Refugee and Asylum Seekers Policy

Who does this policy apply to?

- All staff, volunteers and secondees working with young people

Delivery Partner note:

Delivery Partners will use their own policies but should check that these at least meet the standards of The Prince’s Trust policies.

The Policy

- The Prince’s Trust will make all reasonable efforts to ensure that refugees and asylum seekers who are eligible for Prince’s Trust support are able to participate in programmes
- We will not seek to influence an asylum application decision
- All staff are responsible for ensuring that they offer inclusive services to young refugees and asylum seekers, within UK law

Changes since previous policy

This is a new policy

Why we have this policy

To ensure that Prince’s Trust programmes operate within UK law and are inclusive to young people who are refugees or asylum seekers.

The Prince’s Trust is committed to building a diverse organisation (see Diversity/Inclusion Policy) and is dedicated to ensuring that, wherever possible, its programmes are accessible and equally positive for all young people who need our help.

The Trust recognises that, following their arrival in the UK, many young people who are refugees and asylum seekers can experience significant disadvantage and are more marginalised, vulnerable and at greater risk of poor outcomes. As such, The Prince’s Trust has identified these groups as a priority for support.
Figure 1: Flow chart for supporting refugees and asylum seekers

Accepting Asylum Seekers or Refugee young people

Inform young person of checks being undertaken

Assess and identify the young person's presenting needs and undertake a risk assessment if appropriate

Does the young person have an ARC? (Application Registration Card)

Yes

No

Has the young person experienced highly traumatic events?

Yes

No

Is the young person going through the asylum process?

Yes

No

Has the young person been referred by another organisation?

Yes

No

Unable to proceed further as may contravene with UK law, contact the Head of Diversity

Can we make a reasonable adjustment to the programme?

Yes

No

Refer young person to the appropriate support services (see Working with Young People with Mental Health Needs Policy)

Contact the organisation and ask for assistance in confirming status or contact the Asylum Support Customer support centre for further advice

Are there any other issues that can hinder the assessment? (Such as limited knowledge of English, limited financial resources etc.)

Yes

No

See Diversity/Inclusion Policy

Make a decision as to whether the Trust can support young person

Recruit onto programme
Checking the status of an asylum seeker or refugee young person

➤ The Prince’s Trust will make all reasonable efforts to ensure that refugees and asylum seekers who are eligible for Prince’s Trust support are able to participate in programmes

➤ It is important for staff to check a young person’s status because:
  - The law is unclear as to whether The Trust should be providing services to people who do not have a legally established right to be in the UK or have not lodged a claim for asylum
  - It may not be easy to establish the age and identity of a young person, this is very important to confirm for safeguarding and insurance reasons

➤ Organisations to contact if the young person cannot prove their identity:
  - The Asylum Support Customer contact centre on 0845 602 1739
  - If the young person is receiving funding from the National Asylum Seeker Support Service, then call the UK Border Agency’s central event booking unit on 0151 213 2106 to confirm whether a young person is going through the asylum process

➤ If a young person’s asylum application is under review, please speak to the Head of Diversity immediately

### Eligibility of refugees/asylum seekers for Trust programmes

<table>
<thead>
<tr>
<th>Programme</th>
<th>Refugees</th>
<th>Asylum Seekers</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Team</td>
<td>Yes</td>
<td>Yes</td>
<td>Where possible, please check refugee leave to remain forms are valid until the end of the programme</td>
</tr>
<tr>
<td>xl</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
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<tr>
<td>Get into</td>
<td>Yes</td>
<td>No</td>
<td>Asylum seekers are not allowed to enter into any type of employment</td>
</tr>
<tr>
<td>Get Started</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Enterprise</td>
<td>Yes</td>
<td>on Explore Enterprise course only</td>
<td>Asylum seekers are not allowed to enter into any type of employment. They can therefore only participate in the Explore Enterprise course and cannot apply for a loan. Refugees can apply for Enterprise loans but staff should note that they will have limited or no credit history to assist lending decisions. Cases should be individually assessed.</td>
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<tr>
<td>Fairbridge</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
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<tr>
<td>Community Cash</td>
<td>Yes</td>
<td>Yes</td>
<td>Asylum seekers can access grants that benefit their own community</td>
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<tr>
<td>Development Awards</td>
<td>Yes</td>
<td>Yes</td>
<td>Asylum seekers can be awarded a maximum amount of £200 for training only</td>
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<tr>
<td>Young Ambassadors</td>
<td>Yes</td>
<td>Yes</td>
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Supporting Asylum seekers:
Before accepting an asylum seeker onto a programme staff should ensure that:

