

Corporate Parenting Committee

Wednesday 28 February 2024

2.00 pm

Ground Floor (G02 rooms), 160 Tooley Street, London SE1 2QH

Supplemental Agenda No.1

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The Corporate Parenting Committee note the immigration support pledge, which is set out in the report and Appendix 1.

Contact

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Date: 22 February 2024

Item No. 9	Classification: Open	Date: 28 February 2024	Meeting name: Corporate Parenting Committee
Report title:		Brief report on the Immigration Support Pledge	
Ward(s) or groups affected:			
From:		Director of Children's Services	

RECOMMENDATIONS

1. That the Corporate Parenting Committee note that the immigration support pledge is set out in detail in the report '***taking care - how local authorities can best address the immigration issues of children in care***' published by the South London Refugee Association and Coram Children's Legal Centre in 2021. (Appendix 1)
2. That the corporate parenting committee sign the immigration support pledge which has four key commitments which are to:
 - Identify all looked after children and care leavers with immigration and nationality issues
 - Connect looked after children and care leavers with good quality legal support as soon as possible
 - Take a proactive and informed role in supporting looked after children and care leavers through any immigration applications and appeals
 - Enable those who are eligible to apply for permanent status and British citizenship.

REASONS FOR URGENCY

3. The reason for urgency is the importance of the immigration support pledge for our children in care and care leavers and wanting to support this at the next Corporate Parenting Committee rather than waiting for the following meeting in April 2024.

REASON FOR LATENESS

4. The report is submitted with less than five working days before the committee, as there was a need to ensure legal advice for the corporate parenting committee on signing the immigration support pledge.

BACKGROUND INFORMATION

5. The Children Act 1989 has the overriding principle of acting in a child's best interests. In our role as corporate parents it is vital we take action to ensure the best possible outcomes for children in our care. This means for children remaining in our care then the local authority will arrange for any immigration advice required for the child via a specialist solicitor.
6. Children in care are entitled to free legal aid to fund specialist advice to make their applications. Within this it is recognised some children enter care for very short periods of days and weeks and then return to their parents care and for these children when they return to their families their parents with parental responsibility will then lead on immigration matters for their children.
7. When children leave care to live with relatives under special guardianship orders the local authority should proactively support with immigration support as part of the Special Guardianship Support Plan.
8. It is crucial that children who are remaining in care receive high quality immigration advice as a matter of urgency and that this is considered and tracked in any care plan, assessment or pathway plan. Obtaining this advice in a timely way is vital to ensure that the child's best interests are met.
9. If advice is not sought, this can have very significant consequences for the child, their life opportunities and mental health and well-being opportunities and affect them significantly into adulthood. Some opportunities to resolve immigration as a child are not open to adults so this is time critical.
10. The impact for our children of not proactively addressing immigration is huge we have heard directly from children in care how uncertainty over immigration can adversely impact their mental health, making them feel worried and like they do not belong. It is like a cloud of uncertainty impacting all aspects of their life.
11. The financial cost for the local authority of not addressing immigration early is also significant. It means that care leavers are not then entitled to student finance, right to work, mainstream benefits and support with housing so these costs then need to be met by the local authority to provide housing and the equivalent financial support to benefits.

12. There is also risk to the local authority of judgements against them for not acting in the best interests of a child in care if they have not done all possible to resolve immigration in a timely way. The failure of several local authorities to properly assist looked-after children to obtain legal advice in time has led to Local Government Ombudsman decisions against those authorities, with compensation paid to the young people affected.
13. Delays in resolving immigration status can mean children miss opportunities to travel with their foster family, with their friends and miss critical opportunities such as exchanges with other countries when learning languages in secondary school. Obtaining passports for children remaining in local authority care is critical so they do not miss these opportunities.
14. The immigration support pledge in summary asks local authorities to commit to helping children to overcome the barrier of lack of immigration status or citizenship so that they can build stable, independent lives in the UK after being a child in care. The four key requirements of the pledge are set out above in the recommendations to the committee.
15. The 'taking care report' (Appendix 1) indicated that by the end of 2021 there were at least 19,000 children in care and care leavers known to have an immigration or citizenship issue in England. Data show that at least one in ten children in care in England are non-British. It is vital not to make assumptions about nationality and immigration status. For children born in the UK it is possible they do not have British citizenship and this may be something that parents and grandparent are worried and scared to speak about.
16. As at 19 February 2024 there are 401 children in our care and our MOSAIC recording system shows 273 (68%) have confirmed British citizenship. We are undertaking more detailed work to ensure this is accurate and ensure for those who have nationality of other countries and are in the process of making applications to the Home Office there is clear line of sight of this.
17. As at 19 February 2024 there are 52 unaccompanied asylum seeking children in our care, which is 13% of our children in care, and 189 former unaccompanied asylum seeking children who are now care leavers.
18. The issue of not having resolved immigration disproportionately affects children who are from Black backgrounds with 88% of children without British citizenship being from a Black background. In comparison for those with British citizenship 68% are Black and 32% White. It is therefore part of the council commitment to Southwark Stands Together to address this disproportionality and actively support the immigration support pledge.

