



Family Returns Consultation Response:

National Leaving Care Benchmarking Forum, Catch22

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Our Key Asks

We oppose the changes for appeal rights exhausted care leavers set out in family returns consultation. In view of the particular needs & vulnerabilities of appeal rights exhausted care leavers, we recommend that the Home Office and the Department for Education take the following steps to uphold their corporate parenting and safeguarding responsibilities:

- Commission a stand-alone consultation on Appeal Rights Exhausted Care Leavers that provides sufficient time for detailed consultation including ensuring immigration policy is aligned with children’s legislation and safeguarding duties across government.
- Appeal rights exhausted care leavers should remain entitled to leaving care support under the Children Act 1989 up to the age of 25 and Local authority duty and powers should not be removed, until the point of deportation. This should include Personal Adviser support, pathway planning, education and training support, advocacy, and safeguarding oversight.
- If the government proceeds with the proposed changes:
 1. Extend the section 95A application window to 90 days for care leavers in line with families with children
 2. Article 8 claims are currently only available under the Legal Aid Exceptional Case Funding scheme. We ask that all care-experienced young people have access to legal aid for Article 8 applications, rather than only in exceptional cases.
 3. Retain a right of appeal for section 95A applications
 4. Ensure clear Home Office responsibility for accommodation and support when local authority duties end, so that no young person is left destitute.
 5. Ensure clear Threshold Guidance and clear guidance on ‘What happens next?’ to help local authority teams support young people and understand the evidence required.
 6. Any deportation of appeal-rights-exhausted care leavers under the age of 25 should be reviewed by a deportation panel with mandatory local authority representation, to ensure that welfare needs, safeguarding risks, and the young person’s wider circumstances are fully considered before removal.
 7. Publish quarterly data on deaths of care-experienced asylum seekers, including relevant details. This transparency will support effective review and development of a safeguarding strategy for these young people.
- Please consult with NLCBF on any guidance accompanying legislative changes that impact ARE Care Leavers.

- While we acknowledge not all asylum claims will be successful, local authority teams need clear information, timescales & communication routes with the Home Office in order to support the wellbeing of asylum-seeking care leavers and support them to prepare for their future, whether that is in their home country or in the UK.

About the National Leaving Care Benchmarking Forum & Our Experience

The National Leaving Care Benchmarking Forum brings together 135 local authority leaving care teams across England and Northern Ireland. It provides a space for leaving care professionals to improve services and support for young people leaving care by sharing good practice, hearing from care-experienced young people and influencing government & public bodies. The National Leaving Care Benchmarking Forum is part of the Charity Catch22.

One in three young people leaving care came to the UK seeking safety as unaccompanied asylum-seeking children ([DfE figures, 2025](#)), giving us significant expertise. Our response draws on conversations with 34 local authorities with deep experience in immigration and asylum legislation for care leavers. NLCBF believe that excluding some care leavers from the Children Act 1989 undermines the integrity of the framework for all Children and Young People.

The Children's Minister Josh MacAlister has made good progress in progressing reforms to improve outcomes for care leavers; however, within the consultation process, care leavers are addressed as 'adult care leavers', and we feel this is against the spirit of Children's Services reform and is not mirrored in any other care leaver policy, again creating division and differentiation amongst young people leaving care.

The online form contains numerous complex questions, some of which are confusing or appear to presume agreement with the proposed changes. The parts pertaining to care leavers are hidden and lack sufficient detail to provide robust, well-thought-out responses.

The phrasing of these questions makes it difficult to provide meaningful feedback and reduce complexities to binary questions. Therefore, as a forum, we have chosen to submit a narrative response.

Why consider the needs & vulnerabilities of Appeal Rights Exhausted asylum seeking care leavers?

“There’s an acknowledgement across... government that care leavers... are particularly vulnerable... And yet... when this legislation goes through, that all seems to go out the window and they’re just asylum seekers.”- Leaving Care Professional

- ARE care leavers should **not** be treated the same as other adults in the asylum support system at 18 and over.
- Many of these young people experienced significant trauma prior to leaving their home country and during their journey to the UK, as well as being separated from their families.
- Many ARE care leavers do not have a home or community to return to and will need significant support to prepare for a successful return.
- Many also face language, cultural, and systemic barriers that make navigating immigration processes extremely difficult.
- In our experience, care leavers without immigration status are especially vulnerable, and in particularly need support as they transition into adulthood and as they develop independent living skills.
- Continuing care leaver status preserves the protective functions of the leaving care system, including a personal adviser, a pathway plan, and support with education and training. This ensures transitions are planned and informed, with appropriate advocacy and safeguarding oversight and that Local Authorities retain the ability to accurately assess a young person's needs.

