

Impact of asylum legislative/guidance changes on children

Date: 27th March 2024

Report of: Director of Children and Families

Report to: Children and Families Scrutiny Board

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

The report summarises the impact of national legislation and changes affecting unaccompanied asylum-seeking children (UASC).

The report will also provide an update on the impact of national and local issues in relation to families who have no recourse to public funds (NRPF)

The report is an update for Scrutiny and is not seeking decisions.

Recommendations

Scrutiny Board is asked to note and endorse this update report.

What is this report about?

- 1 As reported to Scrutiny Board in September 2023, there have been significant changes in asylum legislation and guidance that have impacting on children and families locally and nationally. This report will outline the impact on children and families in Leeds and how Leeds continues to support children and families who have No Recourse to Public funds and unaccompanied children in the role of corporate parent.
- 2 The main legislative change for consideration in relation to unaccompanied children is the Illegal Immigration Act 2023. The Act places a legal duty on the Home Secretary to remove anyone arriving by non-approved routes to the UK to claim asylum. This Act means that they will be removed to either their home country or a third country such as Rwanda. Although the duty does not apply to unaccompanied children, the Home Secretary retains power to remove them when they turn 18.

What impact will this proposal have?

- 3 This is an update report, with no new proposals.

How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing Inclusive Growth Zero Carbon

- 4 Leeds City Council has made commitments relating to the health and wellbeing of children within the city, outlined as part of the Best City Ambition and Children and Young People's Plan, which has been updated for 2023. The arrangements described in this report support the delivery of services to meet ongoing need in relation to corporate responsibilities.

What consultation and engagement has taken place?

Wards affected:

Have ward members been consulted? Yes No

- 5 This is an update report, with no specific consultation or engagement.

What are the resource implications?

- 6 There are no new proposals with resource implications presented in this report.

What are the key risks and how are they being managed?

Impact of Illegal Immigration Act 2023

- 7 We have seen delays in Leeds relating to decisions for unaccompanied children entering the UK since June 2023. Unaccompanied children who have arrived in Leeds since June 2023 have not received decisions around their immigration status with no indication of timescales given by the Home Office. For children approaching 18 or care leavers over 18, this is causing significant anxiety and instability due to the power of removal post 18 the Act places on the Home Secretary.
- 8 As children arriving in the UK unaccompanied have experienced loss and trauma, this anxiety adds to concerns over the impact on their mental health. It also means that they cannot make plans or feel secure, and this also impacts on practitioners who are supporting children and young people to manage the uncertainty without being able to provide them with reassurance or answers. Transition to adulthood is often a highly anxious time for any young person especially care leavers. The Act further disadvantages care leavers who have arrived in the UK as unaccompanied children as they cannot plan for their future as they could be removed from the UK at any time.
- 9 The Refugee Council and other organisations have shared that this will likely increase the number of young people who go missing or place them at increased risk of trafficking. As children and young people who arrive unaccompanied often do not have any family

connections in the UK, they can be more vulnerable and at a higher risk of exploitation. The uncertainty in their future caused by the Act, will add to this risk.

Age assessments

- 10 In October 2023 the Home Office advertised to recruit social workers to join the National Age Assessment Board. This was met with sector wide concerns and opposition around the ethical considerations for social workers in maintaining their professional standards and values. The British Association of Social Workers (BASW), the Royal College of Paediatrics and Child Health (RCPCH) and the British Dental Association (BDA) have all expressed their concerns over the proposal of scientific methods including MRI scanning of teeth and bones as being unethical and inaccurate method of determining age. Concerns from the sector are around the over reliance of visual assessments and physical appearance to assess age. Leeds as well as other local authorities use Merton-compliant social work assessments that are comprehensive and consider a holistic approach to assessing a child's age.
- 11 Research by the Helen Bamber, Foundation and Humans for Rights Network, shows that in 2022 approximately 850 children were incorrectly assessed as adults by border officials and sent to adult accommodation, they were assessed as children once they were referred to local authorities' social workers, but some have spent many months with adults in adult accommodation or detention.
- 12 Leeds has also seen an increase in unaccompanied children relating to under 18-year-olds who have been wrongly assessed by the Home Office as being adults and therefore relocated into the Leeds adult asylum hotels. In the week of 18th December to the 22nd of December Childrens Services received 16 referrals from the Welfare Officers from those hotels reporting that either the young person was claiming to be under 18 years of age or that they presented as being under the age of 18 years. This resulted in Childrens Services assessing that 12 of the 16 young people were either under 18 years of age or would need to be accommodated as looked after children whilst a full Merton Compliant Age Assessment was completed to determine their age. Leeds continues to receive 3 to 4 referrals for unaccompanied children weekly. This includes those through the NTS scheme, adults hotels and other means. We are concerned over the number of children whose age has been wrongly assessed and are placed in adult hotels.

