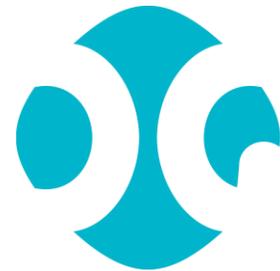


# Independent Social Work Reports in immigration cases

29 March 2022



Alphabet Social Work Ltd  
Independent Social Work Services



DGLLEGAL  
Services for Lawyers

# Presenters

Laurence Chester | Independent Social Worker | Alphabet Social Work Ltd

I qualified registered social worker in 1995. My specialist areas is in providing Court assessments and reports within immigration and asylum proceedings as well as dealing with Public/Private Law Outline issues.

My experience includes representing the Home Office in negotiations with overseas governments concerning issues related to child migration and human trafficking. This led to the Home Office Minister of the time, Des Browne, remarking on my expertise in child and family social work and refugee issues as part of a debate in the House of Commons in 2004. (House of Commons Hansard Debates for 19 Jul 2004 (pt33)).

I have also chaired sub committees of Ministerial led forums regarding issues related to the integration of vulnerable migrant children and their families. In 2004 I contributed to the Home Office publication "Integration Matters" setting out the government strategy for aiding integration of migrants into British society.

Between 2010 and 2011 I established and co-chaired the Hertfordshire Anti Trafficking Board, which developed examples of good practice, cited in the government publication: "Safeguarding Children Who May Have Been Trafficked" (DfE 2011).

I hold a Masters Degree in Social Work with Unaccompanied Minors.

# About Me

Certificate No. 25107

(A.)  
NATURALIZATION ACTS, 1870.

Certificate of Naturalization to an Alien.

Whereas **Joseph Rosen,**  
an Alien, residing at **24, Wellesley Square in the County of London,**  
has presented to me, the Right Honourable **Reginald McKenna,**  
one of His Majesty's Principal Secretaries of State, a Memorial, praying for a Certificate  
of Naturalization, and alleging that he is a Subject of **Russia, having been born**  
at **Blankka, in the Province of Galisch, on the 20th September, 1874,**  
and is the son of **Louis and Golda Rosen, both subjects of Russia,**  
- a Master Tailor - is married and has five children under age  
residing with him, viz:- **Annie, aged 17 years, Solomon, aged 15 years,**  
**Rebecca, aged 12 years, Michael, aged 10 years and Israel, aged 3 years**

and that in the period of eight years preceding his application he has resided for five  
years within the United Kingdom, and intends, when naturalized, to reside therein:

And whereas I have inquired into the circumstances of the case, and have received  
such evidence as I have deemed necessary for proving the truth of the allegations con-  
tained in such Memorial, so far as the same relate to the Memorialist:

