


<p>Ref: B12(2)</p> <p>Effective from: NOVEMBER 2005</p> <p>Review date: NOVEMBER 2006</p> <p>Author: DEBBIE PETERS</p>	<p>CHILDREN, SCHOOLS AND FAMILIES DEPARTMENT</p> <p>Children's Social Care Services</p> <p>POLICIES & PROCEDURES</p>	
--	--	---

TITLE: PROTOCOL ON UNACCOMPANIED ASYLUM SEEKING CHILDREN (UASC) AND AGE DETERMINATION

PURPOSE OF POLICY:

This protocol provides guidance to operational staff in effectively dealing with Unaccompanied Asylum Seeking Children (UASC) and provides further guidance relating to determination of age.

This procedure is continually reviewed by all members of staff for suitability, effectiveness and customer focus to ensure we can improve upon the service we provide. If you have any comments on this procedure, please complete an improvement form included in the 'Issue, Control and Revision' procedure (1.0).

<p>APPROVED BY:</p>	
<p>JOB TITLE:</p>	<p>HEAD OF CHILDREN'S SOCIAL CARE</p>
<p>DATE:</p>	<p>8TH November 2005</p>

**UNACCOMPANIED ASYLUM SEEKING CHILDREN (UASC)
AND AGE DETERMINATION**

CONTENTS

	PAGE NO
1. Legal Framework and procedure	3
2. Applications for Asylum by Unaccompanied Children	3
3. Referral of Unaccompanied Children to Social Services	4
4. Age Assessments	6
5. Liaison with the IND during the Age Assessment process	8
6. Other services for Unaccompanied Asylum Seeking Children	8
7. Entitlement to Support at Age 18	9
8. Legality of Stay	10
9. Asylum Seeking Families	10
10. Missing Children	11
11. Child Trafficking and Exploitation	11

APPENDICES

- Appendix A – The Age Assessment Process
- Appendix B – Useful Contacts
- Appendix C – Information Sharing in Age Assessments
- Appendix D – Making an Application for Asylum
- Appendix E – Liaison Arrangements for Handling Age Dispute Cases
- Appendix F – Glossary of Terms
- Appendix G – UASC Flowchart
- Appendix H – The Age Assessment Process Checklist

1. Legal Framework and Procedure

Asylum Procedures are complex and are particularly complicated by the regularity of changes to the legislation. There have been three major pieces of legislation affecting asylum and immigration and support for asylum seekers since 1999, the most recent being the Asylum and Immigration (Treatment of Claimants etc) Act 2004.

Children who are seeking asylum may be referred to the Local Authority for advice and assistance. It is for the Local Authority to determine whether a young person is eligible for services as a child under the Children Act 1989. The Local Authority must be satisfied that the young person is a child. This may be through the presentation of acceptable documentation confirming their age, or by means of an age assessment. It may be that a young person presents to the Local Authority having had their age disputed by the Home Office. In such circumstances it will always be necessary to conduct an Age Assessment of the young person. In other instances the young person may have been accepted as a child by the Home Office. However, it is for the Local Authority to conduct its own Age Assessment to determine the young person's eligibility for services.

If the young person is assessed as a child, their needs are assessed in the same way as all children under section 17 of the Children Act 1989. An initial assessment will determine whether immediate assistance, including the provision of emergency accommodation, is necessary to avoid destitution. It will also involve initial enquiries to identify any relative, family friend or suitable adult willing to accept responsibility for caring for the child or young person. Agreement to provide accommodation for a longer term must be preceded by a core assessment, as with all other children.

Once a young person reaches 18, the Local Authority may still provide services in accordance with sections 23 and 24 of the Children Act 1989 (as amended by the Children (Leaving Care) Act 2000) in relation to services for people who have are leaving care.

2. Applications for Asylum by unaccompanied children

An asylum seeker is someone who flees their home country, often because major conflicts have taken place, or because serious human rights abuses have occurred. The Immigration and Nationality Directorate (IND) of the Home Office is responsible for dealing with asylum applications. A young person may travel to the UK alone in order to seek asylum.

An unaccompanied asylum seeking child is a person who, at the time of making an asylum application:

- is, or (if there is no proof) appears to be, under eighteen
- is applying for asylum in his or her own right

- and has no adult relative or guardian to turn to in this country.

Applications for asylum are dealt with by the Immigration and Nationality Directorate of the Home Office. Full information about the processes involved in an application, how the claim is progressed and the possible outcomes of an application for asylum are outlined in Appendix D – Making an application for asylum.

3. Referral of unaccompanied children to Social Services

3.1 Referral by the Immigration and Nationality Directorate where they have specific concerns

If, the immigration service is concerned a young person who is permitted to land is under the age of 18 and there is a suspicion that:

- the child may be at risk of significant harm from those who are designated to care for him/her
- no arrangements appear to have been made for the child and s/he is technically abandoned;

then a referral will be made to the Social Services Department, together with the immigration service's preliminary assessment and evidence for concern.

The Access & Assessment Team has a duty to carry out a screening assessment of the information provided to decide whether or not the eligibility criteria for an initial assessment or child protection enquiry is met. They will need to explore the following areas with the Immigration/Customs Officer:

- basic details about the child – race, culture, language and religion, date of birth, usual place of residence
- reasons for concern expressed by Immigration/Customs
- intended address in UK
- name and address and date of birth of accompanying/meeting adult and nature of relationship to child if any
- contact details of parents for child
- name and address and nature of relationship with adult meeting the child
- reason for visit to UK
- whether parents have made arrangement for child to come to UK
- demeanour of child and accompanying adult/meeting adult.

3.2 Referrals by the IND regarding Unaccompanied Asylum Seeking Children (UASC).

It is IND's responsibility to ensure that all unaccompanied children who apply for asylum in the United Kingdom and who are not already in the care of Social Services are referred to the responsible SSD as soon as they have made their claim. Unaccompanied children who are not already in the care of

social services are referred to the SSD covering the area of the address the child gives.

Where a child is accompanied by a legal representative, the adult is asked to refer the child to the SSD in the area in which they are based because the child is most likely to have a connection with the same area as their legal representative or adult "guardian". Where a child has no address or local connection to a SSD IND will refer to the SSD where the child is at the time.

If an unaccompanied child has sought help from social services before making an asylum claim, the responsible social worker or another responsible adult, for example, a legal representative, should take the child to the Asylum Screening Unit as soon as possible.

If the responsible social worker cannot accompany the child then the SSD should give the adult acting on behalf of the child a letter showing:

- the child's address, (or an address through which the child can be reached)
- the name, address and telephone number of the responsible social worker.
- confirmation that the adult accompanying the child is doing so with the SSD's agreement.

3.3 Referral by the Refugee Council

Details of all applicants who are unaccompanied minors, including those whose claim to be under 18 but the Immigration and Nationality Directorate disputes (and who they therefore treat as adults) are passed to the Children's Panel of the Refugee Council within 24 hours of the claim being lodged.

The Panel is a Home Office funded body administered by the Refugee Council. Its role is to provide independent guidance and support to ensure that the child is aware of his/her rights and the services to which he/she is entitled throughout the asylum process.

The Refugee Council may refer unaccompanied seeking children who are in need of support to the Access & Assessment Team.

The Refugee Council may also refer those young people whose age has been disputed by the Immigration and Nationality Directorate. In these circumstances it will always be necessary for the Local Authority to conduct it's own Age Assessment.

4. Age Assessments

The Local Authority has a need to protect children in its care from adults claiming to be younger than they are. Age Assessments are required to ensure that persons receiving services under the Children Act 1989 are entitled to those services.

4.1 Young People who have been Age Disputed by the IND

Where an applicant claims to be a child but his/her appearance strongly suggests that he/she is over 18, IND's policy is to treat the applicant as an adult and offer NASS support (if appropriate) until there is credible documentary or medical evidence to demonstrate the age claimed. These applications are flagged as 'disputed minors' and they are treated as adult cases throughout the asylum process, or until evidence to the contrary is accepted. In borderline cases IND gives the applicant the benefit of the doubt and treats the applicant as a minor.

It is NOT acceptable to rely solely on the IND Assessment of Age. Where it appears to the Social Worker that the Young Person may NOT be the age given, then an Age Assessment should be carried out in accordance with the flowchart and forms attached.

