



Child first

Looking after Unaccompanied
Asylum Seeking Children in Wales

Information for foster
carers about fostering
unaccompanied asylum
seeking children in Wales



**Canolfan
Gyfreithiol
y Plant**
Children's
Legal
Centre

This guide is designed to provide information, guidance and advice on fostering unaccompanied asylum seeking children and young people (UASC).

Who are 'UASC'?

A 'UASC' is a child or young person under the age of 18 who is away from their home country, in the UK without their parents or a legal guardian, and is making a claim for asylum in their own right.

Rather than use the terms 'UASC' and 'child' in this document, we have used the phrase 'young person/young people' to mean someone under the age of 18 in this position.

These young people may have arrived in Wales on their own, or they may have been trafficked into the UK by adults and then abandoned. A small number have come to the UK under a mechanism in legislation (s.67 Immigration Act) which requires the UK Government to accept a number of young people from elsewhere in the EU. This commitment is due to remain in place following the UK's exit from the EU in March 2019.

Many of these young people will have particular emotional, practical, language, religious and cultural needs that their foster carers will have to consider. Alongside the task of caring for these young people on a day-to-day basis, foster carers will also need to support them through the process of applying for asylum in the UK, and possibly to prepare for their return to their home country.

Being a foster carer of an asylum seeking young person is a very rewarding experience. One of the chief characteristics of these young people is that they are very keen to learn and study. It is very important for them to become skilled and qualified in their chosen area of interest. If you have no experience of fostering an asylum seeking young person and would like to know more, speak to your local authority children's social services department who could put you in touch with a foster carer that does have experience.

Background

The young people who come to the UK may have been physically, mentally or sexually abused and be distrustful of adults and unable to talk about their experiences. For some young people, the stress of what has happened to them may cause them to suffer some memory loss or to be confused about what has happened to them and when. They may also have little or no English.

The Rights of Unaccompanied Asylum Seeking Children

When a young person comes to Wales without his or her parents, there are two things that have a bearing on their 'rights' in Wales:

- ▶ Their age – which determines whether the young person is to be treated as a 'child' (if they are under 18) or as an adult, and whether the Home Office or the local authority has responsibility for them.
- ▶ Their immigration status – which says whether and how long the young person can stay in Wales.

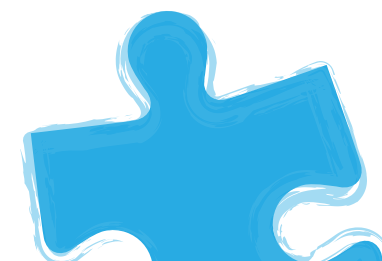
Sometimes, a young person appears to be older or younger than their stated age, and will likely have to go through an 'age assessment' process which is explained later in this document.

The Welsh Government has committed that all its decisions will take into consideration the rights of children as set out in the United Nations Convention on the Rights of the Child. This cascades down into decisions made by the local authorities, children's services, schools and health services. Other legislation in Wales, including the Social Services and Well-being (Wales) Act 2014, set out the details of how a young person should be looked after in Wales, regardless of where they have come from.

Every young person under the age of 18 in Wales has the same rights. These include the right to:

- ▶ Somewhere safe and appropriate to live
- ▶ Education
- ▶ Health and well-being – and access to health services
- ▶ Play and relax
- ▶ Respect for his or her language, culture and religion
- ▶ Be protected from harm and from harmful activities
- ▶ Live free from discrimination
- ▶ Have his or her views taken into account when decisions are being made about them.
- ▶ Information

Decisions about any of these young people should always be made in their best interests.



Frequently Asked Questions

? The young person comes with no history – how do I know who I am fostering?

You may have very little information about the young person you are fostering.

You may not have much initial information about the young person placed with you. You may have heard about what's happening in the country they have come from, but this may raise more questions for you. In terms of specifics, you may have little more than the young person's name.

You can find information where the young person has come from online, or from booklets such as: <https://corambaaf.org.uk/books/caring-unaccompanied-asylum-seeking-children-and-young-people>

You can also look at the country information reports on the Human Rights Watch website: www.hrw.org/countries, the BBC website: news.bbc.co.uk/1/hi/country_profiles/default.stm and Amnesty International website: www.amnesty.org/en/countries

The majority of these young people are older teenagers – aged 14 and above. They are mostly boys. Although each young person will have an individual story to tell, they will almost certainly have had difficulties in the country they left, during the journey to Wales and on arrival here. The demands of the journey they have made, which can often take months, will have left them exhausted and with possible physical and/or mental health issues.

