



Submission

Department of Immigration and Border  
Protection (DIBP)

Australia's Humanitarian Programme 2017/18

May 2017

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## MYAN Australia

The Multicultural Youth Advocacy Network (MYAN) is Australia’s national peak body representing multicultural youth issues.

The MYAN works in partnership with young people, government and non-government agencies at the state/territory and national levels to support a coherent and consistent approach to addressing the particular needs of young people from refugee and migrant backgrounds in policy and service delivery. MYAN has broad national networks across the mainstream youth and broader settlement sectors and supports a national approach to youth settlement through its state and territory partners. MYAN develops resources and tools to support the government and non-government sectors to meet the needs of young people in settlement, including unaccompanied minors. We have provided targeted capacity building services to support the care and support of unaccompanied minors over many years. MYAN also works directly with young people to build their leadership and advocacy skills and supports a national Youth Ambassador’s Network.

## About this Submission

MYAN (Australia) welcomes the opportunity to respond to the Department of Immigration and Border Protection Discussion Paper on Australia’s Humanitarian Programme 2017-18.

This submission responds to Questions 1 and 3 in the Discussion Paper. It has a focus on children and young people in the Australian Humanitarian Programme. This submission provides a national perspective on the strengths and expertise available in Australia to support unaccompanied refugee children and young people to settle well. It draws on MYAN’s breadth of experience working with young people from refugee and migrant backgrounds, their communities, and the youth and settlement sectors across Australia. It has been informed by the perspectives of those working with unaccompanied minors throughout Australia through the UHM Programme, as well as consultation with the state programme providers (Centre for Multicultural Youth, MDA Ltd, Marist 180, and BapCare), Amnesty International Australia and the Refugee Council of Australia. Also included are programme examples of good practice in supporting unaccompanied refugee children and young people to settle well in Australia, and information about programmes supporting unaccompanied minors in the United States and United Kingdom.

## Contents

1. Executive Summary and Recommendations .....	3
2. Background.....	7
3. Children and Young People .....	8
4. Australia’s Unaccompanied Humanitarian Minor Programme.....	10
5. Australia’s youth settlement context .....	15
6. Recommendations.....	17
7. References.....	19
Appendix A: Programmes supporting Unaccompanied Minors.....	24
Australia.....	24
The United States of America .....	26
United Kingdom.....	29

## 1. Executive Summary

MYAN commends the Australian Government on resettling unaccompanied minors through the offshore component of Australia's Humanitarian Programme. This group of young people have enormous potential to be active participants in and contributors to Australian society. Children and young people, including unaccompanied minors, face particular and heightened vulnerabilities in the refugee context. They also arrive in Australia with an array of strengths and resources. They are commonly highly motivated to succeed educationally and to engage and contribute to civic life.

Over the past five years, young people aged between 12 and 24 years consistently comprise between one-quarter and one-third of all arrivals through the Humanitarian Programme.<sup>1</sup> Between 2010 and 2015, 1,650 unaccompanied minors were referred to the Unaccompanied Humanitarian Minors Programme.<sup>2</sup> Currently, Australia is supporting 184 unaccompanied humanitarian minors who arrived in Australia through the offshore programme.<sup>3</sup> Many of these young people have successfully navigated the tasks of settlement without the support of family, acquired English language, engaged in education, training or employment and are making important, often voluntary contributions, to their community.

With well-established experience and expertise in settling humanitarian children and young people, including the provision of outstanding services to unaccompanied minors, Australia is well-placed to increase resettlement places to this particularly vulnerable group. This would also demonstrate Australia's leadership in the context of unprecedented numbers of forcibly displaced children and young people, and the need for increased resettlement places.

More than 65 million people were reported as forcibly displaced worldwide in 2016, the highest figure ever recorded.<sup>4</sup> This included 21.3 million refugees, more than 51% of whom were under the age of 18.<sup>5</sup> The number of unaccompanied or separated children seeking asylum has also dramatically increased in recent years.<sup>6</sup> Of the 21.3 million refugees, 1.15 million refugees are in need of resettlement, and less than 1% access durable solution.

The scale of the current crisis, and the enormous numbers of children and young people impacted, has highlighted the limited options worldwide for children and young people to find long-term safety, particularly those separated or unaccompanied minors. The international community has drawn awareness to this issue at international summits and meetings over the last 12 months, resulting in numerous commitments to enhance the protection of refugees and migrants, with a focus on the needs of children and young people. Australia has joined with many other nations globally in making commitments to do more to respond to this crisis, including creating additional resettlement places in response to the humanitarian crisis in Syria.

Through its Humanitarian Programme and internationally recognised settlement services system, Australia is making an important contribution to the global refugee crisis. This includes a contribution to resettling some of the most vulnerable refugee groups: women at risk, children, adolescents and unaccompanied minors. We commend the Australian Government on resettling unaccompanied

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<sup>1</sup> MYAN (2017). *Humanitarian and Migrant Youth Arrivals to Australia July 2015 – June 2016, Information Sheet*. Carlton: Multicultural Youth Advocacy Network, p. 5

<sup>2</sup> MYAN (2016). *National Youth Settlement Framework*. Available at <http://www.myan.org.au/our-work-with-the-sector/156/>, p. 9

<sup>3</sup> Department of Immigration and Border Protection (2017a). *Unaccompanied Humanitarian Minors Programme data as at 24 April 2017, for release to the Multicultural Youth Advocacy Network*. (Provided to MYAN Australia on 5 May 2017.) See Appendix A.

<sup>4</sup> UNHCR. (2016). cited in Department of Immigration and Border Protection (2017). *Discussion Paper: Australia's Humanitarian Programme 2017-18*. Available at [https://www.border.gov.au/ReportsandPublications/Documents/discussion-papers/discussion-paper-humanitarian-programme\\_2017-18.pdf](https://www.border.gov.au/ReportsandPublications/Documents/discussion-papers/discussion-paper-humanitarian-programme_2017-18.pdf), p. 3

<sup>5</sup> UNHCR. (2016a). *Global Trends on Forced Displacement in 2015*. Available at <http://www.unhcr.org/576408cd7.pdf>

<sup>6</sup> *Ibid.*, p. 3

minors and welcome the Government's commitment to expand the number of places in the Humanitarian Programme to 18,750 by 2018/19, with a minimum of 16,250 places to be available in 2017/18. This is an opportune time to consider how Australia could increase the intake of children and young people at risk, including unaccompanied minors. They are some of the most vulnerable amid the mass population of refugees where resettlement is often their only option.

The nature of migration is in constant flux, and migration programmes must be adaptable and able to respond to changing needs and responsibilities. Australia's Humanitarian Programme features a flexible and responsive approach to changing global needs<sup>7</sup>. The dramatic rise in the number of children and young people seeking protection, including those separated or unaccompanied, calls for countries who offer resettlement programmes to increase their capacity to respond. Recent commitments to expanding resettlement programmes to respond to crises demonstrate a willingness in the international community to provide more avenues for resettlement for those most in need. Within this, there is scope for countries, including Australia, to explore how existing programmes and systems can be used to support more children and young people from the UNHCR's Children and Adolescents at Risk category to access resettlement – including unaccompanied minors.

A key factor in determining intake priorities each year is consideration of the needs and settlement outcomes of new arrivals. With a long history of settling refugee and humanitarian entrants, Australia has one of the most well-respected settlement service systems in the world - one that supports thousands of people to establish a new home and contribute to our diverse nation. In recent years, the Australian Government has invested in building the strengths and capacity of this system to support the particular needs of young people from refugee and migrant backgrounds, including unaccompanied minors. Australia has a range of expertise, both in government and the NGO sector, to deliver targeted support to children and young people, to ensure they receive the support they need to successfully navigate the settlement journey.

Australia is already showing leadership internationally in resettling unaccompanied minors and is well placed to do more. Increasing the resettlement places for unaccompanied minors can be facilitated through the existing UHM Programme and builds on existing capacity and expertise. This would provide an opportunity for Australia to further demonstrate global leadership, complementing the existing US programme, and would deliver on commitments made by Australia to respond to the growing number of children and young people in need of durable solutions globally.

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<sup>7</sup> Department of Immigration and Border Protection (2017), p.7

## Recommendations

Recognising the unprecedented need to find durable solutions for Children and Adolescents at Risk, including unaccompanied and separated minors, the existing expertise and infrastructure in Australia's UHM Programme and broader settlement services system, and the increase in the Humanitarian Programme over the next two years, Australia can and should be doing more to support the resettlement of unaccompanied minors. This would demonstrate Australia's commitment to assisting vulnerable children and adolescents, complement the US resettlement of unaccompanied minors and demonstrate significant leadership by Australia internationally.

MYAN recommends that:

1. The Australian government continues to include children and young people in Australia's resettlement programme, recognising consistently large numbers of young people in the Humanitarian Programme over many years.
2. That Australia increases resettlement places for children and adolescents at risk in the 2017-2018 Humanitarian Programme, with a focus on unaccompanied or separated children.
  - o Given the demonstrated capacity in Australia to support sibling groups in flexible arrangements, this could include exploring possibilities for prioritising resettlement of an unaccompanied child with a sibling, where UNHCR deems resettlement is in a child's best interests.
3. That Australia builds on existing expertise and infrastructure for resettling unaccompanied minors through the UHM Programme, including:
  - o Established programmes in each of Australia's states to support the settlement and integration of unaccompanied minors.
  - o Existing expertise within the NGO sector for addressing the particular needs of unaccompanied humanitarian and asylum seeking minors.
  - o Existing expertise in youth settlement and capacity building infrastructure.
4. That the Australian government expand the capacity of the Unaccompanied Humanitarian Minors Programme to accommodate an increased number of resettlement places for unaccompanied minors.
5. That the Department of Immigration and Border Protection work with providers in the NGO sector to explore how young people leaving the programme can be more actively supported in their transition out, ensuring they access the support they need to achieve successful settlement outcomes.
6. That the Australian government undertake research into outcomes of the UHM Programme, through formal follow-up with those who have transitioned out of the Programme.
7. That the Australian government commits resources for completion of Best Interest Determination (BIDs) to support the referral of children and young people for resettlement. This could include:
  - o Providing greater assistance to UNHCR to increase its capacity to support the resettlement of children and adolescents at risk - directing financial or human resources to UNHCRs efforts to identify, assess and refer children and young people at risk.
  - o Engaging INGOs (e.g. ICMC or RefugePoint in Asia region) to complete BIDs

8. That the Australian government continue to engage with UNHCR to increase resettlement places and support other durable solutions for children and adolescents at risk, including unaccompanied minors. This includes:
  - Conveying, in international forums like the Annual Tripartite Consultations on Resettlement, that Australia is willing to take referrals of unaccompanied minors within the children and adolescents at risk category.
  - Utilising available data provided in the UNHCR Projected Global Resettlement Needs 2018 Report to inform resettlement need for unaccompanied minors and planning for the 2017/18 Humanitarian Programme intake.
  