“I don’t feel like enough consideration has been given to it... have they really considered the cohort of young people, the impact, trauma-informed practice? I cannot see any of that...” Leaving Care Professional.

“We are talking about people who arrived as children.”- Leaving Care Professional.

*“The family they have, many of them are actually the local authority. That is their family.”
- Leaving Care Professional.*

Our Asks:

Commission a stand-alone consultation on Appeal Rights Exhausted Care Leavers that provides sufficient time for detailed consultation including ensuring immigration policy is aligned with children’s legislation and safeguarding duties across government.

Proposed Removal of the Local Authority's ability to support (Section's 23C, 23CA, 24A, 24B and regulations made under section 23D of the Children Act 1989 including Section 23CZA of the Children Act 1989.)

- Care leaver rights are set out in primary legislation and should not be undermined by immigration control. Home Office removal decisions should not affect a young person's entitlement to local authority support.
- As corporate parents, local authorities are best placed to assess individual risk, need, and vulnerability. Human rights assessments already provide an effective mechanism for this. Replacing them with a generic policy risks unsafe and inconsistent decisions and removes professional judgment from those who know the young person best.
- Removing care leaver status for ARE young people creates significant safeguarding risks. Destitution and homelessness increase vulnerability to grooming, criminal exploitation, gangs, modern slavery and leads to further costs addressing crime and providing support for victims.
- When trust in formal systems is lost, young people may disengage, go missing, or avoid services entirely, making it more difficult for agencies to protect them.
- Withdrawing support and contact once a care leaver is ARE risks predictable harm and increased public costs, rather than enabling a managed and safe transition when considering removal.
- The threat of support being withdrawn will impact unaccompanied asylum seeking children and young people awaiting immigration decisions who are increasingly likely to 'go underground' with increased risk of exploitation & higher levels of anxiety.

“Actually, we're just making more organised crime and putting more young people at risk.”- Leaving Care Professional.

“People are disappearing because they're really fearful, I think... he's disappeared. We don't know where he is.”- Leaving Care Professional.

“When local authorities lose the ability to conduct Human Rights Assessments or to provide support through a PA or Pathway Plan as suggested in the consultation, it seems the expectation from the Home Office is that people will seek help through official channels or follow the proper process. But in reality, that is unlikely. Most will simply disperse, disappear, and go underground. This only makes them more vulnerable to exploitation, including modern slavery and similar risks”.- Leaving Care Professional.

“They let them go underground. Nobody is removed... They say they're going to, but they never do.”- Leaving Care Professional

Our Asks:

Appeal rights exhausted care leavers should remain entitled to leaving care support under the Children Act 1989 up to the age of 25 and Local authority duty and powers should not be removed, until the point of deportation. This should include Personal Adviser support, pathway planning, education and training support, advocacy, and safeguarding oversight, so that no young person faces destitution, homelessness, or preventable harm.

Proposed Section 95A Applications (For appeal rights exhausted care leavers to make a case they have a genuine obstacle to return)

- We are concerned that shifting from a welfare-based approach to one based on immigration status will weaken the protections and entitlements care leavers receive under the Children Act 1989.
- In addition, there is **no** guarantee that section 10A destitution assessments will align with the standards set out in the Working Together to Safeguard Children guidance.
- In practice, the proposals under section 95A would reduce stability and weaken safeguarding protections. They will separate young people from established support networks, including foster carers and personal advisers, at short notice. This will create significant vulnerabilities, including increasing the risk of modern slavery, exploitation and criminal activity as a means of survival.

'In 2024 alone, almost 2,400 children, including trafficking victims and unaccompanied asylum-seeking minors, disappeared from local authority care across the UK, according to a 2025 report by ECPAT UK and Missing People. The report highlights that while missing, these children faced exceptionally high risks of sexual and criminal exploitation. Incomplete data from some local authorities means the true scale is likely even greater'- [ECPAT, 2025](#)

- We believe the proposed 21-day window for 95A applications is unrealistic, particularly given that many separated children and care leavers face significant barriers to securing legal representation, and available support is often slow and inconsistent.
- Some Local Authorities have observed ARE care leavers borrowing money from exploiters on social media to pursue unfounded legal challenges, resulting in debt and further exploitation

“How do you show evidence that you pay traffickers and that, you know, it’s unsafe, and you’re fearful that you will be maltreated or, you know, you are receiving threats? That’s going to be a big challenge for separated young people to have to prove that their life is in danger.”- Leaving Care Professional.

