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'I'm here as a social worker': a qualitative study of immigration status issues and safeguarding children in Private Fostering arrangements in the UK.

ABSTRACT

Private fostering of non-citizen children in the UK has become a focus of child protection social work since the Laming report into the death of Victoria Climbié. This paper reports on a qualitative study that aimed to understand children's experiences of private fostering and social work practice. The study involved interviews with social workers and privately fostered children, reviews of advice line calls to Children and Families Across Borders and a review of safeguarding reports in London Boroughs. We found that many children who present as 'privately fostered' have been in effect abandoned by their parents and are living with strangers. While the homes they live in may be safe, their insecure immigration status renders them vulnerable and in addition, if not regularised, will lead to complicated and stalled transitions to adulthood. The key findings of this study are that children whose parents are not resident in the UK are treated as privately fostered but the underlying premise of private fostering legislation, which is that the parent retains meaningful responsibility for the child, is often not in place.

KEY PRACTITIONER MESSAGES

- Privately fostered children may have insecure immigration status
 - Social workers should consider regularising immigration status for privately fostered children as part of safeguarding
 - If children's parents are not resident in the UK social workers should consider whether the local authority has a duty to make arrangements for a child to have a safe home
- KEY WORDS

Child Protection, Private Fostering; Immigration; Fostered children, Immigrant populations, Looked-after children; Qualitative study

CONTEXT AND JUSTIFICATION FOR THIS RESEARCH

Private fostering in England and Wales is currently regulated by the Children (Private Arrangements for Fostering) Regulations 2005. Private fostering is so called because it is a private arrangement made by a child's parent for their care away from the parent's home. The regulations require the local authority to be notified six weeks before the arrangement begins if a child is to be looked after away from their family home by someone other than a close relative for a period of more than 28 days. The primary purpose of private fostering regulations is to protect children placed outside family care by a private arrangement putatively made by the child's parents. The underpinning principle of the regulations is that the child's parents retain parental rights and responsibilities for their child in a meaningful way. No mention is made in the regulations of how to proceed if the parent is not also living in the UK. The only comment relevant to overseas fostering is that International Social Services should be contacted to try 'to ascertain whether there *would be any reasonable grounds not to return the child to his parents* and whether parental responsibility has been terminated or circumscribed by any overseas authority, or to make arrangements for the reunification of the child with his parents overseas' (emphasis added, DfES 2005:49).

There is limited research on private fostering. Robert Holman's study compared the experiences of children fostered by the local authority and children who were privately fostered and remains the most detailed account of private fostering in the UK (Holman, 1973). He found that a majority of privately fostered children had West African parents who sought out private fostering for young children to free their time for study or work. Holman found that the circumstances through which children came to be privately fostered were casual and haphazard. There were significant differences between the carers for private arrangements and local authority foster carers: private fosterers included people with 'records of offences against children, visits from the NSPCC, mental illness, and the removal of their parental rights over their own children' (Holman 1973:55). Over two-thirds of the privately fostered children were living in poor housing conditions including over-crowding. Although about two-thirds of Holman's sample had West African parents and were born in West Africa about one-third were white English children. In contrast Ross and Crow (2010) **report that** a majority of privately fostered children were born in the UK (2010 citing DCF 2009). UK born children are more likely to be in private foster care as a result of a family emergency or family breakdown (Ross and Crow 2010 citing DCSF) than as a mode of full-time childcare. Two studies,

Philpot (2001) and Owen et al (2007) found evidence of abuse and neglect by private foster carers: However Holman (1973) and Longpet (2000) both found that foster carers often expressed great affection for the children in their care and frequently hoped that the children would stay with them long-term. Parents in those studies who were resident in the UK saw their children relatively frequently and intended to, and usually did, take the child back once they reached school age.

The emphasis in previous research on West African children staying with white carers has centred on the problem of white foster carers being unable, and perhaps unwilling, to transmit the cultural practices, dispositions and knowledge to children that the children's parents would have inducted them into. Furthermore, white families were often found to be dismissive of the racism black children experienced, and unable or unwilling to confront racism in their communities (Longpet 2000). In Owen et al's study (2007) they found that 'there were instances of racism within the foster family and many examples of casual use of racist language' (2007: 5) and foster carers expressed explicitly racist views.