N.B. Although it is rare, where a SSD disagrees with IND's assessment of age, **it is IND's policy to accept the SSD's professional assessment.** Social workers should contact the IND by fax on 020 8760 3105 if they want the IND to alter the accepted age to under or over 18.

4.2 Assessment by the Local Authority

If a person is claiming to be an Unaccompanied Asylum Seeking Child, they will receive an Age Assessment by a member of the Access & Assessment Team. Consideration must be given to the question of whether an assessment is appropriate, whether or not the young person's age has been disputed by the IND.

The worker will request the following information/documents: -

1. Birth certificate
2. Passport/Travel Documents
3. SAL 1 or 2 documents
4. Home Office reference number
5. Identification Number
6. Proof of address – if claiming a local connection.
7. Name, address, telephone number of the solicitor handing their asylum application

If the young person is clearly a child, or has adequate documentary evidence to support their stated date of birth a full Age Assessment may not be appropriate. Any decision to accept documentary evidence provided by the young person must be authorised by the Access & Assessment Team Manager.

A full Age Assessment will take place as soon as possible. This MUST be commenced within 7 working days of the referral. A flowchart is attached which sets out the steps in the Age Assessment process.

If it is not possible to commence the Age Assessment process when the young person first presents to the Local Authority, the duty social worker must ensure that the young person is in receipt of support in the interim period.

- If the young person has been age disputed by the IND, they will be entitled to support from the National Asylum Support Service (NASS). The duty social worker should contact NASS to confirm the arrangements for the young person's support and advise them that the Local Authority is to conduct an assessment of the young person's age.
- If the young person has been accepted as a child by the IND, however the Local Authority considers it appropriate to undertake an Age Assessment, the young person may not have any other means of support in the interim period until the Assessment is complete. The duty social worker should consult with the duty manager to consider whether interim support would be appropriate.

Following the making of a decision regarding the young person's age, if the UASC is accepted as under 18 but over 16, they will be referred to the London Consortium who will provide temporary housing and financial assistance.

If the UASC is not accepted as a child they will be referred back to the Refugee Council with a letter explaining the reasons why the individual has been refused services. A standard letter MUST NOT be used.

Those accepted as UASC will be referred on to the relevant social work team for ongoing advice and assistance. The young person will be asked and expected to keep the department fully informed and up to date with their claim for asylum. Failure to comply with this request may result in ceasing of funding. At the time that the young person's case moves to 16+ Team, a letter will be sent to the landlord informing him/her of funding arrangements when the young person reaches 18 years of age.

If the status of the UASC remains undecided by the time of their 18th birthday, Merton Social Services will refer the case to NASS at least 8 weeks prior to this date. The UASC will then become the responsibility of NASS.

4.3 Information gathering during the Age Assessment Process

The young person will be asked to provide information about their background and life in their country of origin. In some circumstances, it may be possible to make enquiries in the country of origin. Extreme caution must be exercised when making any enquiries in the country of origin. The social worker must seek guidance from their Assistant Team Manager and Legal Services before making any such enquiries.

5. Liaison with the IND during the Age Assessment Process

Local Authorities can check whether a child has properly applied to them for care and support by faxing IND on 020 8760 3105. Local authorities may wish to do this because they:

- have reason to think that IND does not accept that the applicant is a minor and is treating him or her as an adult and possibly providing support from NASS;
- need to verify that the child has not already been accepted by another Local Authority.

6. Other services for Unaccompanied Asylum Seeking Children

6.1 Access to medical treatment, education and other benefits

UASC are entitled to medical treatment on the NHS. They are also entitled to the same educational opportunities as other children. Education authorities have a legal responsibility to ensure that education is available for all children of compulsory school age in their area, irrespective of the child's immigration status. They are entirely supported under the Children Act 1989, which is maintained by the Department of Health. The Local Authority in all its functions has a corporate parenting responsibility for them.

6.2 Home Office Grant

Until the child has made a claim, he or she is not an asylum seeker and cannot be counted as such for grant purposes. Grant is only payable if a child arrives alone and has never been cared for. Although Local Authorities also have a responsibility for children who become unaccompanied as a result of family breakdown after their arrival, they cannot claim grant for these children.

6.3 Representation for UASC

The Panel of Advisers will ensure that all children can obtain legal advice, available from:

The Immigration Advisory Service
2nd Floor, County House

190 Great Dover Street
London SE1 4YB
Telephone 020 7357 6917
Website <http://www.iasuk.org/>

Refugee Legal Centre
Nelson House
153-157 Commercial Road
London E1 2EB
Telephone 020 7780 3200
Website <http://www.refugee-legal-centre.org.uk/>

7. Entitlement to Support at Age 18

7.1 UASC granted Discretionary Leave to Remain

UASC who are granted discretionary leave to remain or recognised as refugees are supported by the Local Authority under the provisions of the Children Act 1989.

7.2 UASC awaiting decisions regarding their applications at the age of 18

If a young person is awaiting a decision on their asylum application, or if they are awaiting the outcome of an appeal shortly before they reach their 18th birthday, he or she should make an application to NASS for support and accommodation if it is required. It is Government policy to disperse asylum seekers aged 18 and over, however, dispersal is not automatic for former unaccompanied minors. Each case is considered on its merits. Dispersal of a former unaccompanied child may be considered inappropriate if, for example, the young person is in full time education or has younger siblings remaining in the care of the local authority. If the responsible social worker considers that a child should not be dispersed representation should be made to NASS.

In addition to this, NASS will not disperse those young people who reach the age of 18 before a final decision is reached on their asylum claim, if they have previously been accommodated by the local authority under section 20 or section 17 of the Children Act 1989 and qualify as 'former relevant children' under section 23 of the Children (Leaving Care) Act 2000. A 'former relevant child' is a child that has been looked after by the Local Authority for 13 weeks since their 14th birthday where the period of accommodation ended when they reached their 16th birthday.

Responsibility for locating and managing suitable accommodation for this group of young people will fall to the local authority rather than to NASS (the local authority will, however, be able to seek reimbursement from NASS up to an agreed amount).

At age 18 a former UASC who makes a fresh asylum claim should contact the National Asylum Support Service (NASS) if in need of financial support. Those who have applied for further ELR for compassionate humanitarian reasons should seek financial assistance from the Benefits Agency (BA).

7.3 Services for former UASC

If a young person reaches the age of 18 and has no further leave to remain in the United Kingdom, because their application for asylum has been refused, or their discretionary leave to remain has expired, they are not entitled to services as young people leaving care under the Children Act 1989. Section 54 and Schedule 3 of the Nationality, Immigration and Asylum Act 2002 provide that persons present in the UK in breach of the immigration laws are not entitled to services under ss 17, 23C, 24A or 24B of the Children Act 1989 (services for young people over the age of 18 who are leaving care).

Any assistance being provided by the Local Authority under these provisions of the Children Act 1989 must be withdrawn, unless to do so would breach the person's rights under the European Convention of Human Rights. A Human Rights Assessment must be undertaken once their asylum claim fails. [In such a case where a Human Rights Assessment needs to be undertaken, the relevant social worker/duty social worker must contact the Legal Department.] Such individuals can leave the UK either through removal by the Immigration Service or through a voluntary departure with VARP.

8. Legality of stay in the UK

London Borough of Merton Children, Schools and Families Department have a duty to report any person presenting for services who appears to be in the United Kingdom unlawfully to the Home Office. i.e. those remaining without Leave. Once an applicant's leave to remain expires, he or she will be here without leave - and be liable to removal unless they have already submitted an application to IND for further leave to remain. Applicants must therefore either leave the UK before their leave expires, or apply for further leave to remain before their current leave expires.

9. Asylum Seeking Families

NASS are responsible for support to all adult Asylum Seekers and their families who are living in the Merton area.

Families with children will normally be placed in the private rented sector. Subsistence paid to the families will depend on the number of children within the family, but is based on 90% of the equivalent Income Support level, for adults, and 100% for children.

10. Missing children

If a Looked After Child/UASC goes missing, residential staff/foster carers must immediately inform Social Services:

- The child's social worker or the social worker's manager;
- Referral and Assessment Team (020 8545 4227/4232); or
- Emergency Out Of Hours Service (020 8770 5000)

The social worker/duty social worker should inform IND, as well as the police, as soon as any unaccompanied child who is supported goes missing. The fax number is: 020 8760 3105. For further information please refer to the Missing Looked After Children Policy in the Children's Services Policies and Procedures Manual or on the intranet.