“If that’s going to be one of the precursors to support, I’d want to see them opening up legal aid for Article 8 applications as well for care-experienced young people.”- Leaving Care Professional.

“Just the lack of legal support... most of our young people can’t [get it] and that puts them at a real disadvantage.”- Leaving Care Professional.

“I am concerned that if care leavers do not complete their application correctly the first time or lack adequate support, they may be unable to submit a new claim”. Leaving Care Professional.

- Obtaining essential evidence, including medical documentation, will often take longer than 21 days, particularly if there is a report required from a treating professional.

“They would need 90 days to submit evidence because there’s not much difference between a 17-year-old and an 18-year-old when it comes to their support needs.”- Leaving Care Professional.

- The consultation document states that a care leaver may qualify for section 95A support if they have made a first Article 8 claim that is not without merit. However, Article 8 applications require legal advice and assistance, which are only covered by Legal Aid in exceptional circumstances. How can a care-experienced young adult be expected to apply without access to legal support?
- Article 8 claims are not the only grounds for leave to remain. Will the Home Office consider granting equal merit to other forms of application, such as humanitarian protection?
- We are extremely concerned about the lack of appeal process for Section 95A application. The lack of guidance and the removal of the right of appeal will leave young people who do have a genuine obstacle and have been unable to submit the required evidence being destitute.
- [“Around 4 in 10 asylum appeals at the First-tier Tribunal are successful.](#) The number of Home Office decisions have been overturned and errors that have been made does not give us confidence in this area.

“With ARE young people we currently see things like shoplifting and it’s not because people want to do it.... It’s because they’re driven to it. And because of this, they then again get involved with police or maybe even groups with which

they get exploited even further. Gang-related, country lines, drugs, this will only increase if the proposals are brought in.” Leaving Care Professional

Our Asks:

If the government proceeds with the proposed changes:

1. Extend the section 95A application window to 90 days for care leavers in line with families with children
2. Fund legal aid for Article 8 applications for all Care Experienced young people.
3. Retain a right of appeal for section 95A applications
4. Ensure clear Home Office responsibility for accommodation and support when local authority duties end, so that no young person is left destitute.
5. Ensure clear Threshold Guidance and clear guidance on ‘What happens next?’ to help local authority teams support young people and understand the evidence required.
6. Any deportation of appeal-rights-exhausted care leavers under the age of 25 should be reviewed by a deportation panel with mandatory local authority representation, to ensure that welfare needs, safeguarding risks, and the young person’s wider circumstances are fully considered before removal.

Proposals around genuine obstacles to return

- The consultation is unclear about what counts as a genuine obstacle and who decides. Lack of clarity surrounding this means that care-experienced young people, who are already disadvantaged as they are often without support and networks.

“Who makes that determination? ... Is that your treating doctor... or are they going to have their own body of medical experts that make that decision?” Leaving Care Professional.

“There needs to be clarity given to the Local Authority on how that has been assessed whether it’s the local authority’s role or the Home Office’s role, and how that is being communicated.” Leaving Care Professional.

“Whilst you may get a physician saying physically you are fit enough to travel... therapy wise, that might include mental health. Would that person be fit to travel or would they be a risk of harm to themselves or others?” – Leaving Care Professional

“I guess it comes down to whose view is around genuine, you know, Home Office genuine versus a local authority genuine might be two different things. I think there needs to be probably some examples and specifics around that. Again, the process of legal challenge around what is genuine.”- Leaving Care Professional.

- The consultation document offers insufficient detail to provide a robust response to the questions on this. Limited information about who decides what a ‘genuine obstacle is and the level of evidence required leaves gaps that could again lead to destitution and harm to young people.
- Being able to give Care Leavers accurate and clear information about what to expect, what may happen, is paramount to support young people, both in considering their options, such as voluntary return, or to understand what level of evidence they need to submit and be supported to obtain this.
- In addition, when a genuine obstacle was recognised, there was no information about what that would mean for those young people. The assumption was that that they would be left in uncertainty and limbo. If this guidance and legislation were enacted, it is imperative that Local Authorities are given the tools and guidance to support care-experienced young people to understand the process in a timely and clear manner.

