

Impact of asylum legislative/guidance changes on children

Date: 4th September 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 highlights the current funding shortfalls in providing care and support to unaccompanied asylum-seeking children (UASC) in Leeds.

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 previously reported to the Scrutiny Board in March 2024, the funding provided by the Home Office for unaccompanied children does not cover the full cost of placements or support. This causes budget shortfalls for local authorities nationally, including Leeds. In total, we are projecting a £1.2 million funding shortfall from the Home Office to support UASCs and former UASCs this financial year.
- 2 As reported to Scrutiny Board in March 2024 and September 2023, there have been significant changes in asylum legislation and guidance that impact on children and families locally and nationally. The main legislative change for consideration in relation to unaccompanied children is the Illegal Migration 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. Although the duty does not apply to unaccompanied children, the Home Secretary retains power to remove them when they turn 18.

- 3 In July 2024, the new Government announced that the Rwandan deportation scheme would be scrapped. The new Government also announced on 30 July 2024 a significant policy change which will mean that some Afghan families can now be reunited in safety in the UK. The Afghan Citizens Resettlement Scheme (ACRS) will be expanded to enable family reunion for some Afghans who were resettled under Pathway 1 of the scheme.
- 4 In recent weeks, there have been significant and unacceptable attacks on asylum hotels, businesses and mosques by far-right extremists. These racist attacks should have no place in our society, and it has a devastating impact on children, families and communities. This report will outline the impact of recent events and legislative changes on children and families in Leeds and how Leeds continues to support children and families who have No Recourse to Public funds (NRPF) and unaccompanied children (UASC) in the role of corporate parent.

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. 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?

Update regarding UASCs in Leeds

- 7 The National Transfer Scheme (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. All local authorities have been mandated to participate in the NTS since February 2022. At present, the majority of referrals of UASCs to Leeds children's services come via refugee charities, accommodation providers and solicitors acting for young people who are believed to have been incorrectly age assessed by the Home Office and placed in hotel accommodation in Leeds.
- 8 As of 1st July 2024, Leeds had 123 UASCs, a decade highpoint and a significant increase from 101 as at March 2024. Afghanistan (34) and Sudan (31) are the two highest countries of origin with Sudan showing a significant increase since March 2024. Afghanistan and Sudan are among the top 10 nationalities claiming asylum in the UK, and the significant increase in

UASCs from Afghanistan and Sudan is likely due to the presence of adult asylum hotels in Leeds.

Age assessments

- 9 Leeds social workers continue to carry out holistic Age Assessments of age disputed UASCs in line with the Merton Judgement and subsequent case law, and the 2015 ADCS Age Assessment Guidance. From January 2024 – August 2024, Leeds received 91 new referrals of UASCs via a variety of sources, including the National Transfer Scheme, the Refugee Council, Migrant Help, Asylum Support, PAFRAS (Positive Action for Refugees and Asylum Seekers), solicitors, and directly from hotels accommodating young people.
- 10 Since January 2024, twenty-one (21) children have been incorrectly assessed as adults by border officials and sent to adult accommodation in Leeds. These individuals were age assessed to be children following referrals to Leeds Children's Services. We are concerned by the number of children whose age has been wrongly assessed and who have been placed in adult hotels, often sharing a room with an unknown adult.

Funding shortfalls

- 11 The cost of external placements and the 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, interpreters and other support for the child or young person's individual needs as per the local authorities corporate parenting responsibilities.
- 12 As detailed in previous reports to the Scrutiny Board, the funding provided by the Home Office for unaccompanied children does not cover the full cost of the placement or support. Local authorities looking after volumes of UASC at or above the 0.07% "threshold" are paid a higher rate (£143/night per UASC). Those local authorities looking after UASC which amount to less than 0.07% threshold are paid the lower rate (£114/night per UASC). The 0.07% threshold is calculated as 0.07% of the child population according to the Office of National Statistics Population estimate. Based on child population data, there are 172,651 children living in Leeds, therefore the 0.07% threshold is 120 UASCs. As of July 2024, Leeds is caring for 123 UASCs (above the 0.07% threshold), and we expect to receive £3.9 million in grant funding this financial year to provide support and accommodation to our UASCs. While this may appear to be a large sum, the cost of staffing, placements, key work support, interpreters and overheads means that Leeds is currently projecting a budget shortfall of approximately £1 million for UASCs this financial year.
- 13 Leeds also continues to have corporate parenting duties to former UASCs who become care leavers upon their 18th birthday. Since the Children and Social Work Act (2015), local authorities have extended duties to care leavers until their 25th birthday. The Home Office also provides grant funding to local authorities for care leavers who were formerly unaccompanied asylum-seeking children. Of the 761 allocated care leavers over 18 as at 1st July 2024, 238 are former UASC. Based on July 2024 data, Leeds expects to receive £3.2 million in grant funding for 238 over 18 former UASCs. This represents a £600k funding gap from the Home Office for former UASCs/care leavers this financial year. In total, we are projecting a £1.2 million funding shortfall from the Home Office to support UASCs and former UASCs this financial year.

