

Item No. 9.	Classification: Open	Date: January 31 2008	Meeting Name: Corporate Parenting Committee
Report title:		Unaccompanied Minors Seeking Asylum	
Ward(s) or groups affected:		All	
From:		Strategic Director of Children's Services	

RECOMMENDATION

1. Corporate Parenting Committee notes the services and issues relating to unaccompanied minors as set out in this report.

BACKGROUND INFORMATION

2. Children and young people entering the United Kingdom without an appropriate adult identified to provide day-to-day care and seeking asylum in the UK are deemed to be "unaccompanied minors" and eligible to claim asylum.
3. 'Unaccompanied minors' are considered to be extremely vulnerable and local authorities are required to receive them into care under Section 20 (Accommodate) of the 1989 Children Act.
4. Southwark currently has 587 children in care of which 72 are unaccompanied minors.

KEY ISSUES FOR CONSIDERATION

5. In order to respond to the specific needs of this group of children in care who have unaccompanied minor status, Southwark has established a specialist team within Children Looked After Services (Adolescent & After Care Service).
6. This team provides the same level of service afforded to all Children Looked After as specified through legislation, guidance and Annual Performance Assessment processes.
7. In addition to core services, the unaccompanied team has developed a number of partnerships to enhance service outcomes for this group of young people including:
 - Commissioning accommodation from the private sector for post 18 services;
 - Effective working protocols with Southwark's Housing Benefit Section (post 18);
 - English as a second language services provided through education;
 - Specialist group work provision (e.g. Group for Turkish young men);
 - Management of post-traumatic stress disorders (partnership with Southwark, CAMHS);
 - Links with National Asylum Support Service (NASS);
 - Partnerships with Home Office relating to asylum claims, leave to remain applications and grant claim / monitoring.

Referral System

8. Young people presenting to the London Borough of Southwark as being unaccompanied and seeking asylum in the UK are immediately referred to NASS (Croydon), the Home Office clearing system for registering claims and allocating responsible local authorities. Young people are usually allocated to the authority where they present but NASS will occasionally distribute young people more equally across London to reduce (where possible) disproportionate pressure upon individual local authorities.
9. Since the establishment of NASS in Croydon (just over two years ago) Southwark has seen a small decline in the total number of unaccompanied minor presentations.
10. New unaccompanied minors are recognised by Southwark as new children entering the care system and are subject to initial health and education planning, as well as CAMHS and substance misuse screening, and are offered a placement in keeping with their developmental needs. Young people aged 15 and 16 are placed with Southwark approved foster carers, whilst unaccompanied minors who are 17 years of age are more likely to be placed in semi-independent supportive lodgings, unless they are assessed to be vulnerable and in need a greater level of support.
11. Each young person is involved in developing their own care plan and pathway plan, identifying appropriate education, job training or employment opportunities and helping prepare them for the transition to adulthood.

Country of Origin

12. In response to a previous request by the Corporate Parenting Committee, the following information is provided with regards to the ethnicity, country of origin and gender of the current group of unaccompanied minors as at December 2007:

Ethnicity	Country of Origin	Female	Male	Grand Total
Asian - Other	Vietnam	5	6	11
Asian - Other Total		5	6	11 (15%)
Asian - Pakistani	Pakistan	0	2	2
Asian - Pakistani Total			2	2 (3%)
Black African	Angola	3	0	3
	Republic of Cameroon	1	0	1
	Democratic Republic of the Congo	1	0	1
	State of Eritrea	11	3	14
	Ethiopia	0	2	2
	Gambia	0	1	1
	Nigeria	6	2	8
	Sierra Leone	3	0	3

Ethnicity	Country of Origin	Female	Male	Grand Total
	Somalia	0	2	2
	Uganda	3	1	4
Black African Total		28	11	39 (54%)
Chinese	China	1	2	3
Chinese Total		1	2	3 (4%)
Other	Afghanistan	0	9	9
	Iran	0	4	4
	Iraq	0	3	3
	Vietnam	1	0	1
Other Total		1	16	17 (24%)
Grand Total		35	37	72

