

Unaccompanied Asylum Seeking Children TRIPLE PLANNING GUIDANCE for pathway planning

The following statements should be added into the pathway plans of any Unaccompanied Asylum-Seeking Young Person (UASYP) who is still awaiting a decision on their asylum claim or has been refused asylum.

On the first page of the pathway plan you must tick the box saying UASYP and this will open up extra boxes titled ‘immigration’ and this is where you add these extra sections.

The sections in blue must be copied and pasted as a template: please also note sections in red which are a prompt for additional information from you as a PA.

Please remember if the YP is placed with a provider (i.e. PAARK, Asphaleia, etc) they need to be included in the Pathway Plan (PWP) process.

Please also remember that you will need to book an interpreter for YP whose level of English isn’t sufficient to understand the content without one present. In most scenarios we believe having a translated copy of the PWP will not be needed if an interpreter is present, however if you feel this is needed please discuss with your Team Manager (TM). Please ensure you have recorded on the file if an interpreter is present at the review as well as their contact details.

Sections in blue should be added to the Pathway Plan as appropriate

# My Home

**Where you will live while you wait for a decision on your claim for asylum**

Between the ages of 18 and 21, while you are waiting for a decision on your asylum claim, WSCC will fund accommodation for you during this time. You will not able to access social housing post 18 and will not be able to claim housing benefit because you do not have recourse to public funds. As your independent living skills develop you may need to move on to an alternative placement that is more suitable to you. We will look to find accommodation that is suitable to your support needs, up to the age of 21 if needed. Your PA will discuss this with you at the time.

**Or (please do not presume that your young person has no recourse to public funds. Please check their ID/with their solicitor. If they do have access to public funds, please use below instead and delete the above paragraph as appropriate).**

If, in exceptional circumstances, you are waiting for a decision on your asylum claim and you have recourse to public funds, you will not be able to access social housing through the local housing register. You will however be able to obtain private rented or supported accommodation and you will need to access housing benefit to pay for the rent if you are not working. Your PA will support you identify appropriate and affordable housing and will help you with this move into independence.

**If your asylum claim is refused and you become Appeal Rights Exhausted where will you live?**

If you are refused asylum and become Appeal Rights Exhausted (ARE) before your 21st birthday and have no further legal challenge lodged with the Home Office by your solicitor, your support from WSCC may end, depending on the outcome of a Human Rights Assessment. You will not be able to claim housing benefit and you may be asked to leave your college course. You will receive 3 months’ notice and you will need to leave WSSC funded accommodation after this period of notice expires.

If the outcome of the Human Rights Assessment indicates you are not entitled to continue to receive ongoing support from WSCC, your PA will offer to refer you to the Home Office for support called ‘Section 4 Support’ which will be able to offer you continuing help with accommodation and finances when support from WSCC ends. You can read more information about Section 4 support here: <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/682495/asylum-support-section-4_2_-policy-and-process-v1.0ext.pdf>.

In order to access support from Section 4 you will need to be considered ‘destitute’ when support from WSCC ends and satisfy one or more of the following conditions: a) you are taking all reasonable steps to leave the UK b) you are unable to leave the UK due to medical reasons, c) you are unable to leave the UK because in the opinion of the Secretary of State there is no viable route of return available d) you have applied for judicial review e) accommodation is necessary to avoid a breach of your human rights.

If you are accepted by Section 4 Support you may be offered accommodation anywhere in the UK. There is no guarantee that you will be accepted by Section 4 and you may ultimately need to return to your country of origin.

If you are eligible, you may be entitled to support from the voluntary returns service who can:

·         explain your options for returning home

·         help you get travel documents, such as a passport

·         pay for travel tickets, if you are unable to

You can still get help if you’re already making your own plans to return to your home country.

You may also be eligible to apply for financial support of up to £3,000, which you can use to find somewhere to live, find a job or start a business in your home country. You can access more information here: <https://www.gov.uk/return-home-voluntarily>

There may be voluntary organisations that will be able to help you at this point and your PA can help you explore these options.

You will need to be aware that you could be detained by the Home Office at any time prior to turning 21. Your PA can help you prepare for this.

