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| **Children/Young People from Abroad**  |  |

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**Definition**

This procedure is concerned with children/young people arriving into Northern Ireland:

* In the care of adults who, whilst they may be their carers, have no Parental Responsibility for them;
* In the care of adults who have no documents to demonstrate a relationship with the child/young person;
* Alone;
* In the care of agents for example educational establishments.

Evidence shows that unaccompanied children/young people or those accompanied by someone who is not their parent are particularly vulnerable. The children/young people and many of their carers will need assistance to ensure that the child/young person receives adequate care and accesses health and education services.

There are various terms used to describe children/young people arriving from abroad. These include:

Separated Child/Young person;

Trafficked Child/Young Person

Smuggled Child/Young Person;

Transported Child/young Person

Unaccompanied Asylum seeking Child/Young Person;

Unaccompanied Non-Asylum seeking Child/Young Person

Migrant Child/Young Person

Refugee Child/Young Person.

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**Risks**

Children/young people who arrive in Northern Ireland alone or who are left at a port of entry by an agent invariably have no right of entry and are unlawfully present.

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It is important that practitioners never lose sight of the fact that children from abroad are children first which can often be forgotten in the face of legal and cultural complexities.

Children/young people arriving from abroad who are unaccompanied or accompanied by someone who is not their parent should be assumed to be a Child in Need unless assessment indicates that this is not the case. They are the responsibility of children's social services to support until they are 18 years of age (under Article 50 of the Children Order (NI) 1995).The assessment of need should include a separate discussion with the child/young person in a setting where, as far as possible, they feel able to talk freely. Support and accommodation can be provided by children's social services for the child/young person, and may also be provided for the family and any other person with whom the child/young person has been living in accordance with Article 17 of the Children (NI) Order 1995. In addition, children's social services will have responsibilities towards the child if he or she is Privately Fostered

Assessing the needs of these children/young people is only possible if their legal status, background experiences and culture are understood, including the culture shock of arrival in this country.

**Indicators**

Whenever any professional comes across a child who they believe has recently moved into this country the following basic information should be sought:

* Confirmation of the child/young person's identity and immigration status;
* Confirmation of the carer's relationship with the child/young person and immigration status;
* Confirmation of the child/young person's health and education arrangements in this country;
* Confirmation of the child/young person's health and education arrangements in the country of origin and any other country that the child/young person has travelled through.

This should be done in a way which is as unthreatening to the child/young person and carer as possible.

If this information indicates that the child/young person has come from overseas and is being cared for by an unrelated adult or one whose relationship is uncertain, children's social services should be notified in order that an assessment can be undertaken.

The immigration status of a child/young person and their family has implications for the statutory responsibilities towards the family. It governs what help, if any, can be provided to the family and how help can be offered to the child/young person.

Where families are subject to immigration legislation which precludes support to the family, many will disappear into the community and wait until benefits can be awarded to them. During this interim period the children/young people may suffer particular hardship - e.g. live in overcrowded and unsuitable conditions with no access to health or educational services. They are particularly vulnerable to exploitation because of their circumstances.

Children/young people who disappear, where there are concerns about the child/young person's welfare should be considered to be missing and procedures noted under the Child Protection Register  should be followed.

**Protection and Action to be Taken**

When an unaccompanied child/young person or child/young person accompanied by someone who does not have Parental Responsibility comes to the attention of staff a referral should be made to children’s social services in accordance with the [**Referrals Procedure**](http://www.proceduresonline.com/sbni/chapters/p_referrals.html). An Assessment will be undertaken in order to determine whether they are a Child in Need of services, including the need for protection.

Such children should be assessed as a matter of urgency as they may be very geographically mobile and their vulnerabilities may be greater. All agencies should enable the child/young person to be quickly linked into universal services, which can begin to address educational and health needs.

The assessment has to address not only the barriers which arise from cultural, linguistic and religious differences, but also the particular sensitivities which come from the experiences of many such children/young people and families.

It is vital that the services of an interpreter are employed in the child/young person's first language and that care is taken to ensure that the interpreter knows the correct dialect. Agencies should ensure that the interpreter shares a common language with the child/young person, is professionally trained and has been screened through an AccessNI check.

The child/young person should be offered an [**Independent Visitor**](http://trixresources.proceduresonline.com/nat_key/keywords/independent_visitor.html) and, if they decline, their reasons should be recorded.  Any Independent Visitor appointed should have appropriate training and demonstrate an understanding of the needs faced by unaccompanied or trafficked children/young people.