KEY ISSUES FOR CONSIDERATION

19. Current practice in the Care and Care Leaver Service is that it is good practice to do all four commitments in the pledge and we should be ensuring this is the case for every child in our care.
20. The corporate parenting committee signing the pledge is about demonstrating at the highest levels of the council we are committed the immigration support pledge for our children.
21. In signing the pledge we would be committing to ensure from earliest entry to care we are proactively identifying all children with immigration nationality issues and not making assumptions about this.
22. Current practice shows while these issues are proactively addressed this often happens when children are in the Care and Care Leaver Service and we need to ensure this work begins as early as possible at the front door and entry to care. This means making issues of immigration and nationality an explicit consideration and gathering key information and documents when decisions are made that children need to enter care.
23. We know for children who become looked after as unaccompanied young people our support offer is good and in our Ofsted focussed visit in December 2023 they found, *“The provision of effective advocacy and legal advice helps to ensure that these care leavers are able to navigate successfully through the relevant processes to progress their asylum claims.”*
24. If the corporate parenting committee sign the Pledge we will get access to free consultation and training from the South London Refugee Association on how to implement the commitments in the immigration support pledge and guidance in the learning package to support our Social Workers and Personal Advisors. We will hold a quarterly meeting that we propose is chaired by the Head of Service for Care and Care Leavers and attended by the performance team, our voluntary partners at Refuge Council, a young person with lived experience of addressing their immigration status, a Children’s Rights Officer and the Quality Assurance Team.
25. In highlighting the importance of immigration for young people we would also like improve our access to data on our MOSAIC recording system so that for every child who does not have British citizenship and a passport we are tracking are we doing all possible to achieve this and challenging delay. We think this links to our role as corporate parents and doing all possible to achieve stability and a secure base for children in care and care leavers. The role of Independent Reviewing Officers (IROs) will also be critical to ensure immigration status is scrutinised at every looked after review and escalated on behalf of children where any delays occur.

Policy implications

26. The key duty to act in a child's best interests comes from the Children Act 1989. Section 55 of the Borders, Citizenship and Immigration Act 2009 contains a mandatory duty on the Home Office and others making immigration decisions to safeguard and promote the welfare of children in the UK as they carry out their functions. Article 3(1) of the United Nations Convention on the Rights of the Child 1989 ('UNCRC') provides: In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. The pledge is not adding extra duties to what is currently set out in legislation but is about affirming our commitment to ensure we strengthen our systems to provide the best possible support to children in our care and care leavers.

Financial implications

27. There may be some short term resource implications to ensure children have proactive support to address their immigration including some resource to further develop current tracking systems for every child in care. Most legal costs will be met by Legal Aid funding. In 2022 the Home Office introduced a fee waiver for children in care applying for British citizenship. If applications are made for care leavers post 18 then fees apply.

Community, equalities (including socio-economic) and health impacts

Community impact statement

28. The decision to note this report has been judged to have a small but important impact on local people and communities. The work relating to children in care and care leavers is intended to improve the outcomes for them.
29. Section 149 of the Equality Act 2010, lays out the Public Sector Equality Duty (PSED) which requires public bodies to consider all individuals when carrying out their day to day work – in shaping policy, in delivering services and in relation to their own employees. It requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people when carrying out their activities. The council's approach to equality commits the council to ensuring that equality is an integral part of our day to day business.

30. The council's children's services involves working closely with all relevant stakeholders and partners across the sector and collectively we are committed to upholding the responsibilities towards advocating the Public Sector Equality Duty and complying with the Equalities Act 2010. 13. The PSED enables public bodies to consider the diverse needs of groups and have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Due regard is about considering the different needs of protected characteristics in relation to the three parts of the duty.
31. The Equalities Act 2010 define the following as protected characteristics; age; disability, gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation. Equalities (including socio-economic) impact statement 15. The report takes account of the ethnicity, age and disabilities of care leavers, as well as their racial ethnic background and considers these areas in light of commitments set out by Southwark Stands Together.

Health impact statement

32. We know for children in care not having their immigration status resolved can impact upon their mental health.

Equalities (including socio-economic) impact statement

33. Research suggests that when children in care are compared with children who have not been in care, they tend to have poorer outcomes in a number of areas including their and mental and physical health. Corporate parenting work supporting our children in care and care leavers seeks to address these inequalities and this paper is about addressing inequality via an immigration support pledge.

Climate change implications

34. There are no relevant climate change implications

Resource implications

35. There are none.

Legal implications

36. In signing up to the "taking care " pledge, Southwark is discharging its statutory duties by making a commitment to proactively and methodically process immigration claims for its looked after children and care leavers. This is consistent with requirement meet the need for permanence for its children as a

corporate parent and enable its children to achieve full potential in their lives.