“If a young person has evidenced a genuine obstacle to return and is able to claim section 95A support. Where does that then kind of leave them? What does that mean for them? Like, how many years does that go on for? And then what status are they given? And then do they just remain in limbo for a very, very long time? So, like particularly Iranians that I've worked with, I don't know any Iranian that's been deported since I've been working in this Local Authority. What would happen to them?” – Leaving Care Professional.

“We do definitely need to have a clear pathway... a flowchart format or whatever. They've got to be given a clear pathway to follow. Otherwise, we're not going to get it right, are we?” Leaving Care Professional.

Our Asks:

- If the government goes ahead with this proposal, there needs to be a Threshold Guidance and clear guidance on ‘What happens next?’ to help local authority teams support young people and understand the evidence required.
- Please consult with NLCBF on any guidance accompanying legislative changes that impact ARE Care Leavers.

Communication from and with the Home Office.

- Currently, Local Authorities report significant barriers in communicating with the Home Office and a lack of information about asylum processes.
- In particular, there is a lack of information for ARE care leavers around arrangements/timescales around voluntary return, deportations etc.
- This is creating a significant negative impact on young people’s mental health, increasing the risks of them ‘going underground’ and also impacting the wellbeing of the professionals who support them.
- We are extremely concerned about how any changes will be managed and communicated.
- While we acknowledge not all asylum claims will be successful local authority teams need clear information, timescales & communication routes with the Home Office in order to support the wellbeing of asylum seeking care leavers and support them to prepare for their future, whether that is in their home country or in the UK.

“The current approach is contradictory and unclear. While I do not support this decision, if it proceeds, clear communication is essential for our wellbeing as practitioners, especially given how many appeals have already been exhausted. If a decision is made, individuals should be moved and scheduled for departure within a set timeframe, rather than remaining in uncertainty for years. Currently, we lack clear information about the process”. – Leaving Care Professional

“Any form of communication with the Home Office is near enough impossible.” Leaving Care Professional.

“I don’t even think they can manage with their own processes now... A not communicating with B... and in the middle of this is a young person...” Leaving Care Professional.

“Here we are again with legislation by the Home Office that doesn’t work with legislation from the other departments within Children’s Services or Care Leavers.” Leaving Care Professional.

“The whole government has legislation in different departments, which isn’t consistent, and it’s not given a clear message.” Leaving Care Professional.

Our Asks:

- While we acknowledge not all asylum claims will be successful local authority teams need clear information, timescales & communication routes with the Home Office in order to support the wellbeing of asylum seeking care leavers and support them to prepare for their future, whether that is in their home country or in the UK.

Current Safeguarding concerns for asylum seeking care leavers

Finally, we would like to draw the Home Office's attention to our current safeguarding concerns for asylum seeking care leavers in particular around:

a) Impact of rising anti-migrant rhetoric on safety and wellbeing of asylum seeking care leavers

NLCBF's short report in January 2026 collated the experiences of leaving care professionals from 58 local authorities representing all regions of England showed:

- Rising anti-migrant and far-right rhetoric is having a serious impact on young people leaving care, particularly separated and displaced young people, by increasing racism, fear, exclusion and barriers to feeling safe and settled.
- Local authorities described young people being verbally abused in public, approached and questioned outside their homes, and in some cases experiencing racially aggravated threats and assault.
- Practitioners also reported that some young people have stopped speaking their own language in public, avoid social media, fear wearing traditional clothing, or have even stopped working because they feel unsafe.
- In several areas, services are responding to visible far-right activity including protests outside town halls, intimidating marches, hotels being targeted, and group sessions being cancelled because of local unrest.
- Staff are also affected, with reports of verbal assault, online leakage of personal information, emotional strain, and uncertainty about how to challenge prejudice or protect young people effectively.

b) Deaths of unaccompanied asylum-seeking young people

A recent [report](#) by Da'aro Youth Project (2026) shows that sadly between 2015 and 2024 'at least 52 unaccompanied asylum seeking young people died whilst being cared for by a local authority or health and social care trust in the UK'.

- The leading cause of death was suicide with the second-leading cause being homicide.
- The report highlights the vulnerabilities of this group of young people but also the gaps in the data and our understanding in terms of the contributing factors and immigration status of those affected.
- Case evidence in the report shows how immigration delays and uncertainty affected young people's mental health and wellbeing in the months preceding taking their own lives.

Our Asks:

- Publish quarterly data on deaths of care-experienced asylum seekers, including relevant details. This transparency will support effective review and development of a safeguarding strategy for these young people.