11. Child Trafficking and Exploitation

Child trafficking and exploitation refers to the disappearance, following arrival in this country, of vulnerable children from abroad and subsequent illegal use for employment, sexual exploitation or religious acts.

The Children's Services Department has a duty to:

- Identify and protect those who may be at risk of significant harm through trafficking and exploitation;
- Prevent their disappearance from care by disrupting any organised activity to exploit children;
- Share information with a view to tracing such children who have disappeared from care.

This is both applicable to both accompanied and unaccompanied asylum seeking children arriving in London for whom there is concerns about their safety. Further reference can be sought on Page 174 of the London Child Protection Procedures, which can be accessed on the Merton Intranet Site.

APPENDIX A:

THE AGE ASSESSMENT PROCESS

Relevant documents:

Doc AA/1 Age Assessment Form

Doc AA/2 Letter for Young Person following Initial Interview

Doc AA/3 Initial Interview Follow Up Action Sheet

Doc AA/4 Notification to other Agencies following Age Assessment

The Age Assessment Process

Stage 1: REFERRAL RECEIVED	
1.1	<ul style="list-style-type: none">▪ Referral received. Duty Social Worker to discuss with Duty Manager whether Age Assessment is required. If young person is able to produce documentary evidence regarding their age, Duty Manager to consider the documents presented;▪ Where Age Assessment is required, an initial interview should be arranged. This should take place within 7 days of the referral being received;▪ The appointment should be arranged by the duty social worker. An interpreter may need to be arranged. Check correct dialect with the young person when arranging the interview. Ensure the interpreter has sufficient time to stay for the entire interview.
Stage 2: THE INITIAL INTERVIEW	
2.1	<p>Preliminary Issues:</p> <ul style="list-style-type: none">▪ Interview to be conducted by a Social Worker from the Access & Assessment Team. Where possible, a second Social Worker from the Access & Assessment Team will also attend. The Duty Manager will allocate one Social Worker to act as the lead;▪ Full, clear notes should be taken of the interview. The social worker should note the explanations given to the young person, the questions asked, and answers given. The notes need not be word for word, but need to be as detailed as possible. The notes should be legible;▪ The lead social worker will explain to the young person the purpose of the interview, and their role as assessing social worker. The social worker must ensure the young person understands this, and make a note of the explanation given.
2.2	<p>Information Gathering</p> <ul style="list-style-type: none">▪ The social worker should ask open ended, non leading questions. The sections in the Age Assessment Form (Doc AA/1) should be used as a basis for the interview. These areas are not exhaustive and other areas can be explored with the young person if

	<p>appropriate. The social worker should explain why they are asking questions about specific areas as they go through;</p> <ul style="list-style-type: none"> ▪ Social workers should be confident in the questions asked. Social workers should feel able to challenge the information given; ▪ Essential questions which must be asked in every Age Assessment are: <ol style="list-style-type: none"> 1. How do you know you were born on the claimed date? 2. Do you have any documents to support your date of birth? Have you given any documents to anyone else?
2.3	<p>Ending the Interview:</p> <ul style="list-style-type: none"> ▪ The social worker should discuss their thoughts with the young person. It should be explained that the information provided will be used to come to a decision about their age. If the social worker has doubts about the age of the young person based on their appearance or presentation, or the credibility of the information provided, this needs to be explained to the young person to give them the opportunity to respond; ▪ The social worker should go through the notes taken with the young person. If necessary, the interpreter should be asked to assist. The notes should be signed and dated by the social workers, young person and interpreter; ▪ The lead social worker should arrange a follow up interview with the young person. The letter explaining the process should be given to the young person (Doc AA/2).
Stage 3: ANALYSIS	
	<p>Information Gathering & Analysis</p> <ul style="list-style-type: none"> ▪ All information provided should be considered, and followed up by the social worker where necessary. The social worker may need to contact other professionals working with the young person to obtain their feedback; ▪ Each source of material should be considered. The social worker must refer to all information to show this. Each document or source of information must be referred to, stating why it is accepted or rejected; ▪ This information should be discussed with the Social Worker's supervisor for further guidance in relation to the information required. All information should be included in the Age Assessment form and analysed accordingly.
Stage 4: THE FOLLOW UP INTERVIEW	
	<ul style="list-style-type: none"> ▪ As with the initial interview, full notes should be taken, and an interpreter should be present if required – see section 2.1 above. ▪ The same social workers who conducted the initial interview should be present at the follow up interview. ▪ The social worker should explain that the purpose of the interview is to discuss the initial analysis that has been made of the information

	<p>provided so far.</p> <ul style="list-style-type: none"> ▪ The social worker should go through the Age Assessment document and explain the analysis in each section. The young person should be invited to comment. Any discrepancies identified by the social worker must be put to the young person. ▪ Any comments made by the young person should be noted on the Age Assessment form in section XX. ▪ If the social worker worker considers they have sufficient information to make their decision, they should indicate this to the young person, and inform them they will notify them of their decision as soon as possible. ▪ If the social worker considers that further information or follow up is now required and a further interview will be appropriate, the social worker should seek guidance from the Duty Manager.
Stage 5: FINAL ANALYSIS & DECISION MAKING	
	<ul style="list-style-type: none"> ▪ The additional comments made by the young person should be taken into account and a final analysis made. The conclusion section of the Age Assessment should be completed. The completed Age Assessment must be counter signed by the Team Manager in the Access & Assessment Team; ▪ On completion of the Age Assessment, the social worker is responsible for drafting a decision letter for the young person. A standard letter <u>must never</u> be used. ▪ The Age Assessment and decision letter must be sent to the young person. Where possible, this should take place no later than the following working day after the follow up interview.
Stage 7: AGENCIES TO BE NOTIFIED	
7.1	<ul style="list-style-type: none"> ▪ Form AA/4 should be completed by the lead social worker and faxed to both the IND and the Refugee Council.

AGE ASSESSMENT

1. PERSONAL DETAILS

First Names:	Family Name:
Gender:	DOB: Date Turns 18:
Country of Origin:	Ethnicity:
First Language:	Interpreter Details:
Religion:	Client number:
Address when assessed (if not newly arrived):	
Current Address:	Tel:

2. INFORMATION SUPPORTING STATED DOB AND IMMIGRATION INFORMATION

HO Reference No:	
Have you seen the Young Person's ARC card? Does the young person have any correspondence from the IND? Please list:	

How does the young person know what their date of birth is?

Does the young person have any documents to support their claimed date of birth? Have they provided any documents to any other person/agency? Examples of documents the young person may have include: SAL1, SAL2, IS96, Interview letter, ID card, Birth Certificate, Driving Licence, Passport of Travel document, Letter from their solicitor.

3. FAMILY MEMBERS

First names	Family Name	Relationship	Country Residing	Deceased	Able to Support	Age

4. CONTACTS IN THE UK

First Name	Family Name	Relationship	Address

5. REFERRAL & INTERVIEW INFORMATION

Date referral received:	Referral from:
-------------------------	----------------

Reason for assessment and information gathered from referrer:

Date of initial interview:
Assessing SW:
Other persons present?:

6) PHYSICAL APPEARANCE & Demeanour

**Information relating to age, well-being and identification in case of disappearance.
All assessments begin with initial impressions made from visual presentation**

Make an initial estimate of age range, Based on height, facial features (facial hair, skin lines/folds, etc), voice tone, and general impression.

NB: consider racial differences here – In some cultures, boys have facial hair at an early age; girls develop at different ages

Life experiences and trauma may impact on the ageing process: bear this in mind

Demeanour You must take account of how the person presents, style, attitude and authority and relate this to the culture of the country of origin, events preceding the interview, journey experiences etc.

Establish how long it has taken that the person to arrive in the UK, from the time they left their country of origin. Include this in the age calculation.

Critical Analysis

7) INTERACTION OF PERSON DURING THE ASSESSMENT

The manner in which the person interacts with the assessing Worker conducting the assessment will provide an indication of whether or not the person is responding in an age appropriate manner.

Note both the verbal and non-verbal (body language) behaviour of the person. The assessing worker should observe factors such as; how the person copes with the assessment; does s/he appear confident or overwhelmed; does s/he appear to take a "one down" position or not.

