



Home Office

# Evaluation of the new family returns process

Research Report 78

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## Disclaimer

This evaluation was carried out by GVA, with support from Migration and Border Analysis staff in Home Office Science.

The views expressed in this report are those of the authors, not necessarily those of the Home Office (nor do they represent Government policy).

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### Keywords

family returns; children and young people; welfare and safeguarding; detention; assisted voluntary return; voluntary departure; required return; ensured return.

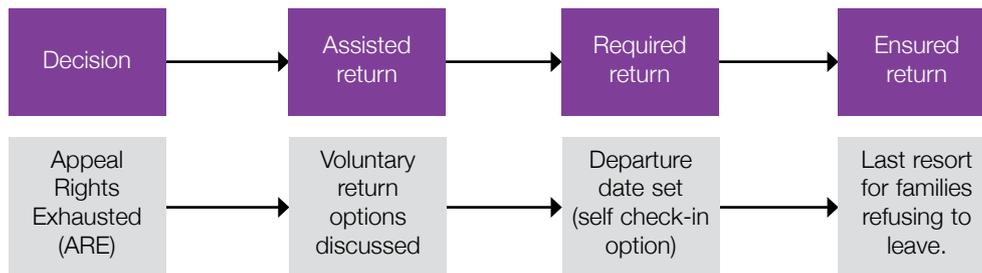
# Executive summary

The new family returns process (FRP) was rolled out nationally on 1 March 2011, as a key component of the Government's aim of ending the detention of children for immigration purposes.

Aims of the process are to:

- increase family take up of voluntary return and Assisted Voluntary Return (AVR);
- ensure that any enforcement action takes into account the welfare interests of children and the wider family;
- better prepare families for return and give them the opportunity to take responsibility for their return;
- give families the opportunity to make further representations and seek judicial reviews before enforcement action commences.

The FRP, established to return families with no legal right to remain in the UK, consists of four stages, as indicated in the following diagram.



This report evaluates the progress of the FRP using both analysis of UK Border Agency data, and interviews with families and key stakeholders in the process.

## Key Findings

Children and families are being returned very differently under the new return process, than under the previous process. No child was held in an Immigration Removal Centre for the purposes of removal under the new process during the evaluation timeframe.

### 1. Returns, timescales and conformity with the process

**Overall, voluntary returns and AVR have not increased under the new FRP.**

- Almost half of returned families in the FRP left via AVR or voluntary options.
- Comparative data indicated no statistically significant difference<sup>1</sup> between combined AVR and voluntary return rates under the new and old processes.

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<sup>1</sup> Statistically significant differences are reported at the five per cent level.

### **If required returns are taken into account, over half of families in the new process left through non-ensured options.**

- Most local UK Border Agency staff felt that the required return stage was ineffective. It did, however, account for 11 per cent of returns.

### **Families were felt to be better informed of their options in the new process.**

- Families were complimentary about Refugee Action's explanation of return options.
- Most (92%) Local Immigration Team staff with experience of the old and new returns process, agreed that families had an improved understanding of return options through the Family Return Conference.

### **Where families were being detained in pre-departure accommodation, the conditions in which they were held were considerably different to those under the previous process.**

- Comparative data indicated that 92 per cent of families, who left via escorted return under the old process, experienced detention prior to departure. In addition, in 2010, 38% of children leaving detention, had stayed for longer than one week.
- Under the new FRP, 50 per cent of ensured returns followed a stay in pre-departure accommodation (Cedars), which was considered safe and supportive by research participants. During the evaluation timeframe, no children leaving Cedars had stayed for longer than one week.

### **Returns were found to take longer and be more resource intensive under the new process.**

- Almost three-quarters of all families in the FRP left within six months of entering the process.
- Comparative cohort data analysis indicated a statistically significant decrease in the proportion of families leaving within 6 months of the appeal rights exhausted (ARE) stage (21% FRP, compared with 42% pre-FRP).
- Local UK Border Agency staff and stakeholders cited increased paperwork and preparation; more compulsory stages; and increased opportunities for raising legal barriers, as reasons for longer timeframes and increased resource intensity.
- A suggested two-week period to decide whether to take AVR or voluntary return was considered insufficient by most non-governmental organisations (NGOs) and some families.

### **Most families complied with the process.**

- Ten per cent of all families in the new process absconded or displayed other 'non-conforming' behaviours.
- Absconding and non-conforming behaviour appeared to be triggered by events in the FRP, most commonly before an enforcement visit.

## **2. Welfare and safeguarding**

**The FRP has had a positive impact on family welfare and safeguarding children.** It does this by:

- providing a framework to address families' welfare and safeguard children, including through the work of the Independent Family Returns Panel;
- enabling children to carry on 'life as normal' to a greater extent than previously;
- demonstrating a higher level of reporting and referrals of social care, health and education issues, compared with those not going through the new process;
- providing a supportive environment for children and families at Cedars, particularly through the welfare and social care services provided by Barnardo's.

## **Some concerns and areas for improvement were identified, including:**

- key events in the new process were felt to be distressing for families and children. This has implications for the degree and nature of children's involvement in the process;
- joint working between local immigration staff and other organisations (for example, schools and health services), which was seen as inconsistent, but improving;
- reconsidering open accommodation, which had not been used in any ensured return plans (although it had been used for a small number of required returns).

## **3. Preparing families for return**

**The new process gives families the opportunity to take responsibility for their return. However, lack of engagement meant that many did not take up this opportunity.**

Reasons for this included:

- denial of the possibility of return;
- fear of return;
- the influence of wider community perceptions that return was unlikely;
- families becoming 'embedded' in UK communities.

**Engaging families early in the process was seen as important.**

**Families' preparation for return was felt to have been improved by:**

- a higher quality of return planning because of the work of the Independent Family Returns Panel;
- Cedars' work in helping families and children to prepare for return.

## **4. Barriers to return**

**Cohort data indicated that families raised slightly more barriers under the new process, but not at an earlier stage than under the old process.**

- There was no difference in the proportion of families raising barriers to return under the new and old processes.
- There was no evidence that the process encouraged families to raise barriers at an earlier stage.
- The Family Return Conference was seen as a trigger to raising barriers.
- There were widespread concerns that families were not accessing quality legal advice.

## **5. Ongoing learning**

**Improvements have been made to the process. It could be strengthened further by:**

- an overall strategic lead for the FRP;
- development of specialist family teams.

## 6. Child Detention Review commitments

**Progress has been made against the 20 commitments, with most being met.**

- All bar one of the commitments – covering decision making, assisted, required and ensured returns – have been met.
- Commitment 13 (“to ensure that we are aware of all relevant compassionate factors as early as possible in the family returns process”) was partially met. This was linked to the difficulty of engaging families, and concerns about involving adult and child dependants at the decision making stage.

# 1. Introduction

This report was commissioned by the Home Office, on behalf of the UK Border Agency,<sup>2</sup> to evaluate the new family returns process (FRP). The new process was rolled out nationally on 1 March 2011 following a pilot in the North West of England and London between June 2010 and March 2011 (UK Border Agency, 2011).

The new process was introduced following the Government's commitment to end the detention of children<sup>3</sup> for immigration purposes (UK Border Agency, 2010) and subsequent discussions between the UK Border Agency and partners.<sup>4</sup> This commitment defined detention in terms of "the holding of children with families in immigration removal centres such as Yarl's Wood". Since the opening of purpose built pre-departure accommodation (Cedars, opened in August 2011), the new process has succeeded in this objective. Age dispute and border cases, outside of the FRP, are held in Immigration Removal Centres (IRCs) or at a short term holding facility (at the border).<sup>5</sup> Families in the FRP are no longer held in an IRC. Under certain circumstances, families reaching the last stage of the FRP may be held at Cedars for up to 72 hours immediately before departure (or up to one week with Ministerial permission) as one of a number of options. None of the children leaving Cedars had stayed for longer than one week at the time of writing.

The closure of Yarl's Wood IRC to families with children is shown at the date indicated on Chart 1. The statistics in Chart 1 are for all children detained under immigration powers. As well as children in the FRP, they include high risk and border cases, and also age disputed young people outside of the process.<sup>6</sup>

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2 On 26 March 2013 the Home Secretary announced the ending of the Executive Agency status of the UK Border Agency, with its functions being brought back within the Home Office. The evaluation activity was completed before this date, and, reflecting this, this report generally refers to the UK Border Agency.

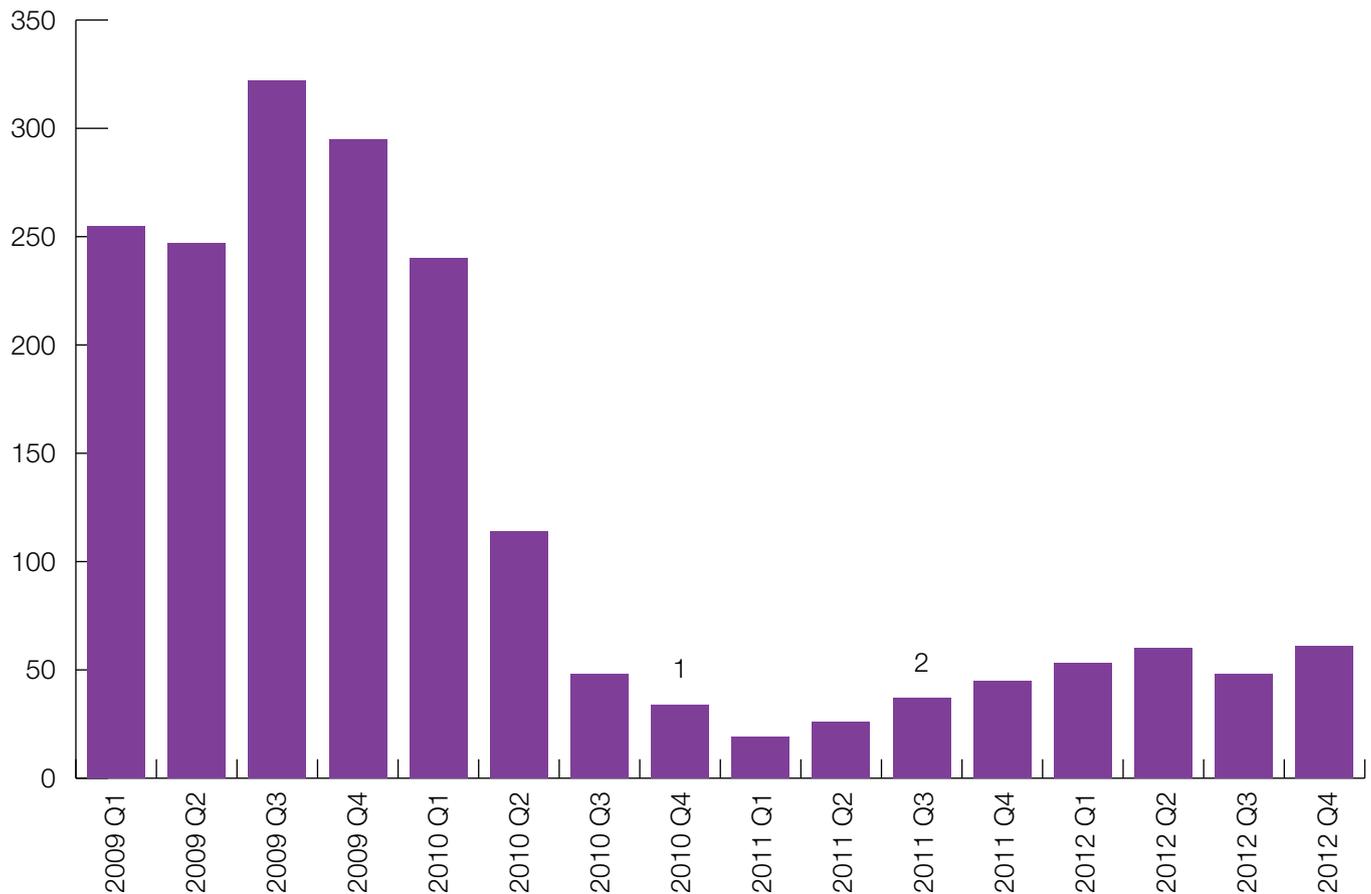
3 The 1989 United Nations Convention on the Rights of the Child defines a child as every human being under 18 unless, under the law applicable to the child, the age of majority is attained earlier (United Nations, 1989). Section 105 of the Children Act 1989, defines a child as someone under 18.

