

To: WMSMP Board, Chief Executives and Lead officers in local authorities

Date: 8th July 2016

Re: Unaccompanied Asylum Seeking Children (UASC) National Transfer Scheme

Background and context

- This note has been prepared following national meetings around the UASC National Transfer Scheme that took place on the 6th and 7th July. The Home Office are asking that local authorities across the UK and devolved administrations support them in accommodating UASC's under a national scheme. This note:
 1. Provides a summary of the information made available to date along with some data around requirements of the scheme.
 2. A summary of the points made by Ministers and the Islington No Recourse to Public Funds Team.
 3. A summary of the questions and answers from the meetings.
- The West Midlands Strategic Migration Partnership will be holding a regional event in partnership with the Home Office to explore the request in further detail. The event targets portfolio holders, Chief Executives and Directors of Children's Services. For context on current numbers:
 - At the end of 2015 there were 3,043 UASC claims in the UK.
 - 9% of all asylum claims now come from UASC's.
 - This is a 56% increase on 2014.
 - There are now over 900 UASC's in the care of Kent County Council.

Groups of UASC's that are being considered for UK support

- There are 3 different groups of children under the transfer scheme. Essentially there will be children that arrive alone or children at risk but who are part of a family group. No matter which route of entry to the UK is used it is expected that all UASC's will be supported in the same manner. The categories are as follows:
 1. 3,000 Children at Risk – mainly from the MENA (Middle East and North African region) – it is expected that this will include children that are part of families - not necessarily parents but could be children in extended families. There may be a small number of UASC's as part of this cohort of people. It is expected that this will run parallel to the existing Syrian Vulnerable Persons Relocation Scheme.
 2. Lord Dubs Scheme – reference was made to this in the Immigration Act 2016. An initial announcement was made that the UK would commit to accommodating 3,000 children who were UASC's currently in Europe. However since this time Home Office have agreed to consult with local authorities in the first instance to see how much capacity is in the system nationally before committing to a final number. This consultation commenced on the 7th

July at a national event in London. Consultation on this is now expected to continue through the regional events that are being led by the Strategic Migration Partnerships.

3. Spontaneous arrivals – those that make their own way to the UK.

- Group 1 and 2 will allow for arrivals to local authorities to happen in a controlled way and in advance authorities can be provided with pre arrival information, health screenings etc. However under route 3 where a person makes their own way to the UK will mean that this information will not be available immediately or pre arrival. Government are currently reviewing how information will be then provided to local authorities.
- It is important therefore that capacity is identified nationally in order to accommodate all of the above routes of entry to the UK.

Principles to the UASC Transfer Scheme

1. A fair, equitable and transparent scheme.
2. A voluntary and locally led scheme where local authorities opt in to support.
3. Distribution based on a proportion of the total child population of upto (0.07%)
4. Building on existing structures and regional models in areas.
5. Pooling of knowledge and resources. Joining up with existing schemes such as Syrian resettlement and asylum dispersal.

The legislative framework for the above scheme has the following four principles

1. The scheme allows for the transfer of legal responsibility from local authority to another.
2. A duty on a local authority to provide information to Government around available services.
3. An obligation on a local authority to set out in writing reasons for not supporting the transfer of children.
4. A duty to accept the transfer of children under a mandatory scheme (only to be used as a last resort).

Timelines and process

- Government would like to start a roll out of this scheme from the 1st of July.
- Initial roll out is expected to be small numbers. In the first instance Kent County Council have identified 150 children that could be transferred to other local authorities.
- By the end of this week (10/06) Home Office will share some draft protocols around the Transfer Scheme. In addition to the DFE are also looking at statutory guidance around trafficked children and UASC's. It was noted that children that go missing in the system is of particular concern.
- The flows of UASC's to the UK are gradual and therefore there is an expectation that capacity will be built up slowly.
- The Home Office will work with Strategic Migration Partnerships in order to develop regional models – it was acknowledged that the regional capacity and resource need to be reviewed.
- In the interim there will be some transitional teams centrally that will lead on engagement.

Funding

- As of the 1st July the following rates have been agreed:
 - 41,000 per annum for under 16s
 - 33, 215 per annum for 16- 17 year olds
 - 200 per week for children that qualify for leaving care
- There is no provision to backdate increased funding.

- Clarity is sought around some aspects of the funding ie. Seems that funding goes upto the age of 24 whereas leaving care can go upto the age of 25 – Home Office agreed to have an offline discussion around this.