Although there is no research that we are aware of on the immigration status of privately fostered children, there is emerging research on the difficulties for children transitioning to adulthood with insecure immigration status (see <https://becomingadult.net/>). Until recently the assumption was that this group would mostly be young refugees whose asylum claims had failed but who had been given leave to remain in the UK for humanitarian reasons until they were 18 years old. Unaccompanied asylum-seeking children are in the care of the local authority and since the 2003 'Hillingdon Judgement' should be treated in the same way as British children without parental care (Kohli 2006). In 2016 the new Immigration Act removed support from 18 year olds who were in care but whose asylum applications had failed. Although young people with failed asylum claims are clearly in an extremely difficult situation, they will have been involved with immigration law since they registered their claim for asylum. In contrast, privately fostered children who live in bilingual communities and have friends who also have family overseas often do not realise until they start applying for jobs or university that they do not have legal rights in the UK. There is little research on this group in the UK but what there is suggests that these children face a profound sense of affective dissonance, a concept that refers to the gap between who one feels oneself to be in the world and how political and social structures refuse some identities and insist on other

identities (Hemmings 2012). For these children affective dissonance is produced as they attempt to come to terms with the fact that they 'feel' British but that they are not British in law, and that whether or not they stay in Britain is not within their control (Rushton 2015). In this respect, the experiences of children without secure immigration status in the UK echo those of undocumented youth in the USA (Gonzales 2016).

Given that 'private fostering' is a construct of the British legal system, this paper adopts a conceptual sociological frame to explore the phenomenon of informal, international child migration in the context of extended kinship care. The most widely used concept in the academic literature to describe this is 'child circulation' (Archambault 2010, Fonseca 2004, Leinaweaver 2008, Wells 2017). Although this frame has also been used to understand transnational adoption (Alber 2003, Marre & Briggs 2016) it is primarily intended to capture the ways that people construct, extend, strengthen and stretch social networks of relatedness in conditions of economic precariousness or other forms of insecurity (Leinaweaver 2007, Notermans 2003, Whitehouse 2009). These practices get embedded in cultural norms so that to send a child away, in cultures where child circulation is normative, is not viewed as neglect or abandonment (Alber 2003). Most of the academic literature on child circulation focuses on African, especially West African kinship practices (Alber 2003, Alber 2004, Archambault 2010, Archambault & de Laat 2010, Bledsoe 1990, Goody 1982, Isiugo-Abanihe 1985). It has also been used to explain how children move between families and into and out of state institutions in Brazilian favelas (Fonseca 2004). Most of the academic research on how child circulation connects with Europe and North America is on transnational adoption. There is very little research on children who are sent to Europe or North America in informal circuits, with the exception of Øien's (2006) exploratory paper on Angolan child migrants informally fostered by Portuguese-Angolans. Øien (2006) found that informal child fostering from Angola to Portugal is not uncommon.

We are not aware of any other papers on informal child migration to co-ethnic families in either Europe or North America. There is a small body of research about high school students whose parents arrange for them to board with co-ethnic households (Sun 2014). These are often little more than financial arrangements between the sending parents and the receiving households. Sun's (2014) research on Korean children who have been sent to the USA by their parents found that parents often seek to place their children with

extended kin, but other research shows that children sent to the USA for school education often live with co-ethnics who they are not related to and who simply offer board and lodging for a fee (Zhou 1998). The majority of research on lone child migrants is on refugee and asylum seeking children and youth, on which there is a growing body of academic research (Kohli 2014, Waters 2008, Wells 2011). Their post-migration legal status is very different to those children in informal networks of care. The presumption that parents retain meaningful responsibility for privately fostered children, even if at a distance, contrasts to the clear responsibility of the state to meet the needs of asylum-seeking children. For this reason asylum-seeking children have more public visibility than privately fostered children do, and this is reflected in the different attention each group has been given in the research to date.

METHODS

A pilot study was conducted to find out whether the regional origin of privately fostered children was predominately West African, as the literature presumed. This involved an audit of the case files of a London borough. It showed that children's countries of origin were very diverse. The subsequent study, reported on in this paper, was designed to understand more about the experiences of privately fostered children and how social workers could support them more effectively. It involved interviews with social workers and privately fostered children, reviews of advice line calls to Children and Families Across Borders (CFAB) and a review of the Office of Standards in Education, Children's Services and Skills (OFSTED) and the Safeguarding Children Board (SCB) reports.

