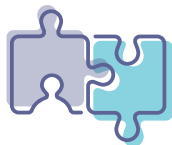
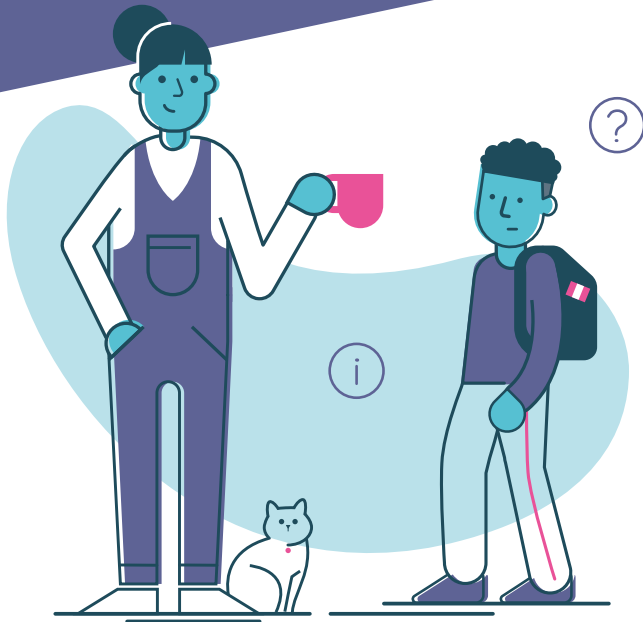


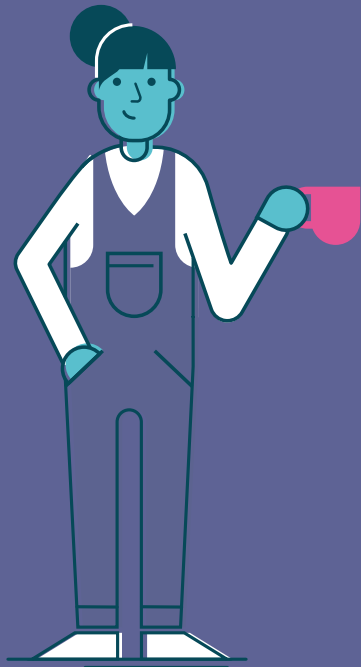
Information for foster carers about fostering unaccompanied asylum-seeking children in Wales



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These guides cover asylum applications under the standard procedures for those under 18. They do not cover the law concerning nationality specific arrangements - such as the schemes for those from **Ukraine** and **Afghanistan**. Whilst individual legal advice is required in all cases, it is particularly important for children affected by these schemes.



This guide refers to 'children' as aged 0-17 years, as defined in the UN Convention on the Rights of the Child.

This guide is designed to provide information, guidance and advice on fostering children who are seeking sanctuary and living in Wales.

Background

Every child (0-17) in Wales has the same rights. These include the right to:

- Somewhere safe and appropriate to live
- Education
- Health and well-being – and access to health services
- Play and relax
- Respect for his or her language, culture and religion
- Be protected from harm and from harmful activities
- Live free from discrimination
- Have his or her views taken into account when decisions are being made about them.
- To have their best interests as one of the most important considerations in any decisions made about them

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

What does 'UASC' mean

'UASC' is a term used by the Home Office. It means a child under the age of 18 who is in the UK without their parents or a legal guardian, and is making a claim for asylum in their own right. Children who claim asylum have the same legal rights as any other looked after children. Similarly, if they are allowed to remain in the UK as adults, they have the same legal rights as all other care leavers.

Becoming Unaccompanied

Children come to Wales in many different circumstances. They may have arrived on their own, even if they started their journey with family, they might have been transferred from other places in the UK, they might have been in contact with the police or immigration in dangerous or illegal working environments. Many of these children will have particular emotional, practical, language, religious and cultural needs that their foster carers will have to consider.

Alongside the task of caring for these children on a day-to-day basis, foster carers will also need to support them through the process of applying for asylum in the UK, and possibly to prepare for their return to their home country.