The first contact with the child/young person and carers is crucial to the engagement with the family and the promotion of trust which underpins the future support, advice and services. Particular sensitivities which may be present include:

* Concerns around immigration status;
* Fear of repatriation;
* Anxiety raised by yet another staff member asking similar question to ones previously asked;
* Lack of understanding of the separate role of children's social services, and that it is not an extension of the police;
* Lack of understanding of why an assessment needs to be carried out;
* Previous experience of being asked questions under threat or torture, or seeing that happen to someone else;
* Past Trauma - past regime/experiences can impact upon the child/young person's mental and physical health. This experience can make concerns from Authorities about minor injury or poor living conditions seem trivial and this mismatch may add to the fear and uncertainty;
* The journey itself as well as the previous living situation may have been the source of trauma;
* The shock of arrival - the alien culture, system and language can cause shock and uncertainty, and can affect mood, behaviour and presentation.

In such circumstances, reluctance to divulge information, fear, confusion or memory loss can easily be mistaken for lack of cooperation, deliberate withholding of information or untruthfulness.

Staff should ensure that the engagement with the family is planned and thought through. This will provide opportunities to expand on the initial contact. The ethnicity, culture, customs and identity of the child/young person must be the focus keeping the child/young person central to the assessment.

The UNOCINI Assessment should take account of any particular psychological or emotional impact of experiences as an unaccompanied or trafficked child/young person, and any consequent need for psychological or mental health support to help the child/young person deal with them.

Seeking information from abroad should be a routine part of assessing the situation of an unaccompanied child/young person. Practitioners from all key agencies - Health, Education, children's social services and the Police - should all be prepared to request information from their equivalent agencies in the country or countries in which a child/young person has lived, in order to gain as full as possible a picture of the child/young person's preceding circumstances.

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Children/young People in Need of Safeguarding

Where the Assessment indicates that a child/young person may have suffered, or is likely to suffer, Significant Harm, the child/young person's welfare must be safeguarded.

During the assessments, additional factors need to be taken into account.

* Perceptions of authority, the role of the Police in particular;
* The additional implications for a family where deportation is a real threat of deciding to prosecute;
* Balancing the impact of separation on a child/young person with the likely history of separation/disruption;
* Judgements about child care practices in the context of such different cultural backgrounds and experiences.

Arrangements in Northern Ireland

The arrangements for responding to children/young people entering Northern Ireland from abroad are set out in the Pathway for Safeguarding and Promoting the Welfare of Separated / unaccompanied children arriving in Northern Ireland. Regional Operational Guidance, November 2013. (Please click here)

For details when there are concerns that the child/young person may be trafficked see Trafficked Children.

The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 came into force which established the following:

* new offences of human trafficking and slavery, servitude and forced or compulsory labour;
* increased the maximum sentence for human trafficking and slavery, servitude and forced or compulsory labour to life imprisonment;
* introduced a minimum 2 year sentence for these offences, unless there are exceptional circumstances to warrant a lower sentence;
* made it easier to confiscate the assets of exploiters and to force them to pay reparation to victims;
* criminalised the purchase of sexual services;
* introduced a new offence of forced marriage;
* introduced slavery and trafficking prevention orders;
* placed a statutory requirement on the Department of Justice to provide assistance and support to adult potential victims who are referred to the National Referral Mechanism (NRM);
* created a new statutory defence for victims who have been compelled to commit certain other offences;
* created new protections for victims within the criminal justice system in respect of avoiding secondary victimisation in police interviews and ensuring access to special measures in court and;
* introduced independent child/young people guardians for trafficked and separated children.

**Issues**

Immigration legislation impacts significantly on work to safeguard and promote the welfare of children/young people from abroad.

Age is central to the assessment and affects the child/young person's right to services and the response by Agencies. In addition it is important to establish age so that services are age and developmentally appropriate.

Unaccompanied children/young people may not have possession of any documents to confirm their identity or even to substantiate that they are a child/young person. Their physical appearance may not necessarily reflect their age.

**Further Information**

Working Arrangements for the Welfare and Safeguarding of Child Victims of Human Trafficking, DHSSPS / PSNI, February 2011 (Currently under revision). (See Documents Library);

Pathway for Safeguarding and Promoting the Welfare of Separated / unaccompanied children arriving in Northern Ireland. Regional Operational Guidance, November 2013. (See Documents Library).

[**UK Visas and Immigration**](https://www.gov.uk/government/organisations/uk-visas-and-immigration) - formerly UK Border Agency.