



MANCHESTER SAFEGUARDING
CHILDREN BOARD

SAFEGUARDING CHILDREN FROM ABROAD

GUIDANCE

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1. INTRODUCTION

- 1.1. Large numbers of children arrive into this country from overseas every day. Many of these children do so legally in the care of their parents. Recent evidence indicates that many children are arriving into the UK who are:
 - in the care of adults who, whilst they may be their carers, have no parental responsibility for them.
 - in the care of adults who have no documents to demonstrate a relationship with the child.
 - Alone.
 - in the control of traffickers.
- 1.2. Evidence shows that unaccompanied children or those accompanied by someone who is not their parent are particularly vulnerable. (Quote CSCI). The children and many of their carers will need assistance to ensure that the child receives adequate care and accesses health and education services.
- 1.3. A small number of these children may be exposed to the additional risk of commercial, sexual or domestic exploitation.
- 1.4. Immigration Legislation impacts significantly on work under the Children Act 1989 to safeguard and promote the welfare of children and young people from abroad. This guidance refers to the current legal framework but it is important to note that regulations and legislation in this area of work are complex and subject to constant change through legal challenge etc. All practitioners need to be aware of this context. Legal advice on individual cases will usually be required from Children, Families and Social Care (CF&SC).

2. PURPOSE

- 2.1. The purpose of this guidance is to assist staff in all agencies to:
 - Understand the issues which can make children from abroad particularly vulnerable.
 - Identify children from abroad who may be in need, including those who may be in need of protection.
 - Know what action to take in accordance with their responsibilities.
- 2.2. As with any guidance, it is not intended to provide the answer to all situations. No practitioner or agency holds all of the knowledge; the groups of children and families change and our knowledge of specific issues is developing.

3. PRINCIPLES

3.1. There are some key principles underpinning practice within all agencies in relation to unaccompanied children from abroad or those accompanied by someone who does not hold parental responsibility. These are:

- Never lose sight of the fact that children from abroad are children first - this can often be forgotten in the face of legal and cultural complexities.
- Children arriving from abroad who are unaccompanied or accompanied by someone who is not their parent should be assumed to be children in need unless assessment indicates that this is not the case. The assessment of need should include a separate discussion with the child in a setting where, as far as possible, they feel able to talk freely.
- Assessing the needs of these children is only possible if their legal status, background experiences and culture are understood, including the culture shock of arrival in this country. The assessment should be conducted in the child's first language, with an interpreter present.
- Be prepared to actively seek out information from other sources. Beware of interrogating the child.

4. THE STATUS OF CHILDREN WHO ARRIVE FROM ABROAD AND LEGAL DUTIES TOWARDS THEM

4.1. **Children who arrive in the UK alone or who are left at a port of entry by an agent** invariably have no right of entry and are unlawfully present. They are likely to be in a position to claim asylum and this should be arranged as soon as possible if appropriate. They are the responsibility of the Children's Services Authority to support until they are 18 years of age, under section 17 or section 20 of the Children Act 1989. If their asylum claim is not resolved before they reach 18 years old, support after the age of 18 years is provided jointly by National Asylum Support Services (NASS) and Social Services, dependant upon their immigration status.

4.2. **Children who arrive in the UK with or to be with carers without parental responsibility** may have leave to enter the country or may have a visa or may be in the UK unlawfully. Children, Families and Social Care may have responsibilities towards them under the private fostering regulations. If the child is assessed to be in need, support can be provided by Social Services for the child, and for the family, unless this is not excluded by section 54 of the National Immigration Act 2002. If the child is cared for by relatives, Private Fostering Regulations may not apply (see appendix 3).

- 4.3. **Some children who arrive in the UK with their parents** belong to families of EEA nationals migrating into the UK. Such families cannot be supported by Children, Families and Social Care except for the provision of return travel (and associated accommodation). If such families decide to stay and seek further help, Social Services still have responsibilities towards any child who is in need, including to provide accommodation for the child alone. The Department for Work and Pensions practice is to declare such families ordinarily resident after 3 months and to pay benefits Housing Department practice is to consider housing after 6 months. Children, Families and Social Care remains in the position that services may only be provided direct to the child alone.

5. IDENTIFICATION AND INITIAL ACTION

- 5.1. Whenever any professional comes across a child who they believe has recently moved into this country the following basic information should be sought:
- Confirmation of the child's identity and immigration status.
 - Confirmation of carers identity and immigration status
 - Confirmation of the child's health and education arrangements in this country.
 - Confirmation of the carer's relationship with the child and immigration status.

This should be done in a way which is as unthreatening to the child and carer as possible. Occasionally a separate 'kinship' assessment may be provided in some circumstances.

- 5.2. If this information indicates that the child has come from overseas and is being cared for by an unrelated adult or one whose relationship is uncertain, Children, Families and Social Care should be notified in order that an assessment can be undertaken.
- 5.3. The immigration status of a child and his/her family has implications for the statutory responsibilities towards the family. It governs what help, if any, can be provided to the family and how help can be offered to the child. (Appendix 1 "Legal Status" provides information about the most relevant aspects of this legislation).
- 5.4. Where families and children are subject to Immigration legislation which precludes support to the them (see Appendix 1 Legal Status), many will disappear and remain in this country illegally. During this time children may suffer particular hardship - e.g. live in overcrowded and unsuitable conditions and with no access to health or educational services. They are particularly vulnerable to exploitation because of their circumstances.