9. That Australia work with UNHCR and INGOs or local NGOs in source countries to strengthen processes by which young people can access resettlement places and prepare for resettlement, including:
  - Providing support to community legal centres or NGOs with legal expertise to assist with completion of applications (understanding the process and completing lengthy and complex forms)
  - Provision of interpreters and translated material
  - Having an independent advocate or legal advisor present for interviews with the Australian Government regarding their application
  - Access to pre-arrival cultural orientation briefing (e.g. adapting the AUSCO youth curriculum to the context of care and support for unaccompanied minors in Australia)
  
10. That the Australian government continue to invest in youth-specific settlement programmes within Settlement Services, and utilise the National Youth Settlement Framework to support this.

## 2. Background

### 2.1 International context

More than 60 million people were reported as forcibly displaced worldwide in 2015, including 21.3 million refugees, the highest figure ever recorded.<sup>8</sup> Amid the massive increase in the number of refugees seeking safety, UNICEF has estimated that between 2010 and 2015 the number of child refugees jumped roughly 75%.<sup>9</sup> In 2015, more than 51% of the world's refugees were under the age of 18, up from 41% in 2014.<sup>10</sup> In this same year, just 2.2% of cases for resettlement were submitted for those children and young people identified as particularly at risk by the UNHCR, while only 0.7% departed.<sup>11</sup>

While there is currently no comprehensive global data available on the number of unaccompanied or separated children seeking asylum, or recognised as refugees<sup>12</sup>, in 2015 UNHCR reported a dramatic increase in the number of asylum applications for unaccompanied or separated children (98,400).<sup>13</sup> Data available to the UNHCR shows large numbers of Afghan, Eritrean, Somali and Syrian children among these asylum applications.<sup>14</sup> While older male unaccompanied or separated children may travel to seek asylum in industrialised countries, UNHCR reports that many unaccompanied and separated children remain in countries of first asylum in their region. Countries with large, recorded populations of unaccompanied children include Somalia, the Syrian Arab Republic, the Democratic Republic of the Congo, Burundi, Sudan, Eritrea, and Myanmar.<sup>15</sup> Additionally, of the more than 1 million refugees from South Sudan recorded in 2016, UNHCR report that there were around 44,600 unaccompanied or separated children located primarily in Ethiopia, Kenya, Sudan and Uganda.<sup>16</sup>

In response to the scale of the current crisis, a number of international summits and forums took place in 2016 to explore global responses, with the needs of children and young people in focus. These included the UNHCR NGO Consultations, the United Nations Summit for Refugees in September 2016, and the 2016 High Commissioner's Dialogue on Protection Challenges, the theme of which was 'Children on the Move'. A focus of these forums was on how best to achieve durable solutions for children at risk, including the resettlement of unaccompanied minors.

At these meetings, a number of commitments were made from Member States, including Australia, to enhance the protection of refugees and migrants, including children and young people at risk.<sup>17</sup> These built on earlier commitments, including the roughly 200,000 additional places States had already made available to refugees fleeing the conflict in Syria.<sup>18</sup>

At the United Nations Summit for Refugees in September 2016, UN General Assembly Member States, including Australia, adopted the New York Declaration for Refugees and Migrants. The

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<sup>8</sup> UNHCR. (2016).

<sup>9</sup> UNICEF. (2016). *Uprooted: the growing crisis for refugee and migrant children*. Available at <https://www.unicef.org/videoaudio/PDFs/Uprooted.pdf>

<sup>10</sup> UNHCR. (2016a).

<sup>11</sup> UNHCR. (2016e). *UNHCR Projected Global Resettlement Needs 2017*. Available at <http://www.unhcr.org/en-au/protection/resettlement/575836267/unhcr-projected-global-resettlement-needs-2017.html>

<sup>12</sup> UNHCR. (2016b). *High Commissioner's Dialogue on Protection Challenges: Children on the move, Background Paper*. Available at <http://www.unhcr.org/en-au/583d8e597>, pp. 4-5

<sup>13</sup> UNHCR. (2016a), p. 3

<sup>14</sup> UNHCR. (2016b).

<sup>15</sup> Ibid.

<sup>16</sup> Ibid, pp. 4-5

<sup>17</sup> Refugee Council of Australia. (2016). Report of the Annual Tripartite Consultations on Resettlement. Available at <http://www.refugeecouncil.org.au/wp-content/uploads/2016/07/Annual-Tripartite-Consultations-Resettlement-2016-FINAL.pdf>; UNHCR. (2016c). High Commissioner's Dialogue on Children on the Move, Summary Report. Available at <http://www.unhcr.org/en-au/58b42e197>; UNHCR. (2016d). High Commissioner's Dialogue on Protection Challenges, 2016. Available at <http://www.unhcr.org/en-au/high-commissioners-dialogue-on-protection-challenges-2016.html>; United Nations General Assembly. (2016). New York Declaration on Refugees, A/71/L.1 (13 September 2016). Available at [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/71/L.1](http://www.un.org/ga/search/view_doc.asp?symbol=A/71/L.1), UNHCR. (2016b).

Complimentary pathways provide important alternatives for refugees who are unable to access resettlement, reducing the compulsion to undertake irregular and life-threatening journeys. Complimentary pathways also allow States to undertake proper screening and other procedures for refugees pre-arrival. UNHCR (2016e).

<sup>18</sup> Refugee Council of Australia. (2016).

Declaration recognises the particular needs of vulnerable populations traveling within large movements of refugees and migrants, including children, "especially those who are unaccompanied or separated from their families".<sup>19</sup> The Declaration also outlines plans for a Comprehensive Refugee Response and Global Compact on refugees in 2018 and a range of measures to enhance the protection of refugees and migrants. These measures include: adequately financing humanitarian responses; combating xenophobia, racism and discrimination against refugees and migrants; promoting access for children to child-appropriate procedures; exploring expansion of the legal pathways available for refugees to be admitted to or resettled in third countries; and encouraging States to establish resettlement programmes or, for those with existing programmes, to increase the size of their programmes.<sup>20</sup>

Among the list of outcomes of the 2016 Dialogue was recognition of the "vital need for 'a collective push' towards... facilitating family reunification and actively pursuing clear pathways to comprehensive solutions in a timely manner for today's refugee children and youth".<sup>21</sup>

## 2.2 Australia

Australia has made specific commitments to respond, including resettling 12,000 refugees from Syria over and above the current resettlement places available under Australia's existing Humanitarian Programme and increasing the Humanitarian Programme to 18,750 by 2018/19.

Australia has a well-established resettlement programme that includes large numbers of children and young people and unaccompanied minors. Each year, between 30% and 40 % of all humanitarian arrivals to Australia, are under the age of 18.<sup>22</sup> Between the 2010/11 and 2015/16 financial years, Australia resettled almost 30,000 children and young people aged up to 17 years through the Humanitarian Programme.<sup>23</sup> In the same period, 22,316 young people aged between 12 and 24 were resettled.<sup>24</sup> Between 2010 and 2015, 1,650 unaccompanied minors were referred into the UHM Programme.<sup>25</sup> Currently, Australia is supporting 184 unaccompanied humanitarian minors who have arrived in Australia through the offshore Humanitarian Programme.

Australia has a well-established settlement support system that has capacity to respond to the particular needs of children and young people and facilitate their successful settlement. As part of this, Australia provides outstanding services for unaccompanied minors through the UHM Programme. With expertise within government (Commonwealth and State) and the NGO sector, and infrastructure in most states and territories, Australia delivers targeted and formal care and support for the resettlement of children and young people at risk, including unaccompanied minors on their own or in sibling groups.

## 3. Children and Young People

### 3.1 Protection needs

Children and young people are among those most vulnerable within the massive flows of forcibly displaced people around the world. Refugee children and young people face a range of protection risks, from sexual and gender-based violence, exploitation and abuse, to smuggling and trafficking. They may have been forced to flee due to conflict, or due to sexual or physical violence perpetrated

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<sup>19</sup> UN General Assembly. (2016), p. 5

<sup>20</sup> Ibid., pp. 8, 9, 14, & 15

<sup>21</sup> UNHCR. (2016c); UNHCR. (2016d).

<sup>22</sup> The information presented here is derived from statistics collated by the Department of Social Services (DSS) based on the records of people arriving in Australia under the Migration Programme. Statistics were sourced directly by MYAN from the Department of Social Services on 10 March 2017.

<sup>23</sup> Ibid.

<sup>24</sup> MYAN (2017). *Humanitarian and Migrant Youth Arrivals to Australia July 2015 – June 2016, Information Sheet*. Carlton: Multicultural Youth Advocacy Network; MYAN (2016). *Humanitarian and Migrant Youth Arrivals to Australia July 2014 – June 2015, Information Sheet*. Carlton: Multicultural Youth Advocacy Network.

<sup>25</sup> MYAN (2016). *National Youth Settlement Framework*. Available at <http://www.myan.org.au/our-work-with-the-sector/156/>, p. 9



by parents, carers or local authorities. Refugee children and young people have often missed out on education and may struggle to self-advocate or to navigate the process of seeking refuge and applying for resettlement.