Financial implications

37. There are none.

Consultation

38. There are none.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Assistant Chief Executive of Governance and Assurance

39. A concurrent is not required.

Strategic Director of Finance

40. A concurrent is not required.

Other officers

41. There are none.

Background Papers	Held At	Contact
None		

APPENDICES

No.	Title
Appendix 1	<i>'taking care - how local authorities can best address the immigration issues of children in care'</i> published by South London Refugee Association and Coram Children's Legal Centre in 2021

AUDIT TRAIL

Lead Officer	David Quirke-Thornton, Strategic Director of Children and Adult Services	
Report Author	Helen Woolgar, Assistant Director - Safeguarding and Corporate Parenting	
Version	Final	
Dated	21 February 2024	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Assistant Chief Executive of Governance and Assurance	No	No
Strategic Director of Finance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team	22 February 2024	



talking care

The title 'talking care' is rendered in a large, multi-colored, lowercase sans-serif font. The word 'talking' is positioned above 'care'. The letters are colored as follows: 't' (pink), 'a' (purple), 'l' (yellow), 'k' (yellow), 'i' (green), 'n' (blue), 'g' (red), 'c' (green), 'a' (pink), 'r' (blue), 'e' (purple). Silhouettes of children and adults are integrated with the text: a child sits on the 'a' of 'talking'; a woman stands to the right of 'g'; a child stands inside the 'c' of 'care'; and a child stands inside the 'r' of 'care'.

How local authorities can best address
immigration issues of children in care

This report and accompanying pledge have been endorsed by the following organisations



Acknowledgements

This report was produced with the support of The Esmée Fairbairn Foundation

Aisha's story

Aisha had lived in the UK from the age of six and was taken into care when she had just turned 13 years old. Aisha did not know that she had been brought to the UK on a temporary visa as a child, and that her family had overstayed the end of the visa. Her local authority suspected that her family had no immigration status, and they had been told that Aisha could not get a British passport as she was not a British citizen. No one within children's services knew how to resolve this, and no action was taken.

Aisha still had no immigration status when she turned 18. This meant that she could not work, could not get a student loan, could not claim benefits and was barred in every practical way from leading an independent life. When Aisha's universal credit application was rejected, her local authority sought legal advice from an immigration adviser, who advised that Aisha could make an application to obtain legal immigration status. However, because she was no longer under 18 it was too late for any of the simpler and quicker routes to immigration status or citizenship which had been available to Aisha as a looked after child.

Instead, aged 18 Aisha was given an expensive form of temporary immigration status, which she will have to renew many times before her immigration status in the UK is made permanent. This will take at least five years and cost thousands of pounds - fees Aisha as a care leaver and student cannot afford, and which the local authority will therefore have to pay to prevent further harm. Her temporary immigration status gives her the right to work and study and will eventually enable her to get a student loan, but by default this status bars her from claiming benefits. This means that in order to prevent her from becoming homeless,

her local authority must provide considerable financial support to Aisha until she is able to apply for a permanent form of immigration status and can claim mainstream benefits.

If Aisha's local authority had sought legal advice from an immigration adviser when she was still a looked after child, Aisha would have had more options to apply for more secure forms of immigration status or British citizenship, which would have been either fee-free or cost a lower one-off fee. Aisha would then have left care with her status or citizenship secured, able to work, study, claim benefits and build an independent life. Aisha would have been spared the mental health toll of years in limbo, unable to plan for her future. On top of this, according to analysis within this report, early action by her local authority would have saved children's services more than £130,000.*

This report shows all that both looked after children and the local authorities supporting them stand to gain from resolving immigration and nationality issues early. It also explains how: through a four-stage process of (1) identifying children, (2) connecting them with the help they need, (3) providing proactive support and (4) focusing on permanent status.

The immigration support pledge asks local authorities to commit to helping children to overcome the barrier of lack of immigration status or citizenship so that they can build stable, independent lives in the UK after a childhood in care.

*See pages 16-18 for a full analysis of the cost to local authorities

Introduction

Aisha is not alone; England's care population is made up of children with many nationalities and immigration statuses. By the end of 2021 there were at least 19,000 children in care and care leavers known to have an immigration or citizenship issue in England. Data show that at least one in ten children in care in England are non-British.

These figures show the scale of this issue. But they hide the fact that this is not something experienced only in cities. Instead, our data suggest that there are non-British children in care and care leavers in every local authority in England.

Unfortunately, immigration and nationality issues bring risk of serious harm to children, and can totally undermine the benefits a child might otherwise experience from being in care. What this means is that local authorities cannot afford not to have a plan for how to meet immigration or nationality needs, in just the same way that they would not hesitate to meet a need such as housing, health or education.

In this report we show that early identification and resolution of immigration and nationality issues is both cost-effective and a critical step in safeguarding and supporting children's and care leavers' futures in the UK. A lack of permanent status or citizenship can affect a young person's sense of identity and belonging, impacting on their mental health, and put them at risk of destitution and exploitation when leaving care. Some of these children - the unluckiest - may in time be ripped from their home and removed to a country they did not grow up in.

We also show that the benefits to local authorities taking a rigorous, systematic and proactive approach can be huge. A cost analysis within this report shows potential savings through early intervention of more than £130,000 per child in some scenarios.