6. ESTABLISHING THE CHILD'S IDENTITY AND AGE

- 6.1. Age is central to the assessment and affects the child's rights to all services and the response by agencies. In addition it is important to establish age so that services are age appropriate (and developmentally appropriate).
- 6.2. Citizens of EU countries will have passport or ID card (usually both). Unaccompanied children very rarely have possession of all documents to confirm their identity or even to substantiate that they are a child. Their physical appearance may not necessarily reflect his/her age.
- 6.3. The assessment of age is a complex task, which often relies on professional judgement and discretion. Such assessment may be compounded by issues of disability. Moreover, many societies do not place a high level of importance upon age and it may also be calculated in different ways. Some young people may genuinely not know their age and this can be misread as lack of co-operation. Levels of competence in some areas or tasks may exceed or fall short of our expectations of a child of the same age in this country (The Unaccompanied Asylum Seeking Children's Team will undertake all age assessments in Manchester).

7. PARENTAL RESPONSIBILITY

- 7.1. The Children Act 1989 is built around the concept of "parental responsibility". This legal framework provides the starting point for considering who has established responsibility and duties towards a child.
- 7.2. In some cultures child rearing is a shared responsibility between relatives and members of the community. Adults may bring children to this country whom they have cared for most of their lives, but who may be unrelated or "distantly" related.
- 7.3. An adult whose own immigration status is unresolved cannot apply for a residence order to secure a child for whom he/she is caring.
- 7.4. Children whose parents' whereabouts are not known have no access to their parents for consent when making important choices about their life. Whilst their parents still have parental responsibility they have no way of exercising it.
- 7.5. Children who do not have someone with parental responsibility caring for them can still attend school, and schools should be pragmatic in allowing the carer to make most decisions normally made by the parent.

- 7.6. Such children are entitled to health care and have a right to be registered with a GP. If there are difficulties in accessing a GP, the PCT should be contacted to assist.
- 7.7. Emergency life-saving treatment would be given if required. However, should the child need medical treatment such as surgery or invasive treatment in a non life-threatening situation, the need for consent would become an issue and legal advice would be required.
- 7.8. Children, Families & Social Care have statutory duties where the child is deemed privately fostered. See Appendix 3.
- 7.9. Some carers/parents are eligible to claim benefits for their child but this is dependent upon immigration status.

8. HOW TO SEEK INFORMATION FROM ABROAD

- 8.1. Seeking information from abroad should be a part of assessing the situation of an unaccompanied child where it is safe to do so. Professionals from all key agencies - eg Health, Education, Children, Families & Social Care and the Police - should all be prepared to request information from their equivalent agencies in the country(ies) in which a child has lived, in order to gain as full as possible a picture of the child's preceding circumstances. Please refer also to Appendix 6, British Red Cross International Tracing And Message Service Guidelines.

All professionals should be cautious before requesting information from abroad and have considered if this could be harmful to the young person or their family members living abroad.

- 8.2. It is worth noting that agencies abroad tend to respond quicker to e-mail requests/ faxed requests than by letter. Similarly, the Internet may provide a quick source of information to locate appropriate services abroad.

9. ASSESSMENT

- 9.1. Any unaccompanied child or child accompanied by someone who does not have parental responsibility should receive an initial assessment in order to determine whether they are a child in need of services, including the need for protection. See also 18.51 regarding "private fostering" duties of Local Authorities.
- 9.2. Such children should be assessed as a matter of urgency as they may be very geographically mobile and their vulnerabilities may be greater. All agencies should enable the child to be quickly linked into universal services (e.g. through the National Register of Unaccompanied Children), which will offer a tracking record service for children. It is

important that wherever possible a child friendly environment should be used when assessing a child.

- 9.3. The assessment of children from abroad can be challenging. The DOH Assessment Framework should be used, provided that it is recognised that the assessment has to address not only the barriers which arise from cultural, linguistic and religious differences, but also the particular sensitivities which come from the experiences of many such children and families.
- 9.4. The needs of the child have to be considered based on an account given by the child or family about a situation which professionals (changed from 'a professional' to 'professionals') has neither witnessed nor experienced. In addition it is often presented in a language, and about a culture and way of life with which the professional is totally unfamiliar or has only basic knowledge about. Professionals should seek advice from appropriate community resources and other specialised agencies.
- 9.5. It is vital that the services of an independent interpreter are employed in the child's first language and that care is taken to ensure that the interpreter knows the correct dialect. Consideration should also be given to the gender of the interpreter. If that interpreter shares more than a common language, and are professionally trained, they can sometimes be a rich source of information about traditions, politics and history of the area from which the child has arrived. They may (or may not) be in a position able to advise on issues like the interpretation of body language and emotional expression.
- 9.6. **The first contact with the child and carers is crucial** to the engagement with the family and the promotion of trust which underpins the future support, advice and services. Particular sensitivities which may be present include:
 - **Concerns around immigration status**
 - Fear of repatriation
 - Anxiety raised by yet another professional asking similar questions to ones previously asked
 - Lack of understanding of the separate role of different services or immigration
 - Lack of understanding of why an assessment needs to be carried out
 - Previous experience of being asked questions under threat or torture, or seeing that happen to someone else
 - **Past trauma**
 - Past regime/ experiences can impact upon the child's mental and physical health. This experience can make concerns from the Authorities about minor injury or poor living conditions seem trivial and this mismatch may add to the fear and uncertainty
 - The journey itself as well as the previous living situation may have been the source of trauma

□ **The shock of Arrival**

- The alien culture, system and language can cause shock and uncertainty, and can affect the mood, behaviour and presentation.