PA- please discuss with young person the ‘checklist for reporting to home office’ found in UASYP file on Share Point. This will help the young person be prepared and you may need to consider actions around this and make this an action in their PWP if not already completed.

**If you are without a decision, whether you have never had a decision from the Home Office or you have an outstanding legal challenge which your solicitor has lodged with the Home Office by your 21st birthday,** WSCC will continue to pay for your accommodation up until the age of 21 or when you finish your current course of education, whichever is **latest;** as long as you comply with Home Office requirements. To remain eligible for support over the age of 21, your education course must be accredited and be a minimum of 12 hours a week. You will be issued with three months’ notice in writing when you will need to leave your placement and any payments are subject to any restrictive changes in the Immigration Act 2016.

If you are without a decision, turning 21 and not in education you will receive three months’ notice, prior to your 21st birthday and you will need to leave WSSC funded accommodation after this period of notice expires.

Your PA can support you to apply for support for the period during which your asylum application and any subsequent appeal is being considered. This is often referred to as Section 95 support (defined in Section 95 of the Immigration and Asylum Act 1999). The application can be for subsistence and accommodation or for subsistence only. You can read more about entitlement to your ongoing asylum support here:

<https://www.nrpfnetwork.org.uk/information-and-resources/rights-and-entitlements/support-options-for-people-with-nrpf/home-office-support/section-95-asylum-support>

Whilst the Council’s duties to provide you with accommodation end when you are 21 (unless you are in education) you can still access advice and guidance through our helpline on 0330 2222 004 where you can speak to a PA.

**If you are granted Leave to Remain where will you live?**

If you are granted Leave to Remain (LTR) and once you have identification and a National Insurance Number (NINO), you will be expected to move on from WSCC funded accommodation, usually within 30 days. Your PA and keyworker will discuss with you what is going to be the most suitable option for your move on accommodation and help you to apply for this. You may be able to apply for social housing in West Sussex in your own right and we can also explore other accommodation options such as private rental and supported accommodation with you.

You will be entitled to a ‘Setting up Home Allowance’ from WSCC, which will enable you to purchase essential items for your home.

PA- please add additional information about where the YP would like to live if they get LTR and consider local connection and realistic expectations and whether it will need to be supported.

# My education work and training

**What will you do while you wait for a decision on your asylum?**

Between the ages of 18 and 21, you 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 your education may be required to meet your assessed educational need. WSCC will assess your needs and a Senior Manager will need to agree if funding is available and appropriate. As a care leaver you will be entitled to the 16-19 bursary from your local college. This will be able to help you with funding your travel to college. Please speak to your college or PA for more information.

WSCC will support you with accommodation and finances up to the age of 21 and if you remain in education after your 21st birthday, until the end of your current course, as long as it is accredited and you will be studying for a minimum of 12 hours per week.

You are/are not\* able to work. (\*PA please delete as per Arc Card or check with solicitor)

We would also encourage you to consider volunteering at any point in your asylum claim. This will give you different experiences and chance to meet new people and learn new skills that will be useful in future paid work. Your PA can help you with getting involved, please see this document that offers more guidance from the home office on page 14. <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/803596/permission-to-work-v8.0-ext.pdf>

**How will you plans be affected if your asylum claim is refused and you become Appeals Rights Exhausted (ARE)**

If you are refused asylum and exhausted all appeals, you will lose your right to publicly funded education.

WSCC will undertake a Human Rights Assessment to decide if we will continue to support you with accommodation and finances. You may not be able to remain on your course of education and you may not be entitled to any ongoing support from the Leaving Care Service.

We advise you to consider how you will support yourself when you return to your country of origin. If you are eligible, you may be entitled to support from the voluntary returns service who can help you if you’re already making your own plans to return to your home country. You may be eligible to apply for financial support of up to £3,000, which you can use to find somewhere to live, find a job or start a business in your home country. You can access more information here:

<https://www.gov.uk/return-home-voluntarily>

**If you are without a decision , whether you have never had a decision from the Home Office or you have an outstanding legal challenge which your solicitor has lodged with the Home Office by your 21st birthday,** to remain eligible for support over the age of 21, your education course must be accredited and be a minimum of 12 hours a week.