The interview research and advice line review was conducted over 18 months from October 2013 by the first author and a CFAB staff member. We interviewed four social workers (two in London, one in Birmingham, and one in an English town), conducted a focus group with 5 social workers in a London borough, and conducted in-depth life-history narrative interviews with 8 children from two boroughs, both in London. Life-history narrative interviews involve the respondent in giving a story of their life in relation to a specific topic, in this case migration (Atkinson 2007). The life-history interviews aimed to understand children's lives before they came to the UK, their life in the UK, and their hopes for the future. We decided not to directly ask them about immigration status to limit the possibility that they would view the research as related to either settling their immigration status or challenging their right to live in the UK. The children were a

sibling group of three Ghanaian girls (aged 11, 12 and 14 years), a 15 year old girl, and four boys (two were 16 years old, one was 15 years old and one was 14 years old. All the boys and the fifteen-year old girl were of Bangladeshi origin.

Reports from OFSTED and the SCB in London were reviewed for the period 2013 – 2017. The purpose of this desk review was to provide supplementary data on the extent to which London Boroughs are considering immigration status within the scope of their responsibilities towards privately fostered children. -

The author is an academic whose research focuses on childhood inequalities shaped by globalisation (redacted for anonymity 2015, 2019). The co-researcher was the Social Work Research and Project Development Assistant for Children and Families Across Borders (CFAB), a charity working on child protection issues related to child migration. The [ACADEMIC INSTITUTION] and the British Association for the Study and Prevention of Child Abuse and Neglect (BASPCAN) partially funded the research. Ethical approval for the research was given by the ethics review board of [ACADEMIC INSTITUTION] and by the ethics review board of the main local authority partner.

The social workers were recruited through CFAB's networks and the children were recruited through their social workers. All participants were read an information sheet and signed a consent form. The project was explained to the children in simple language by both their social workers and the interviewer. All interviews for this research were conducted by the first author. Confidentiality was maintained by using pseudonyms for children and numbers for social workers and removing place names for the local authorities, e.g. in extracts from transcripts reported below, Social Worker 1, 2 etc. refers to individual interviews with social workers and SWFG refers to the Focus Group with 5 social workers.

We collected data on private fostering cases from logs of calls made from October 2013 to March 2015 to CFAB's advice line for social workers and from the case files of an additional 20 cases that CFAB had been involved with in the research period. In addition, CFAB organised two meetings on private fostering at which social workers and

young people spoke about their experiences of private fostering. All interviews were recorded and professionally transcribed.

The interview transcripts were entered into the qualitative software package, NVIVO. The analytic strategy, common to qualitative research coding and closely related to thematic analysis (Ritchie and Lewis 2011), was to read the transcripts several times and identify themes that appeared repeatedly in the data. Following discussion between the first author and the co-researcher these themes were used to construct a list of codes which were: care, education, family in origin, family UK, friends, future, Islam, language, legal status, motive (leaving), social workers. The transcripts were then coded in NVIVO. An analysis of the care data is published in (first author 2017). In this paper we focus on the data on legal status.

The recruitment challenges were significant. Social workers initially said that we could meet a large group of privately fostered children at one of the regular social events the borough organised for them. Subsequently they withdrew this offer because they felt that introducing research to the children was not within the frame of what the events were aiming to provide. On several occasions interviews were arranged with children at the local authority offices and the children did not keep the appointment. Social workers were the gatekeepers for accessing the children and therefore we could not adopt other strategies to expand the sample. This points to a key limitation of the sample in that it only included children known to social workers. It is believed by practitioners and policy-makers that the population of privately fostered children is much larger than the group known to social workers. Furthermore, it is likely that privately fostered children who are not known to social workers and have insecure immigration status are very vulnerable to exploitation and abuse.

Although this is a qualitative study, and therefore limited in its generalisability, it is one of only two studies (the other being Connolly 2011) in which privately fostered children themselves have been interviewed, and the only one in which the respondents were not claiming asylum or were not refugees.

RESULTS

The analysis of the data on legal status is discussed in this paper. The paper describes how social workers separate out immigration status from child protection and see the former as the responsibility of the child's carers or parents. It shows that children are unaware of their legal status. The paper then discusses the data on relationships with parents and shows that privately fostered children have often been effectively abandoned by their parents.

SEPARATING IMMIGRATION STATUS FROM CHILD PROTECTION

The social worker perspective on international private fostering can be summed up in the words of one respondent that 'I've got nothing to do with immigration: I'm here as a social worker'.

Although they were aware of the insecure immigration status of the privately fostered children, social workers in this study did not see it as part of their role to regularise it. One social worker commented that 'we don't get involved in immigration at all. So our work is just purely the social work side and our statutory visits' (Social Worker 1). In an individual interview another social worker expressed concern that children imagine that social workers are connected with immigration and, fearing deportation, are then less open with them than, say, children on child protection orders are. She said,

'I know that sometimes children see the social worker as an immigration worker, so again there's that barrier to break down, but actually I've got nothing to do with immigration. We don't get involved with that. I'm here as a social worker' (Social Worker 2).