Refugee children and young people who are separated or unaccompanied face further challenges and remain highly vulnerable, with very limited access to durable solutions.<sup>26</sup> There are currently no exact global figures for the number of separated and unaccompanied children who seek asylum or are recognised refugees.<sup>27</sup> However, based on available UNHCR data for unaccompanied and separated children who have presented asylum applications since 2006, it is clear that the number of unaccompanied or separated children seeking protection has dramatically increased over the last decade.<sup>28</sup>

UNHCR has a specific resettlement category for children and young people who may be particularly vulnerable. The Children and Adolescents at Risk category includes: children under 18 years of age; those who have compelling protection needs which are not addressed in the country of asylum; and those for whom resettlement has been determined to be the most appropriate solution having regard to the child's best interests.<sup>29</sup> This includes children who may or may not be unaccompanied or separated.<sup>30</sup>

The Executive Committee of the UNHCR has recognised a number of risk factors placing children in this category. This includes but is not limited to: those in child-headed households as well as those accompanied by abusive or exploitative adults; stateless children; adolescents, including girl mothers and their children; and survivors of violence, in particular sexual and gender-based violence and other forms of abuse and exploitation.<sup>31</sup>

UNHCR defines unaccompanied children (or unaccompanied minors) as: "children who have been separated from both parents and relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so."<sup>32</sup> Separated children "are those separated from both parents, or from their previous legal or customary primary care-giver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members."<sup>33</sup>

### 3.2 Resettlement need

UNHCR international protection experts Carol Batchelor and Susanna Davies report that almost 1%, or close to 100,000, of all refugee and asylum-seeking children are separated from their families.<sup>34</sup> According to the UNHCR Projected Resettlement Needs 2017, 3,171 children and adolescents at risk were submitted by UNCHR for resettlement in 2015, but only 613 departed for resettlement places.<sup>35</sup> The UNHCR Projected Global Resettlement Needs 2017 report provides important country data regarding resettlement need of children and young people, including separated or unaccompanied minors. It also includes data on BIDs and BIAs conducted and pending. These figures suggest that the majority, in the thousands, while in need of protection, are not accessing resettlement. The forthcoming 2018 report from UNHCR (to be released in June 2017 at the Annual Tripartite

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<sup>26</sup> UNHCR. (2016b).

<sup>27</sup> Ibid.

<sup>28</sup> UNHCR note that this data does not present a complete picture, as it does not include data from all countries. See UNHCR. (2016b), pp. 4-5

<sup>29</sup> UNHCR (2016f) *Resettlement of Children and Adolescents at Risk* (Division of International Protection). Available at <http://www.refworld.org/pdfid/58344f244.pdf>

<sup>30</sup> Ibid.

<sup>31</sup> UNHCR. (2007). *Conclusion on Children at Risk No. 107 (LVIII) - 2007, 5 October 2007, No. 107 (LVIII) - 2007*. Available at: <http://www.refworld.org/docid/471897232.html>

<sup>32</sup> UNHCR. (2008). *UNHCR Guidelines on determining the best interests of the child*. Available at <http://www.refworld.org/docid/48480c342>, p. 8

<sup>33</sup> Ibid.

<sup>34</sup> Davies & Batchelor (2017). Resettlement as a protection tool for refugee children. *Forced Migration Review* 54: 38-41, p. 38.

<sup>35</sup> UNHCR (2016e), p. 307

Consultations on Resettlement in Geneva) will provide important data for DIBP to consider in planning for the 2017/18 Humanitarian Programme intake.

In Australia's region, while there is no clear data on resettlement need for children and adolescents at risk, including unaccompanied minors, we do know there are thousands of separated and unaccompanied children in Malaysia, Indonesia and Thailand, some of whom are refugees, and for whom resettlement may be determined to be the only durable solution. As of January 2017, 471 unaccompanied and separated children remained under the protection of UNHCR in Indonesia, including 126 refugees and 345 asylum seekers. While those unaccompanied age between 11 and 17, the majority were aged between 15 and 17. Of these, 48 were young women and 275 young men. Between the ages of 13 and 17, 52 were girls/young women and 313 boys/young men.<sup>36</sup> UNHCR Malaysia has also reported that there are 119 unaccompanied minors and separated children in Immigration Detention Centres, of which 82% are Rohingya.<sup>37</sup>

Refugee children and young people face greater risks during displacement and these risks increase when safe pathways to protection are not available. Resettlement may be the only option for many unaccompanied and separated children. While children and young people may be more vulnerable, their desire to build a better life and look to the future means children and young people possess enormous strengths that will help them meet the challenges of life in a new country.

Given Australia's demonstrated expertise and infrastructure in the resettlement of refugee children and young people at risk, including those with family and those who are separated or unaccompanied, Australia is well placed to increase the resettlement places for unaccompanied minors.

#### 4. Australia's Unaccompanied Humanitarian Minor Programme

Australia is one of very few resettlement countries that resettles unaccompanied minors, and has a long history of providing support to this cohort to settle well. From as early as the 1970s, the Australian Government has supported unaccompanied children and young people seeking safety in Australia to receive appropriate support and care through relevant state welfare and child protection authorities.<sup>38</sup>

More recently the Australian Government has developed a national approach to supporting unaccompanied minors to settle in Australia. This approach has provided care and support to unaccompanied minors seeking asylum (UAMs) through the 'onshore' component of Australia's Humanitarian Programme, as well as supporting the resettlement of unaccompanied humanitarian minors (UHMs) either on their own or in sibling groups directly from overseas. This is an important contribution to global efforts to offer resettlement to those most vulnerable.

Services for UHMs are provided via the Unaccompanied Humanitarian Minors (UHM) Programme in each of Australia's states and territories through the non-government sector and state government welfare and child protection agencies.<sup>39</sup> The UHM Programme provides relevant care, supervision and support services to minors on certain visas in Australia without a parent or legal guardian, including housing, casework services, and access to and participation in employment, education, health, recreation and broader community life.

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<sup>36</sup> Private communication with JRS Indonesia.

<sup>37</sup> UNHCR (2017). *Protection FactSheet – Malaysia, February 2017*, p.2

<sup>38</sup> Department of Human Services (DHS), State Government of Victoria. (2014). *Refugee Minor Program*. Available at <http://www.dhs.vic.gov.au/for-service-providers/children,-youth-and-families/youth-services/refugee-minor-program>

<sup>39</sup> Department of Immigration and Border Protection (DIBP), Government of Australia (n.d.). Unaccompanied Humanitarian Minors programme – Fact Sheet. Available at <https://www.border.gov.au/about/corporate/information/fact-sheets/uhm-programme> (accessed 4 May 2017) UHM Programme data, provided by Department of Immigration and Border Protection (DIBP)

Some providers have created formal mentor programmes that link UHMs with volunteer mentors (often former UHMs themselves) to provide additional support and guidance. Other providers offer models that engage bicultural or youth workers to facilitate links to established communities and networks for young people, another means for supporting them when they transition to independence.

Alongside committed and highly trained case workers, support staff and volunteers develop relationships with UHMs that provide an additional source of cultural and social capital for young people. These connections supplement the networks young people establish themselves through school, work and recreational or sporting activities, providing critical relationships that can foster future economic, social and civic participation.

As at May 2017, there are 201 young people supported in the UHM Programme in Australia, 100 are aged 16 to 18 years, 79 are aged 11 to 15 years, and 22 are 10 years or younger. Approximately 48% are female and 52% are male. Countries of origin include Myanmar, Democratic Republic of the Congo, Sudan, Afghanistan, Liberia, Ethiopia, South Sudan, Iraq, Syria, and Sierra Leone. Over 90% (or 184), of these young people arrived in Australia via the offshore component of the Humanitarian Programme.<sup>40</sup>

Currently, the United States of America has the only formal resettlement programme for unaccompanied refugee minors in the world, while a number of other states, including the United Kingdom and Australia, have resettlement programmes that include unaccompanied minors on a smaller scale.<sup>41</sup> A comparison of the three programmes – the US Unaccompanied Refugee Minors Program as delivered by USCCB, the unaccompanied and separated children’s programme in the UK, and Australia’s Unaccompanied Humanitarian Minors Programme – highlights a number of similarities and unique strengths.<sup>42</sup>

For example, the USCCB programme in the US has developed a process for facilitating referrals to the programme through a targeted approach – investigating need in specific locations (working with UNHCR and civil society organisations) and providing capacity building support to undertake BIDs. This targeted approach better ensures access to resettlement for those unaccompanied children and young people for whom resettlement is determined to be the most appropriate durable solution. This approach also enhances caseload planning and service delivery when children and young people are resettled in the US – better ensuring timely, accurate and comprehensive information about the needs of children and young people entering the programme.<sup>43</sup>

The positive outcomes of young people who have been supported to settle through the UHM Programme in Australia attest to the strengths of the model, this is reinforced by the utilisation of similar approaches and structures in both the US and UK. Australia also has one of the most highly-regarded settlement systems in the world, with skills and capacity to address the specific needs of children and young people. This infrastructure to support youth-specific settlement is important context within which the UHM Programme is delivered.

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<sup>40</sup> Department of Immigration and Border Protection (2017a). *Unaccompanied Humanitarian Minors Programme data as at 24 April 2017, for release to the Multicultural Youth Advocacy Network*. (Provided to MYAN Australia on 5 May 2017.) (Note: This data reflects the country that the young person identifies with, although they may have been born in a second country.)

<sup>41</sup> Australia and the UK have both developed unaccompanied minor programmes in response to the need to support children and young people without existing links in these countries who arrived without a valid visa to seek asylum. In Australia, these young people have predominantly been older males who have commonly spent periods of time in immigration detention or the Unaccompanied Asylum Seeking Minors Programme (operated through the SRSS Programme) before being granted a visa making them eligible to transfer into the UHM Programme.

