**West Sussex – Practice Guidance**

IROs are qualified social workers with at least five years’ experience, and who have acquired the right skills to carry out this role.

**UASC - PATHWAY TRIPLE PLANNING GUIDANCE**

The following statements should be added in to the Pathway Plans of any Unaccompanied Asylum Seeking Young Person who is still awaiting a decision on their Asylum claim.

**Health and Development**

Immigration

[Insert YP’s Name]’s immigration status may affect his access to health services in the future.

While he waits for a decision on his Asylum claim

[Insert YP’s Name] will continue to be able to access NHS treatment without restrictions and will be able to remain registered with his local GP, dentist and optician.

If he is refused Asylum and become Appeal Rights Exhausted (ARE)

If [Insert YP’s Name] receives an Outright Refusal or becomes ARE he will not be entitled to access NHS treatment through his GP, only Accident and Emergency at the hospital.

If he is granted Refugee Status

[Insert YP’s Name] will still be able to access all NHS treatment without restrictions.

**Education, Training and Employment**

Immigration

[Insert YP’s Name]’s immigration status will have an impact on his ability to study and work in the future.

While he waits for a decision on his Asylum claim

[Insert YP’s Name] will be able to go to college to study but will not be able to access funding/student loans for higher level study (HND or University). On-going financial support from WSCC for his education will be required to meet his assessed educational need. WSCC will assess his needs and a Senior Manager will need to agree if funding is available and appropriate.

[Insert YP’s Name] is/is not\* able to work. (\*Delete as per Arc Card)

If he is refused Asylum and become Appeals Rights Exhausted (ARE)

If [Insert YP’s Name] is refused Asylum and exhausts all appeals, he will lose his right to publically funded education. A Human Rights Assessment will be undertaken and if the conclusion is that he would not be destitute then support maybe transferred to the Home Office. If it is found he would be destitute then on-going financial support from WSCC for his education will be required to meet his assessed educational need, unless the Immigration Act 2016 precludes this. WSCC will assess his needs and a Senior Manager will need to agree funding is available and appropriate.

[Insert YP’s Name] could not take up paid employment but would be able to volunteer in the UK.

If he is granted Refugee Status

If [Insert YP’s Name] is granted refugee status, he will be able to access education, an apprenticeship or work. If he decides to go to university, he will be able to access student finance. If this happens post 21, [Insert YP’s Name] will be able to approach WSCC and an assessment of needs will be done to determine how much financial assistance, if any, he will be entitled to from WSCC. If WSCC does provide [Insert YP’s Name] with support post 21, he will also have access to a Personal Advisor who will update his Pathway Plan and keep in touch with him.

**Emotional and Behavioural Development**

No need to add additional information required in relation to Asylum status

**Identity**

No need to add additional information required in relation to Asylum status

**Family and Social Relationships**

No need to add additional information required in relation to Asylum status

**Practical and Other Skills Necessary for Independent Living**

No need to add additional information required in relation to Asylum status

**Financial Arrangements**

Immigration

[Insert YP’s Name]’s immigration status will have an impact on who pays his weekly income.

While he waits for a decision on his Asylum claim

Until [Insert YP’s Name] is 18 he will receive a weekly allowance from WSCC. [Insert YP’s Name] can/cannot\* work.

When he is 18 he will claim benefits as he has recourse to public funds.

OR

The Home Office have determined that [Insert YP’s name] is not allowed to claim benefits (No Recourse to Public Funds) whilst he awaits the outcome of his Asylum Claim, therefore WSCC will continue to pay [Insert YP’s name] a personal allowance at JSA/IS rates.

If he is refused Asylum and becomes Appeal Rights Exhausted (ARE)

[Insert YP’s Name] would no longer be able to claim benefits (no recourse to public funds). WSCC will pay for [Insert YP’s Name]’s personal allowance at JSA/IS rates whilst a human rights assessment is undertaken and as long as he complies with Home Office requirements. If the conclusion of the human rights assessment is that he will not be destitute if WSCC end support and [Insert YP’s Name] meets the criteria for Asylum Support from the Home Office, he will be supported to apply to Asylum Support for accommodation and financial subsistence. If the Human Rights Assessment finds that [Insert YP’s name] would be destitute then these payments will continue until he is 21 unless he is detained by the Home Office at an earlier date. These payments are subject to any restrictive changes in the Immigration Act 2016. If notice to end support is given, then the minimum period of notice shall be 3 months to allow transfer of support to the Home Office.