The coalition of organisations that have endorsed this report are asking local authorities to adopt the immigration support pledge to identify, connect, provide proactive support and seek permanence for all their children and young people with immigration needs. This is a commitment to attaining the best legal status possible for these young people, and by doing so fulfilling their best interests and securing their rights. A public pledge by elected council leaders was [tested](#) as a means of bridging the gaps in support for non-British children in Manchester in 2020. The effects of committing to support children with immigration and nationality issues have been transformative. Children and young people have received help earlier, leading to a sense of early permanence, which has helped them thrive and avoid hardships experienced by young people like Aisha.

Immigration and nationality issues can present serious additional challenges to local authorities and frontline staff in children's services. The four pillars of the immigration support pledge aim to make meeting these challenges as simple, straightforward and cost-effective as possible. This report also demonstrates the support and guidance available to local authorities beginning the journey towards implementing this pledge.

Immigration support for all children and young people in care: A pledge for local authorities

We will:



identify all looked after children and care leavers with immigration and nationality issues - if we don't find them we can't help them



connect looked after children and care leavers with good quality legal support as soon as possible - early advice is life changing



take a proactive and informed role in supporting looked after children and care leavers through any immigration applications and appeals – we will be by their side through the legal process



enable those who are eligible to apply for permanent status and British citizenship - all children and young people deserve security and belonging

Identify all looked after children and care leavers with immigration and nationality issues - if we don't find them, we can't help them

Children can be born in the UK, seem British, and speak only English, and still not have permission to be here. The good news is that the earlier this is picked up, the easier it is to meet this need and prevent serious problems arising, including enormous financial costs to local authorities. The first step is for social workers never to assume anything about a child's nationality or immigration status.

When a child becomes looked after, key questions about who they are and what they need are asked by children's services and the family courts. Although immigration and nationality questions are not routinely asked at the moment, changing systems could be as straightforward as asking one extra question as the child comes into care: Does this child or young person hold a British passport?

If a child or young person in care does not hold a British passport, then their social worker should normally help them to obtain one. If they are not eligible for a British passport, then asking this simple question can shine a light on which children and young people in care have an immigration or nationality need.

Identification: Key principles

Identify early

A child's nationality and immigration status is normally - but not always - dependent on the nationality and immigration status of

their parents. For many children, the point at which they come into care is the best (and perhaps only) opportunity to get information and documents from their parents. Early identification is also what makes early intervention possible. This is important because opportunities to resolve a child's immigration status or obtain British citizenship shrink dramatically when they turn 18.

Documents, documents, documents

Paperwork is the key to resolving immigration issues and obtaining citizenship. If a child's immigration status or citizenship cannot be proven with the right paperwork, even if that child is British, then there is work still to do. It is often possible to obtain documents necessary to resolving immigration and nationality issues at the point at which children come into care, either from the child's parents or from the Family Court, whilst in contrast it would be more difficult or impossible to obtain those documents later.

Build a system for the future

Many local authorities do not yet have a system for recording or keeping track of the nationality or immigration status of children and young people. Positively, however, some are adapting their IT systems by adding fields for nationality and immigration status on a child's records which must be filled out by

social workers, strictly for internal use. But this must not be a 'tick-box' exercise, and good record-keeping is not enough on its own. Integrating immigration and nationality

questions into care and pathway planning means that this information can be put to use in securing permanent status for each child.

How many looked after children and care leavers are not British citizens?

In 2020 there were 80,850 looked after children in England and an estimated 42,950 care leavers aged between 18 and 21 supported by local authorities. But how many looked after children and care leavers are not British citizens?

In late 2021 all 152 English local authorities with children's services were contacted and 116 responded to FOI requests on the numbers of children and young people in care identified as being non-British as of July 2021. The data below comes from these responses, as well as information provided to the Home Office on the EU settlement scheme (by 149 local authorities) and on unaccompanied asylum-seeking children (by 152 local authorities). In total,¹ they reported that:

At least 18,934 looked after children and care leavers are not British citizens, meaning they have a potential immigration or nationality issue to be resolved. Of this number, at least 7733 are looked after children under the age of 18.²



These children and young people are in every corner of England: only the Isles of Scilly reported having no non-British children or young people in their care.

1. These numbers are an indication of the scale of the challenge faced by local authorities, but should not be assumed to be accurate. This is because they are self-reported, and rely on social workers already having identified a child or young person's nationality or immigration status. The categories above are also not 'bright lines', and children can fall into more than one.

2. Numbers in FOI responses are sometimes rounded to protect the identity of individuals.

3. 'Equivalent' because the data sets are not totally comparable. Although we know how many looked after children there are in England, the government only publishes the overall number of care leavers aged between 18 and 21 who are still receiving support. However, care leavers are entitled to support until they turn 25 in some circumstances and the FOI data reflect this.

Fatima's story

Fatima came to the UK aged four. She was taken into care as a teenager, but no questions were asked about her immigration status or citizenship. Fatima thinks of herself as British; she has a local British accent and she likes hip hop and dancing. It was only after she reached the age of 18 and started applying for colleges and jobs that it became apparent that she has no immigration status. The Home Office could find no record of her at all and she is not able to prove her identity.