<sup>42</sup> See Appendix A

<sup>43</sup> USCCB (2011). *From identification to durable solution: Analysis of the resettlement of unaccompanied refugee minors to the United States and recommendations for Best Interest Determinations*. Available at <http://www.usccb.org/about/children-and-migration/upload/URM-Mapping-White-Paper.pdf>

## 4.1 Programme strengths

- ***Flexibility & adaptability***
  - Demonstrated ability to scale care and support up or down based on young people's needs. This 'step up, step down' approach ensures young people receive the appropriate care and support they need even as their circumstances change.<sup>44</sup>
  - Supports varying service delivery models. Care and support arrangements differ depending on the needs of the young person, their age and developmental stage, whether they have a relative in the community over the age of 21 who can care for them, and the support structures and arrangements available in the state or territory. While systems and approaches may vary across the states, all organisations caring directly for UHMs provide housing and casework services, and offer support to facilitate access to and participation in employment, education, health, recreation and broader community life. There is also flexibility in the UHM Programme to ensure UHMs living with identified community links receive adequate support from appropriate agencies in their state or territory when state or territory welfare authorities are not able to do so.
  - Young people can have some say in where they live, including (where appropriate) young people being able to move from one household into another to support connections and continuity of education.
  - Ability to scale programme capacity in response to changing numbers.
  
- ***Residential housing model***
  - A distinguishing feature of the Australian UHM Programme is that young people being cared for by contracted providers are typically supported in group or shared housing arrangements. Housing models vary depending on the age and identified needs of the young people. Generally, UHMs will live in shared accommodation arrangements where they are supported by residential carers who are rostered on to be at the house when the young person is at home (i.e. outside of school hours). UHMs who are under 16 years of age and/or with identified higher needs, will typically also receive more intensive casework support.
  - An important strength of this model is the capacity to graduate young people to independent living. In Victoria for example, independent housing models may be adopted for older UHMs with low needs. These models support the transition to independence for older UHMs preparing to exit the UHM Programme (at 18 years). Typically, these models comprise a small group of young people living semi-independently (i.e. with no live-in carer, but with financial support and housing provided) with ongoing care and assistance provided via regular visits from case workers and community support or bicultural workers.
  
- ***Staffing***
  - Programmes and staff have developed considerable expertise in this very niche area – many of those working in the UHM Programme have been working with this group of young people for many years, in some cases transitioning from one provider to another, enabling continuity of care and maintenance of important relationships for the young people in the programme. Employment of highly skilled workers with experience in youth work, out of home care and youth settlement also means programme staff are equipped to respond to young peoples' diverse and changing needs.

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<sup>44</sup> Each young person in the UHM Programme is allocated a case worker upon referral into the program. This allocation is based on the young person's level of assessed need and the worker's experience and workload capacity. The level of assessed need of the young person determines the regularity of contact between the young person and the case worker (i.e. more frequent for young people with high needs). Needs are re-assessed at regular time periods, with particular triggers or events also prompting re-assessment. If the re-assessment identifies a change in the level of need, care and support arrangements will be modified.

- Many of the UHM Programme provider agencies employ workers from similar cultural, language, religious and/or ethnic backgrounds to the unaccompanied minors in their programme. Bicultural workers have a depth of cultural knowledge and understanding that can facilitate connection to services and supports and can be an important source of sense of belonging for refugee children and young people. They can also bring valuable insights and knowledge of existing networks and supports valuable for providing links for unaccompanied children and young people to the broader community.
- ***Links with family***
  - The commitment to working with families, including family still overseas, is an important area of support provided through the programme. The UHM Programme has also demonstrated capacity to support sibling groups to remain together.
- ***Links to other youth settlement programmes and opportunities***
  - Most contracted agencies offer a range of other services that can also benefit UHMs, these established pathways allow young people to engage readily with a range of additional supports and opportunities. This also means the programme has a capacity to draw on expertise and experience of working in the multicultural youth, settlement and/or out of home care sectors. This supports young people when they are in the programme, but often also provides an ongoing link when they transition out.
  - Australian provider organisations and staff have strong relationships with local services (including health providers and schools), as well as government agencies that have built up over time and through other areas of agencies work.
- ***Established child welfare and protection system***
  - With a robust legal and protection system supported by state child welfare authorities, Australia has added layers of assistance and protection to ensure the care and support structures for UHMs settling in the community are appropriate. These operate in addition to the formal links in place within the UHM Programme between carers, contracted providers and state child welfare authorities, ensuring oversight and protection for UHMs living in the community.

## 4.2 Outcomes

Australia's UHM Programme provides targeted support at a critical time, positioning young people well for navigating the settlement journey in Australia.

Overwhelmingly, young people who have exited the programme are engaged in work and study, living in secure accommodation and connecting in with local services and communities. The supportive environment created by the programme assists young people to develop the skills and build the confidence required to make this transition successfully. Confidence is grounded in trusting relationships and networks formed through the programme - with peers, workers volunteers, and their broader communities. One provider has reported that it is common for young people exiting their programme to connect with former programme participants when they are transitioning out. This contact will help the young person find accommodation, explore work options, and support them to set themselves up.

While formal evaluation of the UHM Programme has not yet occurred, anecdotal evidence from those agencies delivering the Programme suggests that young people have exited the programme with greater levels of independent living skills, including self-care skills and capacity to look after

themselves independently. This is demonstrated in successful transitions to independent living, including finding secure housing, engagement in further study and training, employment, engagement with services and participation in social and community activities. Agencies often re-connect with former UHMs at local community events, through other programmes supported by their organisations, or as volunteers and workers in local services and businesses.

MYAN has within its networks many young people that have received support through the UHM Programme, who have achieved excellent educational results (in secondary school and university) and who now have paid employment within their respective industries. Some of these young people are employed in the programme as bicultural workers. One young person who was supported through the Programme was awarded the MYAN/RCOA International Refugee Youth Leadership Scholarship in 2016 and presented at the UNHCR NGO Consultations in June 2016 (including addressing the entire delegation at the closing plenary) and the High Commissioner's Dialogue in December 2016.

These outcomes are consistent with outcomes achieved through other programmes internationally. For example, a USCCB report on the experiences of Congolese youth settling in the US through the URM Program found that children and young people were building strong connections with extended family, friends, and community; doing well in school; and, developing independent living skills and knowledge, including finding employment, using public transportation, and using technology.<sup>45</sup> In general, this report found that children and young people had good communication skills, were socially engaged, had a positive outlook on life, and were motivated, although some had unrealistic expectations about what they could achieve in a short period.<sup>46</sup>

#### Case Study: Sam

*19 years old, UHM Programme client for four years, Centre for Multicultural Youth, Victoria*

Sam moved to Australia when he was 15 years old. After spending some time in a share house with six other young people, he moved to a smaller home that he shared with three others in an independent living model. While carers would stay on site overnight and there was regular contact and engagement with case workers, Sam says he and his two house mates were responsible for their day to day needs. They arranged all of their own transport, shopping, cooking and cleaning. They organized their own social activities and sports. Sam says this was challenging at times, especially as he travelled over an hour each way to and from school each day, but it has really set him up for his life now. Despite it being busy, Sam and his housemates continued to find time to participate in sports, Sam was also a youth leader in his local community and a volunteer surf life saver. He did all of this while completing year 12.

The case workers and carers supported Sam and his housemates to organize weekend trips and BBQs with friends, and helped them connect in with local organisations and activities. This, says Sam, was important: "the good thing I would say was getting to know more of the places around, being able to find my way... and also just having fun together".

Living in a house with other teenagers was sometimes challenging, mostly Sam says, because you don't all have the same habits or ideas all the time which can lead to conflict. However, the friends Sam has made he says are "for a life time". Whether they lived together or met each other during a soccer tournament organized by (the service provider), these friends are an important source of support and stability. "They know your experience, they know what it is like and everyone is able to help and support each other".

Sam says the relationship he had with the carers he met during his four years in the UHM Programme varied. Some were really supportive and able to give him and the others the space and support they needed, others were very strict, which Sam says sometimes made him and his housemates feel like they couldn't live how they wanted to live. He loved moving into the more independent housing model when he turned 17, which meant Sam felt he had more freedom. "We had a good relationship (with the carers), they gave us freedom to do

<sup>45</sup> USCCB (2012) *Congolese children and youth: USCCB Network Unaccompanied refugee minor program experiences and implications*. Available at <http://www.brycs.org/documents/upload/Congolese-URM.pdf>.

<sup>46</sup> Ibid.

things and, if I asked for it, they would help me, sometimes even if they didn't know how to help they would try".

Sam says he was anxious about turning 18, particularly as his birthday coincided with him completing his year 12 studies. He had lived with others who had turned 18 and had had to move out of their shared home, and while he knew they were all doing ok "there was a sense of fear for me". Sam says the provider was very reassuring and made sure he knew he could stay on in the house until he had finished his studies and had time to look for a place to live. Sam's case worker also offered Sam support to find a place to live and prepared him for the transition. Friends Sam had made while in the programme were a key source of support during his transition out: "I was thinking about where should I go now, but I had friends who had moved out before me and they were great". Sam now lives with three other former UHMs, they share a house that they have leased themselves in the suburb where they first met and continue to play soccer at the same local club.

Sam says his school and teachers were incredibly helpful in supporting his dreams to go to university. While year 12 was challenging, with the additional stress of knowing he would have to move out on his own, Sam did well. Sam received a scholarship to a University, thanks in great part to his demonstrated dedication to his studies and his youth leadership and volunteering. Sam is now studying a Bachelor of Accounting and Finance while undertaking a business traineeship, and is also planning to do his Bronze Star and become a pool life guard later this year.

Sam hopes to build on his studies and work experience by undertaking an internship with an international company next year, his current workplace and university are helping him prepare for this. Sam remains in touch with some of the carers and workers he met when he was in the programme through his ongoing work and volunteering in the community. Looking to the future Sam says he will continue to "work hard and build my experience, get the career I've always wanted. Hopefully one day I can also reunite with family here and then, yeah, really start my life."