Your social worker and community groups may be able to help you with background about the young person's culture, foods they will be used to eating and other useful information such as local groups and services.

If you have any concerns about the young person, or about his or her behaviour towards you or other children or young people in your care, you should talk to your social worker. If it is an emergency, you may need to contact the police.

You may find out information that you have to share with other organisations

As the placement progresses and you develop a relationship with the young person, you may find out more about the young person's background. Although you will want the young person to trust you and feel protected, you may need to share information with social workers or the police or immigration authorities if you think the young person is at significant risk of harm – for example to protect them from exploitation.

? Can the young person contact their family?

The young person may not know where his or her parents or other family members are or even if they are alive.

The young person in your care may have links to family members in the UK. These family members will need to be assessed before they can have unsupervised contact, as is the case for all children in care.

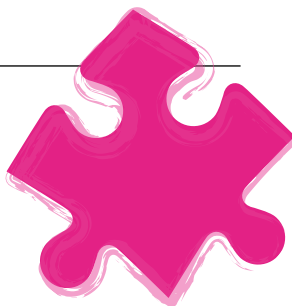
If it's established that the young person has parents in another EU country, they may be returned to them to claim asylum there with the rest of their family.

If the young person isn't in contact with their family, the Home Office might take steps to trace family members if it is safe for the young person and for his/her family. It might not be safe for the young person if there is a concern that the family was involved in trafficking him/her to Wales/the UK in the first place, or the young person is upset about the idea of going back to their family. The young person will be told if this is going to happen.

The young person may wish to try and trace family

If there are no issues in tracing the family, the young person's social worker should advise them about the family tracing services offered by the British Red Cross. If you become aware that the young person would like support to try and contact their family, you should speak to the young person's social worker so that the young person can be helped to do this.

? Will the young person have a Care and Support Plan?



The young person will have a Care and Support Plan

The services the young person needs to achieve or maintain a reasonable standard of health, well-being and development will be assessed and detailed in a Care and Support Plan. This will be developed between the young person and their social worker. As a result of conditions in the country where they have come from, or because of the journey, the young person may have many additional needs.

? Will the young person have health and well-being issues to consider?

Health and well-being issues will be assessed as part of the Care and Support Plan

Many children and young people coming to the UK have health and well-being issues, including physical and mental health issues resulting from their experiences either in the country they have come from originally, or during their journey to Wales.

The young person will have a health plan as part of his or her Care and Support Plan.

You may need to help the young person register with a GP and a dentist

Young people claiming asylum don't have to pay to visit a GP or a dentist. The young person should be registered with a GP within 10 days of becoming looked after. If the young person you are fostering isn't already registered with a GP you should help with this, as well as registering with a dentist.

You may need to support the young person to get help for physical or mental health conditions

If you're worried that the young person has been tortured, or experienced abuse such as Female Genital Mutilation (FGM) or other sexual abuse, you can work with the social

workers to support the young person to get help. Most asylum seeking children and young people are male and they will feel particular shame if they have been sexually abused and especially embarrassed about reporting it. They might need more intensive support to come to terms with their experiences. Secondary care for these issues is free on the NHS regardless of the immigration status of the young person.

? Will the young person have special dietary requirements?

The young person you foster may have dietary requirements as a result of religious beliefs or cultural traditions

You will be able to explore this with the young person. They may not eat certain kinds of meat, including halal meat, or may be vegetarian.

Aside from any religious or cultural requirements, they may have been used to a very different diet both in their home country and during the journey to Wales. Food that is very different to what the young person is used to may be hard for them to eat. Over time, you can work with the young person to establish what they like to eat, and to make sure they get a good diet that meets any cultural or religious needs.

? Can the young person access education in Wales?

The young person has the same right to education as any child in Wales

If the young person is under 16, they should go to school, but may need support to overcome language barriers and help to settle in. They may have achieved a high standard of education before coming to Wales but equally, may have been unable to go to school, or had their education interrupted. The young person's personal education plan should address this. If they are 16 or older, going to college may be more appropriate.

