



**YAS:**

**Care Leavers  
Immigration and Asylum Handbook.**

## **Purpose of this booklet**

This booklet is for both care leavers with an immigration status and the professionals who are supporting them. It aims to clarify issues surrounding immigration and changes in entitlements to support from the age of 18. Specifically:

- Entitlement to support from Young Adults Services including personal advisors/social workers
- Entitlements to welfare benefits, work, education and health services
- Support for end of line cases
- Responsibilities for young person
- Human rights assessments
- Glossary of immigration related terms
- Useful contacts for further information/support

# **18+ Support from YAS**

As a separated young person with leave to remain, you are entitled to the same support as any other 'looked after' young person including:

- Continued contact from the local authority
- Access to a Personal Advisor (PA)
- A pathway plan
- General advice – accessing accommodation and benefits
- Financial assistance with employment, education and training (including higher education bursaries)
- Vacation accommodation for university where applicable

**At 17 1/2 years old, your leave to remain may expire which can affect your access to support such as welfare benefits, accommodation, healthcare and work.**

During your time in care, your Social Worker can support you with the positives and negatives of Asylum and immigration including supporting you to work with your solicitor. When you turn 18, your Personal Advisor at YAS will continue this support. Your individual circumstances will be taken into account when we plan with you

# You're Rights & Responsibilities

## You're Rights

If your entitlement to benefit and permission to work stops we will plan with you to apply for money to live, pay your rent and continue with education or training (where possible). This may include:

- Enquiring about hardship funding from the Home office.
- Completing a human rights assessment.
- Seeking specialist legal or benefits advice.
- Advice about charities who may help.

We may hold a meeting to change or review your pathway plan and make sure it includes different options such as:

- Voluntary return home
- Further legal process
- Detention or removal
- Discussing with you the risk of breaking the law or 'disappearing'
- **We will always be clear with you about what information will be shared with the Home office.**
  
- **Pathway Plan.** Every young person should have a pathway plan as part of their leaving care support. It outlines the advice and assistance that a young person needs both while being looked after and following closure of their case. It should include: accommodation, practical life skills, education & training, employment, financial support , specific support needs, immigration issues and contingency plans for if independent living breaks down.

## Your responsibilities

***If you are refused asylum and leave to remain you must let YAS know immediately so we can check:***

- That you know what this means
- What you need to do to get legal advice
- If you can legally appeal or make a new claim for asylum
- You are responsible for attending your appointments e.g. for making a fresh asylum claims, submitting evidence, asylum support applications. There may also be other types of appointments.
- You must inform YAS if you change your solicitor

Changes to your entitlements at 17.5 years old depend on your immigration status

If you have indefinite leave to remain then you are entitled to mainstream benefits beyond 18 years old.

- UASC leave to remain will expire at 17.5 years old.
- You will need to apply for an extension to your leave to remain before it expires in order for support to continue from the home office until a final decision is made.
- Support may also be extended if you are appealing a decision to end your leave to remain.

Below are examples of some of your entitlements that may be affected.

### **EDUCATION & TRAINING**

You are eligible for home student university fees if you have proof of granted asylum or indefinite leave to remain.

You must also meet the residency requirements.

### **PUBLIC FUNDS**

If you are told you have 'no resource to public funds' this means that you cannot claim benefits like income support, job seekers allowance or housing benefit.

You should make sure you give the benefits agency correct and up to date information. If you do not, you may be charged with fraud (which is a criminal offence).

### **WORK**

UKBA will clearly state whether you have permission to work when they write to you.

You do not need permission for voluntary work.

### **HEALTH**

NHS services may be limited to emergency only if you are 'all rights exhausted'.

# Changes to support at 20

- By the time, you reach the age of 20 your Personal Advisor would have already been planning with you your support needs specifically related to your immigration issues.
- Throughout your pathway planning process, your personal Advisor will use the Triple Planning Method to help you understand your options, in the event you have a positive/negative decision from the Home Office or you want to return to your country of origin.
- We will ensure you have an interpreter if you need one.
- Your allocated Personal Advisor will complete an Educational Assessment plan with you, as part of your pathway plan to ensure that you understand your rights and responsibilities, and that you have and make realistic durable plans that includes transferable skills for your future in the UK or in your country origin.

## YOUR NOTES

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# Human Rights Assessments

- If you have received an All Rights Exhausted Decision (ARE) the local authority will carry out a Human Rights Assessment to assess your eligibility for future Leaving Care Services.
- You should also make sure you work in partnership with your solicitor.
- Your Personal Advisor will be on site to support you through this process and you can bring your own advocate or request an advocate to your Human Rights assessment interview.
- **Human Rights assessments do not have to be scary.**
- The purpose of the assessment is to determine whether or not your human rights would be breached if the local authority did not to provide a service or withdrew a service it had been providing.
- **Step 1**
- You will receive a letter giving you two weeks' notice that a Human Right's Assessment will be arranged with you. We ask you to bring in all of your up to date Home office documents.
- **Step 2**
- The Local authority has three months to complete a Human Right's Assessment with you from you're ARE date.
- **Step 3**
- You will receive a draft of your assessment within 4 weeks.
- You will receive final decision and copy of your assessment within 6 weeks.
- **Step 4**
- You should discuss your Human Rights assessments with your advocate or your solicitor.