➤ Asylum status has been confirmed
➤ The young person’s individual needs have been fully assessed and The Trust is able to meet these needs
➤ A risk assessment has been undertaken where applicable
➤ Additional resources can be offered where required (e.g. translation services).  See Diversity/Inclusion Policy for guidance
➤ That there are no relevant restrictions on funding:
  o Under UK law, asylum seekers have no recourse to public funds, so if accepting a young asylum seeker on to our programmes we must consider how the programme is funded.
  o Asylum seekers are also not allowed to enter into any type of employment in the UK. For example, the Home Office has stipulated that asylum seekers can only apply for a Trust Development Award of up to £200 for training purposes (not employment purposes)
  o Providing a place on public funded programmes may contravene UK law. Any concerns should be directed to the Head of Diversity

Assessing the young person’s needs

➤ As with all young people, the decision to accept an asylum seeker or refugee young person will be based on an assessment of their needs and our ability to cater for them under UK law (see guidance on young person’s needs assessment). A risk assessment should be undertaken where necessary (see Health & Safety toolkit on TrustNet). Reasonable adjustments could include language, medical conditions, disability and mental health needs.

➤ To better understand a young person’s support needs, staff should feel comfortable asking a young person why they are seeking asylum. However, staff must be aware that this may be because they have experienced highly traumatic events (including sexual violence, threats to their own life, torture and witnessing the deaths of others) and may not be willing to disclose this personal information. Staff are not expected to counsel young people who have had these experiences and should refer them to the appropriate support services (see Working with Young People with Mental Health Needs Policy). Where possible/relevant, and in line with The Trust’s Confidentiality Policy, staff should gain as much information as possible from the young person’s referral agency.

➤ Some issues that may arise working with young refugees and asylum seekers include:
  o Limited knowledge of the English language
  o (Un)diagnosed mental or physical health issues e.g. Post-traumatic Stress Disorder
  o Access to housing
  o Discrimination
  o Extremely limited financial resources
  o Lack of familiarity with the way things work in the UK, e.g. transport infrastructure
The asylum process and UK law

➤ When a person has lodged an asylum claim with the UK Border Agency (part of the Home Office) and is waiting for a decision, they are called an ‘asylum seeker’. A person is recognised as a ‘refugee’ only when their application for asylum has been accepted

➤ An asylum applicant is granted refugee status if they meet the criteria laid down in the 1951 UN Convention on Refugees. If the asylum application is initially refused, the applicant has appeal rights with the Asylum and Immigration Tribunal

➤ If the asylum application is granted, the refugee will only be granted limited leave, initially for five years, after which their case will be reviewed. This applies only to those who have received refugee status since September 2005. Those receiving refugee status prior to this are allowed to remain indefinitely

➤ The UK asylum system is strictly controlled and complex. It is very difficult to get asylum. The decision-making process is extremely tough and many peoples’ claims are rejected

➤ Initial Home Office decision-making remains poor. In 2009, the courts overturned Home Office decisions in 28% of asylum appeals

➤ Since 2005 most people recognised as refugees are only given permission to stay in the UK for five years and can have their case reviewed at any time. This makes it difficult for them to make decisions about their future, to find work and make definite plans for their life in the UK

➤ The Home Office detains around 1,000 children seeking asylum with their families each year

➤ There is no such thing as an ‘illegal’ or ‘bogus’ asylum seeker. Under international law, anyone has the right to apply for asylum in any country that has signed the 1951 Convention and to remain there until the authorities have assessed their claim

Definitions

Refugees
A refugee is someone who, according to international law (The 1951 Geneva Convention), cannot return to their country of origin, for fear of persecution or harm on specific grounds, such as religion, nationality, membership of a particular social group or political opinion.

