

# IAP NEWS

No 73

The newsletter for the Inter-Agency Partnership February 2008

Welcome to the February Edition of IAP News. This edition features: Changes to S4 regulations, Barnardos "Like any other Child" Report, BIA's Reform of Services to Unaccompanied Children, The merge of BIA and Her Majesty's Revenue and Customs and Forthcoming changes within the IAP.

asylum  
support  
programme

## Change to Section 4 Regulations

On the 31<sup>st</sup> January 2008, The Immigration and Asylum (provision of services or Facilities) Regulations 2007 came into force.

These regulations allow for the provision of additional services or facilities for destitute persons under section 4 of the Immigration and Asylum Act 1999, including failed asylum seekers and their dependants.

The amended support package proposed for those accommodated under Section 4 targets support for the most vulnerable, including extra support for pregnant women/new mothers and children. The regulations also provide for essential travel and phone calls.

Regulations have now been made to allow specific non accommodation related needs to be met. They concentrate particularly on improved support for mothers and children but also allow for assistance with travel to medical appointments and with essential communication.

An Asylum instruction on the new arrangements is now available on the BIA website -  
<http://www.ind.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumprocessguidance/relateddocuments/>

The application form can be found by following this link -  
[www.bia.homeoffice.gov.uk/sitecontent/applicationforms/asylum/section4provision](http://www.bia.homeoffice.gov.uk/sitecontent/applicationforms/asylum/section4provision)

## Changes in the IAP

Sally Daghlain, CEO of the Scottish Refugee Council will be stepping down from the end of February, although will continue to act in an advisory capacity until the end of March 2008.

After 20 years at Migrant Helpline, Annie Ledger, CEO, is retiring and will be leaving Migrant Helpline in the next few months.

Both have made an enormous contribution to the Partnership and will be greatly missed.

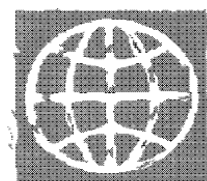
## Keeping Children Safe From Harm – code of practice consultation

This Code of Practice seeks to change the way in which BIA carries out its responsibilities towards children. At present, children subject to immigration control are dealt with by procedures specifically designed for adults or treated as an addition to the adults that they arrive with.

The aim of this consultation paper is to seek a range of views on how to improve the way that children are handled within and by the immigration system.

Responses to this consultation should be received by **Friday 25 April 2008**.

To view the full code of Practice please visit:  
<http://www.bia.homeoffice.gov.uk/sitecontent/documents/aboutus/consultations/keepingchildrensafe/>



**MIGRANT  
HELPLINE**



### **Like Any Other Child? Barnardos report**

Barnardos published their report "Like any other child?" on the 7<sup>th</sup> January 2008. This report focuses on the lives of Children and Families in the Asylum Process.

The report covers Barnardos concerns on the NAM system and the delays in returning failed asylum seekers, leaving many with no access to benefits and work.

In the introduction to the summary of this report Martin Narey states "When families are here awaiting decisions about their future they should be respected and their children protected and they should be treated with dignity. Most importantly the children of asylum seekers should always be treated as children first and asylum seekers second" (Martin Narey; Barnardos; Like any other child? 2008)

The report includes many case studies from asylum seeking families to reinforce Barnardos concerns and to highlight the plight of asylum seeking families at all stages of the Asylum Process.

The report highlights that the government's pledge to halve the number of children in poverty by 2011 excludes the children of asylum seekers.

The report makes 13 recommendations to the Home Office to ensure that the children of asylum seeking families are treated in the same way as all other children in the UK.

Some examples of the recommendations included in the report are:

- To end the practice of providing some asylum seeking families with vouchers instead of cash benefits.
- To allow asylum seekers to apply for permission to work if they have waited for more than six months for their application to be finally determined and where the delay in reaching a decision cannot be attributed to the applicant.

To view the full report go to:

<http://www.barnardos.org.uk/asylum>

### **Guardians for unaccompanied asylum-seeking children in Scotland**

The Scottish Government has announced that they are seeking to pilot a guardianship model for unaccompanied asylum-seeking children (UASC) in Scotland. The role of a guardian will be to assist unaccompanied children as they navigate the asylum system. This is a very welcome step which SRC has advocated for.