4 A working group that comprised a range of non-governmental organisations (NGOs) produced a paper (NGO Working group, unpublished) outlining a series of recommendations regarding the new process. Several of these recommendations, although not all, were taken forward within the new process.

5 In cases considered high risk, and where the use of pre-departure accommodation is deemed unsuitable, the FRP makes provision for families with children to be held in the family unit at Tinsley House IRC. However, from the opening of pre-departure accommodation in August 2011 to the time of writing, this provision had not been used.

6 It is possible that some children may have been detained on more than one occasion.

Chart 1: Children entering detention, under Immigration Act powers



Source: Home Office (2013a).Table dt.03.q.

Please note, since writing the report more recent figures have been published.

(1) Yarl's Wood closed to families with children on 16 December 2010.

(2) Cedars pre-departure accommodation opened on 17 August 2011.

This report evaluates the process and does not contain recommendations, but findings will be considered by the Home Office.

## 1.1 The new family returns process

The main aims of the new FRP are as follows.

1. Manage the return of families,<sup>7</sup> who have no legal right to remain in the UK, without the need for detention. This is central to the FRP.
2. Increase family take up of voluntary return and Assisted Voluntary Return (AVR).
3. Ensure that enforcement action, when necessary, takes into account the welfare of the children and wider family needs as far as possible.
4. Prepare families better for return and give them the opportunity to take responsibility for their return.
5. Give families the opportunity to make further representations and seek judicial reviews before enforcement action commences.

The evaluation was designed to identify the extent to which the above aims were being addressed in addition to exploring related issues. This led to the following evaluation objectives.

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<sup>7</sup> The FRP applies to those families with dependent children (aged under 18) who are liable to be removed.

- **Returns, timescales and conformity of the process:** To explore if there is any difference between the old process and the new process in terms of the take up of voluntary returns and AVR; required returns; timescales; and levels of conformity with the process **(FRP aims 1 and 2)**.
- **Welfare and safeguarding:** To assess whether the new process takes into account the welfare interests of children and the wider family as far as possible, including being able to identify safeguarding issues. Also to explore the effectiveness of working arrangements within the new process **(FRP aims 1 and 3)**.
- **Preparing families for return:** To explore if the new process affects the extent to which families are prepared for return, including identifying any improvements compared with the previous process **(FRP aims 1 and 4)**.
- **Barriers to return:** To assess whether there is any difference between the old process and the new process in terms of promoting the opportunity for further representations and judicial reviews before starting enforcement activity **(FRP aim 5)**.
- **Ongoing learning:** To understand whether the new process is identifying and addressing key lessons. Also to recognise what mechanisms are in place to facilitate this **(additional evaluation objective)**.
- **Child Detention Review commitments:** To report on whether the UK Border Agency met its commitments as reflected in the Child Detention Review (UK Border Agency, 2010) **(additional evaluation objective)**.

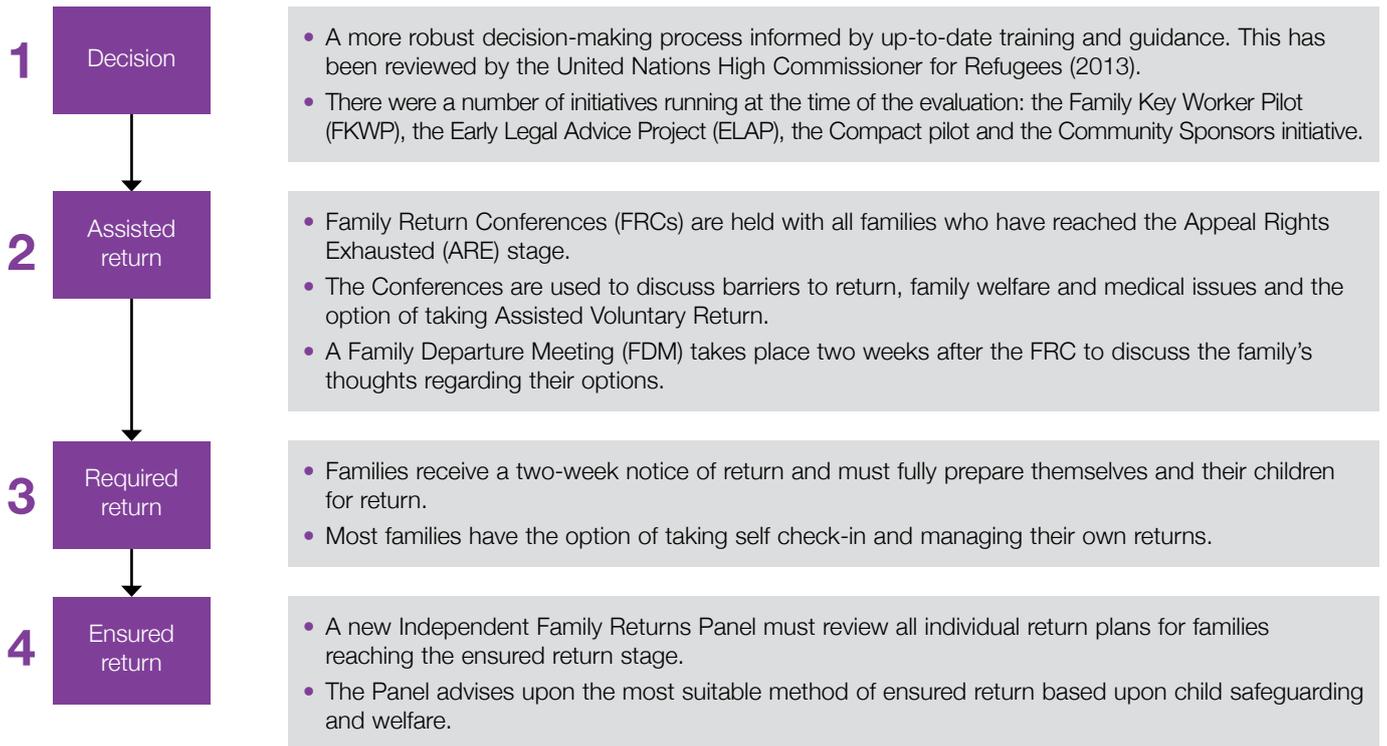
Findings relating to these objectives are detailed within Section 2.

These processes and evaluation objectives are informed by a broader set of duties to children set out in legislation that includes the Children Act 2004 and Section 55 of the Borders, Citizenship and Immigration Act 2009, to safeguard and promote the welfare of children in the UK as the UK Border Agency carried out its duties. More contextual information on welfare and safeguarding is found at Appendix A, as is a glossary of terms.

Appendix B provides additional findings, including from associated activities such as the Family Key Worker Project.

The new process incorporates four key stages as shown in Figure 1. Appendix C provides a more detailed description of this process.

Figure 1: Stages of the family returns process



Pre-departure accommodation (Cedars) can be used, following the advice of the Independent Family Returns Panel, when other return options have been exhausted or are unsuitable. The centre is operated by G4S Care and Justice Services (contracted by the Home Office) with Barnardo's providing welfare and support services for families. Children and families are held at Cedars under Immigration Act powers.

## 1.2 Method

The evaluation incorporated three interrelated strands of activity, outlined below.

### Strand 1: A review of management information<sup>8</sup>

Two data sets were analysed.

#### Cohort analysis

- Data were extracted on 145 family cases that were at the appeal rights exhausted (ARE) stage of the asylum process between 1 August 2008 and 31 December 2008 (before the new FRP was in place). These cases are referred to as **'pre-FRP'** in the report.
- Data were extracted on 155 family cases who were at the ARE stage between 1 August 2010 and 31 December 2010 and between 1 March 2011 and 31 July 2011 who were in the FRP. These cases are referred to as **'FRP'** in the report.<sup>9</sup>
- Data were also extracted on 205 family cases who were at the ARE stage between 1 August 2010 and 31 December 2010 and between 1 March 2011 and 31 July 2011, but who were not in the FRP. These 'non-FRP'<sup>10</sup> cases are only referred to in Section 2.2 of the report.

#### FRP macro-level analysis

- All family cases that had been through, or were still in the FRP (up until 12 October 2012), were extracted – a total of 1,142 cases. This period includes cases from the pre-March 2011 pilots (in the North West and London regions, which started on 17 June 2010) and cases that entered the new FRP nationally from the 1 March 2011 until 12 October 2012. A flow chart showing the outcomes for families in the process is presented in Section 2. Unlike the cohorts, these data include both asylum and non-asylum cases. As such, comparisons between the macro and cohort data sets are not usually made.
- In addition a further data set (totalling 996 cases) was requested to explore the level of conformity with the process.

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8 The data are from the Case Information Database (CID), the UK Border Agency's live administrative system. This means data are subject to change. In addition the data are used for internal management purposes and have not been quality assured to the standard of National Statistics.

9 It should be noted that there may be differences in the composition of the pre-FRP and FRP cohorts due to specific country situations or world wide events, such as the financial crisis. It was not within the scope of the evaluation to consider the impact of these events. The FRP cohort may also differ as families entering the FRP must meet certain eligibility criteria that would not have applied to the pre-FRP cohort. A second caveat is that, for the cohort data in particular, small numbers are expressed as percentages. Given the small numbers, findings should be treated as indicative and liable to change over time.