Impact of Illegal Migration Act 2023

- 14 The Illegal Migration Act caused distress and anxiety for UASCs in Leeds, and our social care staff have shared the following concerns and impact:
- 15 Home Office asylum decisions for people arriving after March 2023 were delayed and postponed for some months. This caused prolonged uncertainty and an inability for children and young people seeking asylum to plan and to move forward with their lives. This impacted on children and young people's mental health and being able to start the process of recovering from significant trauma. However, we have recently heard that decisions have started to be processed again and clear and obvious asylum and humanitarian protection cases are being expedited to clear the backlog of asylum claims.
- 16 The threat of being "deported" to Rwanda upon turning 18 increased anxiety for a number of asylum seeking children. Social workers reported that a number of UASCs experienced panic attacks and anxiety, with one young person hospitalised. We note that the scheme will no longer be progressed.
- 17 Legal Aid Solicitors in the West Yorkshire region are full and have reported to have waiting lists in excess of 3 months for new clients. This has an impact on children and young people being able to complete Statement of Evidence Forms (SEFs) and witness statements to the Home Office in support of their asylum claim. Leeds social workers have been able to successfully advocate for extensions to Home Office timeframes to allow children and young people to secure independent legal advice. In addition, prior to March 2023, Legal Aid solicitors were depleted and had been difficult to secure.

Impact of far-right extremism

- 18 The recent far right extremism has understandably frightened many UASCs and care leavers, leaving them feeling unsafe. When staff were made aware of suspected planned protests and disorder, they took all necessary action to ensure the welfare of these children/young people.
- 19 In addition, social work staff have highlighted concerns that Home Office asylum hotels have been targeted by far right extremist groups, and this puts those hotel residents at risk, including children who may have been incorrectly assessed by the Home Office as adults. Social work staff continue to complete age assessments of children who have been incorrectly age assessed and placed by the Home Office in shared hotel accommodation with adults. In these situations, Leeds accommodates age disputed young people under s.20 of the Children Act while a full age assessment is carried out. The support provided to young people while an age assessment is carried out is the same as for any other child accommodated under s.20 of the Children Act, this includes allocation of a social worker, initial health assessment, suitable accommodation, education provision, and subsistence allowance.
- 20 There is the additional concern that accommodation housing UASCs and care leavers may become a target of far-right extremists, and this situation is being carefully monitored by the Corporate Parenting Service. To date, we are not aware of any threats or risks posed to accommodation sites for children. Colleagues in the directorate continue to work with Safer Leeds colleagues to share information and monitor risk levels. Safety advice has been given to young people and additional support offered where needed.

No Recourse to Public Funds (NRPF)

- 21 NRPF applies to a person who is subject to “immigration control” in the UK and has no entitlement to welfare benefits or social housing. A NRPF condition is usually imposed when a person has been issued with leave to enter or remain for a temporary purpose, such as to visit, study or work. Families who have the NRPF status can access school and NHS provision but are not entitled to any other support and cannot work. A family with no recourse to public funds may be provided with accommodation and financial support by social services under section 17 of the Children Act 1989, when a child (under 18 years old) has been assessed by social services as being in need.
- 22 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.
- 23 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.
- 24 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.
- 25 As reported in March 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. Last financial year, Leeds spent £230k supporting NRPF families. As of this financial year, Leeds has spent £112k in the first 4 months of financial year 2024-2025, with a projected spend of £300k by financial year end.

Options, timescales and measuring success

What other options were considered?

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

How will success be measured?

- 27 As above

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

- 28 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](https://www.adcs.org.uk)
- [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://www.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](https://www.localgovernmentassociation.org.uk)
- [ECPAT -v- Kent Council judgment \(judiciary.uk\)](https://www.judiciary.uk)
- [Kent makes renewed legal threat over National Transfer Scheme for unaccompanied asylum-seeking children \(localgovernmentlawyer.co.uk\)](https://www.localgovernmentlawyer.co.uk)
- [Asylum backlog | Institute for Government](https://www.instituteforgovernment.org.uk)