Being a foster carer of an asylum-seeking children is a very rewarding experience. If you have no experience of fostering an asylum-seeking child and would like to know more, speak to your local authority children's social services department who could put you in touch with a foster carer that does have experience.

The 'Age Assessment' Process

If Home Office officials, or children's services aren't sure how old the child is, an age assessment will be carried out. Age assessment is a process used to reach a decision as to an individual's age. Age Assessments are carried out by the local authority. Wales has [All Wales Multi-Agency Toolkit](#), to assist with assessments.



Age assessment can be a complex and lengthy process where the child is asked lots of questions about their life and background. It can be quite an intimidating experience and the child may need support in the run up to the age assessment and while they wait for the outcome.

An age assessment should be only carried out if there is uncertainty about whether the child is over 18. However, Home Office officials who come into contact with the child can treat that person as an adult if their 'appearance and demeanour' strongly suggests they are substantially over 18. Otherwise, the child will be given the benefit of the doubt and treated as a child until an age assessment has been carried out.

You may be fostering someone who is later assessed as 18 or older. If the age assessment determines that the child is over the age of 18, they will need to be treated as an adult, however vulnerable. Arrangements will be made for them to be accommodated as an adult, it may also be decided that their asylum claim should not be processed in the UK. If this is the case they may be removed to Rwanda for their asylum claim to be processed.

Your roles as a foster carer in the age assessment process?

As the child gets to know you, they may tell you about things that have happened to them which could have a bearing on how old they are. You may also have the opportunity to see how they behave, talk and interact with others which might all have a bearing on age. You therefore may be able to provide information that relates to the child's age, and it is

appropriate for you to be asked to provide information. However, it is important to tell the child when information needs to be passed on to their assessing/ supervising social worker.

The age assessment process can be long and difficult for a child. They will need to take food and drink with them, though drinks should be provided as needed. You can give them support and encouragement as they prepare, and make sure they take things with them to help them stay comfortable during the interview(s).

An 'appropriate adult' should be present during the age assessment process. It should be someone the child trusts and is in the interview to make sure the child's wellbeing is always a priority. Although you may have built a bond with the child, you may not be the best person to be the appropriate adult because you are paid by the local authority. This could give rise to a conflict of interest, or an appearance of one.

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

You may be able to support the child to challenge the outcome of the age assessment, but they will need specialist legal advice to challenge the decisions. Age Assessment challenges are not usually conducted by immigration lawyers and the lawyer representing the child may be far away.

The immigration and asylum process

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

The child will have to have a 'welfare interview' with officials from UK Visas and Immigration (UKVI) soon after arrival in the UK. If the child has not already done so, this is the meeting when they will formally claim asylum.

The child's lawyer will help them explain their experiences to the Home Office in a way that works for the child – this may be using emails, or other professionals such as psychologists.

Following the interview they will receive immigration identification papers, including:

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

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

You can help the child keep this important documentation safe. This documentation will allow them access to services and means that if something happens to them, they have something that acknowledges who they are and that they are known to the Home Office. It is also important that you have a photograph of the child, just in case they go missing.

If the child you are fostering is 12 or older, they will usually an asylum

interview. You may need to help the child get to the asylum interview, although arrangements are usually made by the child's social worker.

If the child doesn't go to the interview (or doesn't comply with other parts of the asylum process) their application may be refused, even if they have a strong claim, so it is important they are supported to attend the interview. If there will be a significant problem getting the child to the asylum interview, let the Home Office know as soon as possible (and inform the child's social worker). If they are not well enough, either physically or mentally, to be interviewed their lawyer should let the Home Office know with appropriate medical information.

Similarly, to the age assessment process a child claiming asylum should have a responsible adult with them at the asylum interview, as well as a legal representative. The responsible adult should be someone the child trusts and is in the interview to make sure the young child's wellbeing is always a priority. Although you may have built a bond with the child, you may not be the best person to be the appropriate adult if you have information which might contradict what the child has decided to tell the UKVI officials dealing with their claim. The Home Office cannot interview a child without a responsible adult being present.