10 The non-FRP families will not have met the eligibility criteria (for example, having no existing casework barriers or documentation issues – for full description see Appendix C) to be included in the new FRP and so are not directly comparable with the FRP cases. Instead, the more usual comparison is between FRP and pre-FRP cases. See Appendix D for more information about cohorts.

## Strand 2: Process-based qualitative evaluation

- Interviews, an online survey and focus groups were undertaken with UK Border Agency staff, external stakeholders and non-governmental organisations (NGOs).

## Strand 3: Interviews with families involved in the new process

- Interviews were undertaken with 25 families,<sup>11</sup> to get an understanding of their experiences of the returns process and the impact on their wellbeing (including access to support), decisions and preparation for return.<sup>12</sup>

A summary of the methodology, including the number and type of stakeholder groups included in the research, is shown in Table 1. Further details of the evaluation methodology are provided at Appendix D. The quantitative data tables, including the findings from the Local Immigration Team (LIT) online survey, are provided in the supplementary MS Excel data tables – see footnotes for the data table references.

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11 25 separate families were interviewed within the research (see data tables DT21 and DT28), including discussions with 14 children aged between 8 and 18. Two interviews were with children only (i.e. not the full family). While all families attending an FRC during the research period were invited to take part in the research, it was only possible to interview those willing to engage. It is therefore important to recognise that the views of families in the research are not representative of all families who have experienced the process.

12 For both strands two and three, the difficulty of drawing generalisable conclusions from small-scale interview data should be noted. Wherever possible, interview material has been triangulated with other information sources (for example, management information). For the interviews with families and children, in particular, it was not possible to crosscheck the accounts given. This does not devalue the interview material, but may affect conclusions drawn from it.

Table 1: Methodology summary<sup>13</sup>

Strand	Method	Description	Purpose	Groups		Number
1. Management information	Cohort Analysis	Data extracted on families at the appeal rights exhausted (ARE) stage in 2008, 2010 and 2011.	Report on issues such as timescales, outcomes, barriers raised, health and welfare.	Pre-FRP (2008)		145
				FRP (2010 and 2011)		155
				Non-FRP (2010 and 2011)		205
	FRP Macro-level Analysis	Data extracted on all families in the family returns process (FRP). (i) From pilots to 12 October 2012. (ii) 1 March 2011 – 6 November 2012.	(i) Report on outcomes, timescales and barriers raised. (ii) Conformity with the process.	All FRP		(i) 1,142
(ii) 996						
2. Process Based Qualitative Evaluation	Staff and Key Stakeholder Consultation	Online survey of Local Immigration Team (LIT) staff, and interviews and focus groups with UK Border Agency staff, plus NGOs and independent stakeholders.	Develop an understanding of the individual stages of the FRP and report on initiatives and learning that were taking place in the Agency as the process bedded in.	UK Border Agency staff survey	Survey respondents	79
				Regional UK Border Agency focus groups	Focus group individuals	54
				NGO interviews and focus groups	Interviews / focus group individuals	38
				Independent Family Returns Panel interviews	Focus group individuals	9
				Strategic and operational interviews and focus groups (independent plus UK Border Agency)	Interviews / focus group individuals	53
				TOTAL number of survey respondents / interviews / focus group individuals		233
3. Interviews with Families	Interviews with families in the FRP	Interviews with families.	To develop an understanding of the experiences of the FRP and impact on wellbeing, decisions and preparation for return for families.	Assisted stage	Families	12
					(children)	(8)
				Required stage	Families	9
					(children)	(2)
				Ensured stage	Families	2
					(children)	(2)
				Stage unknown – interviews with children	Children	2
TOTAL number of families interviewed		25				
(TOTAL number of children interviewed)		(14)				

13 See data tables DT1, DT2, DT21 and DT26.



The following findings refer to all cases that had been through, or were going through the new FRP (macro data). As can be seen, by the time the evaluation took place only a proportion of the cases in the new process had reached a final outcome. The overall picture and balance between different types of outcomes may alter as more families complete the new process.

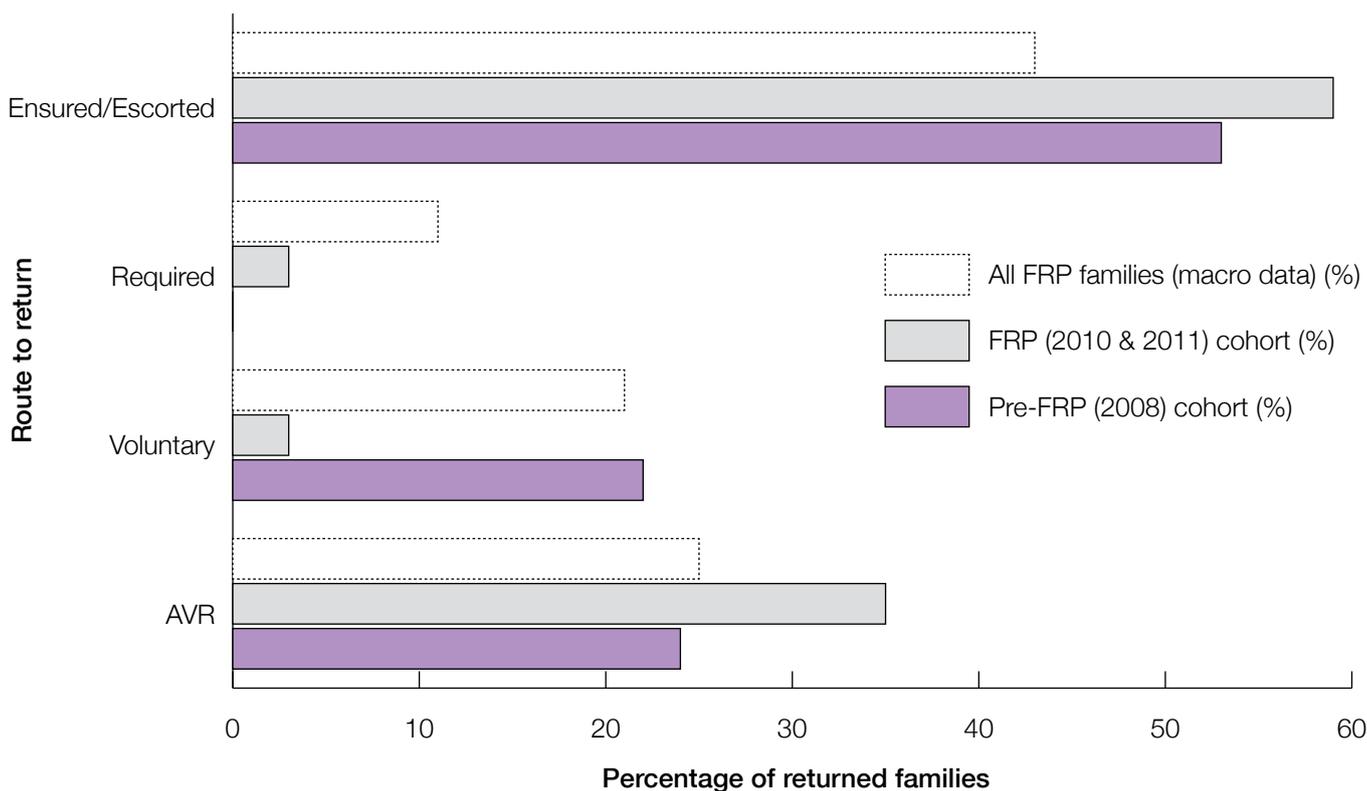
The findings also present the cohort analysis – comparative data from before the new process (pre-FRP, 2008) and after the new process was rolled out (FRP, 2010<sup>17</sup> and 2011), to enable before and after comparisons using information not available through the macro data. See Appendix D for more information on the data.

## 2.1 Returns, timescales and conformity with the process

This section examines progress on the aim of increasing take up of Assisted Voluntary Return (AVR) and voluntary return. It also reports on timescales, levels of conformity with the process and numbers of families at different stages of the process.

### Take up of Assisted Voluntary Return and voluntary return

Chart 2: Return outcomes for pre-family returns process (pre-FRP) (2008) and FRP (2010 and 2011) cohorts, and all FRP families



Source: UK Border Agency

<sup>17</sup> The 2010 cohort consisted of families with an appeal rights exhausted (ARE) date in late 2010, 77 of whom then entered the new process at the pilot stage or when it was rolled out nationally in 2011. Seven of these families were subsequently granted leave to remain in the UK, so the 2010 cohort analysis was based on 70 families. See data table DT25.

**Overall, almost half of all families in the new FRP who returned did so voluntarily. If required returns are taken into account, 57 per cent of families in the new process left through non-ensured options.**

In the new process 46 per cent of families left via AVR or voluntary options (88 of 190 families). As seen in Chart 2, up until 12 October 2012 (when the data were extracted), one-quarter of all returning families took AVR and just over one-fifth left voluntarily. In addition, 11 per cent (20 families) left at the required return stage, which has self-check in and assisted options. Adding required returns to the 46 per cent of families who leave via AVR and voluntary departure means that 57 per cent of families in the process left before their return was ensured.<sup>18</sup> The required return stage is discussed later in this section.

It should also be noted that some families will have taken AVR before entering the FRP and that families do not need to have ARE status to apply for AVR. These data cover all families, including irregular migrants who had not claimed asylum at any stage, whereas the cohort data only include families who have claimed asylum and who have an ARE date. The different composition of the cohort and 'all FRP' groups means that comparisons are not usually made between the macro and cohort data.

**When comparing returns in the old and new processes, AVR and voluntary returns do not appear to have increased. However, AVR take up for families in the new process appears to have remained steady, when compared to the lower AVR numbers for all migrants since 2010.**

The return numbers are fairly small when comparing the two cohorts and are therefore only indicative of differences. This comparison suggests that:

- 12 families (35%) left via AVR under the new process, compared with 11 (24%) under the old process (not statistically significant);
- voluntary return was lower in the new process (3%, 1 family) than the old process (22%, 10 families); and
- combining AVR and voluntary return, 21 families (47%) left voluntarily under the old process, compared with 13 families (38%) in the new process (not statistically significant).<sup>19, 20</sup>

The cohort data on AVR and voluntary return should be considered in the context of trends for all migrants for the same time periods, that is 2008 for pre-FRP and 2010 and 2011 for the FRP. Statistics for AVR and 'notified voluntary departures' (where someone notified the UK Border Agency that they had left) for all migrants are shown in Chart 3.