Now an adult, there are no straightforward options available to Fatima to obtain either immigration status or citizenship. All options available are either very expensive or uncertain to succeed. Eventually Fatima was advised by a

solicitor to claim asylum because she would be at risk of female genital mutilation if she were returned to her country of origin. Her claim is ongoing and is likely to take years to be decided.

If Fatima's lack of immigration status had been addressed while she was a child, she could have applied to be registered as a British citizen while she was under 18. There would have been a fee of £1012. This represents a huge saving compared to the situation that she has ended up in. As a care leaver, Fatima is totally reliant on local authority support and will be likely to remain in this situation for years to come. Her uncertain situation has had a profoundly negative impact on her wellbeing, mental health and future prospects.

A local authority with a new system in place for identification of children (Manchester City Council)

In 2021 Manchester City Council signed a public pledge to its children in care and care leavers with immigration and nationality needs. To make good on the pledge, the Council needed to be able to confidently identify which children and young people required this support. Currently, the Department for Education does not ask local authorities to collect information on the nationality of looked after children. So Manchester is developing its own systems:

- adding nationality and immigration status fields to its information systems
- running management reports on the data to provide oversight and scrutiny
- working with Greater Manchester Immigration Aid Unit to develop training for staff on what nationality means and what paperwork is needed to evidence it
- adding immigration and nationality needs into checks provided by Legal Gateway Meetings and Independent Reviewing Officers

Connect looked after children and care leavers with good quality legal support as soon as possible - early advice is life changing

Once a local authority has identified a child or young person in their care who may have an immigration or nationality issue, someone needs to assess what legal options are available and give the child or young person (or their guardian / corporate parent) the advice they need to make an informed decision about their options. This means seeking good quality legal advice.

Local authorities have approached the question of how to secure quality legal advice in different ways:

Some local authorities have arrangements with local legal organisations, with whom they work closely to help their looked after children and care leavers

Some local authorities have an immigration lawyer in their legal team

Local authorities in some regions have pooled funds to contract a legal expert to advise them

Social workers in some local authorities have become accredited immigration advisers.

Underlying all of these approaches are the same key principles: get expert assistance, get it as early as possible, and make use of legal aid where you can.

Connecting a child with legal advice: Key principles

Call in an expert

Immigration and nationality laws in the UK are extremely complicated, and without a legal background social workers are not going to have the expertise necessary to understand and identify all the options available.

Immigration advice and representation is 'regulated' work, which means immigration advisers have to pass an exam before they can give advice. Even in seemingly simple cases there are often better options available to a child (such as British citizenship) if a legal professional is providing representation.



Legal aid is available

Legal aid is free legal advice and representation for those in need funded by the government. Fortunately legal aid is available for immigration and nationality issues for children in care (and for asylum seekers or trafficking victims of any age), which means no solicitor fees. Legal aid advisers can be hard to find, especially in areas of the country with fewer legal firms. But doing research about local providers and building connections between children's services and legal firms or charities can make referring a child for free, competent legal advice much easier.

Get advice as soon as you can

Children in care under 18 have many options to regularise their immigration status,

including routes to British citizenship, and specialist immigration routes just for looked after children. But to make these options a reality, children need advice early – not when they are turning 18. Nationality and immigration issues can take years to resolve. Receiving and acting on early legal advice saves prolonging a sense of uncertainty or fear for the child. Early resolution of immigration and nationality issues also ensures that children in care are able to go on school trips abroad or on holiday abroad with foster parents. And it prevents older children in care and care leavers facing unnecessary complications when applying for jobs or seeking to attend university and obtain scholarships, grants, or loans, setting up a bank account, obtaining a driving licence, renting accommodation, or undertaking other activities that are important parts of normal life.

The role of the Local Government Ombudsman

In 2016, a London Borough was ordered by the Local Government Ombudsman to pay £5000 in compensation to a care leaver who turned 18 without her immigration status or citizenship having been addressed after several years in care. The LGO stated that the payment was made due to:

“the distress caused by the failure to provide consistent support and advice to her as a 'looked after child', and by the uncertainty caused that, if it were not for those faults, her application to the Home Office for leave to remain in the UK would have been as a child, which may have given her a greater chance of success”.

Since this case, more undocumented young people have sought compensation from local authorities over failure to meet their corporate parenting duties by resolving immigration and nationality issues.

Q&A

with Sarika Kohli, solicitor, East Midlands Strategic Migration Partnership

What is your job?

I am a solicitor with a background in both immigration law and children's law, and work for the East Midlands Strategic Migration Partnership (SMP).

What does your role entail?

The primary focus of the role is to provide legal advice, guidance and training to children's social care and legal teams in relation to the local authorities' responsibility towards migrant children, care leavers and families with no recourse to public funds.