- 9.7. In such circumstances reluctance to divulge information, fear, confusion or memory loss can easily be mistaken for lack of co-operation, deliberate withholding of information or untruthfulness.
- 9.8. The first task of the initial contact is therefore engagement. Open questions are most helpful, with a clear emphasis on reassurance and simple explanations of the role and reasons for assessment. If the “engagement” with the family is good there are more likely to be opportunities to expand on the initial contact, as trust is established.
- 9.9. Within the first contact with the child and carer (s) it is however also vital not to presume that the child’s views are the same as their carer, or that the views and needs of each child are the same. Seeing each child alone is crucial, particularly to check out the stated relationships with the person accompanying them. (Someone allegedly from the same place of origin should have a similar knowledge of the place, for example). Clearly the professional is going to be seen as in “power” and as such a child may believe that they must “get it right” and may tell you what you think you want to hear.
- 9.10. If the engagement is good then there will be opportunities to expand on the initial contact. The ethnicity, culture customs and identity of this child must be a focus whilst keeping this child central to the assessment. The pace of the interviewing of a child should aim to be at the pace appropriate to the child, although the need to ensure that the child is safe may become paramount in some circumstances. Some core questions to be addressed are included in appendix 4.
- 9.11. **Child’s developmental needs. Things to bear in mind include:**

Health

- Health, behaviour and social presentation can be affected by trauma and loss. Famine and poverty can have an impact upon physical and psychological development.
- Wider health needs may need to be considered, including HIV, Hepatitis B and C and TB. (this applies to the parent/carer also)
- It should be noted that medical and educational history of the child may be available from their country of origin.
- Self care skills. Do not judge competence by comparing with a child of the same age in this country. This child may have had to be very competent in looking after themselves on the journey but unable to do other basic tasks. In some countries some children will have been working or have been involved in armed conflict. Loss of a parent can enhance or deprive a child of certain skills. Having had

- Identity. Who is this child? What is their sense of themselves, their family, community, tribe clan, race, history?
- Physical appearance. Life experience and trauma can affect this. Lack of nourishment may make the child present as younger or older.
- Perceptions of what constitutes disability are relative and attitudes towards disabled children may be very different.
- The impact of racism on the child's self image and the particular issues currently faced by asylum seeking children and their families.

Education

- May not speak any English but one or more other languages, and may or may not be illiterate in their home language. Vocabulary in another language may be very limited.
- May not have received any or have limited formal education due to war, due to prohibitions in home countries because of ethnicity or gender, or due to massive changes and movement between countries.
- Being confused and unsettled having been through a few and very different educational systems and establishments in different countries.
- Confused identities and sense of belonging because of diverse cultural and educational differences, and unable to cope with changes and the experiences they have been through.
- Unable to catch up with their peers because of the enormous gaps due to personal situation and educational backgrounds resulting in lack of confidence and sense of insecurity, eg. Learning difficulties, disabilities, depression.
- Having been through abusive educational system in the past which makes the child and young person in need of time and help to trust, to be regular at school and to enjoy learning.
- Emotional and psychological stresses, past and present which causes memory impairment.
- Change of status and previous economic stability in the past can be particularly frustrating and difficult for children to accept

9.12 **Parenting Capacity**

- War, famine and persecution can make a family mobile. The family may have moved frequently in order to keep safe. The stability of the family unit might be more important to the child than stability of place. Judgements that mobility may equate with inability to provide secure parenting may be entirely wrong. In some countries regular migration to deal with exhaustion of the land is part of the culture.
- The fact that a child seems to have been given up by a parent may not imply rejection within their culture, as the motive may have been to keep the child safe or seek better life chances for him/her.

- Talking about parents/ family can be stressful and painful – as can not being given the chance to do so regularly.
- Importance of the extended family/community/clan rather than an Eurocentric view of family.
- Not to presume that they cannot contact their parent who is living abroad unless you have established that this is the case.
- Lack of toys for a child may indicate poverty or different cultural norms rather than poor parenting capacity to provide stimulation.
- The additional issues of parenting a child conceived through rape – either dealing with the negative response of the partner or with the stress of keeping it secret from him.
- Parents who are depressed, who suffer from mental ill health and who are not coping with their circumstances may not be able to support their children adequately to make the necessary transitions.
- Carers pretending to be parents and inadequate in their roles
- Harsh disciplines and extremely strict cultural practices which causes conflict between children and carers (and school)

9.13 **Family and environment**

The importance of economic and social hardship is apparent. In addition there may be issues such as:

- Family history and functioning may include the loss of previous high status as well as periods of destitution
- Different concepts of who are/have been important family members and what responsibility is normally assumed by the whole community, e.g. who a child should reasonably be left with
- Isolation, the lack of friends and supportive networks
- Family being unable to integrate into the community

9.14 Appendix 4 contains some questions which it may be helpful to cover within initial assessment of the situation of a child in these circumstances.