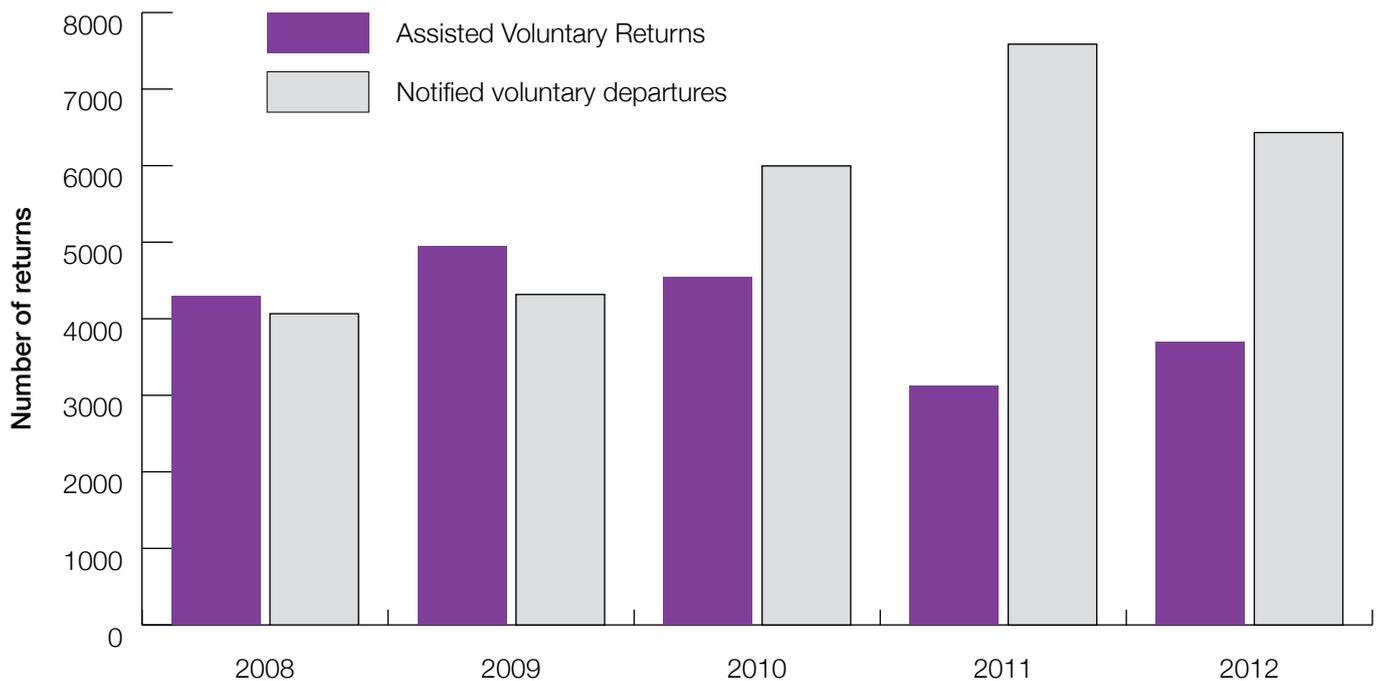
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18 See data table DT3.

19 Statistically significant differences are reported at the five per cent level in the evaluation. Subsequent statistically significant differences are reported with an \*. Any other reported differences between the cohorts are not statistically significant.

20 See data table DT4.

Chart 3: Assisted Voluntary Returns and notified voluntary departures (all migrants), 2008–12



Source: Home Office (2013a). Table rv.01.

- As can be seen in Chart 3, AVR departures were higher in 2008 (4,297 migrants) than in 2011 (3,120 migrants) and 2012 (3,699).<sup>21</sup>
- So, although the increase in AVR in the FRP cohort was not statistically significant when compared with the pre-FRP cohort, this increase should be seen in the wider context of fewer AVRs for all migrants in 2011 (and 2012), compared with 2008.
- Notified voluntary departures increased between 2008 (4,066) and 2011 (7,587). This contrasts with the reduced voluntary return take up for the FRP cohort compared with the pre-FRP cohort over the same time period.
- Therefore, although the differences (pre-FRP and FRP) in combined AVR and voluntary return numbers are not statistically significant, they appear to be counter to the wider AVR and voluntary return trends.<sup>22</sup>

21 In July 2010 the amount of reintegration assistance for AVR packages changed. The Assisted Voluntary Return for Families and Children (AVRFC) package reduced from £2,500 to £2,000 per person and the Voluntary Assisted Return and Reintegration Programme (VARRP) from £2,000 to £1,500.

22 It is important to recognise here that the UK Border Agency specifically increased its efforts to promote AVR before June 2010. In addition, the organisation contracted to deliver the AVR programme changed on 1 April 2011 and the number of AVR returns reduced considerably (Home Office, 2013a, table rv.01).

The mixed picture on voluntary return rates was also reflected in the responses from LIT staff. While a large proportion (44% of online survey respondents and most of the respondents in focus groups) felt that the FRP had made no difference to voluntary return rates, 31% of online survey respondents, felt that it had led to an increase. On the other hand, almost all non-governmental organisations (NGOs) felt that voluntary return uptake had not increased.<sup>23</sup>

## Explaining Assisted Voluntary Return to families

**Interviewees supported explaining AVR to families at an earlier stage in the asylum process in order to encourage greater take up, but there was little evidence that this would affect take up. There were differing views about how information on AVR was given to families.**

According to the online survey, 92 per cent (60 respondents) of staff, involved in both the previous and new process agreed families had an improved understanding of the return options through the Family Return Conference (FRC).

After discussion at the FRC, LIT staff provide families with Refugee Action's contact details. Families can then discuss AVR with Refugee Action. There were some examples of joint working, but both Refugee Action and LITs raised concerns reflecting different views on active promotion and neutrally offering AVR, as summarised below.

- Refugee Action gave examples of LITs booking appointments for families to discuss AVR before the FRC. When this happened, families said that they felt AVR was focused on guaranteeing return rather than on giving any choices to them. This only occurred in one region and has since been addressed.
- Half of the NGO staff interviewed said that some LITs did not fully appreciate Refugee Action's confidentiality and impartiality and that families felt pressured to take AVR (the families were not asked this question so this view could not be cross-checked). LIT staff disagreed with such views.
- LIT staff in seven (of nine) focus groups were concerned about Refugee Action's non-directive philosophy, feeling that families were not advised of the likelihood of ensured return if AVR was not taken. It was not possible to validate this claim.

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23 See data table DT 20.

All families who had discussed AVR with Refugee Action were complimentary about the clear and neutral explanation of options. Nonetheless, all but one family chose not to take AVR (see 2.3 for reasons for this).

Most interviewees (including NGOs and LITs) commented that AVR was promoted at other stages as well as at the FRC, for example, at reporting centres.<sup>24</sup> Most NGOs, strategic stakeholders (both UK Border Agency and independent) and LITs suggested that AVR should be discussed earlier in the asylum process, and that this affected how families felt about AVR. Most NGOs felt AVR promotion needed long-term engagement by people independent of the returns process (see Section 2.3). Anecdotal evidence from the Family Key Worker Pilot (FKWP)<sup>25</sup> partially supported this. Key workers helped families to understand AVR, but FKWP data did not show greater AVR take up (Hutton, 2012).

Whilst longer term engagement with families may help to deliver the AVR message more effectively, most families said that they would not accept AVR however it was explained to them. See Section 2.3 for more discussion on this.

## Required and ensured returns

**Some LIT staff felt that the required return stage was not working, but 11 per cent of families left via this route, and senior stakeholders suggested that this stage was important.**

The required return stage gave the families a final chance to leave under their own steam before enforcement action was taken. Management information showed that 11 per cent of all returned FRP families had left via required return (see Chart 2).<sup>26</sup> This was a higher proportion than was suggested by most LIT staff in focus groups, who felt that required returns were ineffective.

Of LIT online survey respondents with awareness of the required return process,<sup>27</sup> 86 per cent (61 staff) did not feel that self check-in removal directions encouraged families to leave.<sup>28</sup> Families tended to agree, with most stating that they would not consider self check-in. They said that, had they been willing to leave, they would have accepted AVR. In focus groups, LIT staff discussed the waste of resources and frustration arising from setting removal directions and booking flights when self check-in was unlikely.

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24 Promotion of AVR was led by the UK Border Agency AVR team. A network of AVR leads across the Agency promoted AVR to a range of organisations including NGOs, community and faith groups, as well as internally with representatives from the LITs and reporting centre managers. A number of good practice examples were highlighted, including an example in Solihull where LIT staff visited local faith leaders to promote the advantages of AVR. Another example was provided in the Manchester reporting centre where one of the reporting desks was used to provide information on AVR and a member of staff (not in uniform) was available to answer any questions.

25 See Appendix B for details.

26 See data table DT3.

27 Note that five per cent of respondents ticked “I am not involved enough” or “I don’t know” to whether it had affected returns via self check-in, and were excluded from this calculation.

28 See data table DT20.

In contrast, several strategic stakeholders (from the UK Border Agency) and Independent Family Returns Panel members commented on the importance of the required return stage, as it:

- offered families a last chance of leaving voluntarily before ensured return;
- brought home to families the reality of return and could prompt families to reconsider AVR<sup>29</sup> or if they were planning to make further representations or judicial reviews, to do so sooner and while they were still in the community rather than waiting until enforcement action had commenced; and
- enabled the first set of removal directions to be set, which then led to the start of a ten-day period for escorted check-in without further notice, if the self check-in option was not taken.

The self check-in option is also one of the 20 Child Detention Review commitments.<sup>30</sup>

**Similar proportions were returned as an escorted (pre-FRP) or ensured return (FRP). However, a smaller proportion of FRP families were returned after a stay (no longer than one week) in pre-departure accommodation (Cedars), compared with pre-FRP families being returned from detention, 38% of whom left after a period of detention of one week or longer.**

Ensured return has been the most common means of departure (43%, 82 families) since the process began. There was no statistically significant difference between ensured/escorted returns for the FRP (59%, 20 families) and pre-FRP (53%, 24 families) cohorts.

However, an escorted return pre-FRP was very different to an ensured return in the FRP. Of the pre-FRP cohort, 22 families (92%) who had an escorted return left via detention in an immigration removal centre. Under the new FRP, 20 families (59%) returned via an ensured return, of whom 50 per cent (10 of the 20 ensured return families) were returned after staying at Cedars.<sup>31</sup> In addition, under the old process children stayed in detention for longer than is now the case. Published Migration Statistics show that in 2010, 437 children left detention. Of these 164 left after a stay of longer than one week (30 children had been in detention for one month or longer). In 2011 and 2012 the number leaving detention fell to 130 and 226 respectively (24 and 9 children respectively, had been in the detention estate for longer than one week) (Home Office 2013a).

Further discussion of the ensured return stage can be found in Section 2.2.

## Timescales

**UK Border Agency staff felt that returns under the new process took longer than they had under the previous process. The cohort analysis supported this view.**

The UK Border Agency had set an aspirational target of returning families within ten weeks of their entry into the new FRP. Of 188 families who had returned (for whom timescales are known):<sup>32</sup>

- 28 per cent (53 families) returned within two months;
- 13 per cent (24 families) returned between two and three months;
- 31 per cent (58 families) returned between three and six months; and
- the remaining 28 per cent (53 families) took six months or longer<sup>33</sup> (see Chart 4).