I provide advice across all children's services and their respective legal teams, as well as to the Family Court during care proceedings. Advice is provided to enable local authorities to promote good practice standards and consistency throughout the region. Support and guidance are provided to ensure assessments are robust and comply with both safeguarding and immigration laws to minimise the risks of legal challenge and judicial review proceedings.

My role is funded by the upper tier local authorities in the East Midlands.

What are the advantages that you see to this way of working?

I was previously a part of an in-house legal team in a local authority, working within both immigration and children's law. My role now allows me to work with all the participating local authorities in the East Midlands. Working at a regional level ensures that children's social care teams receive consistent advice and support across the region. Developing regional policies and guidance contributes to a more streamlined approach and I can now reach a far wider audience across the East Midlands, which ultimately benefits more children and families.

What difference do you think you have made so far?

Having experience in both areas of law has allowed me to advise and support children's social care teams on immigration matters as well as ensuring that they are compliant with their statutory duties towards children. My advice is well received, and I can see positive results across children's social care in terms of identifying children and young people with immigration issues and working towards resolving those issues.

Take a proactive and informed role in supporting looked after children and care leavers through any immigration applications and appeals – we will be by their side through the legal process

Once a child has been identified as having an immigration or nationality need, and has quality legal help, the local authority still has an important part to play. The child or young person is unlikely to understand the process they are going through and its implications, so their local authority should be able to help them by providing both information and practical support. This means ensuring that staff have some knowledge of the legal processes children and young people are going through so that they can take a proactive supporting role.

Some immigration and nationality issues will take years to resolve. But when social workers or personal advisers have a basic understanding of the process, this can empower both them and in turn the child or young person to be active participants: understanding deadlines, challenging poor practice or delay and advocating for themselves within the legal system.

Taking a proactive role: Key principles

Care and pathway planning

Care and pathway planning are vital tools in safeguarding children and young people and enabling them to move towards independence. Discussions about immigration and nationality needs and processes can be fitted within existing care and pathway planning processes by adding them to existing planning templates. This gives the opportunity for records to be kept up-to-date, deadlines to be planned for, and important conversations about the implications of these processes to be had.

Training

Training is at the heart of every pillar of the pledge. Social workers and personal advisers do not need to be legal experts, but having a general understanding of the immigration, asylum and nationality systems in the UK can empower them to support young people to understand and participate in these processes themselves, whilst advocating for them if anything goes wrong. The right training allows social workers to better identify children and young people in need, connect them with the right advice, proactively support them

and push for permanent solutions to a child's immigration or nationality issue.

Taking a proactive approach

Informed and proactive support from social workers has led, again and again, to early resolution of status for non-British children. Taking a proactive approach means things like accompanying young people to solicitor appointments, Home Office interviews, and appeal hearings, and liaising with solicitors to keep track of applications so they are progressed appropriately. Proactive

involvement also means securing extra help when needed; strong communication and support links with specialist organisations in the local area help young people to access expert support where needed.

However, proactive local authority care is about more than the individual actions of social workers and personal advisers. It means having the management oversight of immigration and nationality issues in the same way as with other corporate parenting duties that intersect with other government departments.

Partnership working in Merton

Since 2018 South London Refugee Association (SLRA) has been working with the London Borough of Merton on an early intervention project. Through this project, SLRA has provided both casework for individual children and young people and advice to social workers and personal advisers. Having a ready source of specialist advice has been an effective way of upskilling workers, embedding knowledge within the local authority, and creating a strong referral pathway for SLRA to support young people with the most complex immigration issues.

SLRA has also provided Merton with regular training sessions on immigration and asylum processes so that professionals understand:

- how to spot immigration issues

- when to seek legal representation and where to find it

- what to expect from an immigration adviser / solicitor, how to spot poor practice, and how to complain

- what they can do to support the young person at each stage of the application or appeals process.

“Since we have had this additional support we've seen the significant impact we can have on the immigration outcomes for our young people. The immigration system shouldn't be a lottery and so as corporate parents we need to know how to navigate it. The training, advice, and support we have received from SLRA has given our workers this knowledge, and the confidence to play an active role in supporting our young people through the immigration process, so that they know what they can do and when, and when to ask for help.” (Lisa Morris, Service Manager)

Noel's story

Noel, originally from Albania, claimed asylum in the UK when he was 15. He had just turned 17 when his asylum claim was refused by the Home Office and he was granted just six months' temporary leave to remain instead. His solicitors (incorrectly) told him that he did not have the right to appeal, and that he was lucky to have received any kind of permission to stay at all. Luckily for Noel, his foster carer Katie attended this meeting with his solicitor and thought that their advice did not sound right. She had supported lots of other young people seeking asylum and had attended a training session where she was told that there was usually a right of appeal against the first Home Office refusal, and that it was important to appeal within a tight deadline. Based on her doubts, Noel's social worker contacted a local specialist advice agency who confirmed that Noel did have the right of appeal. The

specialists helped him to complain and move to another solicitor. Noel won his appeal and was granted refugee status six months later, shortly before he turned 18. The proactive support of his foster carer and social worker safeguarded his future in the UK, saving him years of limbo and uncertainty. This intervention also had a huge financial benefit for the local authority, as Noel could now claim benefits and move towards living independently.