### 4.3 Programme improvements

Similar to young adults leaving out of home care in Australia, UHMs are required to move into independent living much earlier than the average young person in Australia and without the support of family. Support in this transition to adulthood is critical to successfully navigating the developmental stage of adolescence and long-term security and success. Strengthening the transition out process in Programme is a key area for improvement, where young people would benefit from more active support. This support could include formal follow-up and ongoing referral support in the early transition out period (such as that offered in the UK and US models). Additionally, building the skills and capacity of other services (generalist, youth and settlement) to work effectively with this group of young people, would strengthen the service system's capacity to provide appropriate support.

Measuring outcomes of the UHM Programme post-transition is another area for improvement and would contribute to building an important evidence-base.

## 5. Australia's youth settlement context

In addition to established infrastructure and expertise to support the settlement of unaccompanied minors, Australia's settlement services system includes youth-specific services and programmes into which those in the UHM Programme can transition. The UHM Programme is delivered in the context of the broader settlement services system. Government has responded to the large numbers of children and young people arriving through Australia's Humanitarian Programme by recognising the particular needs of young people and investing in a range of initiatives to support a more targeted approach to addressing these needs (e.g. the MYAN national network and state-based MYAN structures, and youth-specific programming within settlement services).

*National, government-funded settlement services*

The UHM Programme is delivered in the context of a national service system for humanitarian and other eligible entrants providing a range of youth-specific services.<sup>47</sup> Funded by the Australian government and delivered through the non-government sector, these services include:

- Settlement Services Programme (SSP) provides “support for humanitarian entrants and other eligible migrants in their first five years of life in Australia, with a focus on fostering social and economic participation, personal well-being, independence and community connectedness”.<sup>48</sup> Following the inclusion of youth-specific programmes in the last funding round, there are a growing number of services delivering youth-specific programmes nationally under the SSP. Some services have structured their settlement support to include a youth-centred approach, with the employment of youth workers and investment in systems and supports that cater to the particular needs of young people.
- Complex Case Support (CCS) delivers specialised and intensive case management services to eligible humanitarian entrants with exceptional needs which extend beyond the scope of other settlement services. CCS offers a flexible and responsive model of support to young people, including UHMs transitioning out of the programme, with complex and challenging needs that often cannot be met through other services or supports available.<sup>49</sup> In many states, CCS is delivered by multicultural youth specialists (in some cases by UHM Programme providers), offering an important safeguard following the transition to independence should young people, with no family in the community, require additional or more intensive support.

#### *Capacity building and sector development*

In addition to these specific programmes and services, Australia has also invested in a range of capacity building and sector development initiatives that continue to strengthen youth-focused service provision, including to unaccompanied minors. These support the development of skills and competencies to ensure a skilled workforce and include:

- [National Youth Settlement Framework](#)  
Developed by the Multicultural Youth Advocacy Network (MYAN Australia), this is Australia’s first national framework to guide the integration and settlement support for young people, providing an evidence-based approach to measuring good practice and settlement outcomes. It is designed to build the capacity of government and non-government sectors, enabling them to better respond to the needs of young people in the (re) settlement context. Since 2016, MYAN has worked with a range of government and non-government stakeholders to support the implementation of the Framework into policy and service delivery.<sup>50</sup>
- National Training and Accreditation infrastructure  
The National Training Package ‘[Engaging respectfully with young people from refugee backgrounds](#)’, is an accredited training programme on working with young people from refugee backgrounds that was developed by a consortium of non-government organisations in 2014.<sup>51</sup>

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<sup>47</sup> Department of Social Services, Australian Government. (2015). *Programs and Policy*. Available at <https://www.dss.gov.au/settlement-and-multicultural-affairs/programs-policy>

<sup>48</sup> Department of Social Services, Australian Government. (2017a). *Settlement Services for Humanitarian Entrants*. Available at <https://www.dss.gov.au/settlement-and-multicultural-affairs/publications/settlement-services-for-humanitarian-entrants>

<sup>49</sup> Department of Social Services, Australian Government. (2016). *Complex Case Support Program*. Available at <https://www.dss.gov.au/our-responsibilities/settlement-and-multicultural-affairs/programs-policy/settlement-services/complex-case-support-programme>

<sup>50</sup> MYAN (2016). *National Youth Settlement Framework*. Available at <http://www.myan.org.au/our-work-with-the-sector/156/>

<sup>51</sup> Piper, M. (2016). *Engage Respectfully with Young People (from refugee backgrounds): Trainer’s Resource Guide*. Available at [www.myan.org.au](http://www.myan.org.au)



## 6. Recommendations

Recognising the unprecedented need to find durable solutions for Children and Adolescents at Risk, including unaccompanied and separated minors, the existing expertise and infrastructure in Australia's UHM Programme and broader settlement services system, and the increase in the Humanitarian Programme over the next two years, Australia can and should be doing more to support the resettlement of unaccompanied minors. This would demonstrate Australia's commitment to assisting vulnerable children and adolescents, complement the US resettlement of unaccompanied minors and demonstrate significant leadership by Australia internationally.

MYAN recommends that:

1. The Australian government continues to include children and young people in Australia's resettlement programme, recognising consistently large numbers of young people in the Humanitarian Programme over many years.
2. That Australia increases resettlement places for children and adolescents at risk in the 2017-2018 Humanitarian Programme, with a focus on unaccompanied or separated children.
  - o Given the demonstrated capacity in Australia to support sibling groups in flexible arrangements, this could include exploring possibilities for prioritising resettlement of an unaccompanied child with a sibling, where UNHCR deems resettlement is in a child's best interests.
3. That Australia builds on existing expertise and infrastructure for resettling unaccompanied minors through the UHM Programme, including:
  - o Established programmes in each of Australia's states to support the settlement and integration of unaccompanied minors.
  - o Existing expertise within the NGO sector for addressing the particular needs of unaccompanied humanitarian and asylum seeking minors.
  - o Existing expertise in youth settlement and capacity building infrastructure.
4. That the Australian government expand the capacity of the Unaccompanied Humanitarian Minors Programme to accommodate an increased number of resettlement places for unaccompanied minors.
5. That the Department of Immigration and Border Protection work with providers in the NGO sector to explore how young people leaving the programme can be more actively supported in their transition out, ensuring they access the support they need to achieve successful settlement outcomes.
6. That the Australian government undertake research into outcomes of the UHM Programme, through formal follow-up with those who have transitioned out of the Programme.
7. That the Australian government commits resources for completion of Best Interest Determination (BIDs) to support the referral of children and young people for resettlement. This could include:
  - o Providing greater assistance to UNHCR to increase its capacity to support the resettlement of children and adolescents at risk - directing financial or human resources to UNHCRs efforts to identify, assess and refer children and young people at risk.
  - o Engaging INGOs (e.g. ICMC or RefugePoint in Asia region) to complete BIDs

8. That the Australian government continue to engage with UNHCR to increase resettlement places and support other durable solutions for children and adolescents at risk, including unaccompanied minors. This includes:
  - Conveying, in international forums like the Annual Tripartite Consultations on Resettlement, that Australia is willing to take referrals of unaccompanied minors within the children and adolescents at risk category.
  - Utilising available data provided in the UNHCR Projected Global Resettlement Needs 2018 Report to inform resettlement need for unaccompanied minors and planning for the 2017/18 Humanitarian Programme intake.
  
9. That Australia work with UNHCR and INGOs or local NGOs in source countries to strengthen processes by which young people can access resettlement places and prepare for resettlement, including:
  - Providing support to community legal centres or NGOs with legal expertise to assist with completion of applications (understanding the process and completing lengthy and complex forms)
  - Provision of interpreters and translated material
  - Having an independent advocate or legal advisor present for interviews with the Australian Government regarding their application
  - Access to pre-arrival cultural orientation briefing (e.g. adapting the AUSCO youth curriculum to the context of care and support for unaccompanied minors in Australia)
  
10. That the Australian government continue to invest in youth-specific settlement programmes within Settlement Services, and utilise the National Youth Settlement Framework to support this.

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## Appendix A

### Programmes supporting Unaccompanied Minors

There is currently only one established programme that regularly accepts unaccompanied and separated children for resettlement directly from 'off-shore'. This is the Unaccompanied Refugee Minors Program in the United States of America (US). A number of countries, including Australia, United Kingdom, Germany, Norway and Sweden, provide places to unaccompanied refugee children and young people as part of their Humanitarian Programmes – either within programmes that primarily have provided care and support to young people from asylum seeker backgrounds (e.g. UK, Germany, Sweden and Norway), or on a small scale.<sup>52</sup> Australia's programme includes both contexts.

The UK, US and Australian models have developed national approaches that draw on existing child welfare authorities and structures to support unaccompanied minors to settle with family or relatives. In the UK and US, unaccompanied minors with no family or relatives are cared for primarily through foster care models, while in Australia contracted agencies provide care primarily through a residential housing model. Details about the Australian, US and UK models are provided below.

### Australia

#### Unaccompanied Humanitarian Minors Programme

The first coordinated national programme for resettling unaccompanied humanitarian minors in Australia was the Refugee Youth Support Pilot, which was delivered by non-government organisations in three states between 2012 and 2013. Following an evaluation of the Refugee Youth Support Pilot in 2013, Australia established the Unaccompanied Humanitarian Minors (UHM) Programme in 2014.<sup>53</sup>

The UHM Programme, funded and administered by the Department of Immigration and Border Protection (DIBP), facilitates a national approach to supporting unaccompanied humanitarian minors, with services currently provided in all of Australia's eight states and territories.

“The Unaccompanied Humanitarian Minors (UHM) Programme facilitates the provision of relevant care, supervision and support services to minors on certain visas in Australia without a parent or legal guardian, who fall under the auspices of the Immigration (Guardianship of Children) Act 1946 (IGOC Act), and for whom the Minister for Immigration and Border Protection is the legal guardian. In certain circumstances, the Programme also assists minors who do not fall under the IGOC Act.”<sup>54</sup>

Eligibility for the UHM Programme includes unaccompanied minors with a permanent resident or temporary humanitarian, temporary protection, or equivalent substantive temporary visa.<sup>55</sup> The relevant state child welfare or protection authority, a delegated carer and/or contracted non-government organisation with expertise in supporting children in out of home care and/or settlement contexts typically share care and case management arrangements for UHMs.