If granted Refugee Status

[Insert YP’s Name] would be entitled to benefits (JSA/IS, housing benefit) or student loans. [Insert YP’s Name] would be able to work.

**Accommodation**

Immigration

[Insert YP’s Name]’s immigration status affects the type of accommodation he can live in post 18 as well as who will be responsible for paying for it.

While he waits for a decision on his Asylum claim

[Insert YP’s Name] will not able to access social housing post 18 but will be able to obtain housing benefit if he has recourse to public funds. He can remain in the accommodation which he currently lives in. He is also able to rent privately and access housing benefit to pay for the rent.

Or (If NRPF)

[Insert YP’s Name] will not able to access social housing post 18 and cannot obtain housing benefit because he does not have recourse to public funds. He can remain in the accommodation which he currently lives in.

If he is refused Asylum and becomes Appeal Rights Exhausted (ARE)

[Insert YP’s Name] may find himself in the situation where his application for Asylum is refused and he has no more appeals (ARE). In this situation he will not be able to claim housing benefit. If he becomes ARE, WSCC will continue to pay for his accommodation whilst a human rights assessment is undertaken and as long as he complies with Home Office requirements. These payments are subject to any restrictive changes in the Immigration Act 2016. If the conclusion of the human rights assessment is that he will not be destitute if WSCC end support and [Insert YP’s Name] meets the criteria for Asylum Support from the Home Office, he will be supported to apply to Asylum Support for accommodation and financial subsistence. If the Human Rights Assessment finds that he would be destitute then WSCC will continue to provide accommodation until the age of 21 unless he is detained by the Home Office at an earlier date.

If he is granted Refugee Status

If [Insert YP’s name] is granted refugee status and once he has identification and a National Insurance Number (NINO), he will be expected to move on from WSCC accommodation with 30 days. He will be able to apply for social housing in West Sussex in his own right. He will be supported to apply for social housing by his Personal Advisor. [Insert YP’s Name] will be entitled to a ‘Setting up Home Allowance’ from WSCC, which will enable him to purchase essential items for his home. Other accommodation options will also be explored such as private rental and supported accommodation.

Immigration (to be included in the views of Personal Adviser section)

[Insert YP’s Name] would like to be granted an extension of his leave to remain in the UK.

[Insert YP’s Name] is aware of his current immigration position. He has made an application for Asylum. His solicitor is [Insert solicitor’s name]. [Insert YP’s Name]’s solicitor is/is not\* a legal aid solicitor. The possible outcomes of his application have been explained to [Insert YP’s Name]:

Refugee status and the possibility to remain in the UK

Refusal of further leave to remain, with the possibility of appealing

Outright refusal / Appeal Rights Exhausted

If his application is refused, he may be able to appeal the decision. He may need to pay for this appeal depending on whether he is entitled to legal aid or not. Although [Insert YP’s Name] needs to consider a Triple Plan (1 - remaining in the UK with refugee status, 2 - Appeal Rights Exhausted with return to [Insert

Home Country], 3 - Appeal Rights Exhausted, but remaining in the UK with limited entitlements and support), he has said that he cannot return to [Insert Home Country] as it is not safe for him.

[Insert YP’s Name] needs to keep in contact with his solicitor following him up at least every three months if he has had no news from him.

[Insert YP’s Name] is hopeful that he gets a positive decision to his application, but is aware that he may not get a positive outcome. If he does not get a positive outcome he will need further support to understand the implications of a possible return to [Insert Home Country].

Different immigration outcomes lead to different entitlements whilst he is in the UK (health, education and accommodation and finance) – these are outlined in the relevant sections of the plan.

The agreed plan for the next 2-3 years is:

[Insert YP’s Name] will need on-going support from his solicitor in regards to his immigration application. He needs to keep in regular contact with his solicitor – at least every three months. [Insert YP’s Name] should let his Key Worker/Personal Advisor know if he has any appointments with his solicitor or any communication with his solicitor and/or the Home Office.

[Insert YP’s Name] will need to be supported to plan for all possible outcomes to his application for leave to remain.

**Reference Points;**

**Pathway Planning Guidance (General)**

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