This attitude is common across London Boroughs. In the desk review of OFSTED and SCB reports across London only one borough, Southwark, was proactive in discussing immigration status of children with their private foster carers. Indeed, a confusion of nationality with ethnicity is evident in many of the statistical tables in the SCB reports, with British children of African descent not being identified separately from non-citizen children; this suggests that social workers are not attending to the specific issues raised for child protection by immigration status. When asked, social workers said that they believe that children generally do get 'Leave to Remain' which gives them the right to live and work in the UK but does not confer British citizenship. However, since their responsibility for privately fostered children ends at 16 they do not know what happens to them at 18 years old. Another social worker who had recently closed a case because the child had turned 16 years old said

I'm not really good with the immigration side of things, but they can [legally] stay for a couple of years... To be honest, it hasn't really come to light. I haven't been working with this for very long, but it doesn't seem like the immigration is a big issue, but maybe because they are under 16. I don't know, but maybe once they hit 16, you know, maybe once they hit 16 then maybe there might be more pressure from the UKBA after that, or just before they hit 18, or something, maybe' (Social Worker 3).

The social workers in our research saw the regularizing of immigration status as the responsibility of the child's carer, for example in the focus group one social worker commented that,

'I know I had a few cases where carers specifically, sort of, managed the issue of immigration before the child hits 16...I definitely had about three or four that had it all sorted, done and dusted and got citizenship or right to abode before 16, so that come that age, actually, there was no risk that that was going to, there was any possibility that they could return' (SWFG).

Another social worker added:

'There are some carers who needed to attend to [the] Home Office to, in order to claim for asylum. It depends on the carers, really, and how well, how educated they are and how well informed they are, and how well they're able to meet the child's needs really. So, it depends, it depends on the individual private foster carers'. (SWFG).

While a social worker we interviewed outside London said that 'we haven't financially provided any support for immigration [regularization costs] because this arrangement is between the family' (Social Worker 4).

Social workers believe that children are usually in contact with their parents, even when they claim not to be. They say that children who are still in touch with their parents will not disclose this to the social workers for fear that the Home Office will 'say, well, you're in contact with your parents and so you can go back to them' (Social Worker 1). Frequently carers claim that the child appeared on their doorstep unexpectedly and that the parents had either asked them to look after the child by leaving a note in the child's luggage or that they simply accepted that they should look after the child since the child was now without parental care. In one case, for example, the social worker said 'basically the story that the carers gave us was that someone... just a stranger had dropped him off at their doorstep... we suspect that the carers are probably related somehow, but obviously the carers aren't saying. And usually a lot of our carers are... they know the parents better than what they tell us. Either they're related or they know them quite well, but obviously I think for immigration purposes, they prefer to say well I don't know them that well. I just know their name or... you know, I know someone else who knows them'.

In these cases, where the carers maintain that neither they nor the child are in contact with the child's parents, the child continues to be treated as privately fostered by social

workers s, although clearly they are not since the person with parental responsibility for the child cannot be contacted.

CHILDREN'S AWARENESS OF IMMIGRATION STATUS

All of the child respondents (five individuals and a sibling group of three sisters) came to the UK by plane, the agents' fees having been paid for by the fathers (two cases), the grandfather (one), the mother (sibling group), the parents (not specified, two cases). The sibling group, according to their local authority foster carer (who they were placed with when the private fostering arrangement broke down) are British citizens and hold British passports. They entered the UK with their uncle, although it seems from what subsequently happened that he was an agent. Their mother sold her land to pay for their passage. Other children did not mention how the money was raised to pay agents but the social workers say that they often hear that children's parents have sold land to pay for their trip.

British immigration law is extremely complex (Home Affairs Committee 2018 para 40), and it is unsurprising that children were not fully aware of the significance for their futures of their immigration status. Children are often aware that they do not have a passport and this means they cannot go on school journeys outside the UK, but they do not necessarily consider what the significance of this is for their future. Amamuddin said that his carer has contacted the Home Office and he thinks he previously had exceptional leave to remain for 3 years and that is now in the process of being renewed. He said

'They [his carer and her family] did after like one year, four month, I had a letter from them saying I have to give my four passport-sized photos and my certificate from school, I think, and school report on the good stuff that I've done, like all the sports, what youth club, [or] do you go to a youth club? And so I had to go to the solicitor and give everything ...what I had, so I gave it but it's been, like, two months ...I haven't got any reply'.