10. CHILDREN IN NEED OF PROTECTION

10.1. Where assessment indicates that a child may be in need of protection and child protection procedures apply, additional factors need to be taken into account. These dilemmas include such things as:

- Perceptions of Authority, the role of the Police/immigration in particular and the level of fear this may generate
- The additional implications of deciding to prosecute a family where deportation is real possibility.
- A child's previous experience of separation and loss
- Judgements about child care practices in the context of such different cultural backgrounds and experiences.

11. THE TRAFFICKING OF CHILDREN

11.1. Trafficking is defined as: "The recruitment, transportation, transfer, harbouring or receipt of children by means of threat, force or coercion for the purpose of sexual or commercial exploitation or domestic servitude." (United Nations 2000) It is a rapidly growing global problem, which is more than a law and order concern; it is a violation of human rights, affecting all communities. **Child protection procedures will always apply where there is suspicion that a child may be being trafficked.** A trafficked child or young person is a victim of a serious crime, who may have suffered from a wide range of physical, emotional, sexual or religious abuse. Fear caused by these abuses may make children (or remaining family in the country of origin), intimidated and unwilling to speak to professionals.

11.2. A number of factors identified by the initial assessment may indicate that a child has been trafficked:

- The child may present as unaccompanied or semi accompanied
- The child may go missing
- The multi use of the same address may indicate that it is an "unsafe house" or that the house is being used as a sorting house
- Contracts, consent and financial inducements with parents may become apparent
- The child may hint at threats to family in their home country for non co-operation or disclosure
- There may be talk of financial bonds and the withholding of documents
- Befriending of the vulnerable Children, Families & Social Care False hopes of improvement in their lives (escaping war, famine, poverty or discrimination)

- 11.3. If it is identified that a child may be being trafficked for the purposes of sexual exploitation the Child Sexual Exploitation procedures should be followed. As soon as suspicions are raised that a child is being trafficked, immediate action to safeguard the child is required. This includes urgent liaison with the police. Planning of the investigations should be within a joint Section 47 strategy meeting, in order to ensure that both the safety of this individual child and the investigation of organised criminal activity are addressed.
- 11.4. Children are also trafficked for the purpose of domestic labour. These children may be less obvious, and their use to the family may be more likely to be picked up during a private fostering assessment, or because someone notices that they are living at a house, but not in school etc. Children who enter the country apparently as part re-unification arrangements can be particularly vulnerable to domestic exploitation.

APPENDIX 1

LEGISLATION

1.1 UK legislation and guidance relevant to trafficked and exploited children includes:

- The Children Act (1989)
- Working Together to Safeguard Children and its supplement Safeguarding Children Involved in Prostitution (1999)
- The National Plan for Safeguarding Children from Commercial Sexual Exploitation (2001-5)
- The Nationality, Immigration and Asylum Act 2002
- The Sexual Offences Act 2003

1.2 International legislation relevant to trafficked and exploited children includes:

- The First World Congress on the Commercial Exploitation of Children (Stockholm, 1996)
- The United Nations Convention on the Rights of the Child (United Nations, 1989)
- The Second World Congress on the Sexual Exploitation of Children (Yokohama, 2001)

In 2000 Trafficking became enshrined in international law for the first time through the Palermo Protocol within the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. The Protocol defines trafficking as:

‘The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in persons’ even if this does not involve any of the means set forth [elsewhere in the Palermo Protocol]’

2. DEFINITIONS

Trafficking and Exploitation

The two most common terms for the illegal movement of people – ‘trafficking’ and ‘smuggling’, are very different. In human smuggling immigrants and asylum seekers pay people to help them enter the country illegally; after which there is no longer a relationship. Trafficked victims are coerced or deceived by the person arranging their relocation. On arrival in the country of destination the trafficked child or person is denied their human rights and is forced into exploitation by the trafficker or person into whose control they are delivered.

The Palermo Protocol establishes children as a special case – *any child transported for exploitative reasons is considered to be a trafficking victim* – whether or not they have been deceived. This is

partly because it is not considered possible for children to give informed consent.

Even when a child understands what has happened they may still appear to submit willingly, to what they believe to be the will of their parents.

3. SUPPORT AND FUNDING

3.1 Unaccompanied Asylum Seeking Children

An unaccompanied child (under 18 years) with an asylum claim will be supported under the provisions of the Children Act 1989. The DOH LAC (2003) 13 (May2003) states “ *For example, where a child has no parent or guardian in the country, perhaps because he has arrived alone seeking asylum, the presumption should be that he would fall within the scope of section 20 and become looked after, unless the needs assessment reveals particular factors which would suggest that an alternative response would be more appropriate*”.