"Just because my foster carer cared, understood enough, and kept her eyes open meant that I got the help I needed at the right time. The truth is this totally shifted the course of my life" (Noel)





Leading the way in training

Across the country there have been a range of innovative regional responses to the need for local authority training on immigration, nationality and related issues:

The West Midlands Strategic Migration Partnership has created a suite of training delivered by a range of experts that is open to local authority staff and others working with them to safeguard children. Training is provided on migrant and refugee children's rights and entitlements, modern slavery and trafficking, the care system and age assessments. The training is multidisciplinary and targets healthcare and education agencies as well as the wider children and young person workforce within the local authority and the voluntary sector.

Under the Citizenship and Integration Initiative and the Greater London Authority's children in care programme, the GLA and the Mayor of London are delivering a pan-London programme of training, guidance and capacity-building to local authorities on the rights and entitlements of children in care and care leavers with immigration and nationality needs. The training focuses on the importance of early identification and resolution of immigration issues, and aims to provide local authorities with the skills needed to support young people to resolve their immigration and nationality issues more quickly.

Enable those who are eligible to apply for permanent status and British citizenship; all children and young people deserve security and belonging

We know that children and young people who receive excellent local authority care benefit from enhanced security, stability, and feelings of belonging. But no matter the quality of care a child receives, temporary forms of immigration status can undermine these benefits, and a lack of any immigration status or citizenship at all can destroy them. Young people stuck in the limbo of temporary forms of immigration status can suffer from enormous amounts of stress and uncertainty. After all, a child or young person's immigration status and citizenship determines their access to student finance, mainstream benefits and right to work. Temporary status can always be lost, and when that happens a young person also loses their means of living an independent life.

Each child's case is different. British citizenship is the most secure form of status you can have in the UK, and it should always be considered, even if there are occasional individual cases where it is not the best option for a specific child or young person. It will not be possible for all looked after children and care leavers to become British. In such cases, permanent status (indefinite leave to remain) still gives many advantages, such as access to benefits and a sense of security.

Permanent status and citizenship: Key principles

Temporary status is not enough

Any temporary form of immigration status means a child must live with the risk of losing their status if they or their guardian does not renew it within tight Home Office deadlines. In some cases temporary forms of immigration status are long, sometimes expensive pathways to permanent status. But the temporary status for children refused asylum (such as was given to Noel, above, for example) is not a pathway to permanent status but instead is a temporary measure designed to allow them to remain in the UK only until they turn 18. This uncertainty makes it difficult for young people in care to plan for their futures. Most forms of temporary status also bar access to benefits; this presents a serious problem for care leavers and their local authorities.

Citizenship has many advantages

There is a common misconception that British citizenship is solely for obtaining a passport to travel. In fact, it is often in the best interests of a child living in the UK to obtain British citizenship as early as possible. Children in

care may have routes to British citizenship that provide an alternative to long and insecure immigration routes, but some of these routes only last until a child turns 18. Citizenship has other benefits too, including being much harder to take away (for example, if a young person commits a criminal offence), the right to vote, and the right to leave the UK without the risk of losing the ability to live here. An application for citizenship for a child comes with an up-front cost, which is currently £1012 in Home Office fees for children (£84 per month for a year). But paying this fee can save a local authority a significant amount of money later - see the cost analysis figures on pages 16-18 for an illustration of savings of over £130,000.

Identity and belonging

Every child is unique, and nationality raises complex questions in relation to their identity, development, choices and future. For some children, not being British can take away from their sense of belonging within their community and amongst their peers. A child's wishes and feelings about their identity should always be central to the question of whether or not British citizenship is right for them. In the end, a citizenship fee may be a small price to pay for a child to feel like they belong and to ensure that they never face the precarity and hardships that can come with lack of citizenship of the country in which they live.

Dual nationality

The UK allows its citizens to hold multiple nationalities, meaning that a person can be a citizen of (and hold passports from) several countries. However, not all countries allow this. It is important to consider whether obtaining British citizenship would have an effect on the other citizenship a child may hold before a British citizenship application is made. In cases where another citizenship might be lost, legal advice must be sought, and parental consent is key.

Even in cases where there are barriers to a child becoming British, citizenship should still be considered against a child's other options. Whether or not a child should become British should always be a question of what is in their best interests; barriers can normally be overcome through legal advice and the Family Court where they exist.