**What will you do if you are granted Leave to Remain**

If you are granted Leave to Remain, you will be able to access education, an apprenticeship or work in the UK. If you decide to go to university, you will be able to access student finance and WSCC will give a £2000 bursary to help you with university costs.

If you are granted Leave to Remain you will be able to be supported by a PA up to the age of 25 if you remain in education.

Until you can get paid employment we would also encourage you to consider. This will give you different experiences and chance to meet new people and learn new skills that will be useful in future paid work. Your PA can help you with getting involved.

PA - please explore and record what YP would like to do if they get LTR and any actions needed to help them with this.

# My health

**While you wait for a decision on your asylum claim**

You will continue to be able to access NHS treatment without restrictions and will be able to remain registered with your local GP, dentist and optician.

**If you are refused asylum and become Appeal Rights Exhausted (ARE)**

If you receive an Outright Refusal or becomes ARE you will not be entitled to access NHS treatment through your GP, only Accident and Emergency at the hospital.

**If you are granted Leave to Remain**

You will still be able to access all NHS treatment without restrictions.

# Family friends and Relationships

We will be guided by you in regard to exploring your family relationships, including helping you access the Red Cross family tracing service. We will respect that conversations about family and relationships can be difficult and we will respect your views and talk about this with sensitivity.

Please remember that there can be a lot of trauma attached to these conversations and they may need to be had more than once. Ensure you explore contact with family back home if necessary, including Red Cross family tracing option. Also ensure you discuss any safety implications of contacting and tracing family. Does the young person have contact with family? Do they have family in the UK or any other European country? Reunification?

# Practical and other skills necessary for independent living

As well as the usual things you will be considering for any care leaver in terms of developing their independence, we also need you to consider that there is a possibility that the YP will need to return to their home country. We understand that YP do not want to consider this and will be reluctant to have a conversation with you about it. However, we recommend beginning a discussion about preparing young people for the possibility of returning to their country of origin. What kind of independent living skills will they need? (e.g., access to local organizations, universal services, savings, and contacts back home…).

# Money

**While you wait for a decision on your asylum claim**

Between the ages of 18 and 21, if you are still awaiting a decision on your asylum claim WSCC will pay you a personal allowance that is equivalent to Universal Credit. This is because you will not be allowed to claim benefits as you have no recourse to public funds.

We will also fund any travel costs to see your solicitor or to attend Home Office appointments.

**Or (please do not presume that your young person has no recourse to public funds. Please check their ID/with their solicitor. If they do have access to public funds, please use below instead and delete the above paragraph as appropriate).**

Although you are waiting for your asylum decision, you are able to access public funds. You will therefore need to apply for Universal Credit.

You are/are not \*able to work.

**If you are without a decision, whether you have never had a decision from the Home Office or you have an outstanding legal challenge which your solicitor has lodged with the Home Office by your 21st birthday,** WSCC will continue to pay your personal allowance until the age of 21 or when you finish your current course of education, whichever is **latest;** as long as you comply with Home Office requirements. To remain eligible for support over the age of 21, your education course must be accredited and be a minimum of 12 hours a week. You will be issued with three months’ notice in writing when your financial support will end. These payments are subject to any restrictive changes in the Immigration Act 2016.

If you are without a decision, turning 21 and not in education you will receive 3 months’ notice, either prior to your 21st birthday or prior to the end of your course and you will no longer receive financial support from WSCC after this **period of notice expires**.

Your PA can support you to apply for support for the period during which your asylum application and any subsequent appeal is being considered. This is often referred to as Section 95 Support (defined in Section 95 of the Immigration and Asylum Act 1999). The application can be for subsistence and accommodation or for subsistence only. You can read more about entitlement to your ongoing asylum support here:

<https://www.nrpfnetwork.org.uk/information-and-resources/rights-and-entitlements/support-options-for-people-with-nrpf/home-office-support/section-95-asylum-support>

**If you are refused asylum and becomes** **Appeal Rights Exhausted (ARE)**

If you are refused asylum and become Appeal Rights Exhausted (ARE) before your 21st birthday and have no further legal challenge lodged with the Home Office by your solicitor, your support from WSCC may end, depending on the outcome of a Human Rights Assessment. You will receive 3 months’ notice before your financial support from WSCC ends.

