Catherine Day Feedback

- *Tusla social workers assigned to unaccompanied minors should be legally obliged to seek prior legal advice on a protection application as soon as possible after the minor becomes the responsibility of Tusla, and before completing and lodging applications.*

All YP who are taken into care by SCSA service and who wish to make a protection application have access to legal advice before, and during all aspects of their asylum case right through to reunification, citizenship etc. Unaccompanied minors are assigned a social worker who, in addition to managing their case, is also responsible for managing their application for international protection. Sometimes, for good reasons such as concerns about potential trauma associated with the application process, social workers decide not to make an application (thus leaving it to the person to make the application when they turn 18).

The service is not aware of any cases in the last 16 years that a UAM turned 18 without an application having been made'. There have been cases within the wider Tusla children in care population where this may have been the case. These children would be children living in the State with their parents /guardians where the children have been received into care on abandonment/child protection grounds. In some limited cases a young person on reaching 18 there are residency issues relating back to their parent's residency and as a result an application may have been delayed. I do believe that the numbers are very low.

- *However, if they reach 18 before their application has been decided, they are classified as "aged out minors" and are often transferred to direct provision with no specific aftercare support. This can put them at risk of low educational achievement, mental health and other problems and leave them vulnerable to exploitation. Other children in care receive aftercare services up to the age of 21, or 23 if they are in full time education.*

Aged out minors continue to receive an Aftercare service regardless of their status (pending that they meet the eligibility criteria). The legislation introduced a mandatory aspect by way of carrying out assessments and preparing care plan, however the resources applied to that care plan are at the discretion of the Agency and as an agent of the State there is a requirement to abide by national policy. Any discretion used must do so in a way that takes into account Government policy which sees the material needs of an asylum seeker (including 'aged-out minor') met by way of financial assistance and accommodation. The SCSA continue to prepare care plans and support 'aged –out' minors in various ways where they are leaving care in advance of a final determination on their application. (The main difference with this cohort of YP is that they are not entitled to the Aftercare financial allowance). All eligible SCSA care leavers can receive an Aftercare service up until they are 23 years old and often beyond. The SCSA Aftercare team also have an Aftercare Duty Worker available Mon-Fri for all SCSA care leaver, irrespective of the residency permission.

It is Tusla's standard operating procedure (based on direction from Tusla CEO Gordon Jeyes, 2010) that UAMs turning 18 can stay in placement until the end of the school year following their 18th birthday.

There has not been one case in the last 16 years that a UAM turned 18 without an application having been made. This is because RIA, now IPAS, will not accept an individual into their accommodation service if they are not a registered applicant for international protection. It is welcome that the

report acknowledges that in some instances application is delayed – usually due to the presenting need of the young person – to enter a young person into the process.

- *However, in such cases, if the "aged out" minor subsequently gets permission to remain under the 2015 International Protection Act they lose any right to family reunification.*

SCSA are engaged in a lot of re-unification work with UAMs.

- *The Oireachtas Joint Committee on Justice and Equality report on direct provision of December 2019 took the view that" children who arrive in Ireland unaccompanied are particularly vulnerable and should not be transferred automatically to the Direct Provision system on reaching the age of 18.*

  Young people are not transferred automatically to Direct Provision, in some cases people remain in placement with supports etc until they complete therapeutic work or education.

  If aged out minors remain the responsibility of Tusla in every case post 18 there will need to be significant additional funding agreed.