The young person shouldn't be discriminated against at school

The young person shouldn't be discriminated against at school, either in terms of getting

a school or college place or while they are there. If they experience bullying at school or college, you can support them to tell the school what is happening, and push to get the situation resolved.

What help will the young person have to learn to speak English/Welsh?

Communicating with others is a vital part of the young person's settling in process

The young person's language ability will be assessed before starting in school or college. If they have very little English, the school should provide or arrange elsewhere additional language support before starting other subjects. You can support them by spending time speaking English with the young person.

Your local college and community groups may be able to offer ESOL (English for Speakers of Other Languages) courses to help the young person to learn English. It is also worth contacting the organisations such as the Welsh Refugee Council, TGP Cymru (formerly Tros Gynnal Plant) and Ethnic Youth Support Team for advice in this area.

The young person may not realise that Welsh is an official language in Wales and may struggle to come to terms with learning both English and Welsh. They may know some English already, but it's extremely unlikely that they will know any Welsh. If the young person is under 16 and goes to school, they will have some Welsh lessons.

How will I meet the young person's cultural and religious needs?

Some young people will want help and support to practise their religion

It will be important to know if the young person follows a particular religion, and whether they wish to have opportunities to practise their religion. The social worker and advocates should be able to locate communities and places of worship to support the young person.

You can support the young person in their faith by providing food that is sourced and prepared in ways that are endorsed by the faith, respecting their prayer times, allowing

them to keep an altar or prayer space in their room, and giving them information and support to attend a place of worship if possible. In some cases, appropriate online resources may be helpful, although you will need to be careful to avoid the potential for online grooming of any kind, including radicalisation from extremist content. Please see the section **Is the young person at risk?** below, for more information.

It is a good idea to do some research into important religious customs and holidays, and to ask the young person what they want or need from you in relation to their faith.

Not all young people will want to follow a religion

Just because the young person comes from a country where most people are religious, it does not mean that they will be. They may have a complex or even adversarial relationship with faith and this could be a contributing factor to their asylum application, so never assume.

Is the young person at risk?

The young person may be at risk of trafficking and/or exploitation

Some children and young people are brought into the UK by people who will make them work as domestic help or in the sex industry, make them enter a forced marriage, or otherwise expose them to abuse.

Young people in this situation may become separated from the adults who bring them into the country.

Whatever the reason for the separation, those adults may attempt to make contact with the young person and re-engage with them once they are in your care. They may intend to traffick the young person elsewhere, or exploit them. This is one of the reasons why someone claiming to be a family member needs to be assessed before they can have unsupervised access to the young person.

Signs of exploitation can often be confused with normal teenage behaviour. They might also be consistent with the trauma the young person might have suffered escaping from their home country, and not signs of exploitation.

The NSPCC website has more information about the signs of child exploitation and trafficking. They include: being withdrawn, suddenly behaving differently or becoming anxious, clingy, depressed or aggressive. They may have problems sleeping, develop eating disorders or change eating habits. Children and young people at risk of

exploitation may go missing for periods, or spend time with older adults. They may get involved in petty crime, or be seen at places not suitable for vulnerable young people, such as hotels.

People who exploit young people are committing an offence. If you have any concerns about the young person's behaviour or about the people the young person is associating with, you should report this to your social worker and/or to the police.

If the young person has been assessed as at risk from exploitation or trafficking, this will be recorded in the Care and Support plan and if the young person has been or is suspected to have been trafficked, a referral should be made to the Independent Child Trafficking Advocate service: www.barnardos.org.uk/cta.htm. Talk to the social worker about this.

The young person may be at risk from radicalisation

There is a chance that the young person may have come into contact with members of extremist organisations during their journey to Wales. These people may have offered help and support to the young person in return for their loyalty.

The young person may also be at risk of becoming radicalised from things they have access to online. As with exploitation, it can be hard to spot if a young person is being radicalised. The NSPCC website has more information about what to look out for. Some of them include: the young person isolating themselves; talking as if from a scripted speech; being unwilling or unable to discuss their views; being suddenly disrespectful towards you and others; displaying increased levels of anger and being increasingly secretive, especially around internet use.