Post-18 Support Issues

13. In partnership with NASS, unaccompanied minors are allocated their own solicitor and submit an asylum claim. Most of these applications are not resolved by the time the young person reaches 18 years of age and therefore they become young adults in Southwark whose immigration status has yet to be resolved. Under the Children (Leaving Care) Act 2000, Southwark must provide all care leavers with a service up to the age of 21.
14. The Adolescent & After Care Service is currently providing post-18 support to more than 125 former unaccompanied minors who are still awaiting determination of their immigration status from the Home Office.
15. Together with the Specialist Service's Brokerage Team, the Adolescent & After Care Service provides unaccompanied care leavers with their own private rented accommodation and supports them in claiming housing benefit. The service is dealing with the challenge of identifying sufficient numbers of private landlords willing to accept 18-21 year olds on housing benefit (there is a shortage of private rented accommodation within the Housing Benefit limits in South London). If an unaccompanied minor applies for further leave to remain following a refusal of their asylum claim prior to their 18th birthday, they will be eligible for mainstream benefits until a further decision is made on their outstanding application. Also, if an unaccompanied minor has appealed against the refusal of their asylum claim and made a further application for leave to remain by the time they reach 18 they will be eligible for DWP benefits. The Border and Immigration Agency (BIA) continues to be responsible for funding the essential living needs of unaccompanied minors beyond their 18th birthday when a decision has not yet been made about their asylum claim. In these cases the local authority is expected to continue to provide support to the care leaver and seek reimbursement from the BIA.

Status Resolution

16. Once unaccompanied minor care leavers receive notification from the Home Office that their claim has been accepted, they are eligible for housing under the joint housing protocol as a care leaver with legal status. There are a number of young people however who have their asylum claim denied who then lodge appeals for indefinite leave to remain or exceptional leave to remain. There are

a small number who, upon failing subsequent appeals, are then subject to removal orders and are designated as over-stayers. As a result of various court rulings, Southwark is obliged to continue supporting these young adults under the leaving care legislation until such time as any outstanding applications made to the BIA have been determined. Support in these cases has to be provided without any BIA funding and the young adults are not eligible for mainstream benefits.

17. It has been recognised nationally that further work is required to ensure an effective system for status resolution. The CLA Service is seeking to develop a partnership with the Border and Immigration Agency which is responsible for this activity.

POLICY IMPLICATIONS

18. There are no specific policy issues arising from this report.

COMMUNITY IMPACT STATEMENT

19. Unaccompanied minors are in care as it has been identified they are extremely vulnerable without any known adult in the UK who is able or willing to accept responsibility for them.
20. Generally, unaccompanied minors present as highly motivated to take up education and employment and, accordingly, establish effective working relationships with their social workers and carers. As a group, they are also less likely to be engaged in anti-social or criminal behaviour or experiencing problems in conduct or attendance at school/further education.

RESOURCE IMPLICATIONS

21. The government allocates a weekly allowance for each unaccompanied minor in age categories:
 - Under 16 - £737
 - 16 to 18 - £330
 - Over 18 - £100
22. Each year the CLA Service finance team presents a detailed report to the Home Office relating to claiming the grant (numbers of weeks of care provided multiplied by the relevant age allowance), which tracks costs of placements provided and staff expenditure incurred in providing the service.
23. Each year there is a detailed audit relating to eligibility thresholds and expenditure.
24. The current weekly allocation outlined above is recognised across London as being insufficient to meet the routine care needs of this group of children and young people.
25. The current Southwark expenditure is as follows:
 - Under 18s - £2,187,000
 - Over 18s - £844,000
 - Total - £3,031,000

The Claimable Home Office Grant Income (based upon numbers of unaccompanied minors in placement) is £2,100,000 for 2007/08. Each year the shortfall in the 0-18 service is subject to a special application to the Home Office at the end of the financial year, subject to annual auditing processes. This year, Southwark's expected additional claim is expected to be £682,000.

26. There are some cases where young people arrive into the UK with an agent (not a parent). In these cases, the Home Office does not define these young people as 'unaccompanied minors'. However, as these young people are under 18, have no access to family support, and no recourse to public funds, their support is resourced by the local authority. The conditions of the Home Office grant means that authorities are unable to claim back the costs of support for such young people.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal and Democratic Services

27. There are no legal implications arising from this report.

Finance Director

28. There are no comments further to those outlined in paragraphs 21 – 26.

APPENDICES

No.	Title
Appendix 1	Unaccompanied Asylum Seeking Children and Young People – London Borough Comparison Table. Week ending 30.11.07
Appendix 2	Number of Unaccompanied Minors seeking Asylum Comparative data.

AUDIT TRAIL

Lead Officer	Romi Bowen, Strategic Director for Children's Services		
Report Author	Chris Saunders, Head of Children Looked After Service		
Version	Final		
Dated	January 22 2008		
Key Decision?	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER			
	Officer Title	Comments Sought	Comments included
	Director of Legal and Democratic Services	Yes	Yes
	Director of Finance	Yes	Yes
	Executive Member	Yes	Yes
	Date final report sent to Constitutional/Community Council/Scrutiny Team	January 22 2008	