He does not have a passport; the agent took it off of him after he entered the country, and presumably this was a false passport in any case. Another respondent, Marib, is not certain of his legal status; nor has he spoken with the social workers about it. He thinks that his 'aunt' is 'sending Home Office letters and something and they said they're processing something like that. Yes, that's a kind of a difficulty. Basically our school is like they're organising a trip' and he cannot go because he does not have a passport. He wants to stay in England and go to University. Similarly, Naif says that he is not certain

of his legal status but nor has he spoken with the social workers about it. Children were unaware of their immigration status and the significance of this for their future in the UK.

PARENTAL ABANDONMENT

Social workers believe that most private fostering is arranged in order for children to access state education in England, and through success in education get a better life for them and their families. However, the children we interviewed and the cases dealt with by CFAB and the advice line calls to CFAB suggested that private fostering, at least the ones that are notified, have their origins in much more chaotic situations which suggest that children have been effectively abandoned by their parents.

This paragraph outlines the children's circumstances and how they illustrate parental or carer abandonment. The five children interviewed for this study (excluding the sibling group) had come to England following family crises and had no contact with their parents. One had been abandoned by her mother after the child's father died when she was a young child, she had then been raised by her grandparents until the death of her grandmother and she was then sent to live with an aunt in London. The aunt did not want her and she now lives with a distant cousin of her father and his wife and their four children. Anamuddin came aged 8 or 9 from Sylhet, a region of Bangladesh where there is a concentration of UK-Bangladesh migrant networks. He came in with an agent paid for by his father following the death of his mother and the subsequent remarriage and then migration to Kuwait of the father. He now lives with a single woman, the childless sister-in-law of the man who he says 'found' him near his restaurant in Luton. He has now been in England for 7 or 8 years. Another boy came when he was 11. His mother had left him when he was very young and his father had then left for Saudi Arabia and he has no contact with them. He says that he only found out that the people who looked after him were not his real parents when he was about 11 and then he came to England with these two adults (who he now calls 'fake parents') who left him in the care of another family. Another boy came when he was 4 and has lived with his 'aunt' ever since. He is now 14. He feels British and has no memory of Bangladesh and does not know why he was sent to the UK. His aunt tells him 'everything happens for a reason' and not to worry about the past or why his parents sent him to the UK. He has no contact with his parents and he says that he does not think about them anymore.

The sibling group in local authority care were sent to England by their mother after her relationship with their father broke down; it seems that the intention was to force the father to take responsibility for them and to have them settle in England. Naif came to England when he was about 8 and he has an older and a younger sister. When he arrived he was taken to a woman's house, the woman he now calls aunty, and he has been living with her ever since. He is now 16. He says that he doesn't know where his parents are anymore but also that he thinks he was sent to England because 'they must have been thinking like it's better for me so they must have done what was right. I don't really know. I don't know'.

Social work interviews and a review of the CFAB advice line and private fostering cases also suggest that a simple 'better life' narrative does not adequately explain overseas private fostering. In a case load of 14 private fostering cases discussed by one social worker over half (8/14) had more complicated stories than simply to have a better life or get a good education. One boy had become 'completely mute' and was referred to Child and Adolescent Mental Health Services by his social worker but is still in the care of private foster carers. Her assumption is that he is responding to the trauma of the journey and of being sent away by his parents. Two other children who are siblings are both deaf and cannot speak or sign. Their needs are complex and yet there is no one in the UK who holds parental responsibility for them.

In Tower Hamlets, where many privately fostered children are from Bangladesh, an OFSTED inspection in 2017 found that 'Superficial assessments had failed to consider whether children had been trafficked or abandoned by their parents. Basic safeguarding checks had not been conducted in most cases.' (OFSTED 2017:14). The only other borough in which immigration status is mentioned in reports is in Kingston where there is a large South Korean community some of who are known to be privately fostering South Korean nationals (Demetriades and Duffy 2015). As mentioned, Southwark is the only borough in London that proactively requires social workers to regularise children's immigration status. In their Safeguarding report 2012 – 13 they note that 'Children placed in this position [alone and with irregular immigration status] are more vulnerable to exploitation, and for this reason the team takes the referring and following up of immigration matters as part of their regular duties' (Madden and Patterson 2014).