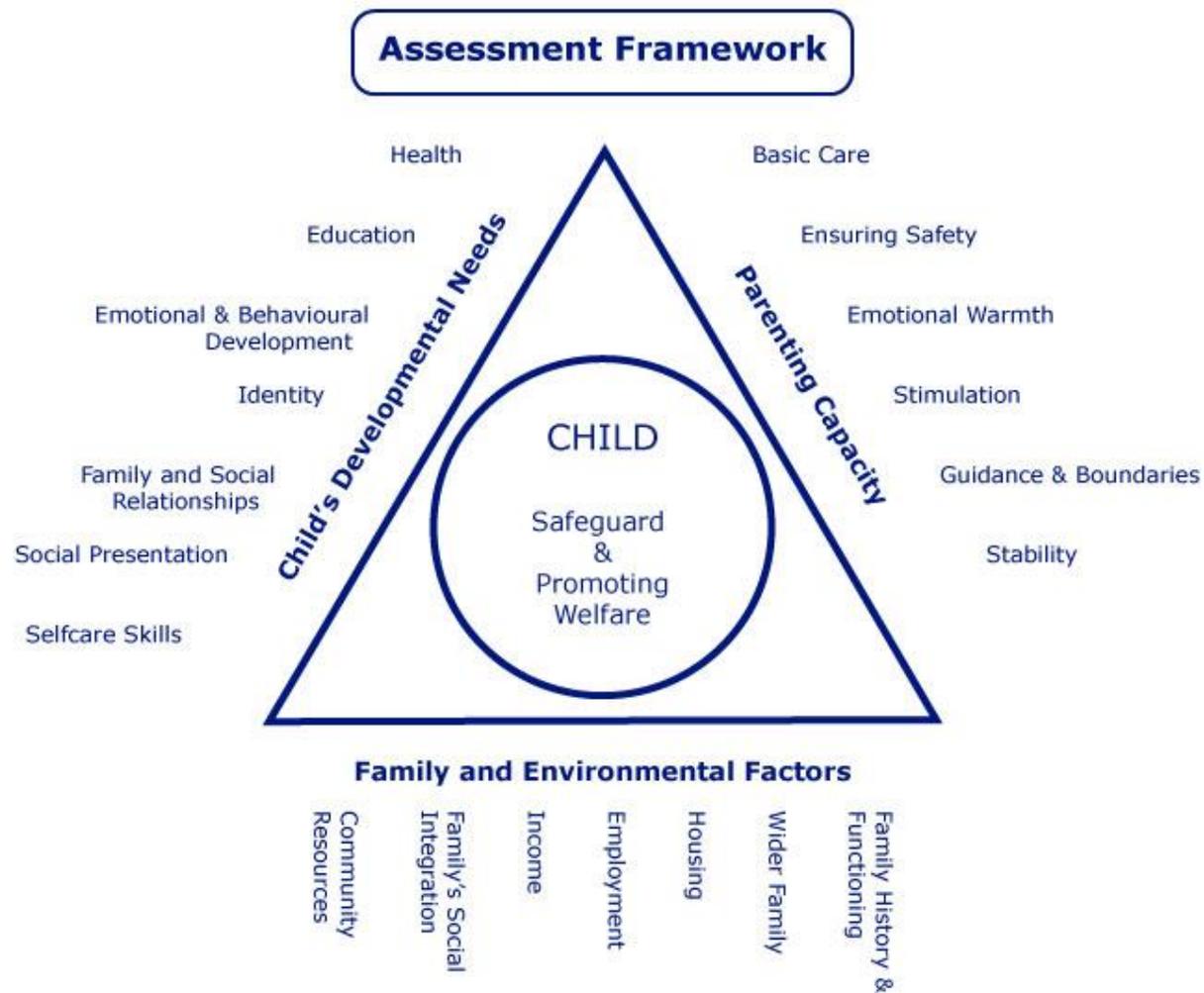
Now, in pursuance of the authority given to me by the said Acts, I grant to the  
aforesaid **Joseph Rosen,**

this Certificate, and declare that he is hereby naturalized as a British Subject, and that,  
upon taking the Oath of Allegiance, he shall in the United Kingdom be entitled to all  
political and other rights, powers, and privileges, and be subject to all obligations, to  
which a natural-born British Subject is entitled or subject in the United Kingdom; with  
this qualification, that he shall not, when within the limits of the Foreign State of which

# Agenda

- Welcome and Introduction
- What an Independent Social Worker (ISW) does
- Statutory Framework
- What an ISW can offer to clients
- What skills an ISW should demonstrate in their CV.
- Examples in practice
- Questions and Answers

# What we do



# Statutory Framework

**Article 8** of the European Convention on Human Rights (ECHR) – Right to respect for private and family life

1. *Everyone has the right to respect for his private and family life, his home and his correspondence.*

2. *There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.*

**Article 9** (UNCRC) Rights of children to have “*direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.*”

**Children Act 1989 (1) (a).**

(1) *When a court determines any question with respect to—*

(a) *the upbringing of a child; or*

(b) *the administration of a child's property or the application of any income arising from it,*

*the child's welfare shall be the court's paramount consideration.*

**Article 3** of the United Nations Convention on the Rights of Children (UNCRC)

*“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.”*

(<https://www.unicef.org.uk/what-we-do/un-convention-child-rights/>)

**Article 12** of the UNCRC, which states;

1. *States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.*

2. *For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law. (Ad Locum)*

**Home Office Section 55** Duty regarding the welfare of children. (Borders, Citizenship and Immigration Act 2009).

(1) *The Secretary of State must make arrangements for ensuring that—*

(a) *the functions mentioned in subsection (2) are discharged having regard to the need to safeguard and promote the welfare of children who are in the United Kingdom, and*

(b) *any services provided by another person pursuant to arrangements which are made by the Secretary of State and relate to the discharge of a function mentioned in subsection (2) are provided having regard to that need.*

# Welfare Checklist

## 1. Welfare of the child

(4), a court shall have regard in particular to—

- the ascertainable wishes and feelings of the child concerned (considered in the light of his age and understanding);
- his physical, emotional and educational needs;
- the likely effect on him of any change in his circumstances;
- his age, sex, background and any characteristics of his which the court considers relevant;
- any harm which he has suffered or is at risk of suffering;
- how capable each of his parents, and any other person in relation to whom the court considers the question to be relevant, is of meeting his needs;

the range of powers available to the court under this Act in the proceedings in question.

