



Home Office

**The Home Office response to the Independent Chief Inspector of Borders and Immigration's report:**

**An Inspection of how the Home Office considers the 'Best interests' of Unaccompanied Asylum Seeking Children.**

**August – December 2017**

The Home Office thanks the Independent Chief Inspector of Borders and Immigration (ICIBI) for his report.

In administering the Border, Immigration and Citizenship system the Home Office deals with millions of customers each year including some whose personal journey and circumstances mean they are particularly vulnerable. Within the UK Visas and Immigration (UKVI) command where primary responsibility for the handling of Unaccompanied Asylum Seeking Children (UASC) rests, the responsibility for safeguarding the vulnerable is at the heart of the mission.

Across the whole immigration system, officers strive to ensure that children are appropriately cared for and work closely with local authorities, social workers and other professional partners responsible for their care.

The Home Office is pleased that the ICIBI recognised officers' good understanding of their need to safeguard and promote the welfare of UASC and their commitment to meeting this duty. We welcome recognition of the efforts to improve the child-friendliness of processes and environment since previous inspections, and of the strong working relationships with social services and partner organisations.

We believe that this a fair report which acknowledges some positive elements, and also highlights areas where improvement is required – many of which are already in train. The Home Office accepts the first recommendation in full and partially accepts the second.

The ICIBI has previously acknowledged that the Home Office has plans to reform the asylum system. A range of transformation and culture techniques are being trialled that the Home Office intends to roll out to the rest of its offices. We will incorporate the ICIBI's findings into our implementation plans which we will take forward at pace.

## **The Home Office response to the recommendations:**

### **1. In respect of previous inspection reports:**

- a. Revisit each of the recommendations from the 2013 inspection on 'Asylum applications made by unaccompanied children' and ensure that the actions taken and measures put in place in response are fully effective now and remain so into the future, backed up with evidence from appropriate assurance processes and data.**
- b. Ensure that in responding to the recommendations from the 2017 inspection on 'the Home Office's Asylum Intake and Casework', the findings of the current inspection on 'how the Home Office considers the 'best interests' of unaccompanied asylum seeking children' are taken fully into account.**

#### **1.1 Accepted.**

- 1.2 The Asylum Intake and Casework (AIC) unit has recently appointed a new Business Transformation Lead. The role includes responsibility for developing a transformation and

business change portfolio that will seek to review and address both outstanding and recent inspection recommendations. The portfolio of work will include a systematic review of all asylum related inspection recommendations and put appropriate governance in place to oversee the work. This work is expected to be complete in the next 3-4 months.

## **2. In respect of the current inspection, over and above any responses to previous inspections:**

**a. Ensure that the responsibilities of all Home Office business areas relating to the intake and reception of unaccompanied asylum seeking children are clearly communicated across the Home Office, to other ‘first responder’ agencies, and to all affected stakeholders – taking care that children are not required to make unnecessarily long journeys to lodge their claim.**

**2.1 Accepted.**

2.2 The Home Office takes seriously its responsibilities and duty under Section 55 of the Borders, Citizenship and Immigration Act 2009 to safeguard and promote the welfare of children. Welfare interviews for UASCs will be conducted locally in regional offices by Home Office staff from UK Visas and Immigration or Immigration Enforcement and UASCs will not be expected to travel to Croydon. A misunderstanding arose in some individual offices which resulted in some erroneous advice being given out about our processes, however this misunderstanding has now been rectified.

**b. Work with stakeholders to produce “child friendly” information to hand to unaccompanied asylum seeking children, including foreign language versions for the main nationalities, covering all aspects of the asylum process, but especially key events such as age disputes/age assessments, the National Transfer Scheme (NTS) process, and ‘UASC leave’ – plans to publish a ‘point of claim’ leaflet, which should be progressed, may answer this, but only in part.**

**2.3 Accepted.**

2.4 The Government recognises the importance of providing child friendly information to unaccompanied asylum seeking children. We have already committed to publishing a ‘point of claim’ leaflet in a range of different languages and work to deliver this continues in consultation with stakeholders. This leaflet will include a wide range of information for children, including the roles and responsibilities of some of the people that children are likely to come into contact with. It will also explain the asylum process, including information about the Statement of Evidence Form and the substantive asylum interview, as well as key issues like age assessment, the National Transfer Scheme and the possible outcomes of their asylum claim, including the circumstances in which UASC leave may be granted. We believe that this will provide an important source of information for unaccompanied children. In addition to this work, we will also be exploring ways in which the asylum process for unaccompanied children can be made more child friendly.