There is funding from central government for UASC, through a Home Office grant reclaim. A higher rate is paid for under 16 year old than for those young people aged 16 and 17 years.

At age 18 the young person’s funding is dependent on their immigration status.

- If they are entitled to ‘leaving care services’ and eligible for NASS support then the LA will arrange accommodation and support and claim £140 back from NASS, (If they do not qualify for ‘leaving care services’ i.e. they have been supported by the LA for less than 13 weeks they will be referred directly to NASS for support) Home Office Bulletin 29.
- they may be entitled to state benefits,
- or they may only have access to support from the LA via their ‘leaving care status’ as ‘a former relevant child’.

3.2 Dependent Asylum Seeking Children

Some children may arrive in the UK to be rejoined with their parents. If their parent have an outstanding asylum claim, the children can be recognised as ‘dependants’ and granted the same status as the principle applicant. Dependants are those who:

- are related (as claimed on the Asylum application)
Or
- Were dependant on the principal applicant prior to arrival in the UK (even though unrelated)
Or
- Had formed part of the pre-existing family unit abroad (again even though they may be unrelated)

If **indefinite** or **discretionary** (**'exceptional'** replaced with **'discretionary'**) leave to remain (ILR/DLR) or **Humanitarian Protection** has already been granted to the parent, the child's application is considered as one for 'family reunion' and not as a 'dependant'. In these circumstances the child must have formed part of the pre-existing family unit abroad.

Children who are dependent on asylum seeking parents may also claim asylum in their own right and their applications are then considered individually, irrespective of the outcome of their parents' claim. The claims must be registered with the Immigration and Nationality Directive (IND). They will be supported via NASS.

3.3 UK legislation affecting support and funding

Nationality Immigration and Asylum Act 2002 (NIA) Section 54 and Schedule 3

The Act has the effect of preventing local authorities from providing support under certain provisions, including section 21 of the National Assistance Act and section 17 of the Children Act.

They restrict the provision of certain local authority support and assistance to the following categories of people.

- Nationals of the European Economic Area (EEA) States (other than the UK) and their dependents
- Those with refugee status in another EEA state and their dependents
- Persons unlawfully present in the UK who are not asylum seekers, including those who have overstayed visa entry limit and those without confirmation of DLR/ILR leave to remain
- Failed asylum seekers who refuse to cooperate with removal directions

The provisions are retrospective. Provision may not be made for any person to whom schedule 3 applies regardless of whether that person has received support or not in the past.

The provisions allow for Local Authorities to provide travel assistance to Nationals of other EEA Member states in order for them to travel back to that state, and to provide them with temporary accommodation pending their departure.

UASC supported under S20 CA 1989 who turn 18 are currently entitled by arrangement with NASS to support from LA's under S24A CA1989 (as amended by the Care Leavers Act). If they cease to be asylum seekers and fail to comply with removal directions they will fall within S 54 and Schedule 3.

Section 55

Applies to those who have made or are intending to make an asylum claim in the UK. It prevents NASS from providing asylum support unless the Secretary of State is satisfied that the person applied for asylum as soon as reasonably practicable after arrival in the UK. Families with dependant children will, however, receive asylum support even if they did not apply as soon as reasonably practicable.

Section 55 does not apply to unaccompanied minors.

Guidance is due from the recent high court ruling (November 2005) R (Limbuela) v Secretary of State for the Home Department:

Asylum and Immigration (Treatment of Claimants etc) Act 2004**Section 9**

Section 9 adds a fifth class of ineligible persons to Schedule 3 of the 2002 Act, which restricts the provision of local authority support and assistance to:

A Failed asylum seeker with dependent child who have a letter of certification from the Secretary of State that they have failed, without reasonable excuse to take reasonable steps to leave the UK voluntarily or to place themselves in a position in which they are able to leave the UK voluntarily. The person will become ineligible for assistance 14 days after receipt of the certification.

APPENDIX 2

SOURCES OF INFORMATION

- 1. Documentation held by the child/family**
The child/family may have documentation from their previous country such as benefit letter, ID cards, GP or hospital letters, letters from other social services departments.
- 2. The Foreign and Commonwealth Office on 020-7008 1500**
- 3. The appropriate Embassy or Consulate**
The London Diplomatic List, ISBN 0 11 591772 1 can be obtained from the Stationary Office on 0870 – 600 – 5522 or from FCO website <http://www.fco.gov.uk>. It contains information about all the Embassies based in London.
- 4. International directory enquiries dial 155.** Ask for main Town Hall number as they will have details of local offices. This can be useful where an address in a town abroad is known.
- 5. International Social Service of the UK**
Cranmer House, (3rd Floor), 39 Brixton Road, London SW9 6DD
Tel No 020-7735 8941/4. Fax 020-7582 0696
- 6. Manchester Children, Families and Social Care**
Tel No: 0161 225 8250
- 7. Refugee Action**
4th Floor, Dale House
35 Dale Street, Manchester, M1 2HF
Tel No: 0161 233 1200

APPENDIX 3

PRIVATE FOSTERING

Under section 67 of the Children Act 1989 a local authority is under a duty to satisfy itself that the welfare of children who are privately fostered within their area is being satisfactorily safeguarded and promoted and to secure that such advice is given to those caring for them as appears to the authority to be needed.

