

*WEA 'Hear Our Voice Event', February 24<sup>th</sup> 2016*

*Case Study 1: Rachel*

'Rachel' is a Jamaican citizen, and the single mother of 'Aaron', who derives British citizenship from his father, from whom Rachel is estranged following sustained domestic violence. Much of Rachel's extended family network, including her mother and stepfather, is in the UK, but her relationship with them is volatile.

Following Rachel's separation from her partner, she became homeless and, having no income, was homeless. She stayed for a while, along with Aaron, with her stepfather but that arrangement soon became problematic, with him making it plain that they were not welcome and needed to make alternative arrangements as soon as possible.

Rachel sought assistance from Women's Aid, who advised her that she was eligible for assistance from the Local Authority under section 17 of the Children Act. Rachel was initially reluctant to take this step, fearful that she might be separated from her son but, after reassurance from her case-worker, agreed to seek an assessment.

Initially, the Local Authority accommodated Rachel and her son in a hotel 'for one night only', advising her to present at their offices at 9am the next day. This she did and, on arrival, was advised that the Local Authority was prepared only to provide her with assistance to travel to the Jamaican Embassy in London, where she could make arrangements to return to her country of origin. Having no support network in Jamaica, and not having lived in that country for fifteen years, this was not an option she could consider.

Having nowhere to go, Rachel remained in the social work office all day, with nothing to feed herself or her increasingly fractious son. At around 3.30pm, she was approached by a security guard, who advised her that she would need to leave before the police were called, who would arrest her and notify the Immigration Authorities of her presence.

Panicked, Rachel left the office and walked the streets, finally taking refuge in a Church where she was approached by a woman who noticed her distress and offered to help. This woman very kindly offered Rachel and Aaron a bed for the night.

The following morning, Rachel contacted her caseworker at Women's Aid, to explain her circumstances. The caseworker made contact with Asylum Support and Immigration Resource Team (ASIRT), and arrangements were made for an advocate to accompany Rachel to the social work office that afternoon.

On arrival, the social worker to whom Rachel had previously spoken was unavailable. Her Manager, however, reiterated the position that the local authority was prepared to do nothing other than offer the cost of tickets to London, enabling Rachel to approach the Jamaican Embassy. At this point, the worker from ASIRT noted the fact of Aaron's British citizenship, and reminded the Team Manager that her department had a responsibility to conduct a full assessment, providing Rachel with a written statement of any decision to refuse section 17 support, rather than simply to verbally advise her that she had no eligibility for assistance.

The Manager reiterated the position that no further assistance would be given, and then left. After several hours, however, an administrative assistant approached Rachel to advise her that arrangements had been made to book her child and herself into a hostel. The worker offered Rachel the cost of the bus fare to this accommodation, advising her that a social worker would visit to commence an assessment within seven days, but that no further financial assistance would be offered in the interim. Thereby giving no consideration to how Rachel would feed her son or meet his other care needs because 'you are no recourse to public funds'.

All other options exhausted, ASIRT then resorted to the Pre-Action Protocol, reminding the Local Authority of its duties to Aaron under section 17 of the Children Act as a Child in Need given the fact of his British citizenship and, therefore, of Rachel's *de facto* 'Zambrano' right of residence, and setting out a timescale by which the Local Authority should put appropriate support measures in place to avoid escalation of the matter to litigation.

This the Local Authority did, meeting Rachel's and Aaron's immediate accommodation and subsistence needs, and thus allowing ASIRT the space to make an application on Rachel's behalf under paragraph 276ADE of the Immigration Rules for leave to remain in the UK as the primary carer of a British citizen child.

This application was successful and, within three months, Rachel was granted leave to remain in the UK, with recourse to public funds.

She is now, herself, training as a social worker, hoping to be able to offer appropriate support and assistance to others who may find themselves in the predicament she once faced.

*Dave Stamp, ASIRT. February 2015*