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<sup>53</sup> Department of Immigration and Border Protection (DIBP), Government of Australia (n.d.). *Unaccompanied Humanitarian Minors programme – Fact Sheet*. Available at <https://www.border.gov.au/about/corporate/information/fact-sheets/uhm-programme> (accessed 4 May 2017)

<sup>54</sup> DIBP (n.d.)

<sup>55</sup> DIBP. (n.d.).



The following table provides an overview of the number of minors in the UHM Programme in each state and territory as at 24 April 2017.<sup>56</sup>

<b>Minors in the UHM Programme</b>			
State/Territory	UAMs (onshore)	UHMs (offshore)	
ACT	<5	<5	
NSW	5	13	
NT	<5	<5	
QLD	<5	17	
SA	6	24	
TAS	<5	<5	
VIC	5	122	
WA	<5	5	
<b>Total</b>	<b>17</b>	<b>184</b>	<b>201</b>

Of the 201 young people currently supported in the UHM Programme, 100 are aged 16 to 18 years, 79 are aged 11 to 15 years, and 22 are 10 years or younger. Approximately 48% are female and 52% are male. The main countries of origin for unaccompanied minors currently in the UHM Programme include Myanmar, Democratic Republic of the Congo, Sudan, Afghanistan, Liberia, Ethiopia, South Sudan, Iraq, Syria, and Sierra Leone.<sup>57</sup>

#### *Identification and referral*

Unaccompanied minors resettled in Australia from overseas are identified and referred to DIBP by the UNHCR under Australia's Offshore Humanitarian Programme. Unaccompanied asylum seeking children and young people already in Australia may be referred to the UHM Programme when they are granted an eligible visa.<sup>58</sup>

#### *Needs assessment and placement*

UHMs are assessed by the Department of Immigration and Border Protection to determine their level of needs before initial referral to the relevant state authority and/or contracted service provider. Along with age, assessed level of need determines the housing option best suited to the young person, the intensity of care support provided (24-hour care or more independent living models), and the level of case work support a UHM will receive.

The possible placement options for UHMs include:

*UHMs being cared for by approved carers:* UHMs with family over the age of 21 years in Australia or other identified ties to the community can nominate for this person to be their

<sup>56</sup> For the purpose of these figures, UAMs and UHMs have been calculated on the following basis: Unaccompanied asylum seeking minor (UAM) – unaccompanied IMA minors who hold a temporary or permanent humanitarian or protection visa (subclasses 449, 785, 790 or 866) or a Resolution of Status (subclass 851) visa. Unaccompanied humanitarian minor (UHM) – unaccompanied minors who hold a permanent visa under Australia's offshore humanitarian programme (subclasses 200, 201, 202, 203 or 204). Also, in exceptional circumstances, some minors may be granted extensions in the programme for a limited period after they turn 18 years old. It is a small number and they are not included in these figures. Department of Immigration and Border Protection (2017a). *Unaccompanied Humanitarian Minors Programme data as at 24 April 2017, for release to the Multicultural Youth Advocacy Network.* (Provided to MYAN Australia on 5 May 2017.)

<sup>57</sup> Note: this data reflects the country that the young person identifies themselves with, although they may have been born in a second country.

<sup>58</sup> The Australian Government currently support unaccompanied asylum seeking minors (UAMs) who arrive onshore to Australia without a valid visa through the Status Resolution Support Services (SRSS) Programme. These unaccompanied children and young people typically live in the community with the support of a network of agencies and organisations with experience in the out of home care, child protection, and settlement sectors.

carer. This proposed care arrangement is reviewed by DIBP to ensure basic criteria are met. If that review is positive, the case will be referred to the relevant state or territory government child welfare agency for a formal assessment of the proposed carer. Under these arrangements, the Minister remains the guardian of the UHM and the relevant state authority or non-government agency provides case management support.<sup>59</sup>

*UHMs being cared for by a non-government agency (contracted service provider):* Where a UHM is not able to nominate a suitable carer, the most common arrangement will be placement with a contracted service provider. Contracted providers caring for UHMs have delegated guardianship of the minor. The providers provide case management and a range of care and support arrangements depending on the young person's assessed level of need. Arrangements include a variety of housing options, cultural support, recreational activities, and activities to support young people to engage with services, including health and education, connect with the community, and develop independence.<sup>60</sup>

#### *Care model*

One of the strengths of Australia's programme is its capacity to support various service delivery models. Care and support arrangements differ depending on the needs of the young person, their age and developmental stage, whether they have a relative in the community over the age of 21 who can care for them, and the support structures and arrangements available in the state. While systems and approaches may vary across the states, all organisations caring for UHMs provide housing and casework services, and offer support to facilitate access to and participation in employment, education, health, recreation and broader community life.

For UHMs being cared for by an approved carer, depending on the arrangement between DIBP and the relevant state authority, case management will be carried out by the state authority (such as in Victoria's Refugee Minors Programme) or a contracted care provider.

## The United States of America

### **The Unaccompanied Refugee Minors Program**

The Unaccompanied Refugee Minors (URM) Program, delivered nationally by the United States Conference of Catholic Bishops (USCCB) and Lutheran Immigration and Refugee Legal Service, supports settlement in the United States of America (US) of unaccompanied refugee minors directly from refugee outflows around the world. The URM Program is a formal component of the US migration program and has operated for over 30 years, supporting more than 13,000 children, and young people in need of third country resettlement, as well as those in mixed-migration flows in need of protection, to resettle in the US.<sup>61</sup>

The URM Program utilises the existing US child welfare framework to support unaccompanied minors in foster care or group housing. The URM Program is delivered at the state level with funding from the US federal government.<sup>62</sup>

(The following information is based on the USCCB delivered URM Program, referred to from here on as the URM Program.)

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<sup>59</sup> MYAN. (2012). Unaccompanied Humanitarian Minors in Australia: An overview of national support arrangements and key emerging issues. Available at <http://www.myan.org.au/file/file/MYAN%20UHM%20Policy%20Paper%20Sept%202012.pdf>

<sup>60</sup> Ibid.

<sup>61</sup> USCCB. (2013). *The United States Unaccompanied Refugee Minor Program: Guiding Principles and Promising Practices*. Available at <http://www.usccb.org/about/children-and-migration/unaccompanied-refugee-minor-program/upload/united-states-unaccompanied-refugee-minor-program-guiding-principles-and-promising-practices.pdf>, p. 14

<sup>62</sup> Ibid.

The URM Program was initially established to support the resettlement of identified refugees, however over the years additional populations have become eligible for the program. Today, the URM Program supports:

- unaccompanied refugee minors assessed for resettlement and referred from outside the US (this may include minors with 'non-parental relatives' in the US);
- unaccompanied minors who have migrated to the US without authorisation (and are detected due to their undocumented status); and
- children and young people who initially entered the US as part of a refugee family group and who have been reclassified as unaccompanied refugee minors due to family breakdown for example, and become eligible for the program.<sup>63</sup>

The URM Program can support 1,750 unaccompanied minors at any one time.<sup>64</sup> Despite managing mixed-migration flows, each year the US continue to commit to resettling unaccompanied refugee minors from outside of the US who have been identified as in need of resettlement in a safe third country. In the 2016 financial year, the US resettled 360 unaccompanied refugee minors from countries of origin including Eritrea, Democratic Republic of Congo, Burma, Afghanistan, and Somalia.<sup>65</sup> While the typical age of entry into the URM program is 15 to 17 years, young people may remain eligible for the program after they turn 18 depending on relevant state guidance.<sup>66</sup>

### *Identification and referral<sup>67</sup>*

Unaccompanied refugee minors can be identified by the UNHCR (or its field partners) who will undertake multiple screening processes, including assessments of refugee status and Best Interests Determinations (BID), before making a referral to the US Government for consideration.<sup>68</sup>

An unaccompanied refugee minor can spend up to a year in a Refugee Service Centre (RSC) offshore once a referral has been accepted by the US. Funded by the US Department of State's Bureau of Population, Refugees and Migration (PRM), and operated by international and non-governmental organisations (and one US interests section), the RSCs support a pre-arrival screening process. Unaccompanied minors may also be subject to additional security and medical clearances by various US government entities and others before departing for the US.<sup>69</sup>

Unaccompanied minors already present in the US are identified to the Office of Refugee Resettlement (ORR) when they are detained or detected by authorities due to their irregular migration status. Minors are transferred into the custody of ORR while screening and assessment, including family reunification options and processing of their claims for legal status, are undertaken.<sup>70</sup>

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<sup>63</sup> USCCB (2013), p. 2 & 24. See Appendix A for

<sup>64</sup> URM program define "unaccompanied minors" as children or young people under the age of 18 and those over the age of 18 who continue to participate in the program. USCCB & LIRS. (n.d.) *Foster Care for Unaccompanied and Immigrant Children: Frequently Asked Questions*. Available at <http://www.usccb.org/about/children-and-migration/upload/URM-FAQ-s.pdf>.

<sup>65</sup> K. Peck personal communication, 1 April 2017

<sup>66</sup> USCCB (2013), p. 2

<sup>67</sup> See Appendix B for overview of pathways into the URM program.