'A privately fostered child' means a child who is under the age of sixteen (eighteen if disabled) and who is cared for, and provided with accommodation in their own home by, someone other than:

- (i) a parent of his;
- (ii) a person who is not a parent of his but who has parental responsibility for him; or
- (iii) a relative of his.

A child is not a privately fostered child if the person caring for and accommodating him:

- (a) has not done so for a period of less than 28 days; and
- (b) does not intend to do so for any longer period.

A child is not a privately fostered child while:

- (a) he is being looked after by a local authority
- (b) he is in the care of any person in premises in which any
 - (i) parent of his;
 - (ii) person who is not a parent of his but who has parental responsibility for him; or
 - (iii) person who is a relative of his and who has assumed responsibility for this care,

is for the time being living;

- (c) he is in accommodation provided by or on behalf of any voluntary organisation;
- (d) in any school in which he is receiving full-time education;
- (e) in any health service hospital
- (f) in any care home or independent hospital;
- (g) in any home or institution not specified above but provided, equipped and maintained by the Secretary of State.

(c) to (g) do not apply where the person caring for the child is doing so in his personal capacity and not in the course of carrying out his duties in relation to the establishment mentioned in the paragraph in question.

- (h) in the care of any person in compliance with an order under section 63(1) of the Powers of Criminal Courts (Sentencing) Act 2000; or a supervision requirement within the meaning of Part II of the Children (Scotland) Act 1995.
- (j) he is liable to be detained, or subject to guardianship, under the Mental Health Act 1983.
- (k) he is placed in the care of a person who proposes to adopt him under arrangements made by an adoption agency or he is a protected child.

A child who is a pupil at a school, and lives at the school during the holidays for more than two weeks, is under 16 and none of the above exemptions apply is regarded as a private foster child during that time.

The usual fostering limit applies to private fostering.

A carer who is disqualified from being a private foster carer or who lives with someone else who is disqualified, cannot privately foster without the consent of the local authority. There is a right of appeal against the refusal of consent.

A local authority is empowered to prohibit a carer from being a private foster carer if they are of the opinion that:

- (a) the carer is not a suitable person to foster a child; or
- (b) the premises in which the child is, or will be accommodated, are not suitable; or
- (c) it would be prejudicial to the welfare of the child to be, or continue to be , accommodated by that carer in those premises.

A prohibition may prevent the carer fostering anywhere in the area, restrict fostering to specific premises, or restrict fostering a particular child in those premises. There is a right of appeal against the imposition of a condition.

The local authority may also impose requirements on a carer affecting

- (a) the number, age and sex of the children to be fostered;
- (b) the standard of accommodation and equipment;
- (c) health and safety arrangements;
- (d) specific arrangements for the children to be fostered.

The local authority must be given notice of the placement by both the parent and the carer and any other person involved in its arrangement.

APPENDIX 4

Private Fostering: Guidance on Questions to Ask Potential Carers of Children From Abroad who do not clearly have Parental Responsibility

It is important that the questions are rephrased for each interview so that the interview does not become interrogatory in tone

- Would also need to speak to child on their own **(with interpreter)** in order to establish child's own views and consistency between child and adult's account of circumstances.
 - Establish carers ID and immigration status.
 - **Establish any previous contact with this or other local authorities/agencies in UK and abroad.**
- 1. How do you know the child? Friend/relative.**
 - 2. What is your relationship and through which parent are you related to the child?**
 - 3. How long have you personally known the child/family?**
 - 4. Please give details/names about individual family members?**
 - 5. Which town or city does the child in your care come from?**
 - 6. Please describe their family home/surroundings/environment?**
 - 7. If you have never seen this child before - how do you know this child belongs to your relative?**
 - 8. Can you tell me why the child has come to this country?**
 - 9. Did the child have any contact with you prior to their arrival in this country?**
 - 10. Has the child stayed with anyone else, or in another area in this country, or on the way to Britain?**
 - 11. Are the child's parents alive or dead?**
 - 12. If alive, where are the child's parents?**
 - 13. Do you know why the parents sent their child to Britain and to you?**
 - 14. Did the parents ask you to look after the child and do you have anything in writing?**
 - 15. Are the parents aware that the child is with you?**

- 16. Are you in contact with the child's parents and if so by what means?**
- 17. Would it be possible for us to contact the child's parents?**
- 18. Who brought the child into the country?**
- 19. Who paid for their passage?**
- 20. By which route/transport did they arrive?**
- 21. Do they have any other friends or relatives in this country?**
- 22. Are you in contact with other friends or relative, if yes please provide their details?**
- 23. If yes, why did they not stay with them?**
- 24. Which documentation does the child have pertaining to their identity and nationality?**
- 25. Do you have a letter from Home Office stating that you are the carer/guardian?**
- 26. How did the Home Office decide that you should be the guardian/carer?**
- 27. Do you have a partner/husband/wife, if yes, is he/she happy to continue to care for this child?**
- 28. Do you have any children? If yes what are their ages and gender?**
- 29. How do you think caring for another child for will impact on your own family/finances?**
- 30. Does the child have his own bedroom?**
- 31. What responsibility are you willing to take for the child - i.e. basic essentials/ carer's role/legal responsibility?**
- 32. How long are you able to commit yourself to this responsibility?**

APPENDIX 5

SPECIAL PROVISION MADE BY THE DIVERSITY AND INCLUSION TEAM FOR CHILDREN ARRIVING FROM ABROAD

For the past two years there has been out of school provision for newly arrived pupils at both KS3 and 4 unable to immediately find places in Manchester secondary schools.