Placement and support costs

- 13 The NTS was set up in 2016 by the Government and although initially voluntary, Leeds made the decision as an inclusive city to welcome unaccompanied children seeking asylum in our city. Due to the voluntary nature of the scheme border local authorities such as Kent have continued to see a surge in demand and therefore in February 2022 the Government directed all local authorities to receive unaccompanied children through the scheme.
- 14 As detailed in the report presented at Scrutiny Board in September 2023, the funding provided by the Home Office for unaccompanied children does not cover the full cost of the placement or support. Currently the payment is at £143 weekly per person per night for local authorities who have 0.07% or above of unaccompanied children per child population or £114 per person per night for those under 0.07%. The cost of external placements and impact on local authorities is highlighted nationally as an increased area of risk. For unaccompanied children and care leavers who arrived as unaccompanied children, the cost is as it is for any other child looked after and the placement will depend on their individual needs. The set amount by the Home Office does not reflect individual needs for children which can have a significant impact on the cost of placements. Additional costs for local authorities include staffing in relation to social workers, personal advisors, Independent Reviewing Officers and other support for the

child or young person's individual needs as per the local authorities corporate parenting responsibilities.

No Recourse to Public Funds (NRPF)

- 15 NRPF applies to a person who is subject to immigration control in the UK and has no entitlement to welfare benefits or social housing. Families who have the NRPF status can access school and NHS provision but are not entitled to any other support and cannot work. This means that where there are children in the household, the Local Authority under the Children Act 1989 have a duty to undertake a child in need assessment and provide support if needed.
- 16 Families who have this status are not considered to be asylum seekers and can find themselves in such circumstances for several reasons. They may have entered the UK supported by a family member or spouse and there is a breakdown in the relationship. This is a particular concern where there is domestic violence, honour-based violence and abuse or concerns of modern slavery. Victims in such circumstances are more likely to remain with perpetrators and at risk due to fear and dependency. Victims of domestic violence can apply for Destitute Domestic Violence Concession however people in such circumstances, mostly women, do not have access to legal advice or may face language and communication barriers.
- 17 Families who have NRPF can be fearful of asking for help or accessing services and therefore, can be hard to reach. They often are more likely to engage with community and faith groups who will refer for a child in need assessment if they feel a family needs support beyond the provision they can provide.
- 18 Social workers at the Front Door are skilled and experienced in directing referrals for child in need assessments whereby a family presents as having NRPF. Once the assessment is completed this is considered at the NRPF Panel which reviews and considers each family and the local authority's legal duties.
- 19 As reported in September 2023, the families presenting as having NRPF are reducing in Leeds in line with the national trend. We continue to have around 20 families needing support however due to increased housing costs, and cost of living there is a significant pressure on Sc17 spending in Leeds and other local authorities. There is no additional funding received to cover this cost.

Options, timescales and measuring success

What other options were considered?

- 20 There are no options considered in this report as it is an update report.

How will success be measured?

- 21 As above

What is the timetable and who will be responsible for implementation?

- 22 As above

Appendices

- None

Background papers:

- [Families with No Recourse to Public Funds \(trixonline.co.uk\)](https://trixonline.co.uk)
- [Unaccompanied Migrant Children and Child Victims of... \(trixonline.co.uk\)](https://trixonline.co.uk)
- [Assessing age for asylum applicants: caseworker guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk)
- [Age Assessment Guidance and Information Sharing Guidance for UASC | ADCS](#)
- [RMCC-IMB-HoL-Report-Stage-Age-Assessments-June-23.pdf \(refugeechildrensconsortium.org.uk\)](https://refugeechildrensconsortium.org.uk)
- [Processing children's asylum claims: caseworker guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk)
- [National Transfer Scheme \(NTS\) Protocol for unaccompanied asylum seeking children \(UASC\) \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)
- [Unaccompanied asylum seeking children: national transfer scheme - GOV.UK \(www.gov.uk\)](https://www.gov.uk)
- [UASC funding instructions to local authorities 2022 to 2023 \(accessible version\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk)
- [Suitable placements for UASC updated \(adcs.org.uk\)](https://adcs.org.uk)
- [Social workers join outcry over children vanishing from Home Office hotels | www.basw.co.uk](https://www.basw.co.uk)
- [Debate on accommodation of asylum-seeking children in hotels, House of Commons, 7 June 2023 | Local Government Association](#)
- [ECPAT -v- Kent Council judgment \(judiciary.uk\)](https://judiciary.uk)
- [Kent makes renewed legal threat over National Transfer Scheme for unaccompanied asylum-seeking children \(localgovernmentlawyer.co.uk\)](https://localgovernmentlawyer.co.uk)
- [Asylum backlog | Institute for Government](#)