



## Transition at age 18 instruction

---

**This instruction deals with applications for support from unaccompanied asylum seeking children (UASC) supported by a local authority social services department, and who are approaching their 18th birthday.**

**This includes support applications from former UASC who have been "looked after" by the local authority under Section 20 of the Children Act 1989 and qualify for the provisions of the Children Leaving Care Act.**

V4.0

# Table of contents

## Table of contents

### Chapter 1 - Introduction

1.1 Application of this instruction in respect of children and those with children

1.2 Unaccompanied asylum seeking children (UASC)

1.3 Children (Leaving Care) Act 2000

### Chapter 2 - Support Arrangements When UASC Turns 18

2.1 Grant Agreements

### Chapter 3 - document control

Change Record

# Chapter 1 - Introduction

## 1.1 Application of this instruction in respect of children and those with children

[Section 55 of the Borders, Citizenship and Immigration Act 2009](#) requires the Home Office to carry out its existing functions in a way that takes into account the need to safeguard and promote the welfare of children in the UK. It does not impose any new functions, or override existing functions.

Officers must not apply the actions set out in this instruction either to children or to those with children without having due regard to Section 55. The Home Office instruction 'Every Child Matters; Change for Children' sets out the key principles to take into account in all immigration related activities.

Our statutory duty to children includes the need to demonstrate:

- Fair treatment which meets the same standard a British child would receive;
- The child's interests being made a primary, although not the only consideration;
- No discrimination of any kind;
- Asylum applications are dealt with in a timely fashion;
- Identification of those that might be at risk from harm.

[Back to contents](#)

## 1.2 Unaccompanied asylum seeking children (UASC)

Unaccompanied asylum seeking children (UASC) are young people aged less than 18 years who are not accompanied by a parent or guardian, and who claim asylum. In terms of support, they either receive assistance from the local social services department as children in need (under Section 17 of the [Children Act](#)) or are accommodated under Section 20 of that Act.

When a UASC reaches the age of 18, Section 17 duties cease to apply to them and Councils' duties to accommodate and maintain those who have been looked after under Section 20 also comes to an end. However, under Sections 23C-E and 24 of the Children Act, as amended by the Children Leaving Care Act 2000, Local Authorities continue to have duties and powers in respect of UASC who have been accommodated under Section 20 of the [Children Act](#).

[Back to contents](#)

## 1.3 Children (Leaving Care) Act 2000

The Children ([Leaving Care](#)) Act 2000 came into force on 1 October 2001. The Act inserted a number of provisions into the Children Act 1989, and the principal aim of the provisions is to improve the life chances of young people living in and leaving Local Authority care in England and Wales. It imposes duties on Local Authorities to support children leaving care (including asylum seekers) until they are at least 18 and to assist them until they are at least 21.

These duties include providing Personal Advisers and Pathway Plans for all eligible young people. The Personal Adviser will provide the link between the young person and their Local Authority, providing support and guidance and helping to co-ordinate services. The Pathway Plan will map out a route to independence for these young people, and will be reviewed at least once every six months until the young person reaches at least 21. The responsible authority will also assist the young person with their educational, training and employment needs, and will provide general assistance where required.

Similar legislation applies in Scotland and Northern Ireland.

[Back to contents](#)

## Chapter 2 - Support Arrangements When UASC Turns 18

Many UASC will continue to be eligible for assistance from their Local Authority under Leaving Care legislation. A person will usually be eligible to Leaving Care support if he/she has been supported by the Local Authority for more than 13 weeks before their 18th birthday under Section 20 of the Children Act 1989 (Or under similar provisions in Scotland and Northern Ireland). To note: A person who is eligible to receive Leaving Care support is not eligible for asylum support. This is because asylum support is a residual support entitlement that only applies if the person has no entitlement to any other form of support.

If, however, UASC are not eligible to receive Leaving Care support they may be eligible for asylum support under Section 95 of the Immigration and Asylum Act 1999, provided they would be otherwise destitute and meet specific requirements. To enable Home Office case workers to decide whether the applicant is destitute Local Authority Children's Services Departments should be asked to provide a letter stating that their duties and powers to provide services to the UASC under Section 17 of the Children Act, or to maintain and accommodate him or her under Sections 20 and 23B of the Children Act, will cease from a specified date in the future (usually the person's eighteenth birthday). The letter should also state whether the LA is aware of any other resources/support in kind available to the young person, that might disqualify them from asylum support or which the Home office should take into account when assessing their asylum support claim.

[Back to contents](#)

### 2.1 Grant Agreements

The Home Office provides funding to Local Authorities in England to cover some of their costs in supporting former UASC who have turned 18 and are receiving Leaving Care support. The arrangements are set out in a Grant Agreement that is issued each year.

[Back to contents](#)

## Chapter 3 - document control

### Change Record

Version	Author	Date	Change made
1.0	JL	08/08/11	First version of instruction replacing Policy Bulletin 29
2.0	JL	04/11/11	Second version of instruction correcting reference to local authorities in Wales who in fact do not receive the Leaving Care Grant.
3.0	GL	25/11/14	Rebranding and reformatting
4.0	GL	22/12/14	Update formatting and branding

[Back to contents](#)