Monday to Friday 10am to 5pm)  
Email [mcp@coramclc.org.uk](mailto:mcp@coramclc.org.uk)
- The Immigration Law Practitioners’ Association provides information and training on immigration, asylum and nationality law  
[www.ilpa.org.uk/](http://www.ilpa.org.uk/)
- Coram Children's Legal Centre, 'Seeking Support: A guide to the rights and entitlements of separated children'  
[www.seekingsupport.co.uk](http://www.seekingsupport.co.uk)

## Online training resources

- ECPAT UK have produced a free-learning package around child trafficking that can be used individually, in small groups or during training sessions. <http://course.ecpat.org.uk/index.php>
- Children Families Across Border (CFAB), in conjunction with INEQE and the Counter Human Trafficking Bureau, have produced online training course which is free and intended for all staff who may come across trafficked children. It is designed for social workers, police officers, teachers, school support staff, housing officers, health staff, early years workers and NGO Staff. [www.ecomsoftware.com/ineqechildtraffickingbasics/index.html](http://www.ecomsoftware.com/ineqechildtraffickingbasics/index.html)

## Missing children guidance, strategy and police resources

- Statutory guidance on children missing from home or care [www.gov.uk/government/consultations/statutory-guidance-on-children-who-run-away-or-go-missing-from-home-or-care](http://www.gov.uk/government/consultations/statutory-guidance-on-children-who-run-away-or-go-missing-from-home-or-care)
- Association of Chief Police Officers (ACPO) guidance on the Management, Recording and Investigation of Missing Persons [www.acpo.police.uk/documents/crime/2011/201103CRIIMP02.pdf](http://www.acpo.police.uk/documents/crime/2011/201103CRIIMP02.pdf)
- Missing Children and Adults strategy (2011) [www.gov.uk/government/publications/missing-children-and-adults-strategy](http://www.gov.uk/government/publications/missing-children-and-adults-strategy)
- Child Exploitation and Online Protection Centre (CEOP) website [www.ceop.police.uk/](http://www.ceop.police.uk/)

## Child sexual exploitation

- Safeguarding Children and Young People from Sexual Exploitation (2009) [www.gov.uk/government/publications/safeguarding-children-and-young-people-from-sexual-exploitation-supplementary-guidance](http://www.gov.uk/government/publications/safeguarding-children-and-young-people-from-sexual-exploitation-supplementary-guidance)
- Tackling child sexual exploitation action plan (2011) [www.gov.uk/government/publications/tackling-child-sexual-exploitation-action-plan](http://www.gov.uk/government/publications/tackling-child-sexual-exploitation-action-plan)
- What to do if you suspect a child is being sexually exploited: A step-by-step guide for frontline practitioners (June 2012) [www.gov.uk/government/publications/what-to-do-if-you-suspect-a-child-is-being-sexually-exploited](http://www.gov.uk/government/publications/what-to-do-if-you-suspect-a-child-is-being-sexually-exploited)
- National Working Group website, a UK network of over 1000 practitioners working on the issue of child sexual exploitation (CSE) and trafficking within the UK. includes relevant resources for practitioners [www.nationalworkinggroup.org](http://www.nationalworkinggroup.org)

- Parents Against Child Sexual Exploitation (PACE)  
[www.paceuk.info](http://www.paceuk.info)



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