

Policy & Legal review for children in alternative care & unaccompanied and separated children from Ukraine arriving in: UNITED KINGDOM

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1. What are the laws and/or policies covering care arrangements for children temporarily or permanently deprived of family care (with translation into English if available)?

Children Act 1989

Full text of the law and all the detailed information can be accessed at this link:

<https://www.gov.uk/topic/schools-colleges-childrens-services/looked-after-children>

2. What are the laws and/or policies or bi-lateral agreements covering care arrangements for unaccompanied and separated children (UASC) from foreign countries (with translation into English if available)?

The main policy for UASC is “Care of unaccompanied migrant children and child victims of modern slavery Statutory guidance for local authorities”, Department for Education, November 2017.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/656429/UASC_Statutory_Guidance_2017.pdf

The framework legislation (which applies to both UK and refugee children) are Children’s Act 1989 - <https://www.legislation.gov.uk/ukpga/1989/41/contents> and Children’s Act 2004 - <https://www.legislation.gov.uk/ukpga/2004/31/contents>

3.
 - a. What is the legal status of unaccompanied and separated children (UASC) [from Ukraine] in this country?
 - b. Does this status guarantee that a child will be able to return to Ukraine once the situation normalises? Or if there is no such “guarantee”/clause please also indicate.
 - c. Is there a difference in how the legal system treats the child classified as unaccompanied vs. separated?

d. Does this status allow the adoption of the Ukrainian child who has entered this country without the consent or participation of parents and/or representatives of Ukrainian relevant state parties?

a. There are no UASC from Ukraine in the UK. In December 2021 there were 221 asylum claimants from Ukraine, all of them adults.

If there were UASC from Ukraine, their status would be the same as for other UASC: They would be provided support and care by Local Authorities (and enjoy the same access to services and benefits as the UK children in care). As for their immigration status, that would depend on the outcome of their asylum process. Currently more than 90% of UASC are granted full refugee protection, i.e. leave to remain for 5 years which then leads to permanent residency followed by nationality. The remaining 10% get “UASC Leave to Remain” until they are 18.

b. Ukrainians will be granted a leave to remain from 1-3 years. There are several various humanitarian routes for Ukrainians to enter the UK but none of them leads to permanent residency in the UK. These are not resettlement schemes. Thus the child will be able to return home.

c. **No.**

d. **No.** The child can only be adopted from overseas. See more at this link: www.gov.uk/child-adoption/adopting-a-child-from-overseas

4.

a. What is the legal status (especially the length of the status, benefits and restrictions) of the Ukrainian guardian accompanying a Ukrainian separated child arriving in this country (for example a member of staff from the evacuated institutions which has been appointed by the Ukrainian authorities as a guardian for a group of children during evacuation of an institution)?

b. What safeguarding measures are in place to check and protect the best interests of the child if the child has a guardian from Ukraine (i.e., verifying who the guardian is, approve the guardian status in relation to the child, provide support and monitoring, etc.)?

a. If a Ukrainian child has a legal guardian, it is not an unaccompanied child and the guardian has the same status as the child’s parent.



They can both come under various schemes that the UK Government has just launched for Ukrainians (e.g. Family Scheme, Home for Ukrainians). Under these schemes the guardian and the child will be granted a leave to remain up to 3 years.

- b. Both the UK sponsors and the child's parents/family/guardian will need to meet standard security checks prior to being issued with a visa. UK sponsors and all adults in sponsors' households will also be subject to initial Police National Computer (PNC), criminal records and Warnings Index checks by the Home Office. Councils will be required to undertake basic DBS checks for all adults in the sponsor household; and in cases where the incoming arrivals include children and/or vulnerable adults, an enhanced DBS with barred lists check will be required promptly on all adults in the sponsor household.

5.

- a. What are the regulations and procedures in case a child arrives without parents and any legal guardian (or any papers authorizing the person to care for the child), e.g., a child which is looked after by an adult (e.g., a family friend, a neighbour, someone who found the child alone on the street and took it along to keep it safe...)?
- b. May the return of these children to Ukraine, after the normalisation of the situation, be questioned/hampered by the legal status they receive?

- a. An unaccompanied child will be looked after child (under Children Act 1989) and will be in care of a Local Authority. That Local Authority is a corporate parent.
- b. This status of 'looked after' does not prevent return.

6. Which government ministry/department is responsible for the:

- a. the care of children temporarily or permanently deprived of family care & would it be possible to provide immediate contacts?
- b. the care of unaccompanied and separated children (UASC) [from Ukraine] & would it be possible to provide immediate contacts?

- a. Department for Education - The responsible government department is Department for Education. There is a dedicated UASC Team. The lead is Julian Ward (julian.ward@education.gov.uk).



- b. Department for Education - The responsible government department is Department for Education. There is a dedicated UASC Team. The lead is Julian Ward (julian.ward@education.gov.uk).

7. Has the government adopted specific legislation/policy or bi-lateral agreements on USAC from Ukraine? If not, would the government develop such legislation / regulations or bilateral agreements?

As of writing (early April 2022), there is no bilateral agreement or specific policy regarding UASC from Ukraine. The general background documents to inform asylum determination of claimants from Ukraine, so-called Country of Origin Policy and Information Notes for Ukraine have been temporarily withdrawn from the Home Office website.

Other developments with relevance for children:

There was an announcement from the Department for Work and Pensions that they will be laying emergency regulations (from Monday 21 March 2022:

<https://www.gov.uk/government/news/immediate-benefit-support-for-those-fleeing-the-invasion-in-ukraine>) so those arriving in the UK from Ukraine as a result of the Russian invasion can access Universal Credit and jobs support immediately. It also specifies which benefits the arrivals will be entitled to enjoy.

The UK Home Office announced temporary visa concessions for family members of British citizens and residents under the Ukraine Family Scheme. Non-British nationals can act as sponsors under this scheme provided they have the following status: indefinite leave to remain, EU settled status, EU pre-settled status, refugee status and humanitarian protection. You can find more detailed information here: <https://www.gov.uk/guidance/support-for-family-members-of-british-nationals-in-ukraine-and-ukrainian-nationals-in-ukraine-and-the-uk>.

The Ukraine Sponsorship Scheme (Homes for Ukraine) is pathway through which UA nationals or their family members can apply to join a UK based sponsor. Applications can be made online here: <https://apply.visas-immigration.service.gov.uk/has-international-ukrainian-passport>.

8.
 - a. Has the government in this country put in place a system/process to track children from Ukraine, especially UASC?
 - b. Who is responsible for identification and registration of these children, as well as accommodation and care?



- a. There is a vetting and tracking system being put in place for children who are coming into the UK under the specific humanitarian routes but it is for families.
- b. Local Authorities

9. Which authorities have responsibility for family tracing and reunification? Contact information provided where available.

The responsible department for the operation of the humanitarian schemes for arrivals from Ukraine is the Department for Levelling Up, Housing and Local Communities. The contact person is Danny Slater, Danny.Slater@levellingup.gov.uk, in the first instance.

Additional relevant information & resources:

- A group of volunteer legal professionals in the UK are providing free legal advice, which can be accessed here: <https://advice-ukraine.co.uk/>.