Does the person appear to be uncomfortable speaking to an adult?

Your position will be seen as one of power, which may influence the way the person interacts with you. Your role, and those of Social Services and the Home Office, need to be clarified

Critical Analysis

8) SOCIAL HISTORY & FAMILY COMPOSITION

Events in country of origin affecting the child, details of the journey and events since arrival in the UK.

Establishing a family tree will help the assessing worker to identify the likely age of the person compared with the stated age. Ages of parents and siblings and extended family should be established. In the case of deceased family members, the year and age at the time of death should be recorded. Drawing a graphic family tree is useful where names of the family members and ages can be included, which may help the person to be more accurate whilst also allowing the person to feel involved. The information gained may indicate discrepancies or impossibilities, which need to be clarified.

A social history

Indicate to the young person that you are aware that talking about his/her family may be very painful and difficult for him/her. For some, it may be too painful to speak openly at this time: this must be understood and respected.

Clarify the nature of their parent and sibling relationships as some cultures for example, call a half-brother their brother, or stepmother their mother.

Also ask if either parent had more than one wife / husband.

Critical Analysis

9) DEVELOPMENTAL CONSIDERATIONS

Questions about the types of activities and roles that the person was involved in prior to arriving in the UK can often give an indication of age.

Use open-ended questions: this will allow the person to disclose information without prompting. In some cultures it could be normal for a young teenager to be working full-time. A person may appear to answer a question about alcohol in a shy manner because their religion does not allow for this.

“Tell me what you did in your spare time” is the sort of question that can elicit age appropriate interests and activities. Relate answers to what would be appropriate in the young person’s country of origin and culture.

Ask about peer relationships at school / work / neighbourhood. Does what the person is describing seem age appropriate?

Questions about age related rituals should be asked; including forced marriage, and any sexual relationships.

Some young people may have been involved in a range of traumatic situations: as young soldiers, in armed conflict, or in sexual exploitation.

Answering many of these questions may be too painful until a relationship of trust has been established.

Arranging for a person to be involved in social situations with other young people of the age stated, and observing their reactions be can helpful.

Critical Analysis

10) EDUCATION

Obtaining a detailed account of the person's educational history is a valuable source in the age assessment process.

Listed below are important facts that need to be elicited:

Age at which school was started.

Number of completed years spent in any school.

Establish if there were any gaps in education and if so, how long was the gap/s and why.

Adding the number of years of school attendance to the age school was started at, including possible disruptions in schooling should equate to the stated age.

Names and addresses of schools attended.

Subjects taken.

Knowledge of other countries' education systems is useful in validating the information provided. For example, it is the norm to have six years of junior and six years of senior school in some countries.

It may be possible to contact schools in some countries of origin.

Critical Analysis

11) INDEPENDENCE/SELF-CARE SKILLS

Understanding the level of ability, experience and confidence that a person has in being able to care for his/herself can be an indicator of age. The assessing worker may wish to ask the person directly how s/he feels about living in an independent setting and observe the reason.

What type of help is the young person asking for? What type of support would they like from the Local Authority? Is there any other information the young person would like to discuss?

Has the person lived at home or has s/he lived on his/her own/in an independent setting. Is there a clear impression that the person has never lived away from home and has been cared for by adults?

Does the person have experience in managing money, paying bills, arranging appointments, buying food and other supplies etc?

Is the person able to cook more than just a basic meal.

Take account of the local situation from which the person has come – e.g. war, famine; and of cultural norms, for example it may not be expected that men should have any domestic skills in some countries.

Has the person stated a preference during the assessment of how s/he wishes to live in the UK?

Would this person be at risk living independently? Give reasons for your answer.

If the stated age is in doubt, you may wish to suggest that if the person is believed to be under 16 s/he will be placed in foster care where certain restrictions and house rules will have to be followed. Observe any reaction to this.

Critical Analysis

12) HEALTH & MEDICAL ASSESSMENT

Any physical or mental health issues? Any injuries, trauma suffered? Nutritional needs, regular treatment required for any illness? Has the young person had any immunisations? Can they recall which and when? A medical opinion and view on age will always be helpful.

Questions about the person's health history can be informative in assessing age, both from the information given and reactions to specific questions.

The Royal College of Paediatricians has advised that there can be a five-year margin of error in age assessment. However, views on age from a GP, dentist or optician can be very helpful and may produce a narrower range.

Critical Analysis

13) INFORMATION FROM DOCUMENTS & OTHER SOURCES

Documentation when available should always be carefully checked; authenticating documents, however, is a specialist task. If the assessment is an ongoing process it is important to obtain the views of other significant figures involved with the young person. Has the young person had any interaction with other professionals/agencies? What are their opinions?

Other sources may include foster carers , residential workers, school teachers, panel advisors, doctors, solicitors, interpreters, and other young people.

Observations of how the young person interacts in different social situations can provide useful age indicators.

Critical Analysis

14) ANALYSIS OF INFORMATION GAINED AND PROVISIONAL CONCLUSIONS

Key indicators of the conclusion

The assessing worker should draw together the information obtained, and present his/her views and judgement on the age of the person being assessed, giving clear reasons for the conclusion. If this differs from the stated age, clear reasons for this disagreement should be given.

Please remember this process is not an exact science and that conclusions should always give the benefit of doubt.

15) YOUNG PERSON'S COMMENTS

This section should be completed at the follow up interview with the young person. You should explain the provisional conclusions you have come to and your reasons for reaching such conclusions. The young person should be given the opportunity to explain or answer any issues you have considered which might lead you to conclude they are older than they claim to be.

You should highlight any areas of particular concern. If you have any reason to doubt the young person's credibility the reasons for those doubts should be put to the young person to give them the opportunity to explain any discrepancies/ misunderstandings.

Critical Analysis

16) FINAL CONCLUSIONS

Consider whether any of the further information provided by the young person alters your provisional conclusions.

--	--

BASED ON THE ASSESSMENT, THE CLIENT'S AGE IS:.....

Name of assessing social worker	
Signature of assessing social worker	
Team	
Date	

Name of Team Manager	
Signature of Team Manager	
Date	

CHILDREN, SCHOOLS AND FAMILIES DEPARTMENT

NAME
ADDRESS

London Borough of Merton
Childrens Division
Access & Assessment Team
Worsfold House
Mitcham
Surrey CR4 3FA

Direct Line: 020 8545 4226
Fax: 020 8545 4204
Email:

My Ref :
Please Ask For:
Your Ref:

Date: XXXX

Dear ,

Age Assessment

Thank you for coming to meet with me today so that I could start your age assessment.

I have made notes of the information you have given me today. I now need to consider this information and may have to make some other enquiries before I can come to a view about your age and whether you are entitled to services from the Local Authority as a child.

Once I have gathered this information, I will need to meet with you again to talk about the age assessment. I may have some more questions about the information you have given me. I would like to meet with you on DATE at TIME. This meeting will be at Worsfold House. I have arranged an interpreter to be present at this meeting.

At this meeting I plan to be able to discuss my initial views about your age with you. You will then be given an opportunity to comment on this and I will take your comments and any other information you give me into account before I come to my decision. I will not be able to give you the decision in writing or a final copy of the age assessment on that day, these will be sent to you as soon as possible after our next meeting.

In the meantime, if you have any questions or think that there is any other information I should know, please contact me at the address above. You can telephone me on 020 8545 XXXX.

Yours sincerely,

NAME
Social Worker
Access & Assessment Team

AA/2

INITIAL INTERVIEW - FOLLOW UP ACTION REQUIRED

Action taken

NASS/Refugee Council contacted to confirm support arrangements for young person pending outcome of age assessment?

Other action: _____

Further action required:

Follow up interview arranged for _____

Letter explaining process given to young person?

Translator arranged for follow up interview? Reference: _____

Do any documents need to be obtained? If so, please give details and where they should be obtained from:

Other action required? Please specify:

Signature of assessing SW:	
Team:	
Date:	

CHILDREN, SCHOOLS AND FAMILIES DEPARTMENT

To:

**Immigration and Nationality Directorate
BY FAX: 020 8760 3105**

**Refugee Council
BY FAX: 020 7840 4388**

**London Borough of Merton
Childrens Division
Access & Assessment Team
Worsfold House
Mitcham
Surrey CR4 3FA**

**Direct Line: 020 8545 4226
Fax: 020 8545 4204**

**My Ref :
Please Ask For:**

NOTIFICATION OF OUTCOME OF AGE ASSESSMENT

Young Person:

Claimed DOB:

HO Ref:

The above named young person was referred to the London Borough of Merton for services as a child. The Local Authority has undertaken an assessment of the young person's age.