**c. Progress plans to review the initial welfare interview form swiftly so that it captures all relevant safeguarding information as well as being tailored appropriately to each child.**

**2.5 Accepted.**

2.6 The welfare form is an important tool to identify safeguarding risks to unaccompanied asylum seeking children (UASC) when they first present to the Home Office. We are currently reviewing the welfare form in consultation with those who conduct initial welfare interviews. The review will consider how the form can be further adapted to reflect the variety of ways that UASC arrive or are first encountered in the UK.

**d. Progress plans to update the 'Assessing Age' policy swiftly so that it is comprehensive and clear, including the "significantly over 18" guidance.**

**2.7 Accepted.**

2.8 We published an updated version of the Assessing Age guidance on 26 February 2018. The updated version provides comprehensive guidance for Home Office staff involved in age dispute cases, building significantly on the previous version of the document. In particular, the document strengthens guidance for staff when they are assessing whether an individual's physical appearance and demeanour very strongly suggests that they are significantly over 18 years of age. The updated guidance also reflects the significant safeguards that are built into the policy which allow a large margin of error in favour of an individual's claim to be a child.

**e. Ensure that National Transfer Scheme (NTS) requests are kept under review and that consideration of child's 'best interests' is dynamic throughout the transfer process, and any 'best interests' assessments are recorded on or attached to the Unique Unaccompanied Child Record (UCCR).**

**2.9 Partially Accepted.**

2.10 The updated National Transfer Protocol, due to be published imminently, provides guidance and good practice notes for social workers on how to make a decision on whether to refer the child to the National Transfer Scheme (NTS) and factors to be taken into account when assessing the child's best interests. This guidance reflects that the decision to refer a child to the NTS is a decision for the local authority that has legal responsibility for the child.

2.11 The protocol also reinforces the importance of the decision to refer the child to the NTS being reviewed at regular intervals by the local authority to ensure that the initial decision to transfer the child remains in that child's best interest. The protocol reflects that the best interests of the child should be a primary consideration in the transfer process.

- 2.12 We will continue to work with the Department for Education (DfE), local authorities and Strategic Migration Partnerships (SMPs) to ensure that the best interests of each child remains a central part of the NTS transfer process.
- 2.13 The National Transfer team will review transfer requests from entry local authorities on a regular basis, reviewing outstanding requests, recording any changes to decisions made by a local authority about the best interests of a child and updating records accordingly.
- 2.14 Going forward, we will review whether the UUCR should include a 'best interest' assessment section for the entry local authority to complete as part of the referral process.

**f. Amend the National Transfer Scheme (NTS) process and Unique Unaccompanied Child Record (UCCR) to ensure that the child is given a “voice” throughout.**

- 2.15 **Partially Accepted.**
- 2.16 The NTS operates wholly within UK children’s social care legislation, and therefore the requirement to take into account the wishes and feelings of the child, and how the child’s best interests are best served should be included in all decisions regarding their welfare. This is embedded in the following legislation, regulations and guidance: Section 1 of the Children Act 1989; The Children Act 1989 guidance and regulations Volume 2: care planning, placement and case review; and Working together to safeguard children - A guide to inter-agency working to safeguard and promote the welfare of children March 2015.
- 2.17 As stated in the protocol, the receiving local authority will need to comply with its obligations under the Care Planning, Placement and Case Review (England) Regulations 2010. The best interests of the child and their welfare will be central as with any other looked after child.
- 2.18 We will continue to work with the DfE, local authorities and SMPs to review the transfer process, including the UUCR, and ensure that the child’s view is considered.
- 2.19 The updated protocol requests information which may have been gathered about the child after their initial referral to the NTS. This information will enable the receiving local authority to find a suitable initial placement for the child (e.g. a care plan or personal education plan) thereby accommodating their needs and enabling the entry local authority to support the child during the transfer process.