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29 Operational staff did not indicate to the researchers that they had used the required return stage to promote AVR. Home Office guidance is that families would not normally be eligible for AVR if removal directions have already been set, but reconsideration on a case by case basis can be given to take account of the needs of children (Home Office, 2013b). See Section 2.3 for discussion of possible flexibility around this.

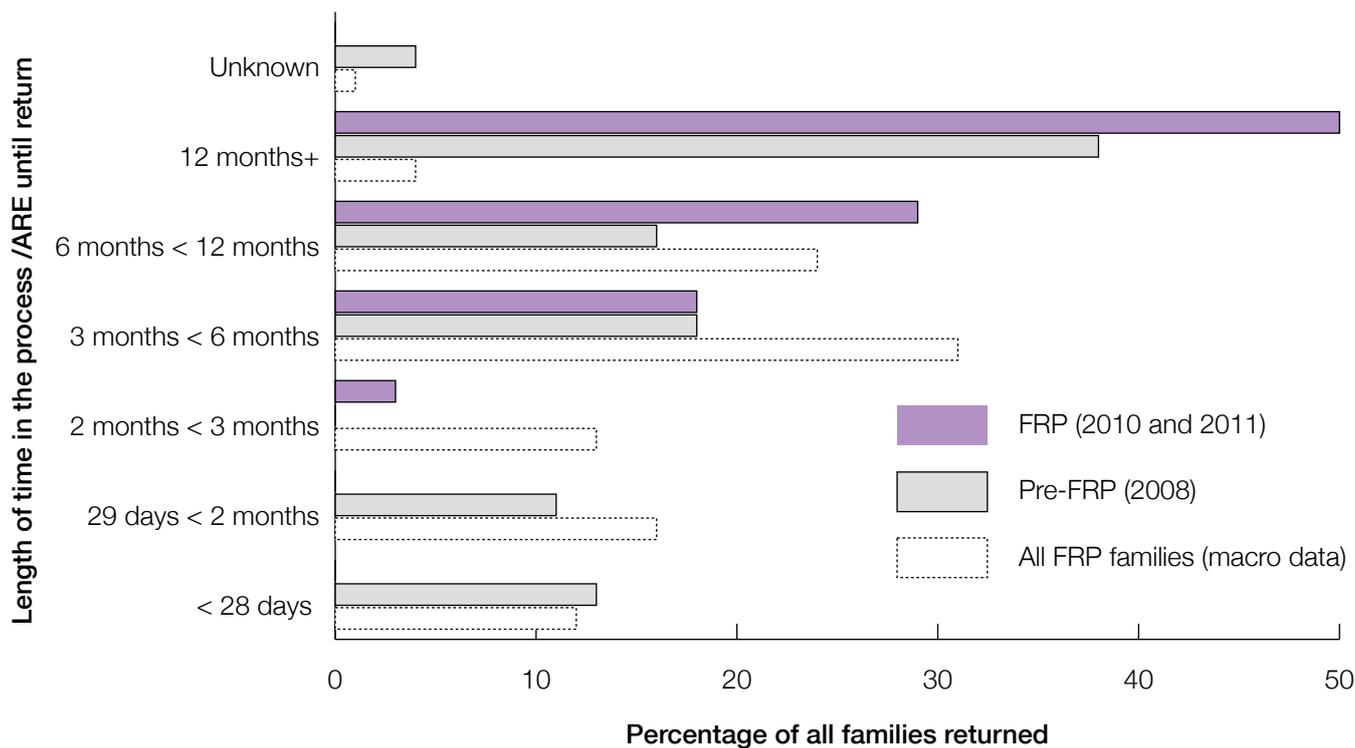
30 See commitment 16 in Section 2.6.

31 See data table DT4.

32 See data table DT5.

33 These figures should be treated with caution as the point at which the FRP begins varies. Some staff use the date of the first FRC, and others use the date that the FRP application is raised on Case Information Database (CID), the UK Border Agency's live administrative system.

Chart 4: Time between entering the family returns process (FRP) and return (all FRP families) and between the appeal rights exhausted date and return (pre-FRP and FRP cohorts)



Source: UK Border Agency

A comment from one LIT focus group was that returning families within ten weeks was unrealistic. Staff in another LIT focus group said that they tried to maintain the ten-week return timescale, but this demanded more resources to deal with legal barriers raised. Several LIT staff commented that the new process was generally more resource intensive, but felt that this was preferable to a system that relied on the detention of families.

The cohort analysis supported staff views that returns took longer under the new process.

- Pre-FRP, 42 per cent (19 families) went in the 6 months following the ARE date. Of the FRP cohort, 21 per cent (7 families)\* left within six months.
- Just over half of pre-FRP families (53%, 24 families) returned at least six months after the ARE date, compared with over three-quarters of the FRP families (79%, 27 families).\*

There is an earlier start date<sup>34</sup> for the cohort data (the ARE date) than for all cases (the application to the FRP). This may partially account for differences between the FRP cohort and the macro data (see Chart 4).

34 There are different start dates because of data availability.

Almost two-thirds (65%)<sup>35</sup> of LIT staff in the online survey felt that the time between the ARE date and return had increased under the new process. Reasons included that the new process:

- increased paperwork and preparation (to ensure that children's welfare was properly considered throughout);
- had more compulsory stages (to ensure that families had every opportunity to leave without enforcement action); and
- increased opportunities for legal barriers to be raised (because families had a better understanding of where they were in the process).

These comments were echoed by most strategic stakeholders, particularly from the UK Border Agency.

### **A suggested two-week period to decide whether to take AVR or voluntary return was considered insufficient by most NGOs and some families.**

Just over three-quarters (77%) of all FRP families had their FRC within a month of entering the process.<sup>36</sup> Chapter 45 (on family cases) in the Enforcement Instructions and Guidance (EIG) manual states that there should be a minimum of two weeks between the FRC and the Family Departure Meeting (FDM) to allow the family time to reflect on their options (Home Office, 2013b). The data showed that:

- 6 per cent (21 cases) of FDMs occurred less than 2 weeks<sup>37</sup> after the FRC;
- 54 per cent (178 cases) were between 2 and 4 weeks after the FRC; and
- 25 per cent (83 cases) were over 8 weeks after the FRC.<sup>38</sup>

Most NGOs and a small number of families commented that a two-week period to decide whether to take AVR or voluntary return would be insufficient. They added that this time was often spent engaging a legal representative to consider further representations.

Strategic stakeholders (both UK Border Agency and independent) and some Independent Family Returns Panel members commented that the process should be as short as possible between the initial decision, the ARE date and return. They recognised the need to support families and explain options, but there was a concern that, in the words of the Independent Family Returns Panel's annual report:

“The longer a family remains in the UK, the deeper the roots go and the more attached children become to their surroundings and their friends and the more dependent they become on the services available to them, making their departure more difficult.”

(Independent Family Returns Panel, 2012)

This also links to time spent in the entire asylum process.

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35 See data table DT20.

36 See data table DT7.

37 UK Border Agency staff advised that the two-week period can include both the FRC (on day 1) and the FDM (on day 14). A reason for a shorter gap between the actual attendance of the FRC and FDM may be due to a family's failure to attend the FRC on the initial date and the FRC being held later (email from UK Border Agency).

38 See data table DT8.

## Conformity with the process

**Most families complied with the new process, with only ten per cent absconding or demonstrating ‘non-conforming’ behaviour. This was also the case under the old process.**

Absconding can present safeguarding and welfare concerns (see Section 2.2). Absconding is defined in Chapter 19 of the Enforcement Instructions and Guidance (Home Office, 2013b).<sup>39</sup> Cohort data indicated that seven families (5%) within the new process had absconded. This is exactly the same proportion as within the previous process.<sup>40</sup>

A separate piece of analysis was undertaken<sup>41</sup> looking specifically at absconding and ‘non-conforming’ behaviour<sup>42</sup> amongst all families who had been, or were still in the new FRP. Cases included in the analysis were:

- those listed as immigration absconders on the Police National Computer (PNC);<sup>43</sup>
- those where a breach/non-compliance barrier had been entered on to the UK Border Agency’s Case Information Database (CID);<sup>44</sup>
- those where the FRC or FDM had not been completed because the family was not at their home; and
- those where the return plan, on which the Independent Family Returns Panel had provided advice, could not be implemented because the family was not at home.

One of the findings from the Interim Assessment of Family Returns Pilots (UK Border Agency, 2011) was that few families (13, 12%) breached reporting instructions or absconded after an FRC. In this evaluation ten per cent of the families displayed absconding or ‘non-conforming’ behaviour during the process. Table 2 shows when this behaviour occurred.

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39 Also see definition of absconding in Appendix A. Representatives from the UK Border Agency stated that, although discretion can be used, the term absconder is only applied to a family after they have failed to attend at least three reporting or other events and the LIT has made additional efforts to clarify where the family is (for example, visiting the family’s accommodation to see if it looks ‘lived in’ and identifying if the children are still at school). This was confirmed when reviewing notes on CID. However, a small number of NGOs felt that the UK Border Agency regularly termed families ‘absconders’ if they missed a single reporting event.

40 See data table DT9. Note that this is based on Police National Computer (PNC) immigration absconders.

41 This used a different cut of management information so the total number going through the FRP in the analysis of conformity with the process is different to that in the rest of the report.

42 This is different from the term ‘non-compliance’ as understood by the UK Border Agency, which referred to the non-completion of an event or action that a person is required to adhere to by law, such as: attending reporting events; abiding by any bail condition; being present during electronic monitoring events; residing at a specific address; and prohibition on taking up employment.

43 The PNC holds details of people, vehicles, crimes and property that can be electronically accessed by the police and other criminal justice agencies.

44 For example, if a family did not show for one or more reporting events and no reasonable explanation was provided.

Table 2: Points of absconding and non-conforming behaviour (all family returns process (FRP) families)<sup>45</sup>

Stage in the process	Number of families
Before entering the FRP	4
Assisted	20
Required	39
Ensured	37
<b>Total<sup>1</sup></b>	<b>100</b>
<b>All families<sup>2</sup></b>	<b>996</b>
<b>Percentage of total absconding and non-conforming families</b>	<b>10%</b>

Source: UK Border Agency

- 1 As the number of families totals 100, a percentage column is not shown.
- 2 This total number of families differs from that in the main FRP dataset, as the data on absconding and non-conforming behaviour was provided for a different time period and was downloaded using different parameters to the 'macro data.'