The assessment considered that the young person:

- Is a child, eligible for services under the Children Act 1989. Services are being arranged for the young person.

- Is not a child and is not eligible for services under the Children Act 1989. The young person has been provided with a copy of the Age Assessment report and has been advised to contact the Refugee Council.

If you require any further information, please contact the assessing social worker, _____ on telephone 020 8545 _____.

Signed: _____

Date: _____

APPENDIX B:

USEFUL CONTACTS AND TELEPHONE NUMBERS

The Office of the Immigration Services Commissioner (OISC)

OISC sets standards for immigration advisers in the UK. Those providing immigration advice or services in the course of business, whether or not for profit, must seek registration or exemption by the OISC. Only solicitors, barristers and legal executives holding a valid practicing certificate do not need OISC authorisation. Anyone else who gives advice on asylum issues could be breaking the law.

The OISC web site <http://www.oisc.gov.uk/> lists the advisers in their scheme and provides a link to solicitors who provide immigration advice. Alternatively the OISC Helpline can be reached on 0845 000 0046.

Home Office

Website: <http://www.ind.homeoffice.gov.uk/>

Immigration and Nationality Enquiry Bureau (INEB) Tel. 0870 606 7766

Refugee Council Panel of Advisers

Tel 020 7582 4947

Ports

Dover (East)	Tel. 01304 244900
Gatwick North	Tel. 01293 892500
Gatwick South	Tel. 01293 502019
Heathrow Terminal 1	Tel. 020 8745 6800
Heathrow Terminal 2	Tel. 020 8745 6850
Heathrow Terminal 3	Tel. 020 8745 6900
Heathrow Terminal 4	Tel. 020 8745 4700
Waterloo	Tel. 020 7919 5900

Asylum Welcome

The Vestry Hall

London Road

Mitcham

CR4 3UD

Telephone 020 8685 1771

Email: xxxxxxxxxxxxxx@xxxx.xx.xx

APPENDIX C:

INFORMATION- SHARING IN THE AGE ASSESSMENT PROCESS

PRINCIPLES FOR INTAKE TEAMS

- 1 Information about unaccompanied asylum-seeking children must to be treated as confidential. The circumstances in which it will be shared, the name of the receiving agency and the use that will be made of it need to be described and contained in a protocol.
- 2 In many cases the young person will only give basic details at this preliminary, intake stage of their assessment. In some cases they will give more detailed or sensitive information even at this stage and the local authority will control that information in the usual way, only sharing it with other agencies to promote the child's best interest (for example health or protection) and preferably with their consent.
- 3 However, there is a regular need to share basic information – for example, name, dob, address, nationality, identifying numbers, LA with responsibility, contact officer and so on - with various agencies to ensure that young people are able to access the correct agencies, and that transfers between agencies are properly co-ordinated. This practice will also enable LAs and IND to ensure that there is no duplication of service provision.
- 4 Basic details on UASCs are already subject to routine sharing between local authorities and IND through the datamatching process. The intake teams will ensure that the basic details required in this process are gathered and agreed with IND.
- 5 The intake teams which are party to the development of this guidance will routinely share basic information with each other to ensure that young people who may present at more than one intake point are treated consistently and are not subject to further unnecessary assessment.
- 6 Local authorities, which have subsequent contact with a young asylum- seeker, need to be able to identify LAs which have had earlier contact. The intake teams will routinely share basic information with the National Register of UASCs (in development).

The intake teams forms and processes will ensure that the young person is made aware of the need to share this basic information and the reasons for it.

APPENDIX C:

INFORMATION- SHARING IN THE AGE ASSESSMENT PROCESS

PRINCIPLES FOR INTAKE TEAMS

- 7 Information about unaccompanied asylum-seeking children must to be treated as confidential. The circumstances in which it will be shared, the name of the receiving agency and the use that will be made of it need to be described and contained in a protocol.
- 8 In many cases the young person will only give basic details at this preliminary, intake stage of their assessment. In some cases they will give more detailed or sensitive information even at this stage and the local authority will control that information in the usual way, only sharing it with other agencies to promote the child's best interest (for example health or protection) and preferably with their consent.
- 9 However, there is a regular need to share basic information – for example, name, dob, address, nationality, identifying numbers, LA with responsibility, contact officer and so on - with various agencies to ensure that young people are able to access the correct agencies, and that transfers between agencies are properly co-ordinated. This practice will also enable LAs and IND to ensure that there is no duplication of service provision.
- 10 Basic details on UASCs are already subject to routine sharing between local authorities and IND through the datamatching process. The intake teams will ensure that the basic details required in this process are gathered and agreed with IND.
- 11 The intake teams which are party to the development of this guidance will routinely share basic information with each other to ensure that young people who may present at more than one intake point are treated consistently and are not subject to further unnecessary assessment.
- 12 Local authorities, which have subsequent contact with a young asylum- seeker, need to be able to identify LAs which have had earlier contact. The intake teams will routinely share basic information with the National Register of UASCs (in development).

The intake teams forms and processes will ensure that the young person is made aware of the need to share this basic information and the reasons for it.

APPENDIX D:

THE APPLICATION FOR ASYLUM

1. Making the application for asylum

Like adults, separated children may apply for asylum at ports of entry, such as airports, or after entry usually at the asylum screening units of the Home Office. Applications in the London area are dealt with by the Asylum Screening Unit in Croydon. As separated children are deemed to be vulnerable, they can also apply at local immigration service enforcement offices. Separated children applying for asylum will be finger-printed (unless they are under five), photographed and asked brief questions about how they travelled to the UK. Immigration officers should not ask for details of why a young person is seeking asylum at this point.

The young person will be given:

- Immigration identification papers, including an Application Registration Card (ARC), which includes their photograph and personal details. The ARC confirms that the person has formally applied for asylum in the UK. They will also receive the information provided on this card in paper format;
- A 'statement of evidence form (minor)', which is the asylum application form given to children that should be filled in with the support of a legal representative and submitted to the Home Office within 28 days;
- A "one-stop notice" and "statement of additional grounds" form, which gives applicants the opportunity to list all their reasons for wanting to enter or remain in the UK (including on human-rights or ill-health grounds) as early as possible.
- People applying for asylum at ports of entry will also be issued with a document called an IS96, which gives temporary admission to enter the UK.

2. **How is the application dealt with?**

Applications from unaccompanied minors are handled by specially trained caseworkers, for whom the welfare of the child is a central consideration. IND's target for 2002/2003 is to make an initial decision on 65% of applications from unaccompanied minors within 2 months. Decisions are normally made on the basis of the information provided in the Statement of Evidence (Minor) Form (SEF). The Immigration Rules are being amended to allow this change of policy; and IND is arranging training for staff who will be responsible for interviewing children, always in the presence of a responsible adult.

IND caseworkers consider each claim in accordance with the guidelines set out in the Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 UN Convention, the IND's Asylum Policy Instructions

(APIs) and the country information provided by the Country Information and Policy Unit (CIPU).

NB Applicants who reach their 18th birthday before an initial asylum decision is reached, or while awaiting the outcome of an appeal, are treated as adults and will be transfer to NASS for support where appropriate.

3. Information Sharing by the IND

Information provided by asylum applicants is particularly sensitive and the SEF form begins with a statement of confidentiality. The IND will not disclose any information to the authorities in the applicant's own country, including their Embassy in this country. Information may be disclosed, however, to other UK Government departments and agencies, local authorities, international organizations and other bodies to enable them to carry out their functions.

Further information on confidentiality issues can be accessed from IND's Asylum Policy Instruction (API) on Disclosure and Confidentiality of Information (Chapter 16, Section 2) located on the Home Office website.

4. Detention

Unaccompanied minors seeking asylum are only detained in the most exceptional of circumstances. If, for example, they arrive in the United Kingdom 'out of hours' and the Immigration Service may have no option but to keep them overnight until they can be collected by a social worker in the morning.