The local authority must support the child to obtain legal advice. Legal Aid is available for asylum claims but the low numbers of solicitors handling Legal Aid cases may make it difficult in practical terms for the child to access advice quickly using Legal Aid. Legal Aid won't be available until the child has made a formal claim for asylum. The local authority has a duty to support the child through the asylum process, including funding legal advice and representation if it is difficult to access advice through Legal Aid.

Frequently Asked Questions



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

You may have very little information about the child you are fostering. You may have heard about the country they have come from, but this may raise more questions for you. In terms of specifics, you may have little more than the young child's name.

Every child will have an individual story to tell, although they will almost certainly have had difficulties in the country they left, during the journey to Wales and on arrival here. The demands of the journey they have made, which can often take months, will have left them exhausted and with possible physical and/or mental health issues.

Your social worker, local faith groups and community groups may be able to help you with background about the child's culture, foods they will be used to eating and other useful information such as local groups and services. If you have any concerns about the child, or about his or her behaviour towards you, your family or other children in your care, you should talk to your social worker. If it is an emergency, and out of hours, you may need to contact the out of hours/ emergency social work team or police for your area.

You may find out information that you have to share with other organisations. As the placement progresses and you develop a relationship with the child, you may find out more about the child's background. Although you will want the child to trust you and feel protected, you may need to share safeguarding information with social workers or the police or immigration authorities if you think the child is at

significant risk of harm– for example to protect them from exploitation. It is important to inform the child as/when you need to share information and the reasons as to why.

[Safeguarding guidance on child exploitation](#)



Can the child contact their family?

The child may not know where his or her parents or other family members are, or even if they are alive. They may alternatively have links to family members in the UK. These family members will need to be assessed before they can have unsupervised contact with the child, as is the case for all children in care. It may be for some children that supervised contact is agreed in the first instance.

If the child isn't in contact with their family, the Home Office might take steps to trace family members if it is safe for the child and for his/her family. It might not be safe for the child if there is safeguarding concerns that the family was involved in trafficking him/her to Wales/the UK in the first place, or the child is upset about the idea of going back to their family. The child will be told if this is going to happen. The child may wish to try and trace family. If there are no issues in tracing the family, the child's social worker should advise them about the family tracing services offered by the [British Red Cross](#).



If the child has family in a 'safe third country' the Home Office may conduct enquiries to see if the child wants to withdraw their asylum claim so that they can go and live with that family member. This will only happen if the family member and the child agree, and the Local Authority considers it to be in the child's best interests.

Will the child have a Care and Support Plan?

The services the child needs to achieve or maintain a reasonable standard of health, well-being and development will be assessed and detailed in a Care and Support Plan as set out in [Welsh Govt Code of Practice 6 for Children Looked After](#). Para 509-520 refer specifically to asylum seekers. This will be developed between the child and their social worker or Personal Advisor. As a result of conditions in the country where they have come from, or because of the journey, the child may have many additional needs. The social worker should develop the plan with you, and the child, and the plan will regularly reviewed in line with statutory guidelines. The plan may change as the child's needs change or become more apparent.



After their 16th birthday, their Care and Support Plan will be converted to a Pathway Plan to prepare them for post 18 leaving care. See para 395 onward in Code of Practice 6

The child will also have a Personal Education Plan and a health plan as part of his or her Care and Support Plan. Children claiming asylum don't have to pay to visit a GP or a dentist. The child should be registered with a GP within 10 days of becoming looked after. If the child you are fostering isn't already registered with a GP you should help with this, as well as registering with a dentist.

You may need to support the child to get support for physical or mental health conditions. If you're worried that the child has been tortured, or experienced abuse such as Female Genital Mutilation (FGM) or other sexual abuse, you can work with the social workers to support the child to get help. Those who have experienced sexual abuse may feel shame, boys may feel especially embarrassed about reporting it. They might need more specialist intensive support to come to terms with their experiences. Secondary care for these issues is free on the NHS regardless of the immigration status of the child, though it may be difficult to access specialist care in your local area.

Will the child have special dietary requirements?