The 0.07 figure and how this has been calculated

- The 0.07 request referred to in the letter to Leaders and Chief Executives recently refers to a percentage of the total child population and not the looked after children figure.
- The initial data source was taken from a number of sources to include the last census and Home Office data on current levels of UK UASC's. In addition calculations on where the UK is likely to be in terms of new numbers by the end of the year and then some scope for growth in the system. The Home Office have engaged with the ADCS and the LGA to determine an acceptable but fair figure.
- The 0.07 is not expected to be a target or a prediction of numbers of UASC's that will arrive this year and the figure is expected to allow for a lot of headroom/movement.
- If any particular area is above the 0.07 figure, it is expected that there could be a transfer of children to an area that is below that figure.

Profiling and accommodation needs

- The current information provided around the profile of UASC's was made available from census data. The Home Office are looking at new data and will make this available through SMP's shortly. From the information made available currently held it looks like:
 - 90% of UASC's are male with 2/3's aged 16 or 17 – this will need to be reflected when local authorities consider types of suitable accommodation.
 - Currently only 2% are in children's homes and it was noted that this is the most expensive way to accommodate individuals.
 - 1/3 are in independent living – there is growing demand for this type of accommodation and local authorities should consider this when making pledges. Kent who currently support the highest numbers of UASC's in the UK have highlighted that on the whole there is a need for good quality independent living arrangements for the young men that need to be supported.
- The LGA are pressing for further details from the Home Office on current numbers in order to ensure there is adequate capacity – both in terms of available placements and though processes. They have welcomed the opportunity to get the scheme right however highlighted the need to also ensure that regional infrastructure is in place in order to support the scheme.

Points raised by the No Recourse to Public Funds team around the Immigration Act

- The team advised that local authorities should consider the offer of pledges in line with the new Immigration Act 2016 and review the changes in support they are required to provide under the Act.
- LA's have asked Government for clarity and an outcome on closure of a claim – ie removal/assisted voluntary return/return. Clarity is sought on how this element of the process will work. Without this information there is the potential of increased destitution, safeguarding risks, cohesion pressures and in particular a greater burden on social services support resulting from the Immigration Act.
- It is important that when local authorities pledge support for the scheme that it is done with knowledge in the whole process – particularly around the impact that this will have on their own resource and capacity.

- It is expected that there will be a number of people that will abscond under this scheme. This needs to be taken into consideration. It is expected that there will be greater levels of destitution through the Act.
- Local authorities seem to hold all of the risk financially if a family/individual does not take up the offer of assisted voluntary return at the end of a process. Policy and process agreements need to be reached around this.
- This is the first time that there is clarity around Care leavers which is welcome. There has been confusion for some time. The Act provides clearer guidance and in addition absolves the local authority to provide higher education costs.
- There will be a need for local authorities to focus more on case resolution in order to keep local costs down. Partnership work is essential to resolve cases and local authorities are advised to join NRPF Connect in order to do this.

Summary of Ministerial responses to the scheme – James Brokenshire MP – Minister for Immigration, Richard Harrington MP – Minister for Syrian Refugees and Ed Timpson MP – Minister for Children and Families

- Government have introduced legislation to allow for a transfer scheme. This will allow for the transfer of the legal obligations from local authority to another.
- The first phase of the scheme will commence on the 1st July and consultation commences as of the 7th June.
- Ministers hope that the transfer scheme will remain a voluntary scheme however it should be noted that there are now provisions under the Immigration Act 2016 to designate areas if required (although hoped this would be a last resort).
- Government would like to prioritise children with family links in the UK and hopes that by doing so this will ease some of the pressures.
- They are also in the process of consulting with a number of other agencies such as UNHCR and NGO's.
- They are keen to ensure that all UASC's and refugee children are treated equally whatever the route into the UK.
- The Transfer scheme has 5 principles:
 1. Fair, equitable and transparent.
 2. Voluntary and locally led.
 3. Distribution based on a proportion of the total child population of upto (0.07%).
 4. Building on existing structures and regional models.
 5. Pooling of knowledge and resources. Joining up with existing schemes such as Syrian resettlement and asylum dispersal.
- Interim protocol will be available for local authorities from July with the final protocol being ready by August. This will set out the responsibility for local authorities.
- Funding from the 1st July will be, 41,000 per annum for under 16s, 33, 215 per annum for 16- 17 year olds, 200 per week for children that qualify for leaving care.
- The above will ensure that all local authorities will receive the same level of funding.
- Discussions need to now take place in order to provide back up to regional structures.
- They would like local authorities to pledge numbers so that the initial numbers of UASC's coming spontaneously can be accommodated.
- There needs to be a national solution to this current issue around UASC's.
- It is acknowledged that the profile of UASC's needs more work and this will be made available through SMP's. From the information currently held it looks like:
 - 90% of UASC's are male with the majority aged 16 or 17 – this will need to be reflected when local authorities consider types of suitable accommodation.

