

Case Study

Khalima*

Child in need taken into care, EU Settled Status for relative of EEA national, domestic violence

Khalima is a non-EEA national, age 19 in 2022. She lived in her country of origin with her grandmother until 2019. Her mother is deceased, and she never had contact with her father. In 2019, at age 15, Khalima entered the UK to join her aunt, who is an EEA national, following a successful application for an EEA family permit. After Khalima entered the UK, her aunt applied on her behalf for a Biometric Residence Card confirming that Khalima had the right to reside in the UK until 2024.

Some months later, Khalima left her aunt's house for her own safety after experiencing domestic abuse.

Around 2 months later, one of the teachers at her school became aware that Khalima was homeless and made a referral to Social Services and to a specialist support agency, Women's Aid. Women's Aid assessed Khalima as being at high risk of domestic and honour-based abuse and identified significant child protection issues and made another referral to Social Services. Khalima was 16 years old at this point.

Following the two referrals, Khalima was accommodated by the local authority in a B&B for a few days and, subsequently, in an adult homeless accommodation for several weeks. During this time, she was provided with no financial support and was left alone without a source of income. Whilst the local authority was aware of her circumstances, due to Khalima being 16 years old, the lack of clarity around her immigration status and concerns about her having no recourse to public funds, Khalima was not deemed to be entitled to support under [Section 25 of the Children \(Scotland\) Act 1995](#).

In early 2020, Khalima was referred to her legal representative who contacted the local authority and explained that Khalima should be taken into care and looked after under Section 25 of the Children (Scotland) Act 1995. Following a number of emails and phone calls, the local authority eventually agreed to look after Khalima at the start of May 2020.

Once Khalima was taken into care, her legal representative was able to focus on her immigration status and submitted a pre-settled status application on her behalf, on the basis on her being a family member of a EEA national and of their family relationship breaking down due to domestic abuse.

Khalima was granted pre-settled status in late 2020. She continues to be looked after by the local authority as a care-leaver, which is essential due to the continued challenges around accessing public funds with pre-settled status. She has now progressed into further education.

Best Practice.

What should have happened?

- The local authority should have recognised that Khalima was a child in need as soon as the first referral was made.
- The local authority should have provided suitable, stable accommodation and financial help to Khalima straight away, especially considering her vulnerabilities and trauma, recognising that recourse to public funds is not a barrier to this.
- Khalima should have been referred to an immigration adviser as soon as her case was referred to the local authority, considering her precarious and vulnerable status at the time.

**Name changed to protect privacy*

Case study provided by KIND UK Supervising Solicitor at JustRight Scotland

KIND UK (Kids in Need of Defense UK) works to protect undocumented children in the UK.

- We provide free legal help to children, young people and families as they navigate the UK's immigration and nationality procedures. We partner with lawyers and law firms across the country to ensure the best quality legal advice and representation
- We protect the rights and wellbeing of undocumented children and young people
- We campaign for systemic change to ensure that all children are safe and able to thrive regardless of their immigration or nationality status

Last year we supported over 700 undocumented children, young people and families. Over 450 lawyers from 20 partner law firms worked on KIND cases, and we achieved a success rate of 99%.

KIND UK is a collaboration between five award-winning, UK based organisations that specialise in children's immigration and asylum law: Migrant and Refugee Children's Legal Unit, JustRight Scotland, Coram Children's Legal Centre, Central England Law Centre, and Greater Manchester Immigration Aid Unit.

We partner with KIND, a US charity supporting legal representation for children facing deportation proceedings alone.

For information about accessing KIND UK's services visit:

www.kidsinneedofdefense.org.uk/cases-we-take

Initial information about a child's immigration status/citizenship at:

www.pathtopapers.com

For information on other sources of legal advice visit:

www.kidsinneedofdefense.org.uk/where-to-get-legal-advice

For queries about this resource, please contact:

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