(<https://www.legislation.gov.uk/ukpga/1989/41/section/1>)

# Example of Instructions

It would be helpful if you could, in your report, let us have your opinion on the following matters:

- a. The possible consequences that Mr M would face on his forced removal to Bangladesh.
- b. What would be the likely social and psychological impact that his family would face if he is forced to back to Bangladesh?
- c. The possible consequences that his family specially the children, would suffer as a whole due to their stepfather's removal or their relocation to Bangladesh?
- d. What would be the psychological impact on his family specially the children and the possible consequences as a result?
- e. Difficulties which Mr M and his family will face in re-integration to Bangladesh?
- f. How much support might he get from the resources, if there is any at all, in Bangladesh, particularly considering his lack of any qualification and training that will lead him to employment?
- h. What are the obstacles that he and his family would be facing if they are forced back to Bangladesh?
- i. Any other related matters as deem fit

# What is 'Integration'

The Home Office outlined four headings in determining a working premise for defining the term 'integration' in their publication "*Indications of Integration*" (Integration Matter, 2004):

*Means & Markers: Employment, Housing, Education, Health.*

*Social connections: Social bridges, Social bonds, Social links*

*Facilitators: Language & cultural knowledge, Safety and stability*

*Foundation: Rights and Citizenship*

# Why it is important

*“Our client entered the UK, in February 2009, on a student visa. He then made an application for leave as Tier 1 Entrepreneur, however the application was refused on 19th September 2016. The Applicant then made an in-time application for administrative review, and this too was refused on 27th October 2016. On 11th November 2016 the Applicant made application for Further Leave to Remain under the family route (FLR(FP)), which was then varied to Further Leave to Remain under human rights claim, made outside the Rules. This was further varied to Indefinite Leave to Remain, SET(O), on 9th March 2018. The application was refused, and he appealed. His appeal at the Court of Appeal was recently dismissed.*

*The couple have two children, SA and S R. SA suffers from autism, prolonged tonic-clonic seizures and is currently on rescue medication. He also attends occupational therapy, speech, and language therapy, LCIS, and he has funding for level 4 care at school. At school he has a medical care plan which provides him with constant medical assistance due to him needed constant care and assistance.*

*Our client is unable to return to Bangladesh because he suffers from mental health conditions, namely stress and depression. He underwent an assessment at XXXXX on XXXXXX and he was diagnosed with psychosis. He also cannot return to Bangladesh, as SA will not receive treatment for his seizure at school.”*

**My comment: I am not aware of any assessments by the Home Office of SA’s or SR needs to inform any consideration they have given to them as part of their decision making process in this matter.**

# Refusal Reason

*The appeal is on the basis of human rights. This breaks down into family life and private life. The childrens' best interests are now to stay with their parents including in the removal process. That is the family life case in a nutshell.*

*In terms of their private lives, this consists of their family life plus their schooling and friends **but very little weight can be given to that as they are pre-school**. The issues with the eldest child can be addressed in Bangladesh. Accessibility is the test. Unfortunately the 7 years period (e.g. in section 117B(6)) has not been attained by either child.*

# Finally

Dear Home Office,

How is it possible to determine the best interest of children without ever assessing them?

How have the wishes and feeling of the children been determined in accordance with Article 12 (UNCRC) and Children Act 1989?

What definition of 'integration' is being used for determining what are considered as 'significant obstacles' to integration?

When seeking to separate a parent from their family, how has it been determined that direct contact would be counter to the child/rens best interest as is required under S9 (UNHCR)?

# Contact Details



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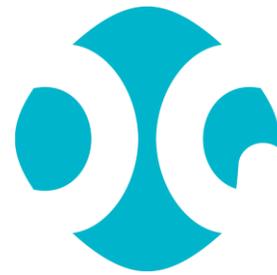
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