You can report any online material that you are concerned about to the Home Office www.gov.uk/report-terrorism

The young person may experience racially or culturally motivated bullying, threats or even violence

If the young person experiences prejudice and racially or culturally motivated bullying, either at school or college, or in the community generally, you will need to reassure them and explain to them that this is unacceptable. You can help them understand their rights, and encourage them to tell you if they are experiencing bullying in any way. Remember that if bullying is severe, it may be a 'hate crime' – contact the social worker and the police if you are worried. More information about what hate crimes are can be found here: www.cps.gov.uk/hate-crime

? Can the young person stay in Wales?

The young person will need to make an asylum claim

If the young person is granted **asylum**, they are a **refugee** and have the right to stay in the UK and Wales. This is reviewed after 5 years. At this point they can claim Indefinite Leave to Remain (ILR) in the UK if they want.

The young person may be granted **humanitarian protection** – because it isn't safe for them to go back, but they don't fall within the definition of a 'refugee'. This is usually for 5 years to start with. This is also reviewed. After 5 years, the young person can also claim ILR.

If the young person has come to the UK under s.67 of the Immigration Act and is not granted asylum, they will get s.67 leave which allows them to remain in the UK for 5 years and have access to public funds and support. As the 5 years comes to an end, he or she will be able to apply to settle permanently in the UK. No fee will be payable for this application.

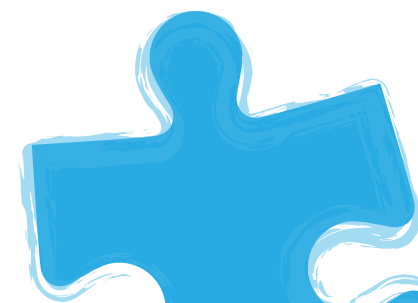
The young person who is not given asylum or humanitarian protection, and who is not eligible for s.67 leave may be given **Unaccompanied Asylum Seeker (UASC) leave** to remain in the UK for 30 months, or until the age of 17.5 years.

More information is included in **the Asylum Process** section, below.

You can help with 'parallel planning'

The Care and Support plan process is supposed to help all looked after children achieve 'permanence' – but this is especially difficult for a young person with uncertain immigration status.

Parallel planning helps with this uncertainty. It allows for the local authority and social workers to plan for different outcomes of the young person's asylum process and means that plans are in place should the young person's asylum application be successful. As part of parallel planning, the social workers involved may discuss the *When I am Ready* scheme with you. This scheme supports a young person to stay with his or her foster carer beyond the age of 18 if you both agree to this. The other track plans for the possibility that the young person will have to leave the UK.



The Legal Context

? What is the 'Age Assessment' Process?

If the Home Office officials, or children's services aren't sure how old the young person is, an age assessment will be carried out

Age assessment is a process to establish if someone who says they are a child is actually over 18 – or if someone who claims to be an adult is under 18. The age assessment is carried out by the local authority. This can be a complex and lengthy process where the young person is asked lots of questions about his background and his/her life. It can be quite an intimidating experience and the young person may need support in the run up to the age assessment and while they wait for the outcome.

An age assessment is only carried out if there is uncertainty about whether the young person is over 18 or not

If the young person says they are under 18 but Home Office officials from UK Visas and Immigration who first come into contact with the young person strongly suspect that they are over 18, they should treat them as an adult. Otherwise, the young person will be given the benefit of the doubt and treated as a child until an age assessment has been carried out.

You may be fostering someone who is later assessed as 18 or older.

If the age assessment determines that the young person is over the age of 18, they will need to be treated as an adult, however vulnerable. Arrangements will be made to take them from the placement with you so that they can be accommodated somewhere more appropriate.

? What's the foster carer's role in the age assessment process?

You may be able to provide information that relates to the young person's age

As the young person gets to know you, they may tell you about things that have happened to them which could have a bearing on how old they are. You may also have the opportunity to see how they behave, talk and interact with others which might all have a bearing on age.

You can give practical support in the run up to the age assessment

The age assessment process can be long and difficult for a young person. They will need to take food and drink with them as this is not usually provided. You can give them support and encouragement as they prepare, and make sure they take things with them to help them stay comfortable during the interview(s).

You may be able to support the young person to challenge the outcome of the age assessment

If the young person wants to appeal against the outcome of the age assessment they can do that. The young person will need specialist legal advice to appeal against the age assessment decision. You will be able to support them if they go through this process.