Applicants who claim to be children, but whom IND are treating as adults (age-dispute cases) are subject to detention in the same way as any other adult.

5. Possible outcomes following an application for asylum

▪ Refugee Status Granted

A person is recognised as a refugee when the Government decides that they meet the definition of refugee under the United Nations (UN) Convention Relating to the Status of Refugees (1951)(amended by the 1967 protocol), and accepts that the person has a well-founded fear of persecution under one or more of the reasons set out in the Convention; their race, religion, nationality, political opinion or because they fall within a particular social group, for example, people who have a well-founded fear of being persecuted because of their gender or sexual orientation.

A person with refugee status is currently granted indefinite leave to remain (ILR), which means there are no conditions set on his or her stay in the UK.

- **Humanitarian Protection**

Humanitarian protection may be granted where an asylum seeker is refused refugee status because the Home Office does not accept that the person meets the strict criteria laid down in the UN Convention relating to the Status of Refugees, but still decides that it is too dangerous to return them back to their country of origin because they face a serious risk to their life or person.

Humanitarian protection will normally be granted for three years; however, shorter periods may be granted. At the end of the three years, the Home Office will “actively review” whether humanitarian protection should be extended, or ILR granted, or if there is not longer a need for protection, in which case a person is expected to return to their country of origin.

- **Discretionary Leave**

If the Home Office does not accept that a young person should be granted either refugee status or humanitarian protection, then discretionary leave is usually granted if adequate reception arrangements are not available in their country of origin.

Discretionary leave is usually granted for either three years or until the young person’s 18th birthday, whichever is earlier, although there may be some exceptions. For example, for young people who come from non-suspensive appeal countries, discretionary leave is only given for 12 months or until their 18th birthday, whichever is shorter.

Applications can be made for extensions to discretionary leave and this should be done before the leave expires. After the discretionary leave period has expired, the claimant’s situation will be reviewed with further leave granted if considered appropriate by the Home Office. A person on discretionary leave will normally become eligible to apply for ILR after six years.

- **Temporary Protection**

In 2005, the Home Office added a new form of protection that will be given to people who need short-term protection in particular circumstances, such as where there is a mass influx of people fleeing a war. This will be similar to the one-year ELE given to Bosnians and Kosovars in 1999.

- **Exceptional Leave to Enter/Remain**

Before April 2003, when humanitarian protection and discretionary leave were introduced, a similar status known as exceptional leave to enter/remain (ELE/R) was granted to people that the Home Office did not consider to meet

the criteria of refugee status but for whom it would be too dangerous to return to their country of origin. Exceptional leave was usually granted for four years, at the end of which the person could apply for ILR. There will still be some separated young people who have ELR/E rather than humanitarian protection or discretionary leave.

2.8 Special Country Policies

The security and humanitarian conditions in asylum seekers' countries of origin are sometimes such that for compassionate reasons the IND would not normally seek to return any asylum seeker (adult or child) but instead grant them limited exceptional leave to remain in the UK. Each case is however considered on its merits. The countries where such policies apply will vary from time to time depending on the conditions in countries of origin. Country of origin information is published on the Home Office website.

2.9 Appeals

If a UASC wishes to appeal a decision made in relation to their application, it is the responsibility of the Child/Young person to seek Independent Legal Advice.

APPENDIX E:

LIAISON ARRANGEMENTS FOR HANDLING AGE DISPUTE CASES (IND PROCESS)

A. Where IND do not accept the applicant's claim to be a minor (either in one of the Asylum Screening Units (ASU) or at a Port)

- An Immigration Officer or a member of the Asylum Screening Unit staff tell the applicant that he or she does not accept the applicant's claim to be a minor, and so will be putting the asylum claim through adult procedures unless the applicant can produce acceptable evidence to substantiate the age claimed. The Asylum Screening Unit provides the applicant with a letter confirming that he or she is being treated as an adult for asylum purposes. An Application Registration Card is issued after induction.
- IND refers the applicant to NASS if they need support.
- NASS treats the applicant as an adult for support purposes. If the applicant subsequently provides acceptable evidence that he or she is under 18, NASS informs IND, terminates NASS support and refers the applicant to the Local Authority where the child is then resident for assistance.
- IND also tells the applicant about the services offered by the Refugee Council and gives contact details.
- IND sends the applicant's details to Refugee Council.

B. Where the applicant claims to be an adult but IND believes they may be a minor

- IND question the applicant and explain there is doubt about the age given.
- IND contacts the responsible social services department (and also the police if there is reason to believe the child may be a victim of trafficking/prostitution).
- Social services attend. If they agree with IND that the applicant appears to be a minor, social services take charge of the applicant, and IND treat the asylum claim as that of an Unaccompanied Asylum Seeking Child. IND issues an Application Registration Card (ARC). In some cases (by agreement and depending on age and risk) IND direct applicants to social services rather than escort them.

OR

- If social services disagree with IND's assessment and say the applicant is an adult as claimed, IND treats the applicant as an adult asylum claimant and refers him or her to NASS if support is required. IND issues an Application Registration Card after induction.

Current Arrangements In The Refugee Council

C. Where IND has decided to treat the applicant as an adult and the Refugee Council do not wish to invoke emergency procedures.

- The Refugee Council advise the applicant of the procedures and put him or her in touch with a legal representative or other expert advice as required

D. Where IND has decided to treat the applicant as an adult and then Refugee Council wish to invoke emergency procedures

- The Refugee Council notifies the relevant social services department and invites their comments on/participation in the age assessment.
- The Refugee Council informs IND if the social services department assesses the applicant as a minor. IND amends the files to show the applicant as an Unaccompanied Asylum Seeking Child. IND issues a new ARC.
- The Refugee Council continues to offer support as at "C" above if the social services department assesses the applicant as an adult but the applicant wishes to pursue a challenge to IND's/Social Services' assessment.

Process To Be Followed By Social Services Departments

E. Where IND has referred an applicant to a social services department for care as a minor but the social services department believes the applicant is an adult

- The social services department contacts IND (**Fax. 020 8760 3105**). IND amends the case record to show that the applicant is an adult asylum seeker and informs the social services department, who arranges to send/direct applicant to NASS to apply for support. IND issues a new Application Registration Card.
- The social services department refers the applicant to NASS and the Refugee Council if support is required. If the applicant has no legal adviser, the Refugee Council will arrange for the necessary advice and assistance if the applicant wishes to challenge the social services department's assessment.

F. Where IND has decided to treat the applicant as an adult (and

referred to NASS if appropriate) but the applicant claims support from social services department direct.

- The social services department decides on their responsibility to the applicant and assesses the age of the applicant. If the social services department agrees with IND, they tell the applicant and refer him or her to NASS if appropriate. The social services department will also notify NASS and IND of their involvement and share reasons for their decision on age.

If the social services department assesses the applicant as a minor, they inform IND who amend the case record to show the applicant is to be treated as an Unaccompanied Asylum Seeking Child and issue a new Application Registration Card. Social services also inform the Refugee Council and any legal representative as appropriate.

APPENDIX F:

GLOSSARY

A

Accommodated

See s20

Administrative non-compliance

A category of refusal for an asylum application. This can be a major reason for UASC (*q.v.*) refusals, for example - if they do not return required forms in time.

ADSS

Association of Directors of Social Services

Age Assessment

The process by which a local authority collects information about the likely age range into which a child falls, where no independent proofs exist. The assessment represents the professional opinion of the social worker based on recorded evidence about the balance of probabilities at the time.

Age Determination

IND's power to look into and determine the age of an asylum-seeker for the purposes of determining his/her entitlement to welfare support under the Immigration and Asylum Act 1999, s94 ss7. This process requires decisions to be made quickly. It is open to challenge either by submitting further proof direct to IND or in the case of children the professional assessment of a local authority.

Age Disputed

A category of asylum-seeker recorded on the IND database. It implies that someone has claimed to be a child but is being treated as an adult by IND.

Application

The declaration made by an asylum-seeker to IND that they wish to be protected by the UK Government and remain in the UK. It is a process and at the early stages may only involve disclosure of basic details, whereas later it may include details of alleged persecution etc.

Approved Social Worker (ASW)

Social Worker appointed by the local mental health service under the Mental Health Act 1983, approved to undertake assessments in the community of people with mental health problems.