Cost analysis

Scenario 1: Immigration application made aged 18

Costs to local authority	Current year	CY +1	CY +2	CY +3	CY +4	CY +5	CY +6	
	Child leaves care, application submitted	Immigration appeal		Immigration status renewal			Application for settlement (ILR)	
Home Office fee	£1033.00	£-	£-	£1033.00	£-	£-	£2389.00	
Immigration health surcharge	£1560.00	£-	£-	£1560.00	£-	£-	£-	
British citizenship fee	£-	£-	£-	£-	£-	£-	£-	
Solicitors' fees	£1500.00	£2000.00	£-	£1500.00	£-	£-	£1800.00	
Barristers' fees	£-	£1000.00	£-	£-	£-	£-	£-	
Immigration court fees	£-	£140.00	£-	£-	£-	£-	£-	
Cost of living support (not eligible for benefits)	£18,897.00	£18,915.90	£18,934.81	£18,953.75	£18,972.70	£18,991.67	£9505.33	
Total costs	£22,990.00	£22,055.90	£18,934.81	£23,046.75	£18,972.70	£18,991.67	£13,694.33	£138,686.17

Cost analysis (continued)

Scenario 2: Immigration application made aged 13

Costs to local authority	Current year	CY +1	CY +2	CY +3	CY +4	CY +5	CY +6	
	Application submitted	Immigration appeal		Immigration status renewal		Child leaves care	Application for settlement (ILR)	
Home Office fee (LAC fee exemption)	£-	£-	£-	£-	£-	£-	£2389.00	
Immigration health surcharge (LAC fee exemption)	£-	£-	£-	£-	£-	£-	£-	
British citizenship fee	£-	£-	£-	£-	£-	£-	£-	
Solicitors' fees	£-	£-	£-	£-	£-	£-	£1800.00	
Barristers' fees	£-	£-	£-	£-	£-	£-	£-	
Immigration court fees	£-	£-	£-	£-	£-	£-	£-	
Cost of living support (not eligible for benefits)	n/a	n/a	n/a	n/a	n/a	£18,991.67	£9495.84	
Total costs	£-	£-	£-	£-	£-	£18,991.67	£13,684.84	£32,676.51

Cost analysis (continued)

Scenario 3: Citizenship application made aged 13

Costs to local authority	Current year	CY +1	CY +2	CY +3	CY +4	CY +5	CY +6	
	Application submitted					Child leaves care		
Home Office fee	£-	£-	£-	£-	£-	£-	£-	
Immigration health surcharge	£-	£-	£-	£-	£-	£-	£-	
British citizenship fee	£1012.00	£-	£-	£-	£-	£-	£-	
Solicitors' fees	£-	£-	£-	£-	£-	£-	£-	
Barristers' fees	£-	£-	£-	£-	£-	£-	£-	
Immigration court fees	£-	£-	£-	£-	£-	£-	£-	
Rent (eligible for benefits as British citizen)	n/a	n/a	n/a	n/a	n/a	£-	£-	
Benefits (eligible for benefits as British citizen)	n/a	n/a	n/a	n/a	n/a	£-	£-	
Total costs	£1012.00	£-	£-	£-	£-	£-	£-	£1012.00

SCENARIO

The three scenarios here are based on Aisha's story at the beginning of this report. Scenario 1 is what actually happened in her case.

NOTES

- The immigration status leave to remain does not generally grant access to benefits.
- Looked after children are exempt from paying Home Office immigration fees and the immigration health surcharge.
- Looked after children can normally get legal aid for any immigration or citizenship application, so solicitors' fees for under 18s are £0.
- Solicitors' and barristers' fees are assumed at a fixed rate based on our caseworking experience. More complex legal cases would bring higher fees.
- It is assumed the applicant is granted limited leave under the Immigration Rules for 2.5 years, renews once, and then applies for ILR after five years under the 2021 concession to the ten-year route.
- Cost of living is real data taken from the NRPF Connect database: the average actual support for a care leaver without access to public funds.
- It is assumed that the cost of living will rise by 1% per year.
- In CY +6 it is assumed ILR is granted after six months and the young person gains access to mainstream support.

Tomas's story

Tomas was born in Angola to an Angolan mother, but has lived in the UK since he was a baby. He was taken into care when he was five. When he was aged 11 in 2020 his social worker was tasked with finding all the children she supported who needed to apply to the EU settlement scheme. Tomas was not from an EU country, but he was not British either, so at the same time as making applications to the EU settlement scheme for other children, Tomas's social worker asked a legal specialist about what to do in his case. The legal specialist identified that Tomas was probably in the UK without any immigration status. However, because he was growing up in the UK in care

he had a strong claim to British citizenship. The local authority agreed to pay the £1012 fee to the Home Office to apply to register Tomas as a British citizen, and the Home Office granted British citizenship. Tomas will spend the rest of his childhood in care, but will not have to worry about his immigration status or citizenship. When he leaves care aged 18 he will be able to study, work, and build an independent life without any immigration or citizenship barrier, all because his local authority took action to resolve his immigration issue early on. In doing so, the local authority have saved an estimated £130,000.

What next

We recognise that many local authorities may be near the beginning of a journey to build systems and new practices which meet the specific needs of non-British children. Signing the immigration support pledge is an important first step.

The organisations which have endorsed this pledge are sources of practical support, information and advice for both local authority leadership and frontline staff. This support and guidance is available to any local authority interested in signing the pledge and on that basis implementing changes to how they meet the needs of non-British children.

For more information about the pledge and support in implementing it, please contact Maya Pritchard, Youth Casework and Policy Manager at South London Refugee Association (maya@slr-a.org.uk).

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