If the outcome of the Human Rights Assessment indicates you are not entitled to continue to receive ongoing support from WSCC, your PA will offer to refer you to the Home Office for support called ‘Section 4 Support’ which will be able to offer you continuing help with accommodation and finances when support from WSCC ends. You can read more information about Section 4 support here: <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/682495/asylum-support-section-4_2_-policy-and-process-v1.0ext.pdf>.

In order to access support from Section 4 you will need to be considered ‘destitute’ when support from WSCC ends and satisfy one or more of the following conditions: a) you are taking all reasonable steps to leave the UK b) you are unable to leave the UK due to medical reasons, c) you are unable to leave the UK because in the opinion of the secretary of State there is no viable route of return available d) you have applied for Judicial review e) accommodation is necessary to avoid a breach of your human rights.

If you are accepted by Section 4 Support you may be offered accommodation anywhere in the UK. There is no guarantee that you will be accepted by section 4 and you may ultimately need to return to your country of origin.

If you are eligible, you may be entitled to support from the voluntary returns service who can:

·         explain your options for returning home

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You may also be eligible to apply for financial support of up to £3,000, which you can use to find somewhere to live, find a job or start a business in your home country. You can access more information here: <https://www.gov.uk/return-home-voluntarily>

There may be voluntary organisations that will be able to help you at this point and your PA can help you explore these options.

You will need to be aware that you could be detained by the Home Office at any time prior to turning 21. Your PA can help you prepare for this.

PA - please discuss with young person the ‘checklist for reporting to home office’ found in UASYP file on Share Point. This will help the young person be prepared and you may need to consider actions around this and make this an action in their PWP if not already completed.

**If granted Leave to remain**

If you are granted Leave to Remain you will be able work in the UK. Once you are 18 you would also be entitled to claim benefits if you are not able to work, including housing benefit. You can also apply for a student loan. Once you have received your Leave to Remain you will need to apply for ID and a National Insurance Number (NINO). Once have these you will be able to work or claim benefits in your own right and WSCC will no longer provide a weekly allowance to you. You will need to make an application to universal credit or find employment as soon as you have your National Insurance Number. We will continue to support you until you get your first payment.

# about me

No need to add any template into this section but please ensure that you are answering what ID the young person has. If the young person has no ID what actions needs to happen to address this.

Please also discuss the young person’s nationality and anything of religious or cultural importance to the YP. Please also include what stage their immigration process is at.

# Immigration (To be included in the Views of personal adviser section)

Your asylum claim is at please delete as appropriate\* initial claim, first tier appeal, second tier appeal, judicial review, ARE, ARE with a fresh claim.

Your solicitor is called \_\_\_\_\_\_ . You need to keep in contact with your solicitor and contact the solicitor at least every three months if you have had no news from them, your PA can also help with this. You should let your Key Worker/Personal Advisor know if you have any appointments with your solicitor or any communication with your solicitor and/or the Home Office.

You can get additional advice and support and advice from Hummingbird Project who are a Brighton based Charity. They provide youth-led services to young refugees through groups for more information see <https://www.hummingbirdproject.org.uk/our-services.html>

If you don’t have legal aid to support you with a solicitor, you may be able to get free advice and support on immigration and asylum law from the migration Law Clinic at the University of Sussex (term time only) 01273 876797 or contact migrationlaw@sussex.ac.uk. They will offer 45 min appointments on Wednesday afternoons.





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| **Review / Contacts / References** |  |
| Document title: | UASC Triple Planning Guidance for Pathway Planning |
| Date approved: | 04.08.2021 |
| Approving body: | Policy and Practice |
| Document owner: | Adrian Dyka |

# **Implementation Plan**

Document to be shared across Children We Care for and Care Leavers Teams and the IRO Service, to be discussed in team meetings and reviewed via audit of Pathway Plans.