You may not be the right person to be the 'appropriate adult' at the age assessment

The young person is allowed to have an appropriate adult with them in the age assessment. This should be someone the young person trusts, and is in the interview to make sure the young person's welfare is always a priority. Although you may have built a bond with the young person, you may not be the best person to be the appropriate adult because you are paid by the local authority. This could give rise to a conflict of interest.

You can make sure the young person has access to an interpreter and to advocacy services

The young person has a right to advocacy as a looked after young person. The social worker should have advised the young person of this. They should also have access to an interpreter during the age assessment process and during other official interviews if they need one. Although it will be the responsibility of others to make sure the young person has these services, you can ask questions if they don't seem to be forthcoming.

The immigration and asylum process

What's the foster carer's role in the asylum process?

You might need to help the young person get an Application Registration Card

The young person will have to have a 'welfare interview' with officials from UK Visas and Immigration (UKVI) at some point soon after arrival in the UK. If the young person has not already done so, this is the meeting when they will formally claim asylum. They will receive immigration identification papers, including:

- ▶ a copy of the welfare form that was completed at the welfare interview,
- ▶ a form IS96 which gives the young person temporary admission to the UK and
- ▶ a Statement of Evidence Form (SEF) with the date of their asylum interview.

The young person should also get an Application Registration Card (ARC) from the Home Office (UK Visas and Immigration). As an alternative they may get a letter inviting them to get their ARC from an immigration reporting centre, or a document with a unique identifying number acknowledging their claim until they receive their ARC.

You can help the young person keep documentation safe

The documentation is important and makes it easier for the young person to access entitlements. It means that if something happens to them, they have something that acknowledges who they are and that they are known to the Home Office as a UASC. It is also important that you have a photograph of the young person, just in case they go missing.

You may need to help the young person get to the asylum interview

If the young person you are fostering is 12 or older, they will have to have an asylum interview. The social worker should usually make arrangements for this.

If the young person doesn't go to the interview (or doesn't comply with other parts of the

asylum process) their application may be refused, even if they have a strong claim.

If there will be a significant problem getting the young person to the asylum interview, let the Home Office know as soon as possible.

You might not be the right person to be the 'responsible adult' at the asylum interview

A young person claiming asylum should have a responsible adult with them at the asylum interview, as well as a legal representative.

As for the age assessment, again the responsible adult should be someone the young person trusts, and is in the interview to make sure the young person's welfare is always a priority. Although you may have built a bond with the young person, you may not be the best person to be the appropriate adult if you have information which might contradict what the young person has decided to tell the UKVI officials dealing with her/her claim.

UKVI have to make sure the young person has a responsible adult with them.

Who pays for the legal costs of the asylum claim?

The local authority must support the young person to obtain legal advice

Legal Aid is available for asylum claims but the availability of solicitors handling Legal Aid cases may make it difficult in practical terms for the young person to access advice quickly using Legal Aid. Legal Aid won't be available until the young person has made a formal claim for asylum. If the young person has not already done this when they arrived in the UK, they will have to do this in a 'screening' interview with UKVI. This may take some time to set up. The local authority has a duty to support the young person through the asylum process, including funding legal advice and representation if it is difficult to access advice through Legal Aid.

Only solicitors who are registered with the Office of the Immigration Services Commissioner can represent asylum seekers.

? What happens if the young person's permission to stay runs out?

The young person will need to apply to extend his or her stay in the UK

If the young person isn't given refugee status, but is given Humanitarian Protection or UASC leave, they can apply to extend this to stay longer in the UK.

- ▶ The young person needs to apply for any extension **before** the initial permission to stay has run out.
- ▶ Arrangements that are in place already for the young person will continue as normal during any appeals or applications for extension.

If the young person lets their permission to stay run out before applying for an extension, they will potentially have to start the process again.

The young person will need to apply to settle permanently in the UK

Whatever the young person's initial immigration status, they will need to apply for Indefinite Leave to Remain if they want to settle permanently in the UK. They can usually do this once they have been in the UK for 5 years.

The asylum process is complex, and can take a long time to resolve. Until their immigration status is resolved, it may be hard for the young person to feel safe and settled. The young person staying with you may be confused and upset or resentful about what's happening, and feel unable to get on with their life. The foster carer's role is to support the young person through the process and to help them prepare for the different possible outcomes. Social workers will also be involved in this process.