ARC Card

A new system of “smart cards” issued to asylum applicants. They contain a photo and on the “chip” have further identifying details, which can only be read with special equipment. They are increasingly the main form of proof of identity for asylum-seekers.

ASU

Asylum Screening Unit. Asylum-seekers who have not declared at Port are likely to have their initial contact with a Screening Unit. The best known is Croydon but there are others in for example Leeds and Liverpool. They are generally part of the Immigration Service (see below).

Asylum

A general term for the protection offered by the UK to people who claim to be at risk and who cannot find the protection they need from their own state authorities.

B**“Belonging”**

See Local Connection

C**CAMHS**

Child and Adolescent Health Services

Caseworker (or Senior Caseworker).

A member of the ICD (see below), trained and skilled in decisions about refugee status, humanitarian protection etc. They will gather the information relevant to an application and make the initial decision. They will present the IND case if a negative decision is subject to appeal.

Central Point of Contact

A special IND unit in Croydon which has been set up to assist local authorities who need information on individual cases. There is a telephone number dedicated to enquiries about UASCs. As confidential information is being shared, users need to be registered as *bona fide* representatives of a local authority with a need to know.

Child in Need (CIN)**Children Looked After (CLA)**

See s20

Convention (on Refugees)

The UN Convention which describes the particular circumstances which qualify someone for refugee status as opposed to other

protection needs which an asylum-seeker may have (United Nations 1951) Not to be confused with the UN Convention on the Rights of the Child 1989.

COAS

Core Assessment (see Framework for Assessment)

Courier

An adult who accompanies the child/young person as far as the UK, but takes no further responsibility for them. They may or may not be paid, and/or involved in smuggling or trafficking (*q.v.*).

Criminal Records Bureau (CRB)

A recently-established, one-stop-shop for checking the records of people applying for posts involving work with children.

D

Discretionary Leave (DLR??).

A time-limited permission for asylum-seekers to remain in the UK despite the fact that they have not established that they are refugees nor that they require humanitarian protection. UASCs may be given DLR since they cannot be returned as children. In the case of adults the leave is subject to thorough review at 3 years. For UASCs the review is at 3 years or 18th birthday whichever is the sooner.

E

Exceptional Leave to Enter and/or Remain. (ELR)

The legal permission which may be granted to an asylum-seeker who has not established that s/he should be considered to be a refugee but nevertheless needs to remain in the UK. Some UASCs may be granted ELR because of serious humanitarian needs; but others, who would be returned if they were adults, will receive ELR to their 18th birthday. At the time of publication, ELR policy is under fundamental review.

F

Framework for Assessment

Guidance produced by DH under s7 of the Local Authority Social Services Act 1970 which provides a systematic way of analysing, understanding and recording information about children in need and their families/carers. It comprises an initial and core assessment process. It does not have the force of law, but local authorities are required to comply with it unless there are clear, local reasons to the contrary.

G

Grant

Local authorities assisting UASC can claim a grant payment from IND for any UASC they are supporting under their Children Act duties. The grant is paid for specific expenses only and applies to under 18's. LA

service developments which help ensure IND processes are completed efficiently, or which are more efficient in cost terms, may be put to IND as bids for special grant funding.

H

Humanitarian Protection

Asylum-seekers who do not qualify as refugees, (e.g. because their persecution is not due to religious or political affiliation), may nevertheless need protection from life threatening situations, or inhuman or degrading treatment. If their own government is unable or unwilling to protect them, the UK government may accept a duty to. This is new policy development.

Human Rights Act

The HRA sets out the different grounds on which someone may be entitled to take action against a government agency for the treatment they have received:

- Article 2 is the right to a due legal process
- Article 3 concerns the rights to have one's life protected free from torture (see, Humanitarian Protection)
- Article 8 gives rights to personal and family life.

I

Identification, Referral and Tracking

A preventive initiative, led by the Children and Young Person's Unit (CYPU), designed to combat risk and disadvantage by means of a comprehensive system which will ensure that children and young people are not "lost" to services designed to support them. All local authorities are in the process of designing local data-collection and sharing systems.

Immigration and Nationality Department (IND) of the Home Office.

IND contains all the Home Office services which relate to immigrants to the UK. This definition concerns those which bear on asylum issues only. There are three separate directorates in IND all with their own definition. They are the Immigration Service, the Integrated Casework Directorate and the National Asylum Support Service.

Immigration Service

This directorate of IND deals with people entering the UK or with those who should leave on the expiry of their leave to remain. Its officials screen applicant at ports or in screening units and issues necessary documents pending decisions on the application. Cases are usually transferred quickly to the Integrated Casework Directorate.

Indefinite Leave to Remain (ILR)

Refugee status (*q.v.*)

Information Note

A general summary of the arrangements for dealing with UASCs published by IND in August 2002.

Integrated Casework Directorate

ICD is made up of teams of case-workers who will make asylum decisions on application, represent IND at appeals and judicial challenges, and ensure the communication of the decisions to those entitled to know. There are specially trained teams who deal with applications from children. ICD has agreed to communicate with relevant local authorities about UASC decisions and to deal with their queries through the Central Point of Contact.

Integrated Children's System (ICS)

A new system based on the Framework for Assessment and LAC materials (*q.v.*), which provides for the assessment of children in need; (being piloted, at the time of writing.)

Interview (also known as substantive interview)

In the past UASCs were not interviewed by caseworkers, but a new policy is being piloted which will require UASCs to attend for interview. This is in response to the principle that the voice of the child must be heard, and also helps to meet the requirements for due legal process, which in turn leads to more rapid completion of cases. Failure to attend may lead to a negative decision for administrative non-compliance (*q.v.*).

IOM

Intergovernmental Organization for Migration

J

Judicial Review.

A legal mechanism by which statutory agencies (among others) may be challenged on how they have interpreted or applied the law relating to their legal duties. In some cases, a JR may apply only in very special circumstances; in others it may have a more general application.

L

Laming

The recent report on the death of Victoria Climbié by Lord Laming, which has implications for child protection, tracking of children and the Framework for Assessment.

Local connection

The principles against which local authorities determine which authority has a duty to assess an applicant's housing needs.

Looked After Children (LAC)

See s20. "LAC materials" are the published formats provided by DH for work with LAC, currently under review.

N

National Asylum Support Service

A Home Office Agency set up to find and manage accommodation and other support for destitute asylum-seekers. NASS does not offer support to unaccompanied children, but there are a number of points where the Service's work interfaces with local authorities working with UASCs: the design and management of the UASC grant, transfer arrangements at 18 and UASCs who may subsequently be discovered to have friends or relatives willing to care for them and who are receiving support from NASS.

O

Ordinarily resident.

The principles determining which local authority has Children Act responsibility for a child in need. It is often difficult to apply these rules to recently-arrived UASCs.

P

Protection of Children Act 1999 (PoCA)

This Act amended and extended the law regulating the employment of people working with children. It requires child care organizations to check applications with the Criminal Records Bureau (*q.v.*).

R

Refugee

See Convention

Relevant child

An unaccompanied child who is looked after by the local authority under s20 of the Children Act 1989 may become a "relevant child" for the purposes of the Act, as amended by the Children (Leaving Care) Act 2000. Guidance issued with regulations made under the Act sets out for local authorities their obligations, depending on the immigration status of the young person when they reach 18.

S

s17

Section 17 of the Children Act 1989, which sets out the general duties of local authorities towards the provision of services for children in need (and their families) in the area. "Children in need" are defined in sub-section 10.

s20

Section 20 of the Children Act 1989, which deals with the responsibilities of local authorities towards children in need in their area, who appear to require accommodation as a result of a range of circumstances defined in the section.

Sectioned

Detained under the relevant section of the Mental Health Act 1983.

Self-Evaluation Form (SEF)

A form issued to children applying for asylum and who to date would not have received a “substantive” interview. Forms need to be completed and returned to ICD within 28days.

Separated child

'Separated children' are children under 18 years of age who are outside their country of origin and separated from both parents, or previous/legal customary primary care giver. (See UASC)

Smuggling

Smuggling is the transport of a person (with their consent) to another country through illegal means. The vast majority of people entering the UK illegally are smuggled rather than trafficked. People-smuggling is the facilitation of illegal entry, in breach of immigration law, either clandestinely or through deception or the use of false documentation. In this sense “smuggling” refers to the illegal transport of a person or persons across state borders, which results in a benefit for the smuggler. It follows that the person smuggled will be complicit, often paying large amounts of money to be transported, and once in the country they wish to enter will be left to their own devices.