Asylum Seekers
All those who apply for refugee status are deemed asylum seekers until that status is conferred. Once claims have been investigated through a legal asylum application process, and confirmed by the Home Office, official recognition of refugee status is granted along with leave to remain. This period of leave to remain is normally temporary for up to 5 years. On occasion leave to remain can be permanent.

Unaccompanied Asylum Seeking Children
Unaccompanied Asylum Seeking Children are those aged under 18 arriving alone, without friends or family. These young people (according to the 1951 Geneva Convention) are the responsibility of the State. In the UK, Unaccompanied Asylum Seeking Children are taken into care by the local authority in whose jurisdiction they arrive. By the age of 18 they must have begun the process of applying for asylum.

Migrant communities
A migrant is somebody living or working in a country other than the one they were born in. People from migrant communities may also be affected by the issues affecting refugees and asylum seekers.

**Application Registration Card (ARC)**
The ARC is a credit card-sized plastic card issued as an acknowledgement of an Asylum or Article 3 application made to the Immigration & Nationality Directorate. It contains information about the identity and immigration status of the holder in visible form and/or stored on a magnetic chip that can be read in specially programmed card readers. As well as personal details, the card also has two digital images of the holder. On all ARCs issued from mid-January 2005 the card shows whether or not the holder is an asylum claimant. For more information see: [www.ukba.homeoffice.gov.uk/asylum/support/arc/](http://www.ukba.homeoffice.gov.uk/asylum/support/arc/)

**Standard Application Letter (SAL)**
A SAL is a double-sided A4-sized document printed on special security paper and containing a unique number. It is used to acknowledge a claim for asylum in circumstances where it is not possible to issue an ARC within 3 days of the claim being lodged. A SAL displays the name, date of birth and nationality of the claimant and any dependants, the date of arrival (if known), the date of application, their address in the UK and HO reference. Photographs of the claimant and any dependants are also attached. SALs issued since December 2004 are normally valid for just 2 months from date of issue. The time limiting is to enable arrangements to be made for the claimant and any dependants to attend and be issued an ARC, and to encourage attendance at such an event. Please note SALs are currently being phased out.

**Related Policies**
- Diversity/Inclusion Policy
- Confidentiality Policy
- Working with Young People with Mental Health Needs Policy
- Supporting Statements for Young People Policy

**References**
**www.londonmet.ac.uk/ragu**
This website set up by the Refugee Assessment and Guidance Unit (RAGU) based at London Metropolitan University provides information for asylum seekers on education and preparing for Employment

**www.migranet.org**
Job-search guidance: how to write a CV, how to look for jobs, interview tips and know your rights.

**www.refugeecouncil.org.uk**
Information and research regarding employment, adult education and all other welfare issues for refugees and asylum seekers

**www.rcis.org.uk**
The Refugee Council Information Service provides useful advice and support

**www.refugeesintobusiness.org.uk**
Website with guidance for refugees interested in starting their own business.
www.education-action.org
Provides advice to refugees about education and professional training.

www.worktrain.gov.uk
This is Government website for jobs training, careers, childcare and voluntary work.

www.migranthelpline.org.uk
Dedicated to explaining how Migrant Helpline assists distressed foreign nationals.

www.praxis.org.uk
Praxis provides a wealth of advice and support services to migrants and refugees from all over the world, as well as a welcoming meeting place for displaced communities.

Specific queries (especially concerning UK law) should be directed to the Head of Diversity.

Comments related to the maintenance of this policy should be directed to policies@princes-trust.org.uk
All Prince’s Trust policies are reviewed in March and re-issued in April each year.

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<tr>
<th>Author</th>
<th>Policy &amp; Strategy Dept and Programmes Dept</th>
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<tr>
<td>Date approved by SMT</td>
<td>February 2012</td>
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<tr>
<td>Version</td>
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