KEY STAGE 3 (11-14 year olds)

This year KS3 pupils are being offered classes five mornings a week until they succeed in finding or winning an appeal for a place in school. The classes are currently based at Friends Meeting House on Mount Street.

As the class of pupils is continually changing and the level of English language is both unpredictable and wide ranging, the curriculum is very flexible in an attempt to respond to individuals.

This said, the purpose of the lessons is always to ensure firstly that the children have a basic level of survival English and then begin to acquire the type of academic English which gives them access to the curriculum in school. The main focus of this academic English is the core curriculum, English, Maths and Science although other subjects are brought in as appropriate. An attempt is made to concentrate on topics which are common to years 7, 8 and 9.

All pupils are provided with free weekly bus tickets.

We have good links with Children, Families and Social Care, Manchester Asylum Seekers Team, the Routes Project, Safe in the City, Save the Children, the Education Welfare Service and School Nurse.

We support families in their attempts to secure school places for their children. When places are found, we then liaise with schools to help facilitate integration. During past years the pupils have typically spent between two weeks and seven months in the provision depending on the areas they lived in, the schools they applied to and the availability of places for that particular year group.

KEY STAGE 4 (14-16 year olds)

Provision for up to thirty KS4 pupils has been set up at the City Centre Campus of City College.

These pupils have been integrated into existing courses in English for Speakers of Other Languages for 16 to 18 year olds at the college.

They are able to access courses from basic skills levels through to GCSE depending on their levels of English.

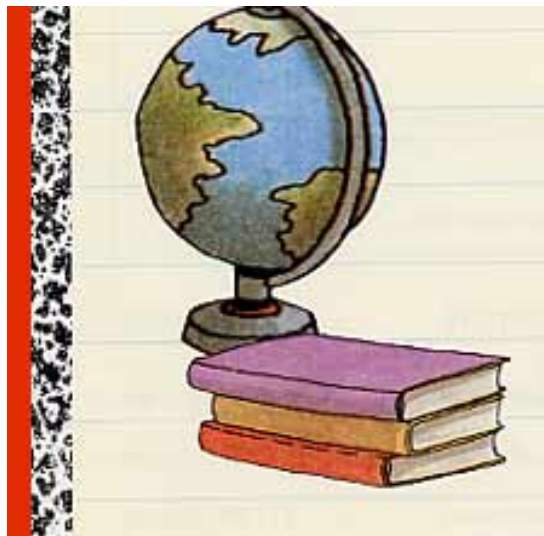
A member of the college ESOL department has special responsibility for these pupils and a member of the Diversity and Inclusion Team liaises with the college to ensure that both curriculum and pastoral needs are being met.

The pupils are offered pastoral support through tutors in the college, and their courses include numeracy, IT and hopefully this year, science. The pupils are also able to take advantage of the college enrichment programme which offers opportunities for sport and other activities.

Diversity and Inclusion ensure that the pupils also have access to other entitlements of school age pupils such as the school nurse, bi-lingual support, free travel and meals where appropriate, support from the Education Welfare Service and the Educational Psychiatrist.

Appeals for school places for these pupils are pursued though experience has shown that whereas a few Y10 pupils do find places, most of them and all the Y11 pupils remain at City College.

Palmerston Street
Ancoats
Manchester
M12 6PE
Tel: 0161 273 4232
Fax: 0161 274 3427



We run classes which you can attend if you:

- have no school place
- live in Manchester
- are on a waiting list for a school
- are between 11 and 16 years old
- are learning English as an additional language

Phone 273 4232 and ask for Jackie Barrow or Jenny Patterson for further information.



MANCHESTER
CITY COUNCIL

**Manchester Education
Partnership**

Palmerston Street
Ancoats
Manchester
M12 6PE
Tel: 0161 273 4232
Fax: 0161 274 3427

8.9.2004

To whom it may concern,

Diversity and Inclusion Team

Re: English classes for pupils from overseas unable to find school places

Please find enclosed some fliers with information about English classes we are running for Key Stage 3 and 4 pupils on waiting lists for places in schools.

We would be grateful if you could hand these out to any such pupils you come in contact with.

If you could also FAX or post us a copy of the slip below, then if the pupils do not phone us, we can contact them with more information.

Thanking you for your help,
Yours sincerely,

Jackie Barrow

.....

Jackie Barrow
Diversity and Inclusion Team,
Palmerston Street,
Ancoats, M12 6PE

FAX: 0161 274 3427

When you hand out a flier about classes for pupils from overseas without school places, could you please return this slip to the address above.

Name of child

Address

.....

Tel.