T

Trafficking

The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Transnational Organised Crime (2000) to which the UK is a signatory, includes a comprehensive and widely accepted definition of trafficking, which involves three core elements:

- movement of a person
- with deception or coercion
- into a situation of exploitation

In practice, it may be quite difficult to make an initial distinction between smuggling and trafficking. In some cases, young people may think that they are being smuggled, but are in fact – unknown to them - being trafficked. Equally, trafficking often does include an element of smuggling, namely the illicit crossing of a border. However, there are also elements of trafficking *within* a country as the traffickers move victims between locations and sometimes sell them to another organisation.

U

Unaccompanied Asylum-Seeking Child (UASC)

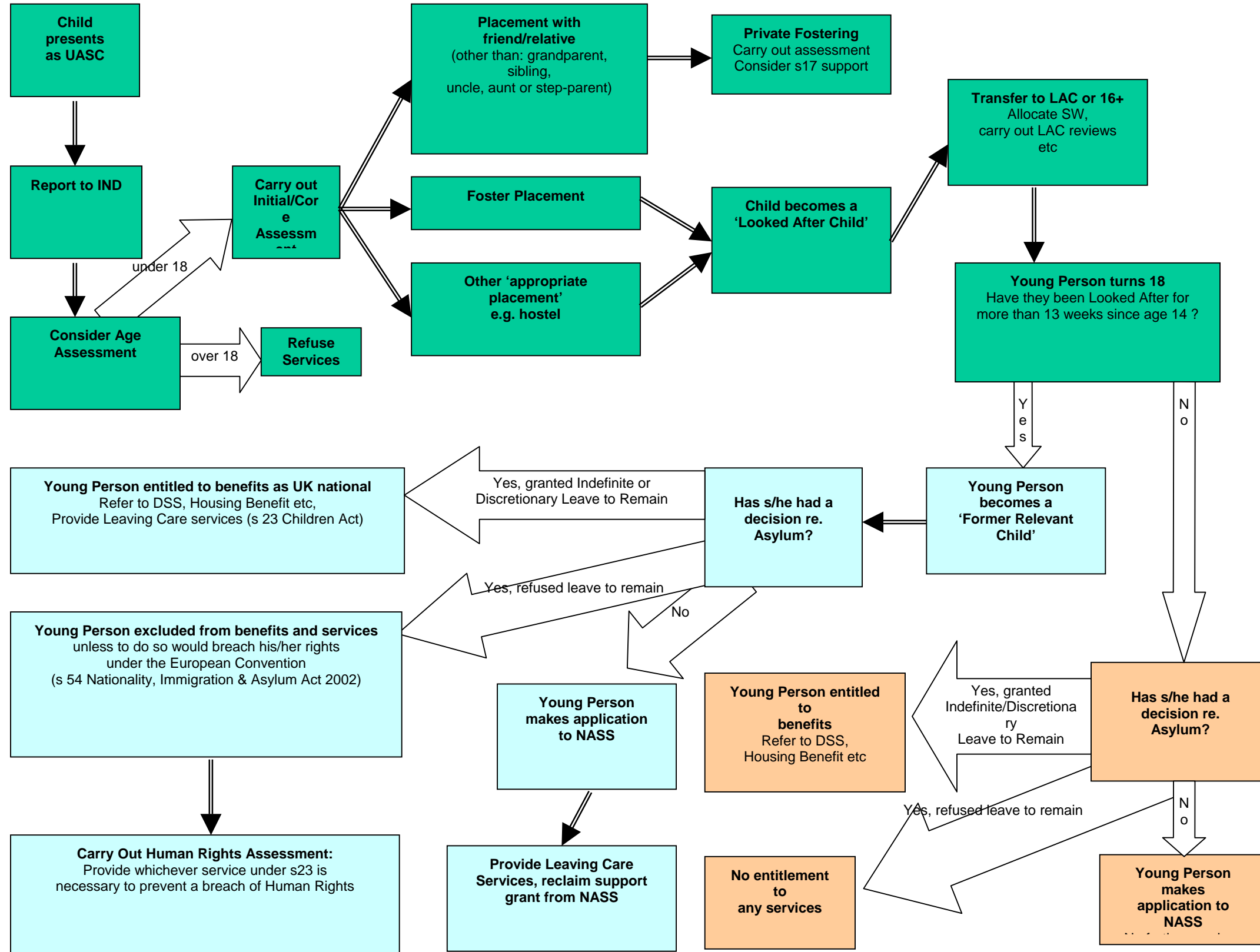
A child who is or appears to be under the legal age of majority (18 in the UK), and on arrival in the UK is not accompanied by a parent,

guardian, or other adult who by law or custom is responsible for him/her. Children in this situation are also known as separated children or unaccompanied minors.

UNHCR

United Nations High Commissioner for Refugees

Appendix G
Unaccompanied Asylum Seeking Children Flowchart



The Age Assessment Interview Process – Checklist

1. Before the interview:

- **ARRANGE INTERPRETER:** Check correct dialect with the young person. Ensure the interpreter has sufficient time to stay for the entire interview process.

2. During the interview:

- **TAKE NOTES:** Make sure you take clear notes throughout the interview. Note the explanations you have given to the young person, the questions asked and answers given. They need not be word for word, but need to be as detailed as possible. Make sure they are legible.
- **EXPLAIN PURPOSE OF THE INTERVIEW & YOUR ROLE AS ASSESSING SOCIAL WORKER:** Make sure the YP understands this. Make a note that you have explained this and the YP is happy with this.
- **ASK OPEN ENDED, NON LEADING QUESTIONS:** Go through the sections in the Assessment document. Use this to structure the interview. Explain why you are asking questions about specific topics as you go through. Be confident with the questions that you ask, it is acceptable to challenge the information the YP has given you, but do not be too negative.

Essential questions:

1. **Why do you think you were born on (claimed dob)?**
2. **Do you have any documents to support your date of birth?
Have you given any documents to anyone else?**

3. At the end of the interview:

- **DISCUSS YOUR THOUGHTS WITH THE YOUNG PERSON:** Explain to the YP that you will be using the information they have given you to come to a decision about their age. If you have doubts about their age based on their appearance and presentation and the credibility of the information they have given you, you need to tell the YP this and give them the opportunity to respond.
- **GO THROUGH YOUR NOTES WITH THE YOUNG PERSON:** If need be, ask the interpreter to assist you. Read through the notes to the YP.
- **SIGN AND DATE THE NOTES:** You should sign the notes, and ask the YP and interpreter to sign them.

4. After the Interview:

- **GATHER ALL THE MATERIAL YOU NEED TO CONSIDER:** Make a list of all the material you have, including any documents, medical reports, your notes etc. Follow up where necessary. If the YP has indicated they work with other professionals you need to contact those persons to gain their opinions. e.g. CAMHS
- **CONSIDER EACH SOURCE OF MATERIAL:** In your assessment you need to refer to all relevant information to show you have considered it. Each document or source of information must be referred to, stating why you accept it or reject it.
- **COMPLETE AGE ASSESSMENT FORM:** Use all the information you have gathered.
- **PREPARE DECISION LETTER:** Never use a standard letter. The letter must be tailored to the individual YP. You must give reasons, they need not be long but must be adequate to explain to the YP why you have reached the decision.

5. The Follow Up Interview

- **INTERPRETER & NOTES:** Ensure the interpreter is available again. As above, take full notes.
- **PURPOSE OF INTERVIEW:** Explain that you have made an assessment and that your decision is provisional at this stage. You are to go through the assessment and give the YP the chance to respond to your comments.
- **GO THROUGH THE ASSESSMENT:** Go through each section and invite the YP to comment. The comments must be noted on the form.
- **CONSIDER THE INFORMATION GIVEN:** You must show you have taken the extra comments into account and decide whether this alters your assessment. Once finalized, you should have the assessment signed by the appropriate manager. Finish your decision letter.
- **DECISION TO YOUNG PERSON:** Give the YP the decision letter, copy of Intake Interview notes and Age Assessment.