The absconding rate was a concern for LIT staff. In the online staff survey, 48 respondents (77%) involved in both the previous and new returns process, believed that the new process had led to more families absconding. Only two respondents (3%) thought that there was less absconding within the new process. The main reason given (in the survey) for the perceived increase was that families were more informed and understood better when to abscond.<sup>46</sup>

However, two focus groups (with different LITs) suggested that the new process had increased the perception, but not the actual level, of absconding, because the UK Border Agency was working more closely with families. One NGO commented that the families they worked with preferred the new process as they believed that they had more time to consider options, meaning they were less likely to abscond.

Several NGOs commented that very few families abscond. This view was supported by a family who commented: "Why do they need me to report, there is no way I can go anywhere with my kids."

### **Where absconding and non-conforming behaviour does occur, this was more likely to happen at certain points in the FRP**

There appeared to be an increase in absconding and non-conforming behaviour before FRP events (commonly in the form of non-attendance to the event in question). Seventeen per cent of families exhibited absconding and non-conforming behaviour before the FRC, and a similar proportion (16%) before the FDM. However, over one-third of cases (36%) appeared to show absconding and non-conforming behaviour before the enforcement visit.<sup>47</sup>

Over half of the ensured return families (51%), who had absconded or shown non-conforming behaviour, did so, when the UK Border Agency came to carry out the return plan.<sup>48</sup> See Table 3 for more information.

45 See data tables DT10 and DT11.

46 See data table DT20.

47 See data table DT11.

48 See data table DT12.

Table 3: Return plans and absconding and non-conforming behaviour (all family returns process families at the ensured stage)<sup>49</sup>

Return plans	Number of absconding and non-conforming families	%
Pre-departure accommodation	14	38
Escorted return (no further notice)	19	51
Limited notice return	3	8
Escorted return (full notice)	1	3
<b>Total</b>	<b>37</b>	<b>100</b>

Source: UK Border Agency

Within focus groups, LIT staff commented that the serving of self check-in removal directions was a trigger point for families to abscond, as it gave warning of return. Some families interviewed commented that particular meetings (for example, the FRC and FDM), as well as receiving removal documents, caused them to worry. This was also found in the Interim Assessment of Family Return Pilots (UK Border Agency, 2011). One family interviewed for this evaluation stated that: “All these meetings and the pressure with them makes you want to do something silly like run away.” The experiences of one family, who had previously absconded, are outlined below.

After being served removal directions, the family put in their second judicial review, but this was dismissed three days before their return date. The father described how he did not have any time (before return) and therefore felt that he had no choice other than to take his family and disappear. The family disappeared for five months. They commented that this was a “very difficult time” for them. After five months they returned and submitted further evidence, but were refused once more.

During the disappearance the family was supported by voluntary organisations, friends and extended family. Stating that “disappear means disappear,” the father explained how the family restricted their daily life in order to avoid detection. This included them not sending their children to school.

The analysis found that, of the 59 families in the new FRP who were listed as absconders, 21 (36%) were back in contact at the time of writing this report.<sup>50</sup>

49 See data table DT12.

50 See data table DT31.

## 2.2 Welfare and safeguarding

This section explores the objective of ensuring that any enforcement action takes into account the welfare interests of the children and wider family as far as possible.

### Impact of the returns process on families' health, welfare and behaviour

#### **The new FRP supports children's best interests, enabling them to continue 'life as normal' to a greater extent than pre-FRP.**

The new FRP sought to identify and take greater account of welfare interests through more engagement with families than happened previously. This aligns with:

- the Children Act 2004 which covers joint working of key agencies to focus better on safeguarding and improving the wellbeing of children and young people;
- the UK Border Agency's mandatory requirement, under Section 55 of the Borders, Citizenship and Immigration Act 2009, to safeguard and promote the welfare of children in the UK as it carries out its duties;
- Article 3 of the United Nations Convention on the Rights of the Child, which states that the best interests of children must be the primary concern in making decisions that may affect them (United Nations, 1989).<sup>51</sup>

In this evaluation 14 children were interviewed. Key findings were that:

- these children felt safe despite their current circumstances;
- they were generally happy with their lives apart from the threat of return, although one commented that he/she was very distressed as a result of the family's situation;
- they were currently in school and had access to GPs and dentists; and
- they participated in local community life, for example, playing football, swimming and using the library.

Such findings connect to United Nations Convention rights concerning association and mixing with other children (Article 15) and access to leisure, recreation, play and cultural activities (Article 31). Children's feelings of safety also link to Article 6 on the right to life, which also covers child development (United Nations, 1989).<sup>52</sup>

It can also be speculated that, if their families had been detained, these children's views may have changed. Independent Family Returns Panel members and NGOs referred to the benefits of families staying within their communities wherever possible (with detention being a last resort and only for a short period before return). Therefore one impact of the FRP is that it enabled children to continue 'life as normal' to a greater extent than previously, connecting with Article 6's focus on child development (United Nations, 1989).

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51 Article 3 (like Articles 6 and 12, which are referred to later) is one of the guiding principles that represent the underlying requirements for any and all rights to be realised (United Nations, 1989). See Glossary at Appendix A for a description of this and other Articles.

52 General comments on Article 6 also refer to understanding 'development' "in its broadest sense as a holistic concept, embracing the child's physical, mental, spiritual, moral, psychological and social development" (United Nations Committee on the Rights of the Child, 2003).

Around half of NGO staff interviewed felt more consideration should be given to child welfare and safeguarding, at the decision making stage. Some suggested having independent assessments of children's needs, including best interests determinations in line with Article 3 of the United Nations Convention on the Rights of the Child (United Nations, 1989).

Many strategic stakeholders, NGOs and LIT staff referred to negative effects of detention on family wellbeing (and child welfare),<sup>53</sup> particularly at Yarl's Wood, which was viewed as far less suitable for families than Cedars. The closure of Yarl's Wood and the opening of Cedars can be seen as demonstrating the UK Border Agency's commitment to Articles 3 and 6 of the Convention (United Nations, 1989).

### **However, some key events in the new FRP were considered distressing for families and children.**

One negative aspect of the new process was raised by LIT staff in five of the nine focus groups. They felt that the regular contact between UK Border Agency staff and families often heightened pressure on families, increasing threats of self-harm and 'disruptive' behaviour. This point was also made by a minority of NGOs and a small number of families. 'Disruptive' behaviour ranged from threatening to drink bleach if they were made to go home, to refusing to listen to the case owners or physically attacking an enforcement officer.

Families' behaviour was investigated by looking at possible links between key events and actual or threatened self-harm, absconding, disruptive behaviour, or signs of distress, for the 2011 FRP cohort. Of the 85 FRP cases in the 2011 cohort, 56 FRCs (66%) appeared to trigger such responses.<sup>54</sup> Furthermore, the discussion in Section 2.1 suggests possible links between key events and absconding and non-conforming behaviour. Where the process resulted in absconding this clearly presented a specific welfare and safeguarding risk for families and particularly children, including potential lack of access to health, welfare and education facilities.

In the online survey, 72 per cent of LIT staff surveyed indicated that families' behaviour was 'negative' at the FDM. This was higher than perceptions of negative behaviour at the FRC (56%).<sup>55</sup> Respondents suggested that the difference was because FDMs included the serving of removal directions. Families said that the presence of uniformed officers at FDMs was particularly distressing. One family member commented:

"When they do the second interview they wear special uniform ... and when kids are there they feel like they have done some sort of crime, they feel like a criminal because they are wearing a uniform and getting more bossy."

The Interim Assessment of the Family Return Pilots (UK Border Agency, 2011) also found that the prospect of removal led to a degree of distress in families sufficient to require staff to engage more with social services. According to LIT staff in focus groups as well as CID notes, referrals to social services were over issues such as a child's school attendance, threats of self harm and the health and past convictions of the parents.

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53 This report has not provided a review of existing literature on detention because the main aim of the FRP is to manage family return without the need for detention. While families may be held at Cedars, this is markedly different from detention before the new FRP came into place. For more information on the situation prior to the new FRP and the impact on children see Lorek, et al, 2009.

54 See data table DT14a.

55 Staff were given answer options of "positive," "neutral" or "negative." See data table DT20.

It is to be expected that families, facing the prospect of having to leave the UK, will experience a degree of distress. What is less clear is the extent to which the distress is due to their general situation or FRP events. However this evaluation did illuminate the importance of how the FRC and FDM are managed. The following issues were raised.

- Concerns about uniformed immigration officers taking part in FRCs and FDMs. NGOs and strategic stakeholders (mainly independent stakeholders) suggested that they should only be present at the ensured return stage.<sup>56</sup>
- Concern that families were not fully briefed on the coverage of the FRC. This was raised by a minority of NGOs and several families agreed. For example, two families said that, at their regular reporting event, they were told to attend an FRC there and then. Families also commented that they expected the FRC to allow discussion of their case and why they did not want to return, but these aspects were not covered.
- Differing views on the extent to which FRCs addressed welfare and safeguarding issues. About one-third of NGO staff (some of whom had attended FRCs) felt that the Conferences were often a 'tick box' exercise. Similar concerns were raised by 3 of the 23 families (where parents were interviewed). LIT staff disagreed and most Independent Family Returns Panel members supported LITs in this view, saying that they had seen increased information on (and referral work for) families since the process began. One NGO interviewee, who regularly attended FRCs, mentioned that staff were trained to understand body language, in particular to assess the relationship between the parents and children (whether the children appeared fearful or withdrawn). Such observations would have then prompted the staff to ask families detailed questions around health, education and issues related to children.

Several NGO staff highlighted that childcare problems during interviews, and subsequently having the children attend, meant that:

- parents sometimes found it difficult to discuss their claim at the interview; or
- conversely, that unsuitable or distressing discussions took place in front of the children.

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<sup>56</sup> Visual presence of officers at the FDM is risk assessed on a case by case basis, with the safety of officers borne in mind (Home Office, 2013b, section 14.1).

## Involvement and participation of children and adult dependants

### **UNHCR's audit of asylum decision making found that child and adult dependants were not sufficiently involved at the decision making stage.**

The UNHCR Quality Integration team's audit of the quality of family asylum decision making (United Nations High Commissioner for Refugees, 2013)<sup>57</sup> raised issues around the involvement of family members. The following issues related to both children and adult dependants:

- a generally limited appreciation of (and involvement from) dependants in the decision making process;
- decision making in family claims rarely including dependants' substantive evidence;
- a lack of formal procedures to allow family members the opportunity to provide evidence, including to express fully fears of harm.<sup>58</sup>

It concluded that this lack of dependants' input could both influence the initial asylum decision and have implications for the returns process. UNHCR suggested addressing this through ensuring dependants give their views (and supporting evidence on their needs and circumstances) on applications.<sup>59</sup>

Specifically on children, the audit did not observe the UK Border Agency actively pursuing dependent children's views. This was seen as indicating that the FRP did not sufficiently ensure that children's opinions were heard, in line with Article 12 of the United Nations Convention (that when adults make decisions affecting children, children should have their views heard and taken into account), and their right to access appropriate information (Article 17 of the Convention). Moreover, the interpretation of Article 12 by the Committee on the Rights of the Child was that a child should "... have the opportunity to present her or his reasons leading to the asylum claim" (United Nations Committee on the Rights of the Child, 2009).