The child you foster may have dietary requirements, as a result of religious beliefs or cultural traditions. You will be able to explore this with them. They may not eat certain kinds of meat, including halal meat, or may be vegetarian. Aside from any religious or cultural requirements, they may have been used to a very different diet both in their home country and during the journey to Wales. Food that is very different to what the child is used to may be hard for them to eat. Over time, you can work with the child to establish what they like to eat, and to make sure they get a good diet that meets any cultural or religious needs. You could speak with your social worker if you have difficulties locating foods for specific dietary requirements, or if you need help with preparing unfamiliar meals.

Can the child access education in Wales?

The child has the same right to education as any child in Wales. If the child is under 16, they should go to school, but may need support to overcome language barriers and help to settle in. They may have achieved a high standard of education before coming to Wales but equally, may have been unable to go to school, or had their education interrupted. The child's Personal Education Plan (see above Code of Practice 6) should address this. If they are 16 or older, going to college may be more appropriate. If there are concerns regarding additional learning needs, the child should be assessed.



[Welsh Govt Additional learning needs fact sheets](#)

The child shouldn't be discriminated against at school, either in terms of getting a school or college place or while they are there. If they experience bullying at school or college, you can support them to tell the school what is happening, and push to get the situation resolved. It is important to keep the child's social worker fully informed of their progress or difficulties experienced within the educational setting.

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

Communicating with others is a vital part of the child's settling in process. The child's language ability will be assessed before starting in school or college. If they have very little English, the school should provide or arrange additional language support before starting other subjects. You can support them by spending time speaking English with the child. Your local college and community groups may be able to offer ESOL (English for Speakers of Other Languages) courses to help the child to learn English. It is also worth contacting the organisations such as the Welsh Refugee Council, TGP Cymru and Ethnic Youth Support Team for advice in this area.

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

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

Some children will want help and support to practise their religion. It will be important to know if the child follows a particular religion, and whether they wish to have opportunities to practise their religion.

The social worker or personal advisor should be able to locate communities and places of worship. You can support the child in their faith by providing food that is sourced and prepared in ways that are endorsed by the faith, respecting their prayer times, allowing them to keep an altar or prayer space in their room, and giving them information and support to attend a place of worship if possible. In some cases, appropriate online resources may be helpful, although you will need to be careful to avoid the potential for online grooming of any kind, including radicalisation from extremist content.

It is a good idea to do some research into important religious customs and holidays, and to ask the child what they want or need from you in relation to their faith. Not all children will want to follow a religion. Just because the child

comes from a country where most people are religious, it does not mean that they will be. They may have a complex or even adversarial relationship with faith and this could be a contributing factor to their asylum application.

If this is an area that is unfamiliar to you as a foster carer, then speak to your supervising social worker accessing training and resources. This will ensure you have the adequate knowledge and skills to meet the child's religious and cultural needs and potentially safeguard them from potential harm.

Is the child at risk?

The child may be at risk of trafficking and/or exploitation. Some children and young people are brought into the UK by people who will make them work or for other exploitative purposes, such as forced marriage. Children in this situation may become separated from the adults who bring them into the country and those adults may attempt to make contact with the child and re-engage with them once they are in your care. They may intend to traffick the child elsewhere, or exploit them. This is one of the reasons why someone claiming to be a family member needs to be assessed before they can have unsupervised access to the child. You may as a result wish to discuss the social worker undertaking a risk assessment and to agree how to mitigate any risks identified or agree a Safe Care Plan.

Signs of exploitation can often be confused with normal teenage behaviour. They might also be consistent with the trauma the child might have suffered escaping from their home country, and not signs of exploitation. The [NSPCC website has more information about the signs of child exploitation and trafficking](#). They include:

- being withdrawn,
- suddenly behaving differently or becoming anxious,
- clingy, depressed or aggressive.
- Problems with sleep
- eating disorders or change eating habits
- missing for periods, or spending time with adults.
- Involvement in petty crime, or being seen at places not suitable for vulnerable young people, such as hotels.



