

Report of the Deputy Director (Children's Social Care) to the meeting of Corporate Parenting Committee to be held on 10 September 2018

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Subject: Citizenship/Access to Passports for LAC

Summary statement:

This report provides an overview of the work that is undertaken by social workers to ensure the children in our care who are not UK citizens have the appropriate identity documentation to allow them to travel abroad on school trips and holidays, and the work undertaken to ensure that their immigration status is appropriately addressed.

Jim Hopkinson
Deputy Director
(Children's Social Care)

Report Contact: Rachel Curtis
Phone: (01274) 435779
E-mail: Rachel.curtis@bradford.gov.uk

Portfolio:

Children & Families

Overview & Scrutiny Area:

Children & Families

1. SUMMARY

This report provides an overview of the work that is undertaken by social workers to ensure the children in our care have the appropriate identity documentation to allow them to travel, and the work undertaken to ensure that their immigration status is appropriately addressed.

2. BACKGROUND

- 2.1 In Bradford we currently have just over 1000 Children who are looked after. Of these children a number are not UK citizens, either being asylum seekers or refugees, or children who are EU Nationals. There are a very small number of children where their immigration status is not clear. We want all our children who are looked after to have as many positive experiences as possible, to help them make progress and achieve as they grow up. This includes being able to go on holidays with their carers and go on trips with school, therefore, all children in our care should have an up to date passport. For the children who are not UK citizens there is the added complexity of them being able to travel out of the UK on the documentation that they have. Carers have expressed concern about delays in getting passports for children so they cannot go on holidays abroad with the children, and children have expressed concerns about missing valuable opportunities abroad such as school trips and sports trips.
- 2.2 Children who are EU citizens can travel with their carers on the passports of their EU country of origin e.g. Polish passport, and a letter from the local authority (which is done for all children in care travelling abroad). When children become looked after parents are asked to give social workers the passport. When this passport runs out the social workers will take responsibility for getting a replacement passport, though this can be a complex and lengthy process, including needing to travel to London for an interview at the embassy and delays while the embassy makes checks with the home country. Social workers successfully gain updated passports for many children.
- 2.3 If there is any uncertainty, or missing paperwork this can take considerable time. Due to the emotive and at times adversarial nature of children becoming looked after some parents don't want to hand over passports and other important documents. Some parents have chaotic lifestyles and do not have the requisite document. Getting replacements involves working with the relevant embassies and can be complex and time consuming especially if key paperwork relating to the child or parents are missing.
- 2.4 For a small number of EU children there is uncertainty about where they were born and it is difficult to get hold of their birth certificate. For example the child may have been born in another EU country to the UK or their parent's home country. If there is no birth certificate, getting a passport is not possible.
- 2.5 There are other children who have become looked after but they and their families are subject to immigration control and they do not have right to remain in the UK. For these children we seek independent legal advice on the child's behalf and submit applications on behalf of the child themselves. While this process is going

on the child cannot travel outside of the UK as they cannot be guaranteed that they will be allowed to re-enter, even if travelling on a school trip. It is very important that immigration status is clarified when children first become looked after and that there is no delay in completing the necessary immigration processes.

- 2.6 Unaccompanied Asylum Seeking Children (UASC) and young people are all subject to immigration control and they are supported by their social workers in going through the immigration process. They are supported to seek legal advice. Once 18 their immigration status should be clear, though for a small number of young people this goes on beyond their 18th birthday. We take a 'triple tracking' approach to work with UASC, so that plans are discussed with them, dependent on different immigration outcomes and we have supported staff to attend training on this area. For a small number of young people the outcome will be that they are not given leave to remain and will need to return to their home country. This is always difficult.
- 2.7 In 2017 there were 2 examples of the Ombudsman criticising local authorities where they had not taken appropriate action to seek legal advice for children in their care regarding obtaining British Citizenship (see below). These were children born in the UK where their parents immigration status was not clear and assumptions were made that they were UK citizens. The importance of being clear regarding immigration status when children become looked after is paramount and workers and Independent Reviewing Officers (IROs) will check regarding this.
- 2.8 If children are looked after long term, without any plans to return to their family, we are now pursuing applications for British Citizenship for those children. This is complex and not guaranteed. Each application costs £1000+ in the application alone. To support an application advice is that we should provide the following for each child.
- school records including information on any special needs
 - detailed letter of support for this particular child from you & your team; giving an overview of the case & explaining why he should be registered
 - any awards he's had from school
 - photos of his life
 - Any ID docs
 - details of 2 potential referees
 - passport photos x 4
 - medical records
 - any info about employment, hobbies etc &
 - If possible, letter from the child explaining why becoming British would be helpful to him.
- 2.9 We have a small number of care leavers who are EU nationals (and some who become parents) where the issue of citizenship has not been pursued. Applying for citizenship for adults (18+) is more complex and expensive than for children. For these young people there are then issues about their eligibility for benefits (including Housing Benefit), as despite the fact the young person has been in care, their eligibility to benefits is linked to their parents eligibility. If their parents are not eligible then the young person is not eligible and fall into the remit of work around families with no Recourse to Public funds.

- 2.10 Council Members have been contacted by foster carers and children in the past, due to issues regarding the delays in getting passports, or citizenship issues. In one case this related to a misspelling on the Home Office documentation which prevented the passport office issuing passports. This did eventually get resolved but took too long, partly due to the difficulties in communicating with the Home Office.
- 2.11 The Deputy Director has raised the issue with the Home Office regarding the issue of children not being able to go on holiday with carers, or school trips, due to the issues regarding their immigration status, and some of the complexities of addressing this. No solutions have yet been provided.
- 2.12 The numbers of children where there are issues with regard to immigration and citizenship has grown in recent years, partly due to the changing demographics of the families living in Bradford, but also due to the changes in legislation regarding issues of Asylum, immigration and citizenship. Within the Through Care Team there is a growing level of knowledge and skills in this area, but it is an area we want to build skills and knowledge through further training and staff development.

3. OTHER CONSIDERATIONS

Not applicable.

4. FINANCIAL & RESOURCE APPRAISAL

- 4.1 The cost of citizenship are at least £1,000 per child. Significant costs can also be incurred through travel to embassy in London. In addition, legal costs need to be met and there is a shortage of Legal Advisors who specialise in children's asylum and immigration issues.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

None.

6. LEGAL APPRAISAL

None.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

This report evidences the increased diversity of the children that we are caring for and the service is developing to meet the needs of this diverse group of children

7.2 SUSTAINABILITY IMPLICATIONS

Not applicable.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

Not applicable.

7.4 COMMUNITY SAFETY IMPLICATIONS

Not applicable.

7.5 HUMAN RIGHTS ACT

Not applicable.

7.6 TRADE UNION

Not applicable.

7.7 WARD IMPLICATIONS

Not applicable.

**7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS
(for reports to Area Committees only)**

Not applicable.

7.9 IMPLICATIONS FOR CORPORATE PARENTING

Corporate Parenting report.

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

Not applicable.

8. NOT FOR PUBLICATION DOCUMENTS

None.

9. OPTIONS

Not applicable.

10. RECOMMENDATIONS

10.1 That the Corporate Parenting Panel are asked to note this report.

11. APPENDICES

None

12. BACKGROUND DOCUMENTS

<http://www.nrpfnetwork.org.uk/News/Pages/british-citizenship-children.aspx>