<sup>68</sup> USCCB (2011). *From identification to durable solution: Analysis of the resettlement of unaccompanied refugee minors to the United States and Recommendations for Best Interest Determinations*. Available at <http://www.usccb.org/about/children-and-migration/upload/URM-Mapping-White-Paper.pdf>, p. 2

<sup>69</sup> K. Peck personal communication, 1 April 2017

<sup>70</sup> USCCB (2012) *The Changing Face of the Unaccompanied Alien Child: A Portrait of Foreign-Born Children in Federal Foster Care and How to Best Meet Their Needs*. Available at [http://www.usccb.org/about/children-and-migration/unaccompanied-refugee-minor-program/upload/A-Portrait-of-Foreign-Born-Children-in-Federal-Foster-Care-and-How-to-Best-Meet-Their-Needs\\_USCCB-December-2012.pdf](http://www.usccb.org/about/children-and-migration/unaccompanied-refugee-minor-program/upload/A-Portrait-of-Foreign-Born-Children-in-Federal-Foster-Care-and-How-to-Best-Meet-Their-Needs_USCCB-December-2012.pdf), p. 1; USCCB (2012a) *Improving Access: Immigration Relief for Children in Federal Foster Care Before and After the Trafficking Victims Protection Reauthorization Act of 2008*. Available at [http://www.usccb.org/about/children-and-migration/unaccompanied-refugee-minor-program/upload/Immigration-Relief-for-Children-in-Federal-Foster-Care-Before-and-After-TVPA-2008\\_USCCB-December-2012.pdf](http://www.usccb.org/about/children-and-migration/unaccompanied-refugee-minor-program/upload/Immigration-Relief-for-Children-in-Federal-Foster-Care-Before-and-After-TVPA-2008_USCCB-December-2012.pdf), p. 2. Those unaccompanied minors with no family in the US who are granted asylum, Special Immigrant Juvenile Status, or recognised as victims of trafficking are eligible for referral to the URM program. Levinson, A. Unaccompanied immigrant children: A growing phenomenon with few easy solutions (24 January 2011). Available at <http://www.migrationpolicy.org/article/unaccompanied-immigrant-children-growing-phenomenon-few-easy-solutions>

### *Needs Assessment and Placement*

The US State Department refer unaccompanied refugee minors who are to be resettled from outside the US to one of two lead agencies (USCCB/LIRS) for placement in the URM Program. Upon receipt of a referral the lead agencies undertake a case assessment and placement match that takes into consideration factors relevant to both the child and the state program.<sup>71</sup> Unaccompanied children and young people identified in the US are referred to the same agencies for placement in the URM Program by the ORR once legal immigration status and eligibility for URM program are confirmed.<sup>72</sup>

Because children and young people are referred to the program from a range of sources, the information provided in referral documents reportedly varies. Typically, the best interests of the child are determined in the referral process, however needs are re-evaluated at the time of placement and on an ongoing basis after a child is accepted into the URM program.<sup>73</sup>

### *Care models*

Models of care and services vary by URM program location and are determined by state child welfare regulations and available resources. Typically, children and young people in the URM program are placed in long-term foster care arrangements. Those with an adult relative in the US can be placed with this person as their foster parent. Older young people (15 to 17 years) may be placed together in a small group setting with a permanent foster carer who supports semi-independent living. The URM program also supports young adults, between the ages of 18 and 21, in independent living models of support.<sup>74</sup>

URM staff provide case management and foster parent support. URM staff also undertake individual service plans (ISP) that identify young peoples' goals and outcomes, service needs, and assign responsibility for tasks to achieve goals. Depending on the size of the program and the number and expertise of volunteers, URM program staff may also support coordination with key services and a number of other tasks.<sup>75</sup>

### *Strengths*

- Operates within existing legal structures and frameworks for supporting children in foster and out of home care.  
Unaccompanied minors are eligible for all of the same services as US-born children and youth in foster care and are supported by the same state and national legal frameworks and guidance.<sup>76</sup> This has particular relevance for young people when leaving care. As the URM Program is administered by states, according to relevant state regulations, children and young people placed in the URM Program have the option to remain in care and receive support and benefits until they are 21 or 24 years (depending on relevant state regulations).<sup>77</sup> This allows for the provision of important care structures and safety nets to young people as they transition into adulthood.
- Commitment to hiring and developing bicultural staff  
In addition to having specialist expertise in working with refugee and overseas-born children and young people, URM program staff reflect the linguistic and ethnic background of the unaccompanied minor whenever possible.<sup>78</sup>

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<sup>71</sup> USCCB (2013), pp. 22-23

<sup>72</sup> USCCB (2013); USCCB (2012a), pp. 2-3

<sup>73</sup> USCCB (2013), p. 24

<sup>74</sup> For a full overview of these models of care see USCCB (2013), Ch 7: Developing a continuum of care.

<sup>75</sup> Ibid. For an overview of the roles of staff and carers supporting unaccompanied children in the US, see Office of Refugee Resettlement (2016) *Children Entering the United States Unaccompanied: Guide to terms*. Available at <https://www.acf.hhs.gov/orr/resource/children-entering-the-united-states-unaccompanied-guide-to-terms>

<sup>76</sup> Office of Refugee Resettlement cited in USCCB (2013), p. 11

<sup>77</sup> USCCB (2012a), pp. 3-4

<sup>78</sup> USCCB (2013).

- Training and accreditation  
URM programs are licensed as child placement agencies, meaning they must comply with a host of training requirements established by federal and state guidelines. In addition to the required training and accreditation, the URM Program has established additional core competencies and training for staff and carers working with unaccompanied minors.<sup>79</sup>
- Engagement of former unaccompanied minors in program  
Former unaccompanied minors are often involved in delivery of the program, working as professional staff, cultural specialists, mentors, and licensed foster parents. Providing opportunities for them to develop skills and competencies once they have transitioned out of the program, while also offering important role modelling and links for unaccompanied minors in the program.
- Low staff to client ratios  
Low staff to client ratios are credited with leading to high staff retention rates and consistency in URM program staff and foster parents. According to a USCCB report on the URM Program, this “benefits unaccompanied minors who typically have not had stability in caregivers prior to entry into the program.”<sup>80</sup>
- Close collaboration with local refugee family resettlement programs  
Contact with resettlement programs provides “crucial links for connecting unaccompanied minors to community members of their country of origin, interpretation services, and consultation and assistance for refugee processing.”<sup>81</sup> In most cases, URM and family resettlement programs are administered by the same agency.<sup>82</sup>
- National coordination  
USCCB (MRS) and LIRS provide overarching support to URM Program delivery agencies through a coordinated national network. The network provides technical assistance and consultation to existing and new providers, determines appropriate placements for children within the network, and conducts research, evaluation and advocacy around program needs, child migration trends, and policy.<sup>83</sup>

## United Kingdom

The United Kingdom (UK) does not currently have a formal programme for the resettlement of unaccompanied minors. However, the UK provides support to a large number of unaccompanied children and young people seeking asylum in the UK until they are of legal age or their migration status is resolved. This includes unaccompanied children who arrive in the UK themselves or are transferred from within Europe to the UK to be with family under regional agreements or schemes.<sup>84</sup>

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<sup>79</sup> Ibid., p. 19

<sup>80</sup> Ibid., p. 16

<sup>81</sup> Ibid. p. 14

<sup>82</sup> Ibid., p. 16

<sup>83</sup> USCCB and LIRS are the agencies authorized to provide placement and resettlement services to unaccompanied refugee minors in the US. USCCB (2013), p. 14

<sup>84</sup> *Dubs Amendment and the Dublin Regulation*: The UK Parliament enacted the Dubs Amendment in 2016, which proposed to resettle an additional number of unaccompanied asylum-seeking minors from within Europe. As at April 2017, this scheme was capped at a total of 480 children. This scheme does not include unaccompanied asylum seeking children within Europe eligible to be united with family already in the UK while their asylum claim is assessed under the Dublin Agreement. See, European Council on Refugees and Exiles (2016). *New Home Office guidelines limit scope of Dubs Amendment*. Available at <http://www.ecre.org/new-home-office-guidelines-limit-scope-of-dubs-amendment/>; UK Government. (2017). *Policy Statement: Section 67 of the Immigration Act 2016*. Available at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/611204/Policy\\_statement\\_section\\_67\\_of\\_the\\_Immigration\\_Act\\_2016.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/611204/Policy_statement_section_67_of_the_Immigration_Act_2016.pdf). Questions have been raised about whether the Dublin Agreement (Regulation) would still operate after Britain voted to leave the EU. On this, a statement from the UK Minister of State for Immigration, Robert Goodwill, in February 2017 advised: “The Government will continue to meet our obligations under the Dublin Regulation and accept responsibility for processing asylum claims where the UK is determined to be the responsible Member State, ensuring that it is in their best interests to come here. We are working closely with European partners to ensure the timely and efficient operation of the Dublin Regulation.” Goodwill (2017). *Immigration: Written*

In 2016, 3,175 asylum applications were made in the UK by unaccompanied children.<sup>85</sup> The top countries from which unaccompanied child asylum applicants came were Afghanistan, Albania, Eritrea, Iran, Iraq, Sudan, Vietnam, Syria, and Ethiopia.<sup>86</sup> According to Robert Goodwill, The Minister of State for Immigration:

*“In the year ending September 2016, the UK granted asylum or another form of leave to over 8,000 children. This includes those who claimed asylum in the UK, those who were brought to the UK through our resettlement schemes, those transferred from within Europe, and those granted a refugee family reunion visa.”<sup>87</sup>*

This support for unaccompanied asylum seeking children is distinct to the UK’s official refugee resettlement schemes.<sup>88</sup> However, in April 2016, the UK Government announced that it would resettle up to 3,000 refugee children from the Middle East and North Africa (MENA) over four years, including unaccompanied children, as well as other children at risk with their families, identified by UNHCR.<sup>89</sup>

Currently the UK does not have a specified capacity to support the resettlement of unaccompanied refugee minors, although the agreement to support the resettlement of 3,000 refugee children from the MENA region may include unaccompanied minors. Despite this, the current UK model supports thousands of unaccompanied and separated children and young people seeking asylum across the UK.