These findings show that social workers tend to consider immigration status as a distinct issue from child protection, that children are not necessarily aware of their own immigration status or the implications of immigration status for their future in the UK and that many children who are treated by social workers as privately fostered have been effectively abandoned by their parents. The following section we discusses the implications of these findings for social work practice.

DISCUSSION

Private fostering regulations are intended to safeguard children who are living away from the family home but whose parents retain active parental responsibility for them and are resident in the UK. Increasing numbers of privately fostered children do not have UK citizenship and their parents are not resident in the UK. The death of Victoria Climbié, and the subsequent inquiry into her murder brought attention to the situation of children who were in private fostering arrangements but whose parents were not resident in the UK (Laming 2003). Our study found that despite the issues raised by the geographical distance between parents and privately fostered children whose parents are not UK residents social workers continue to apply the regulations as if it is meaningful to consider the child privately fostered (that is, as if the child is still being cared for by their parents, albeit at a distance).

Social workers mostly thought that children were in contact with their parents but that they would not disclose this to social workers in order to protect themselves from deportation. This resonates with other research on young refugees that shows that social workers are often sceptical about children's narratives about their age and how they came to the UK (Kohli 2006:717). In this study the general assumption of social workers was that parents send their children to the UK for a better life, especially through getting an English-language education to A level. Implicit in this assumption is that parents continue to be somehow actively involved in their care. Consequently, resolving the often insecure immigration status of privately fostered children is itself treated as the responsibility of the parents or carers and not the responsibility of social workers. This is possibly compounded by the fact that social worker's legal responsibility for any privately fostered child ends when they are 16 years old. Most children who do not have citizenship will either be notified of deportation proceedings when they are 17 years old or will not find out that they do not have citizenship until they are 18 years old and apply

to University or need a National Insurance number to get work (Rushton 2015). Therefore, social workers are not directly confronted with the consequences for privately fostered children of having irregular immigration status.

Social workers generally make a clear distinction between their responsibility to ensure there are no safeguarding issues raised by the child's placement and the wider issue of the child's safety as a person without regular immigration status. However, our research suggests that the connections between privately fostered children and their parents are not simply stretched but may be broken and that children are frequently sent to the UK because of familial breakdown, often involving the death of a parent or parental abandonment. They have stayed with their carers for many years, often since early childhood. When asked about their futures they express their desire to stay in the UK and their lack of connection to their country of origin. If their insecure immigration status is not resolved in childhood then at best they will face difficult and protracted transitions to adulthood (Allsopp, Chase and Mitchell 2014). In addition, insecure immigration status and parental abandonment leaves them doubly vulnerable as children and as undocumented people.

If children are not in contact with their parents, it is questionable within the scope of the current regulations if they can really be considered to be privately fostered. Certainly, the tenuous ties between the child and their parents would raise child protection concerns if the child were a British citizen.

CONCLUSION

This study found that most social workers and most local authorities do not consider the regularisation of immigration status for privately fostered children to be part of their role because children are the responsibility of their parents and their private foster carers. However, this study shows that immigration status is not being well-managed by children's carers and this resonates with the wider literature which shows that uncertain immigration status impacts negatively on young people's well-being and ontological security (Chase 2013). Contrary to the widely held view that private fostering is a strategic decision, it is frequently a response to family crisis including parental death and divorce.

This is a small qualitative study supplemented by desk reviews. Its findings cannot be generalised to all privately fostered children whose parents live outside the UK. However, if the parent of a child cannot be contacted by social services then it is reasonable to conclude that their circumstances are not within the scope of the private fostering regulations. The question then arises: how should social workers manage cases where parents cannot be contacted and the child is living with strangers? One response is that these children should be considered ‘children in need’ within the scope of the Children Act 1989. In a review of the literature on unaccompanied minors who are seeking asylum Mitchell (2003) notes that ‘[o]wing to the absence of their parent or customary care givers, unaccompanied minors are by definition children ‘in need’ and are therefore eligible for services (Department of Health 1995). Applying Section 20 of the Children Act 1989, which obliges local authorities to accommodate a child if there is no person who has parental responsibility for them or has been abandoned, would enable social services to have more oversight of the child’s care than they have if they treat the child as privately fostered. It would also mean that social services retain their responsibility to meet the child’s best interests until they are 18 years old whereas private fostering arrangements are only monitored until they are 16 years old. This would make the immigration status of children and the difficulties it poses for successful transitions to adulthood more visible to social workers, for example in relation to children applying for university or for employment. It is also important, in light of these findings that social workers be supported in becoming actively involved in identifying and regularising children’s immigration status.

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