- Currently only 2% are in children's homes and noted that this is the most expensive way to accommodation.
 - 1/3 are in independent living – there is growing demand for this type of accommodation and local authorities should consider this when making pledges.

 - Government are looking to create a peer support system to help less experienced local authorities to develop expertise.
 - In addition they are looking at better long term data collection – particularly when children go missing.
 - Ministers said this is good opportunity to look at Childrens services as a whole and look at how advantage could be taken of some of the devolution deals.
 - The Minister for Syrian Resettlement discussed how the addition commitment for 3,000 children at risk doesn't necessarily mean UASC's. Government are working with UNHCR to identify those that qualify from across the MENA region. Also noted was that the vast majority of children at risk are resettled in region as opposed to them coming to the UK.
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Summary of question and answers raised to date – last updated 8th July 2016

Q – Under the Children at Risk strand of the scheme will there be a funding allocation to local authorities for the adults arriving with children – as happens under the Syrian resettlement scheme?

A – Government are working through this at the moment.

Q – What is the exit plan for UASC's that find themselves at the end of process or appeals rights exhausted?

A – Response pending

Q – Where will screening and assessment take place?

A – Government are still working this through. Children that come through under the managed resettlement (strand 1 and 2) Home Office will be able to provide a level of information and background however those that arrive spontaneously will provide more of a challenge. Discussions are taking place around where best locations would be for screening, substantive interviews and ARC cards. They are looking to see if the system can be streamlined so that there are less official visits that are made by the child and social workers.

Q – At what point would an age assessment take place?

A – The current thinking is that the transfer would take place initially and then the age assessment would follow. If the person is deemed to be an adult then they would be transferred to the adult asylum dispersal system.

Q – (More of a point) Concerns raised around capacity of social work teams and the additional resource this may take. Particularly around official visits to the Home Office with additional UASC's

A – Home Office view is that it is not necessary for social workers to attend all visits to the Home Office with a UASC and that potentially this role could be fulfilled by a Support Worker. (there was some concern from social workers around this and whether it would be in the best interest of the child to send a support worker that may not have enough knowledge of the immigration system).

Q – Why are biometrics not taken on arrival, particularly when so many children go missing?

A – Home Office are looking for ways in which to improve immigration processes around what happens in this instance. DfE are looking at the data they currently collect that could also feed into this work and also around trafficking or children that disappear.

Q – What new processes will Government put into place to return people that should no longer be in the UK? This was followed up with an example from Bristol local authority where they have made some difficult decisions to return families that were failed asylum seekers themselves as they have found Home Office procedures to be too bureaucratic.

A – Point noted – not responded too.

Q – What happens with families with status to remain in the UK but have NRPF. Bristol again provided an example of families in this situation that had gained employment but were not earning enough to cover costs. The local authority have in some cases advised the family to stop working in order that the family becomes destitute as this is the only way for them to receive support. It was highlighted that the system is not a good system or fit for purpose.

Q – How robustly has the new system been tested?

A – The Human Rights Assessment will no longer exist. There will be a new process however this has not been designed yet. The new process will focus on those that are Appeals Rights Exhausted but

not wishing to engage in Assisted Voluntary Return. They expect to consult with local authorities around this.

Q – Will the young men coming to the UK be entitled to UK benefits as the 200 per week leaving care costs may not cover support needs?

A – If the young men have regularised status then they will be entitled to the same benefits as those ordinarily resident in the UK. For over 18's this will depend on the immigration status, usually if possible there will be an expectation for them to return home if safe to do so.

Q – If a UASC goes missing, what will happen to the payment from the Home Office to the local authority, in addition how will the Police support in the recovery of missing children?

A – The Home Office will pay for the first 28 days only. They will also work with local authorities and the Police to try and locate the young person. There is some additional work needed to build knowledge around children being trafficked, conversations are needed with Police and Crime Commissioners around proper safeguarding of vulnerable children.

Q – Will the Home Office meet the actual costs or average costs of accommodating a UASC?

A – National rates have been set under the transfer scheme and this is what is available in terms of funding.

Q – What will be the immigration status of children in the UK under the 3 strands of the scheme?

A – This is yet to be agreed but expected it will be humanitarian protection in many cases.

Q – Is the 0.07 based upon those accepted by an authority or those placed out of area?

A – It is expected that in the first instance this will be where the child has the legal responsibility (i.e the placing authority).