It is also worth noting that Article 12 is seen as complementing Article 3 on best interests.

"There is no tension between articles 3 and 12, only a complementary role of the two general principles: one establishes the objective of achieving the best interests of the child and the other provides the methodology for reaching the goal of hearing either the child or the children. In fact, there can be no correct application of article 3 if the components of article 12 are not respected. Likewise, article 3 reinforces the functionality of article 12, facilitating the essential role of children in all decisions affecting their lives."

(United Nations Committee on the Rights of the Child, 2009)

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57 The audit, which was requested by the UK Border Agency to test and make suggestions for improvement to asylum decision making for family claims, incorporated a review of 45 family asylum case files and observation of 17 family asylum interviews in three UK Border Agency regions (London, the North West and the Midlands and East of England). All claims were submitted after the introduction of the new FRP on 1 March 2011 (United Nations High Commissioner for Refugees, 2013).

58 The audit also indicated that dependants were not sufficiently informed of their right to claim asylum separately at the screening interview or throughout the substantive process (United Nations High Commissioner for Refugees, 2013).

59 The audit also observed that family training for LIT staff was focused on returns and not decision making specific to family cases (United Nations High Commissioner for Refugees, 2013).

**Given concerns about how events in the process were distressing for children and young people, there were differing views about how and when to involve them.**

Children's involvement in the new returns process was examined for the 2011 FRP cohort. This found that children attended FRCs in 68 per cent (58 FRCs) of cases.<sup>60</sup> Several NGOs argued against children's attendance, commenting that:

- parents were best placed to explain the family's situation to their children, and it should not be done in front of UK Border Agency staff;
- children attending FRCs and FDMs could be exposed to inappropriate discussions; and
- children could experience their parents being distressed.

Based on the relatively small number of interviews with children and families in the process, the FRC seemed to have little impact on younger children (under ten years old). However, four of the six older children had found it distressing. Reasons for this included:

- how they felt their parents had been spoken to;
- because their parents had been upset; and
- the FRC had made them worried about their family's situation.

Furthermore, these older children felt that they had not been listened to and that there were no opportunities to engage (making their presence tokenistic). Although drawn from interviews with a small number of children, such views are consistent with the findings of the UNHCR audit, mentioned above, that the UK Border Agency was not actively pursuing children's views (United Nations High Commissioner for Refugees, 2013).

One child felt that their family had been "tricked" into attending the FRC at the same time as reporting (see the discussion above on some families saying that they were not given the chance to prepare for the FRC). In contrast, another child who did not attend the FRC said:

"... I don't like [it] when people don't tell me stuff, I would rather be told first, instead of going at the last minute and then knowing at the last minute and being panicked."

These differing reactions highlight the difficulties in assessing when and how to involve children. The FRC is often the first time that a family is confronted fully about return and the parents' reactions may make this meeting particularly difficult for children. There is, however, a need to prepare children for return (for further discussion on this, see Section 2.3).

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<sup>60</sup> See data table DT16 for figures. Strategic stakeholders reported that families are told that it would be helpful for their children to attend, but they are not forced to do so. This is in line with guidance that states that children are encouraged to attend events, but that the decision rests with the parent (Home Office, 2013b).

## Identifying welfare and safeguarding issues

### The new process means that safeguarding and welfare concerns are picked up more effectively.

In the online staff survey, 82 per cent (54 respondents) who had worked on the previous process felt that safeguarding issues were more likely to be identified under the new process and 79 per cent (52 respondents) that they were more likely to be addressed.<sup>61</sup> Reasons included:

- stronger links with agencies concerned with child welfare (for example, local authority children's services, GPs and schools);
- staff having more contact time with families; and
- issues being more effectively recorded through the Family Welfare Form (FWF).<sup>62</sup>

While most LIT staff attributed this enhanced focus on safeguarding and welfare to the new process, a minority commented that it was a result of the introduction of safeguarding duties under Section 55 of the Borders, Citizenship and Immigration Act 2009 (prior to the new FRP). They also indicated that the new process had ensured additional adherence to Section 55.

In focus groups, several LIT staff commented that they now saw children more, enabling consideration of child welfare from the beginning of the FRP. Pre-FRP, a pastoral visit only took place a few days before return. Again, this change appears to indicate the UK Border Agency's commitment to Articles 6, 12, 17 and 19 of the Convention on the Rights of the Child (United Nations, 1989).

Analysis of management information supported such views. Several examples of safeguarding issues were identified on the CID notes pages and the FWF, such as, families being re-housed due to domestic violence concerns. Furthermore, cohort data showed that, for families in the new FRP, case owners increasingly recorded health, education and social care referrals on CID. These differences,\* shown on Table 4, may represent improved recording or improved referral rates, in line with the Children Act 2004's focus on joint working between key agencies. However, it is also possible that higher levels of health and welfare concerns may be a result of engagement between LIT staff and families, meaning more issues come to light and / or that more regular meetings were distressing to families.

Table 4: Social care, healthcare and education referrals for non-family returns process (non-FRP) (2010 and 2011) and FRP (2010 and 2011) cohorts<sup>63</sup>

	Non-FRP (2010 and 2011)	FRP (2010 and 2011)
Social care referrals	26 (13%)	63 (41%*)
Healthcare referrals	78 (38%)	116 (75%*)
Education issues noted	10 (5%)	31 (20%*)
<b>Total numbers in each cohort</b>	<b>205</b>	<b>155</b>

Source: UK Border Agency, CID cohort analysis: manually extracted data.

\*Indicates statistically significant differences reported at the five per cent level.

61 See data table DT20.

62 See Appendix C for an explanation of the FWF.

63 The table shows the recorded referrals and issues as percentage of the total number of FRP and non-FRP cases across the 2010 and 2011 cohorts. See data table DT15.

The increased use of the FWF indicates the UK Border Agency's commitment to consideration of welfare and safeguarding issues. The cohort analysis found evidence of the FWF in 134 FRP cases (86%). This compared with 41 non-FRP cases (20%\*) and 39 pre-FRP cases (27%\*).<sup>64</sup> These differences can be seen as linking to Articles 6 and 19 of the United Nations Convention on the Rights of the Child (United Nations, 1989).

### **Some respondents felt that more dedicated family expertise might lead to further improvements.**

Despite these findings, views from a range of interviews suggested that better engagement with families, to address welfare and safeguarding issues, was needed. Most NGOs and several strategic stakeholders (both UK Border Agency and independent) felt involving third party organisations could help. Anecdotal evidence from FKWP interviewees indicated that ongoing independent support and contact management meant that key workers spent more time with families than case owners, enabling them to identify such concerns. The FKWP's log of welfare and safeguarding issues, identified by key workers in their work with families, included some serious concerns identified before the initial decision. Examples included children's lack of access to education, domestic violence issues and racial abuse.

Strategic stakeholders (both UK Border Agency and independent), Independent Family Returns Panel members and NGOs differed in views on whether greater levels of child welfare expertise would help to engage families. Those in favour suggested:

- specialists with an enhanced ability to engage with and obtain children's views should be involved in the FRC;
- alternatively, specialists should visit children separately and report to case owners; and
- replicating some preparatory work done by Barnardo's at Cedars, earlier in the process, in family homes.

Others disagreed commenting that referral mechanisms to relevant expertise already existed. The increased use of family engagement officers (or specialist case owners) from within Home Office Immigration and Enforcement, may be an alternative. This approach (already taking place in some areas under the UK Border Agency<sup>65</sup>) could ensure that staff build on experience and expertise over time. Several interviewees (including LITs, UK Border Agency strategic stakeholders, Independent Family Returns Panel members and NGOs) commented that these staff should only work on family cases at the post-ARE stage, ensuring that case owners giving the refusal decision are not involved in the returns process (which some families and stakeholders felt was a barrier to engagement).

## **Joint working on health and welfare**

### **Joint working seems to have improved in some areas (for example, with schools) but less so in others (for example, with GPs).**

The new process aimed to encourage joint working between the UK Border Agency and a range of partner organisations to support improved welfare and safeguarding. This connects to the Children Act 2004's focus on joint working around safeguarding and wellbeing of children. It also

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<sup>64</sup> See data table DT13.

<sup>65</sup> Any member of staff undertaking family meetings is required to undertake specialist training that includes engagement with children and families. At the time of writing, this role was being undertaken by Family Engagement Managers, who have specialist training.

links to the Convention on the Rights of the Child. The Convention outlines that children have rights to access healthcare (Article 24), education (Articles 28 and 29) and to benefit from social security (Article 26) (United Nations, 1989).

LIT staff had varying views on whether the new FRP had improved joint working. Substantial improvements were referred to in some regions, but limited change in others. The Independent Family Returns Panel's annual report noted variable levels of joint working and several NGOs suggested that it was not as extensive as they thought that it should be (Independent Family Returns Panel, 2012).

Nonetheless, a recurrent theme from focus groups with LIT staff was that their contact with social services teams had improved. Links with education and health were seen as less constructive, although there were examples of good links with schools (see below). Relationships with GPs emerged as a particular issue with LITs often mentioning instances of GP practices requesting payment for providing medical records. This was also raised in the Panel's annual report. In contrast, examples of good practice with schools were highlighted, as follows.

- An Independent Family Returns Panel member reported that, following initial LIT contact, a number of schools had established communication links to enable children to stay in touch with school friends after return.
- One head teacher said that they worked closely with the UK Border Agency to help a child and their family to prepare for return. The head teacher added that, under the old process, the school would only find out about a child's return at the last minute (meaning that they could not provide any support).

Other examples of joint working were LITs providing presentations and workshops explaining the new process to health and social service colleagues. However, LITs, NGOs and strategic stakeholders (both UK Border Agency and independent) felt that agencies still lacked understanding of LITs' roles. For example, a health visitor said that if health staff understood that information requests were for an independent panel to consider children's best interests, both information provision and joint working might improve.

Taken collectively, the findings indicate some progress on joint working, but that more could be done in relation to the general aims of the Children Act 2004.

## Independent Family Returns Panel

### **The Independent Family Returns Panel was felt to have improved safeguarding of children and family welfare.**

Feedback from most interviewees (of all types, except families not aware of the Panel) emphasised the Independent Family Returns Panel's role in safeguarding children and supporting families' welfare at the ensured return stage.<sup>66</sup> Panel members reported instances where they had delayed returns<sup>67</sup> due to welfare, safeguarding or other issues. Reasons included medical treatment and children's school exams.

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66 Its annual report stated that it had ensured that: "Families were returned to their country of origin more safely with the UK Border Agency and their contractors operating in a way which demonstrates adherence to their statutory responsibility for child safeguarding and welfare" (Independent Family Returns Panel, 2012).

