



Home Office

Baroness Williams of Trafford  
Minister of State

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Baroness Lister of Burtersett  
House of Lords  
London  
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Dear Ruth,

23 NOV 2016

During the debate on the Children and Social Work Bill on 8 November I undertook to write to you on two issues.

First, you asked what will happen to unaccompanied asylum seeking children and refugee children when they reach the age of 18. If they have been granted refugee status or humanitarian protection, they will normally be granted 5 years' leave to remain and entitled to apply for indefinite leave to remain after that.

Otherwise, they will have the opportunity to make further asylum submissions or demonstrate that they qualify for further leave to remain. Any further submissions or application will be carefully considered. If they fail to establish a lawful basis on which to remain in the UK, and if the courts agree that they do not need our protection, they will be expected to return to their home country. Significant financial and other practical assistance is available from the Home Office to help them to do so and to support their resettlement there. In addition, the Immigration Act 2016 enables the relevant local authority to provide any accommodation, subsistence and other social care support the local authority considers they need prior to their departure from the UK.

Former unaccompanied children leaving care who have refugee status, humanitarian protection or another form of leave to remain, or who have an outstanding asylum or human rights claim or appeal, are entitled to the same local authority support under the Children Act 1989 as other care leavers. This includes access to all the same entitlements and the Immigration Act 2016 does not change this. The Children Act

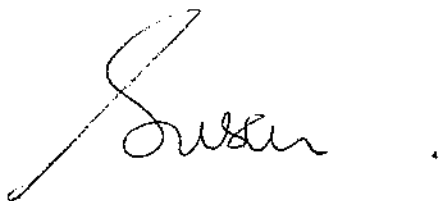
1989 provides the framework for supporting the transition of these young people into adulthood, as it does for other care leavers. They will benefit from the improvements to that framework made by the Children and Social Work Bill.

Secondly, you asked about the Government's position in this context on Guardianship. We agree as to the importance of providing appropriate support and guidance to unaccompanied asylum seeking children who are being looked after by local authorities, many of whom have undertaken traumatic journeys and will need to be supported through the asylum system. There are a number of roles within the child protection system which provide a guardianship and advocacy role and we believe that the required support is best provided by those involved in the child's care rather than by an additional guardian, which may unnecessarily complicate the relevant legal responsibilities.

In England and Wales, all children looked after by a local authority are allocated a social worker and an Independent Reviewing Officer (IRO). The social worker will assess their needs and draw up a care plan which, taking into account the child's wishes and feelings, sets out how the child's needs will be responded to, including education and health needs. The local authority should then place the child with a carer who has the necessary skills and experience to support them in a safe environment.

The IRO is responsible for chairing reviews of this care plan at regular intervals. The IRO must ensure that the child understands the plan and is able to take an active part in creating it. They can also assist the child in obtaining legal advice. Should the child wish to make representations about the care they receive, they will also be entitled to the support of an independent advocate to represent their views.

I hope this information is helpful. I am copying this letter to Baroness Wheeler, Viscount Younger of Leckie, Baroness Armstrong of Hill Top, The Earl of Listowel, Lord Warner, Lord Ponsonby of Shubrede, Lord Hunt of Kings Heath, Lord Nash, Baroness Thornton, Baroness Howarth of Breckland, Lord Watson of Invergowrie, Lord Dear, Lord Ramsbotham, Lord Low of Dalston, Baroness Pinnock, Baroness Eaton, Lord True, Lord Farmer, Lord Mackay of Clashfern, Lord O'Shaughnessy, Baroness Walmsley, Baroness Sheehan, Lord Lester of Herne Hill, Lord Woolf, Lord Hope of Craighead and The Lord Bishop of Leeds.

A handwritten signature in black ink, appearing to read 'S. Williams', with a long, sweeping underline that extends to the left.

**BARONESS WILLIAMS OF TRAFFORD**