SRC met with the civil servant responsible for drafting the pilot proposal and have furnished him with a range of international models and best practice. The original timescale was for a pilot to be implemented in April this year, but the Government has recognised this is unrealistic. The draft proposals will be put out for informal consultation to SRC, Save the Children, Glasgow City Council, COSLA and the Scottish Children's Commissioner.

## BIA's Reform of Services to Unaccompanied Children

BIA has announced its plans for the reform of services to unaccompanied children, following a period of consultation last spring.

The document, published on 31<sup>st</sup> January, summarises the responses to the consultation paper and outlines BIA's plans for the next stage of reform. It can be found here

<http://www.bia.homeoffice.gov.uk/sitecontent/documents/aboutus/consultations/closedconsultations/uasc/betteroutcomes.pdf>

The paper comprises five overlapping elements which have been summarised by the Refugee Council's Children's panel as follows;

1. Ensuring that the Border and Immigration Agency, in exercising its functions, will keep children safe from harm. To this end, a Code of Practice consultation paper was published at the same time as this document. This includes a request for opinions on whether or not the UK government should withdraw its reservation relating to immigration on the UN Convention on the Rights of the Child. The consultation paper can be found here [www.bia.homeoffice.gov.uk/sitecontent/documents/aboutus/consultations/keepingchildrensafe/uasc\\_codeofpractice.pdf](http://www.bia.homeoffice.gov.uk/sitecontent/documents/aboutus/consultations/keepingchildrensafe/uasc_codeofpractice.pdf)

2. Putting in place better procedures for identifying and supporting asylum seeking children who are the victims of trafficking. Specific measures include new guidance to help identify victims and safe accommodation arrangements, as well as monitoring children who go missing from care.

3. The establishment of specialist authorities to support all unaccompanied children. These will largely be outside of London and South East England and are reliant upon local authorities signing contracts with BIA to provide services for an agreed number of children. Current funding arrangements will be phased out. The paper acknowledges that arrangements for funding young people who have turned 18 need to be resolved. The response from local authority associations can be found here. <http://www.lga.gov.uk/lga/core/page.do?pagelid=175654>

4. Putting in place better procedures to assess age in order to ensure children and adults are not accommodated together. Most stakeholders believe that the system is in need of improvement; however NGOs have criticised the paper for not fully rejecting the plan to use x-rays as part of assessments, as well as the lack of independence in the proposed new system.

5. Resolving immigration status more quickly and ensuring that children whose applications are refused return home. Although this policy is not new, the huge concern expressed in many responses to the consultation paper do not appear to have been addressed. Stakeholders remain to be convinced that the asylum system is serving children well, although improvements have been made in the past year. There is a long way to go before children and those helping them will be persuaded that their safety and wellbeing can be guaranteed through returns programmes for children whose asylum claims have been refused.

It is clear that discussion around these proposals will continue and that stakeholders will continue to express concerns as well as work with BIA to ensure that the way children are protected and looked after really does improve.

## National Asylum Stakeholder Forum – Fourth meeting 24.1.08

A significant part of this meeting was spent discussing asylum support, particularly delays in provision of section 4 support.

Colin McCloskey from the Asylum Support Appeals Project gave a summary of the main concerns of voluntary agencies who advise asylum support claimants. Several agencies have recently submitted letters to BIA listing concerns and these were also discussed at this point.

Claire Bennett, BIA Deputy Director: Case Resolution Directorate responded on behalf of BIA. She informed the group that currently BIA do not have a backlog of S4 applications awaiting processing, so any delays are due to lack of correct information submitted. There is a need for further discussion between BIA and stakeholders about the information that needs to be submitted. Instances of faxes being lost etc. are not acceptable and this needs to be resolved.

Claire Bennett feels that turnaround time between BIA agreeing eligibility and the accommodation provider providing accommodation is reasonable, but accepts there are delays in London for those with special needs, or following a successful appeal. She agreed that bail cases should be prioritised.