# Useful Contacts

- **Refugee Council** – Provides advice and support to asylum seekers and refugees
- Main switchboard: 0207 346 6700
- Advice lines: 0808 808 2255 and 0808 808 2259
- Website: [www.refugeecouncil.org.uk](http://www.refugeecouncil.org.uk)
  
- **Refugee Action** – an independent charity that works with refugees to build new lives and provides support to asylum seekers that have ***made a refugee application***. Also provides support, advice and information to ***those re turning home voluntarily*** through its choices project.
- Head office: 0207 7654 7700
- Email: [info@refugeeaction.org.uk](mailto:info@refugeeaction.org.uk)
- Choices free helpline: 0808 800 0007
- Choices email: [choicesduty london@refugeeaction.org.uk](mailto:choicesduty london@refugeeaction.org.uk)
  
- **The Asylum Support Partnership** – provides initial accommodation wrap around services for newly arrived asylum seekers and one stop services for those with ongoing claims that require support and advice.
- Website: [www.refugeecouncil.org.uk/howwehelp/partners/partnership](http://www.refugeecouncil.org.uk/howwehelp/partners/partnership) for details of services and their locations
- **Legal advice**
- **Asylum Support Appeals Project** – ASAP specialises in asylum support law and provides free legal representation for those appealing against UKBA's decision to withdraw their support.
- Tel: 0207 729 3056
- Advice line: 0207 729 3042 (mon, wed, fri 2-4pm only)

- **Paiwand Afghan Association**
- Tel: 0208 905 8770
- [www.paiwand.com](http://www.paiwand.com)
  
- **Young Refugee Service**
- **Refugees and Befriending Projects:** Life skills projects for refugees and asylum seekers aged 15-21
- Opportunities to form friendships and widen social networks, learn a variety of practical skills, and nurture talents and interests, helping young people adjust to life in the UK and learn to live independently.
- **ESOL Club:** supports young people to learn English using creative technique.
  
- **Londonyrs@redcross.org.uk**
- **Contact Karen Kscott@redcross.org.uk / 07538641255**
  
- **UK Unsigned are offering a FREE ESOL course for 16 – 19 year olds.**
- Timetable Wed/ Thurs 11 – 12.30pm and Friday 1 – 3pm. Focus will be English and Maths. Classes held in Tottenham.
- Tel:020 8885 1179
- Mobile: 07958535994
- Email: [s.nicholls@ukunsignededucation.com](mailto:s.nicholls@ukunsignededucation.com)
- Website: [ukunsignededucation.com](http://ukunsignededucation.com)
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- **Home office general enquiries**
- General Immigration Enquiries/ Status Check:
- Croydon Contact Centre telephone number is 03001232241
- Home Office General Enquiry Line: 0207 0354848
  
- **Legal advice**
- Asylum Support Appeals Project – ASAP specialises in asylum support law and provides free legal representation for those appealing against UKBA's decision to withdraw their support.
- Tel: 0207 729 3056

# Glossary of Terms

**UASC Leave-** Time limited permission to stay in the UK. Granted by the Home Office has decided the individual does not qualify for refugee status or humanitarian protection but where there are still strong reasons for staying in the UK. It is normally given for 3 years or until the individual is 17.5 years old.

**Asylum** – one of the words used to mean ‘refuge’

**Asylum Seeker/ refugee** – A person who has applied to the government of a country other than their own for protection or ‘refuge’ because they cannot get this from their own government.

**Former unaccompanied Asylum Seeking Child** – children who arrived unaccompanied in the UK and seeking asylum but have reached 18 and are no longer considered children according to the law.

