



Vulnerable British nationals overseas returning to the UK: A guide to working with the Foreign and Commonwealth Office

The situation

The Foreign and Commonwealth Office (FCO) has a consular network around the world, based in British Embassies, High Commissions and Consulates.

The Consular Assistance Department in London includes a Global Casework Team (GCT), four Country Case Teams (CCT) working on more complex cases and a Joint Home Office FCO Forced Marriage Unit (FMU) working on cases of forced marriage.

Consular staff around the network are not social workers, but are trained to provide support and information to British nationals who find themselves in difficulty overseas.

Within the FCO Consular Assistance Department, there is also a team of four qualified social workers seconded to offer advice and guidance to consular staff. They have the following specialisms: children and families, mental health, older people & dementia and homelessness & repatriation. They do not offer frontline social work support.

In the majority of consular cases, FCO consular staff in London and overseas are able to support British nationals working with authorities in the country concerned, NGOs and families, or with UK health authorities, without needing to contact Adult Social Services in the UK.

When a British national returning to the UK from overseas is identified as having social care needs by FCO consular staff or relevant authorities overseas, the FCO contacts, where reasonably possible, Adult Social Service teams in the UK.

The FCO considers that people are vulnerable when they cannot protect themselves from significant physical or emotional harm, or be protected by others.

This can include cases where there are mental health concerns, physical health concerns, destitution, homelessness, dementia, and/or forced marriage.

What does the FCO do?

The FCO is not a statutory safeguarding body, nor does it have duty of care to British nationals overseas. There is no legal obligation for the FCO to provide consular assistance under domestic or international law; rather the FCO provides support on a discretionary basis. The help the FCO can provide is set out in [Support for British Nationals Abroad: A Guide](#).



The FCO offers help that appears to it to be the most appropriate under the circumstances, taking into account relevant factors, to the individual circumstances of each case. FCO staff overseas will consider an individual's vulnerability and the needs they have, based on who they are, where they are, and the situation they are facing.

The sort of help the FCO can offer includes issuing emergency travel documents, contacting friends and family, providing information about local lawyers, interpreters, doctors and funeral directors, other organisations that can provide specialist support.

The FCO is not funded to provide financial assistance to British nationals overseas but in very exceptional circumstances, and when all other options have been exhausted, can offer an emergency loan for a flight and some other basic costs, to help the customer return home.

The FCO cannot interfere with local and overseas processes and policies, but will, where reasonably possible, work within these to achieve results. In many cases, the involvement of healthcare services and social services, both in the UK and overseas, is essential to improve the British national's situation and make a viable plan for repatriation.

What actions does the FCO take to help vulnerable adults repatriate to the UK?

When the FCO is notified of a vulnerable British national abroad who the FCO assesses to be vulnerable and who is returning to the UK, either through their own choice and/or because of deportation, health, forced marriage or other concerns, the FCO makes all reasonable attempts to support the customer to return to an area of the UK where they have a strong local connection.

A referral will be made to the relevant local authority Adult Social Services team, which will usually be in the area where the British national was last resident.

If a British national is returning to family in the UK and this is to an area that is different from where the national last resided, the referral is made to the local authority where the family normally reside. If no local connection can be established a referral is made to the local authority Adult Social Services team in the area where the arrival airport is situated.

Habitual Residence Test

When a British national returns to the UK from overseas after an extended absence, the Habitual Residence Test is often applied. This can cause significant delay to eligibility for support and can increase vulnerability.

Mental Capacity Act 2005

The Mental Capacity Act applies in the UK. The FCO will use the principles of the Act to assist individuals outside the UK, but is often reliant on the authorities



overseas to make decisions and assessments of capacity in line with their own legislation and practices. If the individual is still in the UK, for example, in a forced marriage case, Adult Social Services are required to assess capacity.

Forced Marriage cases

The Forced Marriage Unit (FMU) is a joint Foreign and Commonwealth Office and Home Office unit which leads on the government's forced marriage policy, outreach and casework. It operates both inside the UK (where support is provided to any individual) and overseas (where consular assistance is provided to British nationals, including dual nationals where possible).

The FMU operates a public helpline to provide advice and support to victims of forced marriage as well as to professionals dealing with cases. The assistance provided ranges from safety advice, through to helping a forced marriage victim prevent their unwanted spouse moving to the UK ('reluctant sponsor' cases).

The FMU undertakes an extensive training and awareness programme targeting both professionals and potential victims, and carries out a range of work to raise awareness.

How can the FCO help Adult Social Services?

As well as cases that originate with a referral to an embassy, the FCO receives requests from Adult Social Services in the UK. The FCO has put Social Services directly in touch with services overseas, provided information on the other country, made a consular visit to those visiting, residing, in detention or in hospital overseas.

If social workers are planning to travel overseas they are responsible for ensuring that they are able to operate legally in the country with permission from the responsible authorities, and that they have the appropriate visa and insurance. The FCO is not able to assist with these arrangements.

How to contact the FCO

The FCO can receive queries from Adult Social Services and other departments who are working with vulnerable British nationals and families who may be at risk overseas.

For vulnerable adult cases contact: casework@fco.gov.uk

For forced marriage cases contact: Forced Marriage Unit (FMU) fmu@fco.gov.uk

For emergency out of hours assistance please telephone 020 7008 1500 and request Consular Assistance.