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

If the child has been assessed as at risk from exploitation or trafficking, this will be recorded in the Care and Support Plan and if the child has been or is suspected to have been trafficked, speak to the child's social worker about a referral to the Independent [Child Trafficking Advocate service](#)



The child may be at risk from radicalisation. There is a chance that the child may have come into contact with members of extremist organisations during their journey to Wales. These people may have offered help and support to the child in return for their loyalty. The child may also be at risk of becoming radicalised from things they have access to online. As with exploitation, it can be hard to spot if a child is being radicalised. The NSPCC website has more information about what to look out for. Some of them include:

- the child isolating themselves;
- talking as if from a scripted speech;
- being unwilling or unable to discuss their views;
- being suddenly disrespectful towards you and others;
- displaying increased levels of anger and being increasingly secretive, especially around internet use.

In consultation with the child's social worker and local authority, any online material that you are concerned about would need to be reported to the Home Office www.gov.uk/report-terrorism



The child may experience racially or culturally motivated bullying, threats or even violence. If the child experiences prejudice and racially or culturally motivated bullying, either at school or college, or in the community generally, you will need to reassure them and explain to them that this is unacceptable. You can help them understand their rights, and encourage them to tell you if they are experiencing bullying in any way. It is important to keep the child's social worker fully informed of any concerns that you may have.

Remember that if bullying is severe, it may be a 'hate crime' – More information about what hate crimes are can be found here: www.cps.gov.uk/hate-crime



Can the child stay in Wales?

If a child needs to stay in the UK because they are in danger if returned, they should make an asylum claim. Asylum claims can have a number of different outcomes.

- If the child is granted asylum, the length of time they are granted permission to stay will depend on how they travelled to the UK. If they travelled directly to the UK from their home country they will be considered a 'Group 1' refugee and will be granted 5 years' **'leave to remain'**. At the end of this they can apply for **'Indefinite Leave to Remain'**. It is important that they do this before their first grant of leave expires. If they did not and passed through a country where they did not face direct persecution they will be considered a 'Group 2' refugee and will be granted leave for a period of 30 months. They will be able to apply for this to be extended for further periods of 30 months before it ends. This type of leave does not have an automatic route to indefinite leave to remain and the child will need further specialist legal advice to help them apply for indefinite leave either after 5 years or 10 years.
- The child may alternatively be granted **'humanitarian protection'** – because it isn't safe for them to be returned to their Home Country. If this is the case they will be treated the same as a 'Group 2' refugee.
- If the child has come to the UK under s.67 of the Immigration Act and is not granted asylum, they will get **s.67 leave** which allows them to remain in the UK for 5 years and have access to public funds and support. As the 5 years comes to an end, they will be able to apply to settle permanently in the UK.
- If a child is not granted any of the above, they may be given **'Unaccompanied Asylum Seeker (UASC) leave'** to remain in the UK for 30 months, or until the age of 17.5 years.

The Care and Support Plan process is supposed to help all looked after children achieve 'permanence' – but this is especially difficult for a child with uncertain immigration status. **Parallel Planning** (see **Code of Practice 6** para 489 onward) helps with this uncertainty. It allows for the local authority and social workers to plan for different outcomes of the child's asylum process and means that plans are in place should the child's asylum application be successful or unsuccessful.



As part of parallel planning, the drafting of the Pathway Plan will explore with the child suitable options for post 18, leaving care needs, such as 'When I'm Ready'. This scheme supports a child to stay with his or her foster carer beyond the age of 18 if you agree to becoming a 'When I'm Ready' Carer. The other track plans for the possibility that the child will have to leave the UK.

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

The child will need to apply to extend his or her stay in the UK. This will happen at different times depending on the length of leave the child has been given, but applications should always be made before the current leave runs out. Applications can usually **not** be made earlier than 28 days before the current period of leave expires. Ideally they should think about getting advice about 3 months before their leave expires to allow plenty of time to prepare the application.

Arrangements that are in place already for the child will continue as normal during any appeals or applications for extension. If the child's permission to stay run out before applying for an extension, they will potentially have to start the process again. The child will need to apply to settle permanently in the UK.

Whatever the child's initial immigration status, they will need to apply for **'Indefinite Leave to Remain'** if they want to settle permanently in the UK.

The asylum process is complex, and can take a long time to resolve. Until their immigration status is resolved, it may be hard for the child to feel safe and settled. The child staying with you may be confused and upset or resentful about what's happening, and feel unable to get on with their life.