#### *Identification and referral*

The current process for the relocation of unaccompanied and separated asylum seeking children to the UK from Europe is for a BID to be undertaken to determine if relocation is in the child’s best interests and refer children to the UK Home Office.<sup>90</sup> The Home Office undertakes further screening<sup>91</sup> before approving and referring cases to local authorities for a placement match.<sup>92</sup> Once a placement has been confirmed the referral is accepted.<sup>93</sup> Unaccompanied children and young people identified

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Statement, HCWS467. Available at <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2017-02-08/HCWS467/>. See also Coram CLC (2017). *Children Joining their family in England, Migrant Children’s Project Fact Sheet*. Available at

[http://www.childrenlegalcentre.com/userfiles/file/Children%20joining%20family%20members\\_February%202017.pdf](http://www.childrenlegalcentre.com/userfiles/file/Children%20joining%20family%20members_February%202017.pdf)

<sup>85</sup> Refugee Council (UK) (2017). *Children in the asylum system*. Available at

[https://www.refugeecouncil.org.uk/assets/0003/9783/Children\\_in\\_the\\_Asylum\\_System\\_Feb\\_2017.pdf](https://www.refugeecouncil.org.uk/assets/0003/9783/Children_in_the_Asylum_System_Feb_2017.pdf)

<sup>86</sup> Ibid.

<sup>87</sup> Goodwill (2017). *Immigration: Written Statement, HCWS467*. Available at <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2017-02-08/HCWS467/>

<sup>88</sup> These schemes include: the Gateway Protection Programme, which resettles 750 refugees per year who have been identified through the UNHCR’s global resettlement programme (see Refugee Council UK (2017). *Gateway Resettlement Programme*. Available at

[https://www.refugeecouncil.org.uk/what\\_we\\_do/refugee\\_resettlement/gateway\\_resettlement\\_programme](https://www.refugeecouncil.org.uk/what_we_do/refugee_resettlement/gateway_resettlement_programme)); the Mandate Scheme, which

considers refugees recognized by the UNHCR for resettlement who have close family ties in the UK (see UNHCR (2014). UNHCR

Resettlement Handbook, Country Chapter: United Kingdom of Great Britain and Northern Ireland. Available at

<http://www.unhcr.org/40ee6fc04.pdf>); and the Syrian Resettlement Programme, this is an additional commitment to resettle up to 20,000

refugees from the Syrian conflict via referrals from the UNHCR by 2020. (See, Refugee Council UK (2017). *Syrian Resettlement Programme*.

Available at [https://www.refugeecouncil.org.uk/what\\_we\\_do/refugee\\_resettlement/syrian\\_resettlement\\_programme](https://www.refugeecouncil.org.uk/what_we_do/refugee_resettlement/syrian_resettlement_programme)).

<sup>89</sup> Brokenshire (2016). *Refugees and resettlement: Written Statement, HCWS687*. Available at

<http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2016-04-21/HCWS687/>. These commitments are in addition to the UK’s other resettlement programmes and commitments, including the

commitment to resettle up to 20,000 refugees under the Syrian Resettlement Scheme by 2020. McGuinness (2017). *The UK response to the*

*Syrian refugee crisis, House of Commons Research Briefing Paper*. Available at

<http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN06805>

<sup>90</sup> ADCS (2016)., p. 6; UK Government. (2017)., p. 2

<sup>91</sup> TBC – “Refugees accepted for resettlement to the UK receive health assessments and cultural orientations before arrival. The International Organisation for Migration supports refugees’ transfer to the UK and organisations supporting their settlement, including non-government organisations, local authorities and private foster agencies for unaccompanied children, arrange to meet refugees on arrival.”

UK Refugee Council (2017b)

<sup>92</sup> UK Government. (2017)., p. 2.

<sup>93</sup> Ibid. p. 3

within the UK are typically identified and referred by police or the Home Office to a local authority for assessment, placement and care.<sup>94</sup>

*National Transfer Scheme:* The increased number of unaccompanied children seeking asylum in the UK in recent years, and the announcement of a number of schemes to increase the number of children resettling from outside the UK, has led to a need for more even distribution of unaccompanied children in care across local authorities in the UK.<sup>95</sup> In response, the UK has introduced a National Transfer Scheme that supports transfer of unaccompanied minors to local authorities with capacity to provide for their care.<sup>96</sup> An important element of this scheme is coordination by a central administrative body that uses a database to track unaccompanied minor placements with local authorities across the UK.<sup>97</sup>

### *Needs Assessment and Placement*

The administrative teams supporting the National Transfer Scheme work with local authorities to determine an appropriate placement that is in the best interests of the child.<sup>98</sup> The BID provides case information to support the matching process, which is either a foster care or semi-independent accommodation model depending on the needs of the child and local authority resources.<sup>99</sup>

For unaccompanied children identified once in the UK, a welfare interview is conducted by the Home Office, and the local authority takes responsibility for the care for the child. If the local authority does not have the capacity to care for the child, the Home Office, under the new National Transfer Scheme, will identify another local authority with capacity to care for the child and arrange a transfer.<sup>100</sup>

### *Care model*

UK care of unaccompanied and separated asylum seeking children is funded by the Home Office and delivered by local authorities who provide direct care and support. Unaccompanied minors are typically placed by local authorities in foster care arrangements. Local authorities also assess the appropriateness of care arrangements provided by families or relatives and provide some support for these arrangements where it is identified that the child is in need.<sup>101</sup>

The Children Act 1989 requires that local authorities provide for all children in their care, regardless of their immigration status, nationality or documentation.<sup>102</sup> Statutory guidance on the assessment and care of children by local authorities is nationally consistent and, per this guidance, each young person in care is assigned a social worker or key support worker to manage their case and care needs.<sup>103</sup> The local authority is also required to appoint an independent reviewing officer who provides oversight for the child or young person in care.<sup>104</sup>

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<sup>94</sup> See UASC Transfer Flow Chart. UK Government (2016) *Transfer Flow Chart*. Available at

<https://www.gov.uk/government/publications/unaccompanied-asylum-seeking-children-interim-national-transfer-scheme>

<sup>95</sup> UK Government (2016a) *Interim National Protocol for transfer of UASC 2016-17*. Available at

<https://www.gov.uk/government/publications/unaccompanied-asylum-seeking-children-interim-national-transfer-scheme>

<sup>96</sup> ADCS (2016), pp. 6 & 16

<sup>97</sup> UK Government (2016a), pp. 11-12

<sup>98</sup> *Ibid*, p. 9

<sup>99</sup> UK Government (2017).; UK Government (2016).

<sup>100</sup> UK Government (2016).

<sup>101</sup> Coram CLC (2017). *Children joining their family in England, Migrant Children's Project Fact Sheet*. Available at

[http://www.childrenslegalcentre.com/userfiles/file/Children%20joining%20family%20members\\_February%202017.pdf](http://www.childrenslegalcentre.com/userfiles/file/Children%20joining%20family%20members_February%202017.pdf) : Coram CLC (2016)

*Private Fostering* (updated chapter of Seeking Support: A guide to the rights and entitlements of separated children.) Available at

[http://www.seekingsupport.co.uk/images/pdfs/seek\\_supp\\_fostering\\_05\\_04\\_16.pdf](http://www.seekingsupport.co.uk/images/pdfs/seek_supp_fostering_05_04_16.pdf)

<sup>102</sup> Department of Education, UK Government (2014) *Care of unaccompanied and trafficked children: Statutory guidance for local*

*authorities on the care of unaccompanied asylum seeking and trafficked children*. Available at

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/330787/Care\\_of\\_unaccompanied\\_and\\_trafficked\\_children.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/330787/Care_of_unaccompanied_and_trafficked_children.pdf)

<sup>103</sup> UK Government (2016a), Annex 1; Department of Education, UK Government (2015) *The Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review*. Available at [www.gov.uk/government/publications/children-act-1989-care-planning-placement-and-case-review](http://www.gov.uk/government/publications/children-act-1989-care-planning-placement-and-case-review), pp. 33-41; Coram CLC (2013); Kent City Council (2017). *People who support UASC*. Available at <http://www.kentcarestown.lea.kent.sch.uk/general-information-for-unaccompanied-asylum-seeking-children-young-people/people-who-support-uasc>

<sup>104</sup> Kent City Council (2017).



In addition to providing for the support and care of unaccompanied minors, local authorities work with non-government organisations to meet specialist needs, including English language acquisition, and Local Safeguarding Children Boards (child protection authorities).<sup>105</sup>

### Strengths

- National statutory guidance and structures for the care of unaccompanied minors  
The care and support of unaccompanied minors in the UK come under existing national frameworks that provide detailed guidance and standards for the care and protection of all children in care and that promote their best interests regardless of migration status.
- Regulated provision of post-care support  
Unaccompanied minors who have legal immigration status are eligible for support once they leave care under the same rules as UK citizen children. Under this system, care leavers are appointed a 'personal advisor' who provides support and guidance up until the age of 21 years, or 25 if they are in education or training. This can also include assistance with accommodation and financial support.<sup>106</sup>
- Safeguarding of children in immigration  
The UK also has clear guidance for the UK Border Agency that sets out the key arrangements for protecting and promoting the welfare of refugee and migrant children. The guidance is issued under section 55 of the Borders, Citizenship and Immigration Act 2009 and "requires any person exercising immigration, asylum, nationality and customs functions to have regard to the guidance given to them for the purpose by the Secretary of State" and applies to UK Border Agency staff, contractors and volunteers.<sup>107</sup>

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<sup>105</sup> Department of Education, UK Government (2014).

<sup>106</sup> Support for care leavers is outlined in Department of Education, UK Government (2015a) *The Children Act 1989 Guidance and Regulations Volume 3: Planning Transition to Adulthood for Care Leavers*. Available at [www.gov.uk/government/publications/children-act-1989-transition-to-adulthood-for-care-leavers](http://www.gov.uk/government/publications/children-act-1989-transition-to-adulthood-for-care-leavers). Eligibility for support is no longer guaranteed for asylum seekers once they turn 18, following changes to the 2016 Immigration Act. See, Ali (2016) *Rethinking social policy for asylum seeking care leavers*. Available at <https://www.tactcare.org.uk/wp-content/uploads/2016/10/TACT-Rethinking-Social-Policy-for-Asylum-Seeking-Care-Leavers.pdf>

<sup>107</sup> Home Office (2009) *Every child matters: Change for children: Statutory guidance to the UK Border Agency on making arrangements to safeguard and promote the welfare of children*. Available at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/257876/change-for-children.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/257876/change-for-children.pdf)