Information and Resources

This document is intended to address some of the common questions asked by foster carers in relation to Unaccompanied Asylum Seeking Children. If you are interested in becoming a foster carer, or would like to know more about fostering an unaccompanied asylum seeking child, you can find more detailed information from these organisations:

The Fostering Network www.thefosteringnetwork.org.uk

This is a national (UK-wide) charity supporting all foster carers. Contact their Wales office on 029 2044 0940

CoramBAAF corambaaf.org.uk

This is an independent membership organisation for professionals, foster carers and adopters, and anyone else working with or looking after children in or from care.

AFA Cymru www.afacymru.org

The Association of Fostering and Adoption is a Welsh charity that promotes good practice across the breadth of permanency planning for children and young people.

Children in Wales www.childreninwales.org.uk

Children in Wales is the national umbrella body for organisations and individuals who work with children, young people and their families in Wales.

The legal context

United Nations Convention on the Rights of the Child
www.unicef.org.uk/what-we-do/un-convention-child-rights

Social Services and Well-being (Wales) Act 2014
www.legislation.gov.uk/anaw/2014/4/contents

Social Services and Well-being (Wales) Act 2014 – Codes of Practice, Regulations and Guidance socialcare.wales/hub/home

All Wales Practice Guidance: Safeguarding and Promoting the Welfare of Unaccompanied Asylum Seeking Children and Young People 2011
socialcare.wales/research-and-data/research-on-care-finder/safeguarding-and-promoting-the-welfare-of-unaccompanied-asylum-seeking-children-and-young-people-all-wales-practice-guidance

Other sources of support

Welsh Refugee Council welshrefugeecouncil.org.uk 029 20489 800

Tros Gynnal Plant www.tgpcymru.org.uk 029 20396974

Ethnic Youth Support Team (EYST) eyst.org.uk 01792 466980/1

National Youth Advocacy Service www.nyas.net

Cardiff City of Sanctuary cardiff.cityofsanctuary.org 029 2048 2478

Swansea City of Sanctuary swansea.cityofsanctuary.org 07496 172895

Information for Young People

Child First – leaflets for Young People produced by the Children’s Legal Centre Wales

A Guide to Being Looked after for Unaccompanied Asylum Seeking Children

A Guide to Rights and Entitlements for Unaccompanied Asylum Seeking Children

A Guide to Applying to Stay in Wales for Unaccompanied Asylum Seeking Children

Care and Safeguarding

All Wales Practice Guidance: Safeguarding and Promoting the Welfare of Unaccompanied Asylum Seeking Children and Young People 2011
socialcare.wales/research-and-data/research-on-care-finder/safeguarding-and-promoting-the-welfare-of-unaccompanied-asylum-seeking-children-and-young-people-all-wales-practice-guidance

All Wales Practice Guidance for Safeguarding Children Who May Have Been Trafficked 2011
socialcare.wales/research-and-data/research-on-care-finder/all-wales-practice-guidance-for-safeguarding-children-who-may-have-been-trafficked?record-language-choice=en-cy

Fostering Support

University of York- Fostering Unaccompanied Asylum-Seeking Young People - A research project 2012
www.york.ac.uk/inst/spru/research/pdf/FosterUAS.pdf

Fostering Network Signpost 2173 - Supporting Unaccompanied Asylum Seeking Children www.fosteringresources.co.uk/?cid=1&sid=3&pid=587&p=0

Fosterline Wales

Training from The Fostering Network

Other Useful Websites and Information

Wales Strategic Migration Partnership www.wsmpp.org.uk

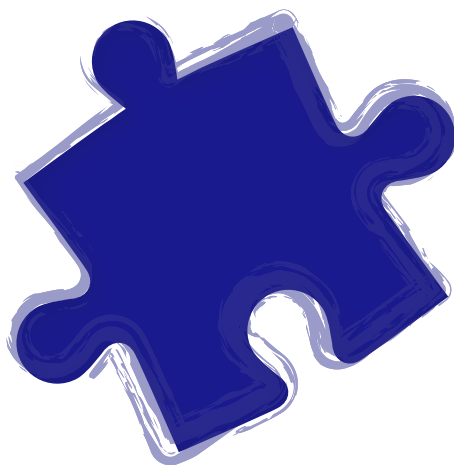
NSPCC www.nspcc.org.uk

British Red Cross Family Tracing Service
www.redcross.org.uk/get-help/find-missing-family





Llywodraeth Cymru
Welsh Government



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