Date of birth

Referred by:

Name

Organisation

Jackie Barrow
Diversity and Inclusion Team,
Palmerston Street,
Ancoats, M12 6PE

FAX: 0161 274 3427

When you hand out a flier about classes for pupils from overseas without school places, could you please return this slip to the address above.

Name of child:.....
Address
.....
Tel.
Date of birth

Referred by:
Name
Organisation

.....✂

Jackie Barrow
Diversity and Inclusion Team,
Palmerston Street,
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Address
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Date of birth

Referred by:
Name
Organisation

APPENDIX 6

British Red Cross International Tracing and Message Service Guidelines for Restoring Family Links for Unaccompanied and Separated Children

Background

The International Tracing and Message Service (ITMS) of the British Red Cross (BRCS) has been involved with tracing of unaccompanied and separated children (UASC) for decades – minors came to the UK before WWII (Kinder Transport) - so it is not a new phenomenon. However, UASC currently arriving in the UK from conflict areas come from varying backgrounds and cultures and bring new complexities to the service.

There are currently approximately 8,500 UASC in the UK (Save the Children Fund, “Young Refugees”, May 2003). Nonetheless, ITMS has a record of only 182 tracing requests in 2002 and 95 in 2003. These enquiries come directly from young persons, our Red Cross Branches, Local Authorities and Solicitors requesting the Red Cross to search overseas. Additionally, we receive tracing requests from our Red Cross/Red Crescent National Societies and the International Committee of the Red Cross (ICRC) requesting us to trace unaccompanied minors in the UK.

It is evident that we only receive a small proportion of tracing requests. This, we believe, could be due to the unwillingness or fear of the young person to initiate a tracing enquiry as they are concerned what impact it may have on their asylum application or possible security implications for their families overseas. However, of the tracing requests that we do receive a large proportion of them are unsuccessful due to, we believe, inaccurate or incomplete information. The reasons for this are complex and varied but we are aware that they do not always trust nor do they understand the role of the Red Cross. Given that we are a charitable organisation and our tracing services are free of charge it is both expensive and time consuming for both BRCS and ICRC. In light of the above situation consideration needs to be given and guidelines set on how to minimise such enquiries.

Policy

Following consultations with other organisations and Red Cross National Societies the following guidelines have been drawn up:

The Red Cross is unable to undertake tracing enquiries from a third party and will only accept requests from an unaccompanied minor who wishes to find his/her family overseas. All tracing requests will be handled by local Red Cross Branches. It will still be possible to make enquiries through the Tracing caseworkers at our UK Office (HQ) who will advise on the feasibility of the request but will refer the caller to the appropriate local Branch with the name of a contact person.

At Branch/Area office, the Tracing & Message co-ordinator will arrange for the UASC to come for an initial interview in order to explain the Tracing and Message service. They can bring someone with them, if they wish. (e.g. an interpreter). The interviewer will either have Child Protection Training or will be accompanied by someone with Child Protection Training. Please note the Red Cross does not have funds available for interpreting services, therefore, the onus is on the service user/statutory authorities to provide one.

The first interview will include the following:

- a) The role of the Fundamental Principles of the Red Cross within the International Tracing and Message Service;
- b) The role of British Red Cross and ICRC;
- c) Details required in order to carry out a tracing request – explanation of the Red Cross tracing / message form;
- d) That the interview will be confidential – however, the UASC should be told that the information contained in the form will be passed to ITMS at UK Office and then to the ICRC or Red Cross/Red Crescent National Society as appropriate. Any special requests made by the UASC, will be noted and passed on to the ITMS for example, if the young person does not wish the Red Cross to use the media or if they have security fears;
- e) The information from the tracing / message form will be entered onto a database and then passed on to the ICRC;
- f) That the ICRC personnel (expatriate and local staff) may visit the last known address given and the address of other contacts given in the tracing form.;
- g) That the result of the enquiry will be given to the young person only;
- h) There is no time limit on an enquiry and that the outcome is always unknown;

In order to protect the UASC's confidentiality, at the end of the interview the young person will be given the opportunity to attend a second interview (with interpreter, if necessary) should he/she wish to do so in order to complete the tracing / message forms. The UASC will sign the form agreeing to the Red Cross carrying out the enquiry on their behalf.

It may be that the UASC will not be able to give sufficient information during the second interview and needs time to reflect. The offer of subsequent interviews will be given until the interviewer is satisfied that there is enough information to proceed with the case.

Training

All personnel conducting these interviews will have undergone our International Tracing and Message course, Police checks (CRB) and Child Protection Training. Additionally, other appropriate training will be available to staff and volunteers.

Result of enquiry

The result of a tracing request is given only to the UASC personally.

We will not give out information about the UASC's case to third parties (Social Workers, Solicitors, Government Authorities). If a relative(s) is found, then they will probably receive a Red Cross Message from their relative. Depending on the circumstances in the country concerned, the UASC can either continue to maintain contact through the Red Cross Message Service or by telephone/letter if appropriate.

However, if the Red Cross is unable to find a relative it will still be possible for the UASC to continue to search should they have additional information which may lead to finding another family member.

For any further information please contact Pamela Hussain, Senior Caseworker, International Tracing and Message Service, UK Office on 0207 235 5454.