**g. Develop a communication strategy for the National Transfer Scheme (NTS), supported by timely and accurate data and information about how the scheme is working, and covering issues (such as delays and funding) and how these are being addressed, and ensure it connects with Local Authorities across the UK, and with stakeholders, and includes communication and feedback within the Home Office to raise the profile within the Home Office.**

- 2.20 **Accepted.**

- 2.21 Data on the National Transfer Scheme was published for the first time as part of the November 2017 Asylum Transparency Publication and will continue to be published on a quarterly basis.
- 2.22 We recognise the importance of accurate data in support of the NTS. We will continue to develop the data on the number of UASC in each local authority to ensure that there is greater transparency within each region against their respective 0.07% threshold and overall participation in the scheme.
- 2.23 We already have established relationships with a wide range of partners across local government, including individual local authorities, SMPs and representative groups like the Local Government Association (LGA) and the Association of Directors of Children's Services (ADCS). Members of the UASC transfer team engage with a range of local government partners on a daily basis and attend a wide array of meetings and events, including those with individual local authorities and wider representative groups. We have also recently appointed engagement officers to build on these existing relationships with migration partners and both entry and receiving local authorities in each region which will ensure that messaging is consistent and timely. The Home Office and DfE co-chair a UASC Board which provides a forum to discuss issues with key partners, including, local government associations in all four nations of the UK, the ADCS, and representatives from the devolved administrations.
- 2.24 We have also commenced more direct engagement and dialogue with colleagues in Asylum Casework via team meetings and forums to raise the profile and awareness of the NTS and develop operational relationships. We will work to extend these to workshops for staff within wider UKVI teams both in Resettlement, Asylum Support and Integration and Immigration and Protection to raise awareness of the NTS and how it interacts with their business area.

**h. Review the way Asylum Intake and Casework (AIC) manages claims from unaccompanied asylum seeking children to ensure that decision makers have the time, information and expertise necessary to make fully considered decisions that are in the child's 'best interests', and that the rationale for decisions is evidenced - ensuring case reviews take place and that the views of the child and of all the relevant 'actors' have been sought and recorded.**

2.25 **Accepted.**

2.26 A review of the timings for UASC cases in UKVI's productivity tool, Insight, is underway to ensure that the UASC work stream is properly reflected in the decision-maker's targets. There is already capacity within Insight to record additional 'exceptions' for tasks such as family tracing. The review is due for completion in the summer of 2018.

**i. Review the 'UASC leave' policy and ensure that it is aligned with the policy intention and consequences of the Education and Skills Act 2008, that the likely impact of the expiry of leave at 17½ years is taken fully into account when granting leave in individual cases, and that**

**steps are taken to ensure decisions about further leave applications are made swiftly.**

**2.27 Partially Accepted.**

2.28 Where an unaccompanied child who does not qualify for refugee status or humanitarian protection and safe and adequate reception arrangements cannot be confirmed in the country of return, the Home Office will consider granting temporary UASC leave in line with paragraph 352ZC to F of the Immigration Rules. Granting UASC leave in these circumstances is an important way to provide a child, who does not qualify for refugee status or humanitarian protection, with a valid form of leave for a specified period of time, in line with the Home Office's obligations under section 55 of the Borders, Citizenship and Immigration Act 2009. However, we will consider whether any changes to the existing policy are appropriate and will also consider how to ensure that all children granted UASC leave are made aware of its temporary nature.

2.29 Whilst acknowledging that UASC leave can only provide a short term solution, the Home Office believes the alternative of allowing all unaccompanied children to remain in the UK indefinitely - irrespective of the basis of their protection claim - would undermine legitimate immigration control and wrongly encourage more children to make dangerous journeys.

2.30 In the safeguarding strategy for unaccompanied asylum seeking children, published in November 2017, the Government committed to developing and disseminating good practice resources for social workers and personal advisers who need to consider triple pathway planning for those unaccompanied children who have an uncertain future, including those granted UASC leave at their initial decision. Resources will enable social workers and personal advisers to support young people through the asylum application process and be prepared to engage with whatever education and training opportunities are open to them when they turn 18.

2.31 Young people granted UASC leave often go on to submit a further application to remain in the UK. The Home Office always endeavours to conclude any subsequent application received from a former unaccompanied child who has not been recognised as requiring international protection, as quickly as possible.

**j. Ensure that all Home Office staff involved with unaccompanied asylum seeking children understand and comply with the requirement to create accurate, complete and auditable records of all actions and decisions, including (but not limited to) Refugee Council referrals, age disputes and age assessments, the National Transfer Scheme, family tracing and asylum decisions.**

**2.32 Accepted.**

2.33 There is ongoing work to define a specific programme of transformational change across the Asylum Intake and Casework unit which includes introducing a new electronic end to end casework system. Subject to various internal approval processes, the Atlas casework system will enrich information and enhance capability to both manage the flow of cases and the information recorded for all asylum cases. As part of agreeing discovery work to develop the Atlas casework system for asylum, consideration will be given to information

requirements and how this can better support work on dealing with unaccompanied asylum seeking children; including the wider borders immigration and citizenship system.