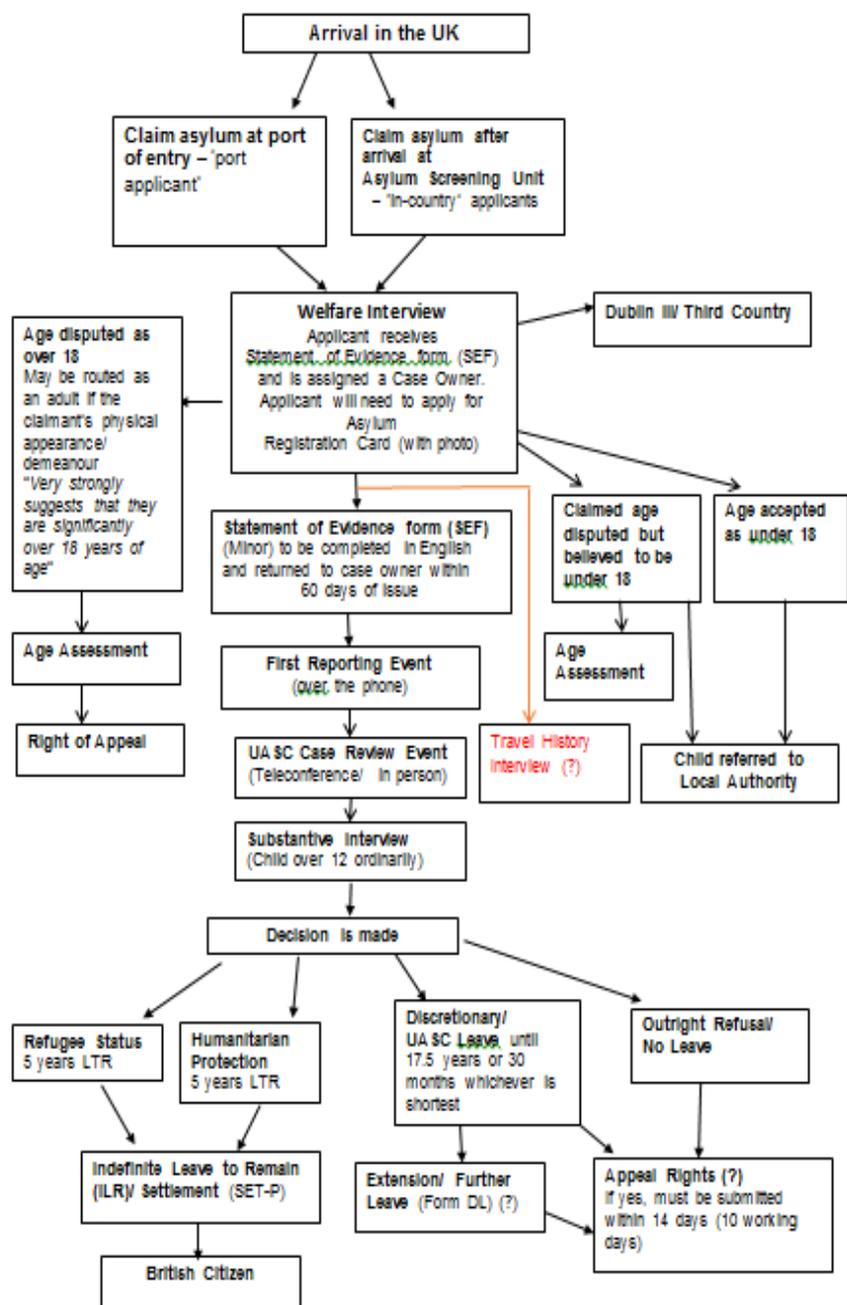
**Failed asylum seeker** – someone who has been refused asylum and has no appeal pending.

**Refugee Leave/ refugee status** - Time limited right to remain in the UK for up to a period of 5 years. Indefinite Leave to Remain can be applied for after 5 years of holding this status.

**Humanitarian protection** – a form of immigration status granted by the Home Office for 5 years at first. It is granted to a person who is in need of protection due to serious risk that their rights under Article 3 ECHR would be breached i.e. they would be unlawfully killed or are sentenced to the death penalty.

**Leave to remain** – the permission given by the Uk Border Agency to extend existing permission to stay in the UK.

**Indefinite Leave to remain (ILR)** – also called permanent residency or settled status. It is a form of immigration status that gives permission to stay in the UK on a permanent basis Can be applied for after 5 years of having a refugee leave.



**Destitution** – A person is destitute if: they do not have adequate accommodation or any means of obtaining it (whether or not their essential needs are met) or they have adequate accommodation or means of obtaining it but their essential living needs are not met. If a young person is fully or partially supported by the local authority then the LA's assessment of destitution usually takes priority

**End of line case/appeal rights exhausted** - These are people who have been refused asylum or any form of temporary protection or whose leave to remain has expired (and an application to extend it refused), and they have exhausted all appeals.

**Section 4/ Hard case Support** – Section 4 of the immigration and asylum act gives the UKBA power to grant support to some destitute asylum seekers whose applications or appeals have been rejected

UKBA/Asylum support – This was previously referred to as National Asylum

**Asylum Support Service** - Destitute adult asylum seekers and their families who are not eligible to receive welfare benefits can apply to the UKBA for accommodation or support with subsistence

No recourse to public funds – A person does not have the right to access public funds such as welfare benefits and healthcare. Limited leave to remain with access to public funds can sometimes be given if a person is considered to be destitute.

**Pathway Plan** – Every young person should have a pathway plan as part of their leaving care support. It outlines the advice and assistance that a young person needs both while being looked after and following closure of their case. It should include: accommodation, practical life skills, education & training, employment, financial support , specific support needs, immigration issues and contingency plans for if independent living breaks down.