The foster carer's role is to support the child through the process and to help them prepare for the different possible outcomes. Social workers will also be involved in this process.

Find more detailed information



The legal framework



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



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



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



Rights of Children and Young Persons (Wales) Measure 2011
legislation.gov.uk/mwa/2011/2/contents

Legal advice and guidance for social workers on immigration matters



Right to Remain Toolkit. This is a comprehensive and regularly updated resource for practitioners and Refugees and Asylum Seekers. Six sections are translated into other languages.
[Right to Remain Toolkit - Right to Remain](#)



Free Movement. This website is regularly updated, and you can also sign up for the weekly email.
www.freemovement.org.uk



UK Government Home Office Guidance
[Processing children's asylum claims](#)

Additional guidance

Age Assessment Age Assessment of Unaccompanied Asylum-Seeking Children



Welsh Government Age Assessment Toolkit
[Toolkit Unaccompanied asylum seeking children: age assessment toolkit](#)



UK Government Guidance
[Age assessment: joint working - GOV.UK \(www.gov.uk\)](#)

Care and Safeguarding



All Wales Practice Guidance for Safeguarding Children Who Many Have Been Trafficked 2011
[Social care Wales \(safeguarding.wales\)](#)

Health



UASC Health
[Unaccompanied asylum-seeking children's health](#)

Other Useful Contacts



Office of the Immigration Services Commissioner for a list of approved immigration lawyers
[Office of the Immigration Services Commissioner - GOV.UK \(www.gov.uk\)](#)



UK Visas and Immigration
gov.uk/government/organisations/uk-visas-and-immigration



Wales Strategic Migration Partnership
[Wales Strategic Migration Partnership - WLGA](#)



[National Referral Mechanism](#)



Welsh Refugee Council

www.welshrefugeecouncil.org.uk

029 20489 800



National Referral Mechanism

[\(Independent Child Trafficking Advocacy Service\)](#)

[Barnardo's](#)



British Red Cross Family Tracing Service

redcross.org.uk/get-help/find-missing-family



Wales Interpretation and Translation Services

www.wits.wales



TGP Cymru

www.tgpcymru.org.uk



Ethnic Youth Support Team (EYST)

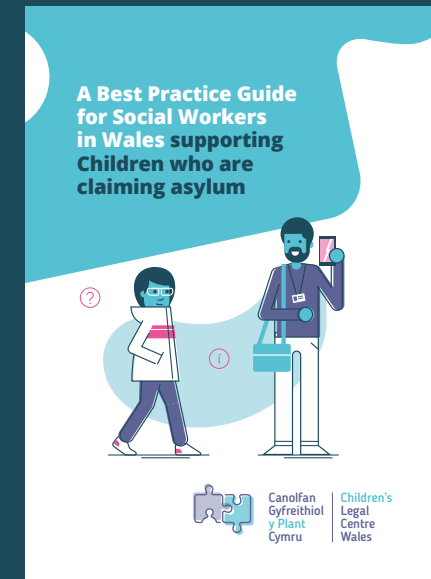
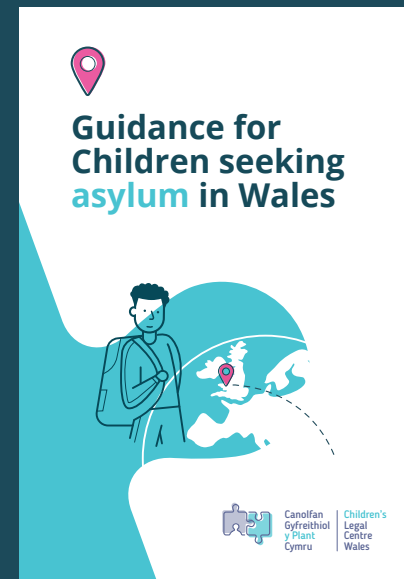
www.eyst.org.uk



National Youth Advocacy Service

www.nyas.net

Other information in this series



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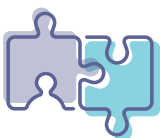
🐦 @ChildLegalWales



childrenslegalcentre.wales



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