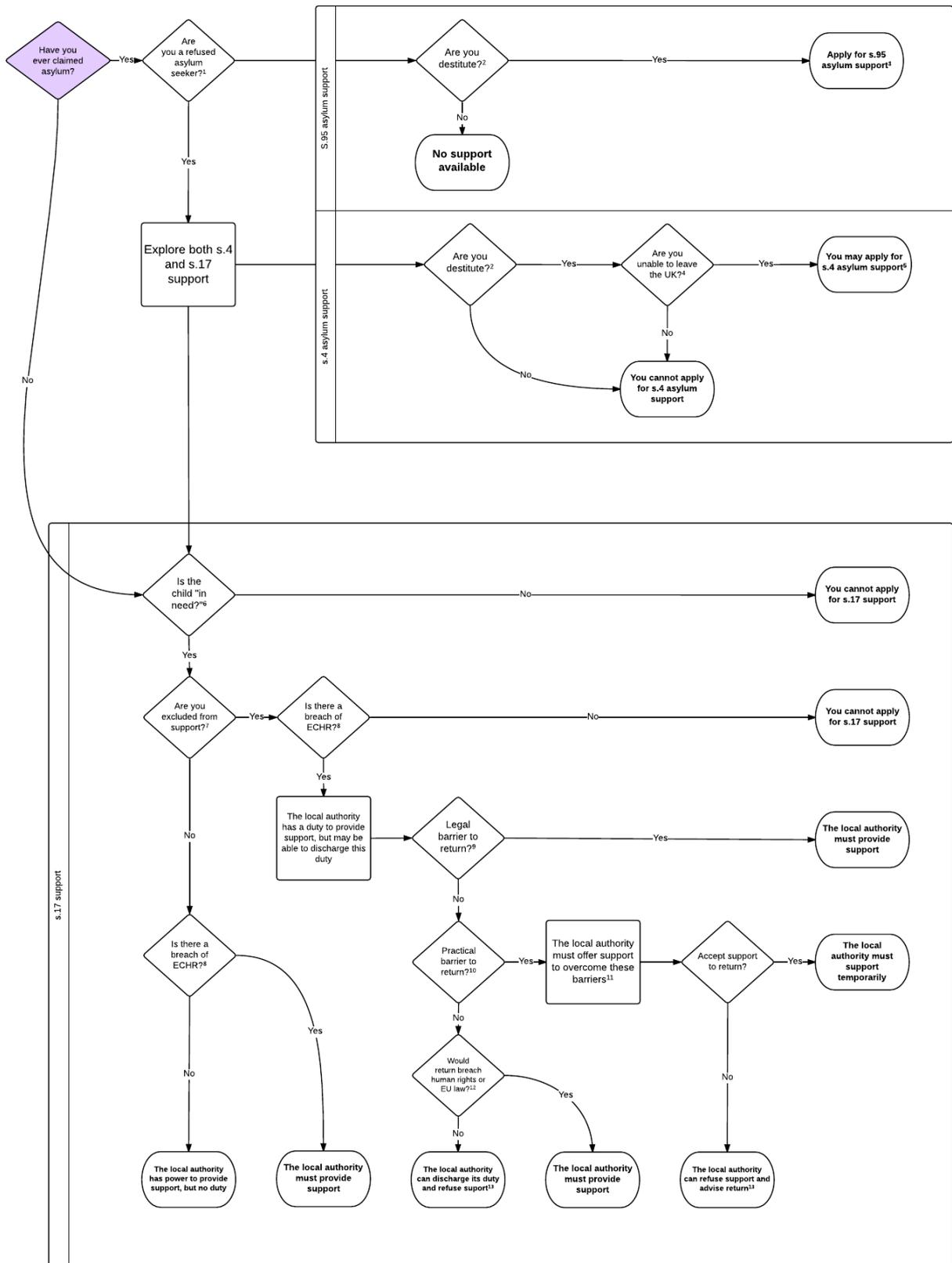


Section 17 flowchart



1. A refused asylum seeker is someone whose asylum claim has been refused and they have exhausted all appeal rights
2. Destitute means you do not have adequate accommodation (or will not within 14 days), or you do not have the means to meet your basic living needs (or will not within 14 days)
3. For more information on applying for s.95 support see www.gov.uk/asylum-support/eligibility
4. You must be unable to leave the UK as a result of one of the reasons specified in Regulation 3(2)(a)-(e) of the Immigration and Asylum (Provision of Accommodation to Failed Asylum-Seekers) Regulations 2005
5. For more information on applying for s.4 support see www.gov.uk/asylum-support/eligibility
6. A child will be 'in need' if they meeting the definition contained in s.17(10) Children Act 1989: if the child's health or development will be seriously effected or impaired without the provision of services or if they are disabled
7. Certain adults, including those in the UK unlawfully, are excluded from support under s.17 by schedule 3 Nationality, Immigration and Asylum Act 2002, unless a failure to provide support would breach human rights. If you have leave to remain or a right to reside in the UK you are not excluded by sch 3
8. There may be a breach of the European Convention on Human Rights if the local authority refuses to provide services and the family will be destitute without support. There may also be other breaches of ECHR, such as where a family is unable to stay together
9. There will be a legal barrier preventing return to your country of origin if you have made an immigration application that isn't hopeless or abusive and you are waiting for a response from the Home Office. There will also be a legal barrier to your return if you are appealing or judicially reviewing a Home Office decision
10. A practical barrier to return can include not having enough money to buy tickets or not having a valid passport. It can also include physical reasons why you can't travel such as pregnancy and serious ill-health
11. This can include the local authority paying for your travel home. If you are unable to return immediately, it can include temporary accommodation and financial support while return is arranged
12. The local authority must establish for itself whether assisting return to the country of origin would breach rights under the European Convention of Human Rights or EU law

Even though the local authority can refuse to support the family under s.17, it may still have duties towards the child. If the child will be homeless or destitute, this could raise safeguarding or child protection concerns