BIA have agreed to look at the travel and subsistence provision for those attending tribunals, given concerns raised about the hardship faced under the current system.

Matthew Coats, BIA Strategic Director: Asylum added that he wants to see improvements in the S4 service taken forward. Within 2 weeks there will be a written reply from BIA to all of the points raised in the various letters sent in by agencies about asylum support problems. There will be a workshop held to discuss S4 within the next month. One of the tasks for this workshop will be to decide whether there is a need to have regular operational meetings between BIA and stakeholders.

## BIA and Her Majesty's Customs and Revenue to Merge

The merge of the Borders and Immigration Agency and Her Majesty's Customs and Revenue will take place later this year, and will be known as the UK Border Agency.

Some of the changes that will be put into force are as follows:

### Overseas:

- \* Visas are no longer just a stamp in a passport. People seeking to travel to the UK now need to provide a fingerprint
- \* British immigration officers are stationed at the major European ports, like Calais, Paris and Brussels
- \* Over the next few years, ticket purchase information will be made available in advance to the UK Border Agency

### At the border:

- \* Immigration control and customs are beginning to share responsibilities
- \* Immigration officers are being given stronger police-style powers to make arrests and prosecute offenders more often

### In the UK:

- \* ID cards will be introduced for foreign nationals in 2008, meaning people who stay in the UK longer than they should won't be able to access benefits
- \* The Australian-style Points Based System, is coming into force on 29 February 2008, the government believes that Britain will then get the skills the economy needs
- \* Stiffer penalties - up to £10,000 per illegal worker - will punish employers who don't carry out the right ID checks
- \* Foreign nationals who break the law will continue to be - over 4,000 prisoners were sent home in 2007.

It was announced on the 14<sup>th</sup> January that the first step has already been completed, with the global rollout of fingerprint checks on all visa applicants completed three months ahead of schedule.

For more information on the merge and further details on the changes detailed above, please visit the Government News Network - <http://www.gnn.gov.uk/Content/Detail.asp?ReleaseID=346647&NewsAreaID=2>

## Bulletin Board

### **Extension of Transitional Arrangements**

Applicants who apply for settlement but do not meet the knowledge of language and life requirement currently have their applications considered instead as an application to extend temporary permission to stay in the United Kingdom ('further leave to remain').

This arrangement was advertised as coming to an end on 31 January 2008. However this has been extended and such applications will continue to be considered for further leave to remain.

A further update will appear on the BIA website advising when the arrangement is due to come to an end -  
<http://www.ind.homeoffice.gov.uk/>

### **Welcome To Your Library - Report**

Welcome To Your Library, a project connecting public libraries with refugees and asylum seekers, funded by Paul Hamlyn Foundation and co-ordinated through London Libraries Development Agency, has published an evaluation report and good practice guide.

The evaluation report contains strong messages about the future direction of public library services and the importance of increasing inter-action with work in other sectors that now needs to be taken up at a strategic level to effect change.

The report, executive summary and good practice guide are available on the Welcome To Your Library website at:  
[http://www.welcometoyourlibrary.org.uk/listDocuments.asp?page\\_id=70](http://www.welcometoyourlibrary.org.uk/listDocuments.asp?page_id=70)

### **Call for Tender for the European Refugee Fund**

The call for tender for the European Refugee Fund 2008-2010 is now open; the closing date for completed applications is Friday 22 February 2008.

The fund is mainly aimed at organisations involved in setting up projects that assist in the integration of refugees or people who have been granted Humanitarian Protection (HP) or Discretionary Leave (DL).

The value of the fund available for external tender for 2008 is approximately £1 million and is targeted at projects in the following areas: Employment & Refugee Community Organisation (RCO) Development.

Project proposals from local, regional or national organisations will be considered.

The maximum ERF grant that will be available from the fund is restricted to £250k per year per project

The application form and further information can be obtained by registering through the BravoSolution Website

[www.homeoffice.bravosolution.com](http://www.homeoffice.bravosolution.com)

### **Please send articles that you would like to appear in the next edition of IAP News to:**

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