67 Decisions regarding whether a family should be removed from the UK rest with the UK Border Agency and the courts. It is not a function of the Panel to endorse or reconsider these decisions.

Four of the interviews and focus groups with NGOs raised concerns about the independence of the Panel's role. There was no suggestion that the Panel itself was not independent, but NGOs commented that it relied on UK Border Agency information. They suggested that families, and possibly their legal representatives or advocates, should be able to see this information.<sup>68</sup> However, other interviewees, including Panel members and UK Border Agency strategic stakeholders, were concerned about releasing practical information around enforcement visits, the process, and previous legal judgements.<sup>69</sup>

## Pre-departure accommodation

### **A range of research participants agreed that Cedars was a safe and supportive environment, with good facilities for families and children.**

Views on Cedars were provided by two families who had spent time there, but who had subsequently gone back to their home in the UK (so this may have affected their perceptions of Cedars).<sup>70</sup> They commented that Cedars was clean, safe and they had plenty of things to do, even suggesting it was “too good” and would have presented a stark contrast if they had been returned directly from there.

Feedback from children who had been at Cedars included that:

- it was great that the family was able to stay together;
- staff seemed to genuinely care;
- Cedars staff had not been able to help the family to prepare for return because the family did not want to return and so would not engage on this subject. This meant the family remained worried and anxious; and
- they felt “safe but trapped.”

Although only two of the families were able to give views on Cedars, LIT focus groups, most Panel members and most strategic stakeholders also viewed Cedars positively.

One LIT focus group suggested that a stay in Cedars provided a useful period of time for families to “calm down” following the enforcement visit. This was echoed by the Independent Monitoring Board (IMB) for Cedars.

Most Independent Family Returns Panel members and strategic stakeholders (both UK Border Agency and independent) also referred to the high quality facilities and valuable support to families. The Panel's annual report stated that: “Parents have reported to staff that they have felt a positive benefit from their stay there” (Independent Family Returns Panel, 2012). The Chief Inspector of Prisons reported positively on Cedars in May 2012, referring to a high level of welfare support by Barnardo's and G4S workers (HM Chief Inspector of Prisons, 2012a). The report stated that families felt safe, that those at risk of self-harm were well managed and that safeguarding and child protection procedures were well understood by staff.<sup>71</sup>

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68 Families do already see their Immigration Factual Summary, which is one of the two documents referred by LITs to the Panel. They can also request to see their FWF but are required to make a Subject Access Request (which attracts a small fee) to do so.

69 The Independent Family Returns Panel's annual report suggests that return plans and supporting information presented to the Panel should be subjected to periodic independent audit (Independent Family Returns Panel, 2012).

70 Further discussion of pre-departure accommodation is provided in Appendix B.

71 The Inspectorate of Prisons report (HM Chief Inspector of Prisons, 2012a) stated that detailed safeguarding guidance and procedures were in place for adults at risk. It also commented that: “Effective joint work had been carried out between the agencies involved to ensure that suitable policies and procedures were in place to safeguard children.”

## Use of pre-departure and open accommodation

### **Cedars was used to help families to prepare for return and also as ‘stopover’ accommodation.**

UK Border Agency management information showed that 66 families<sup>72</sup> had been held for immigration purposes in Cedars from its opening until 19 October 2012. Of 81 ensured returns, 35 per cent (28 families) left via pre-departure accommodation.<sup>73</sup> Other families held in Cedars but not returned were allowed to return to their UK home (41%, 27 families), usually due to barriers raised at this stage.<sup>74</sup>

LITs, UK Border Agency stakeholders and independent stakeholders indicated that families were allowed to return to their UK home (rather than returned) from Cedars for various reasons, including legal, health or behavioural factors.

Stated reasons for using Cedars included the following.

- For Barnardo’s to provide preparatory support for children before the return (this was particularly common where parents had not explained the situation to children).
- For families where there was a perceived risk of self-harm, disruptive behaviour or absconding.
- For families with specific medical issues or requirements.

Cedars was sometimes used as a ‘stopover’ for families who had a long journey to the airport (normally Heathrow). Most LIT staff, Independent Family Returns Panel members, strategic stakeholders and NGOs agreed that Cedars should not be used solely for logistical purposes. The Panel’s annual report recommended greater use of local airports. Where this is not possible, LIT staff and the Panel must decide if it is in the family’s best interests to use Cedars rather than undertake a very long journey (often through the night or with an early morning enforcement visit) (Independent Family Returns Panel, 2012).

While it was recognised that the new FRP focuses on managing returns without children being held for immigration purposes, most LIT staff, Panel members and strategic stakeholders (both UK Border Agency and independent) suggested that Cedars was underused. These views were based on the positive perceptions of Cedars, and on Barnardo’s support to children in particular, discussed above.

Secondary evidence on parents’ views is provided by the HM Inspector of Prisons’ report (HM Chief Inspector of Prisons, 2012a). Here, parents commented that, if they were to be returned forcibly, they would rather be at Cedars for a short time, both to allow time for judicial reviews and to prepare their children. One parent interviewed supported this view, feeling that Cedars was a much better option for her children. However, the two families who had spent time there were unsure if this was preferable to ‘escorted return without further full notice.’

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72 This includes some families who were at Cedars on more than one occasion. These were counted as separate families, hence the number of actual families will be fewer than 66. See data table DT29.

73 Note that this is specific Independent Family Returns Panel data extracted at a different date to the overall data shown in Table 2 (hence the slight difference in total ensured returns).

74 See data tables DT17 and DT29.

## **Open accommodation had been underused, but might be an alternative to Cedars for some families.**

A further option may be the use of open accommodation,<sup>75</sup> but feedback from UK Border Agency strategic stakeholders revealed that none of the return plans had proposed this at the ensured return stage. LIT staff, Independent Family Returns Panel members and some strategic stakeholders felt that open accommodation was unsuitable in terms of family welfare (as it broke community ties and because of concerns about the accommodation standards) and presented absconding risks.

Open accommodation options might include:

- use as an alternative to the ‘last resort’ option of Cedars;
- using to break up long journeys, rather than using Cedars for families travelling for long periods, as suggested by some NGOs and strategic stakeholders (both UK Border Agency and independent); and
- exploring the provision of specialist support for children, such as that provided by Barnardo’s, in an open environment (either the family home or an alternative location).

For more information on open accommodation see Appendix B.

## **Enforcement visits and escorting families**

### **There were concerns about the number of officers attending enforcement visits, and also the use of body armour.**

Safeguarding and welfare issues were raised in relation to family enforcement visits.<sup>76</sup> Interviews and focus groups illuminated two particular concerns.

- Excessive number of escorts.<sup>77</sup> Some LITs and NGOs commented on this. The Independent Family Returns Panel’s annual report also remarked that attending officer numbers “was sometimes excessive,” but also made broadly positive comments about handling of enforcement visits (Independent Family Returns Panel, 2012).
- Use of body armour and risk assessments. Strategic stakeholders (primarily independent) referred to intimidating body armour worn by enforcement officers. One Panel member commented that body armour was overused because risk assessments were too generic.

### **However, there had been improvements in the handling of enforcement visits.**

The Prison Inspectorate report on Cedars stated that, overall: “Reliance family escort staff were sensitive to the needs of children, and care was taken to ensure that families understood what was happening.” It did, however, comment that: “Barnardo’s training on the safe management of children was being extended to include Reliance escort staff” (HM Chief Inspector of Prisons, 2012a). This was confirmed by Cedars and Reliance staff during the evaluation.<sup>78</sup> Trainers

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75 Open accommodation is residential accommodation where families are housed on a full-board basis without cash support. Families will not be detained or compelled to travel. The purpose of moving a family to open accommodation is to encourage compliance by moving them away from community links and ties, and to signal that departure from the UK will happen (Home Office, 2013b, section 5.5).

76 Enforcement visits are sometimes referred to as arrests.

77 A report by The Children’s Society referred to the concerns of families regarding the use of eight or nine officers to detain a mother and only one or two children (The Children’s Society, 2012).

78 Reliance is now called Tascor Services Ltd

commented that Reliance staff had responded positively to enhanced training, while the UK Border Agency and independent strategic stakeholders had welcomed the recent secondment of a senior UK Border Agency staff member to Reliance to focus on safeguarding.

Developments like the UK Border Agency secondment and additional training are a response to concerns about Reliance's role. Most LIT staff, strategic stakeholders (both UK Border Agency and independent) and Independent Family Returns Panel members commented on recent improvements in Reliance staff's focus on welfare and safeguarding. Reliance staff commented on improved working relationships with LITs since the new FRP began.

A potential area of improvement would be for Reliance to develop specialist family teams (recognising that Reliance escorts' work can be very varied). It is understood that, due to resourcing, this might require amendments to the existing contract.

## 2.3 Preparing families for return

An objective of the new FRP was to prepare families better for return and give them the opportunity to take responsibility for their return.

### Taking responsibility for return

**Almost half of returned families had taken the opportunity to be responsible for their return through the new FRP, and most LIT staff agreed that families were better informed.**

A key objective of the FRP is to give families the opportunity to take responsibility for their own return. The macro data showed that 46 per cent of all FRP families were taking up this opportunity through AVR and voluntary returns.<sup>79</sup>

AVR is discussed at the FRC. LIT survey findings indicated that all staff who expressed a view, felt that the FRC helped families to understand their specific options for return. Furthermore, 69 per cent (42 respondents) who had worked on the previous returns process perceived families to be more prepared for their return under the new process (31%, 19 respondents, felt that there was no difference).<sup>80</sup> Several LIT staff in focus groups agreed that the FRC provides the opportunity for families to take ownership of their situation.

In the evaluation interviews, only one family had chosen the option of AVR and appeared to accept the reality of return. This family had thought about the means of return that worked best for them. They gave positive feedback on the process, for example, commenting on the benefits of AVR on return, as seen below.

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79 See data table DT3.

80 See data table DT20.

“Weighing [up] both the options [AVR or non-voluntary return] I decided to go for AVR, at least the name sounds much better than deportation or removal, regardless of other support that goes with AVR. After we returned I called the contact officer [at Refugee Action] back in UK, we discussed and he asked me to forward the relevant expenses that me and my family incurred between the day we returned to the next six months. Just as was explained to us initially I forwarded the bills of our house rent, school bills for the children and that was reimbursed.

AVR really helped us a lot, with little money we had at the time we arrived in [...] we were able to settle and pay for certain basic needs, but we would have faced serious problems [without it]. With AVR, the costs we incurred for house rent and schools bills were refunded and this keeps us in secure situation until I am able to get regular job, which I am hoping that I will get very soon. Generally, we are doing much better than many people expected, we were able to run our lives silently without much worries and with no need to start begging extended families and friends.”

### **However, families were often not taking responsibility for their return, even when they understood the available options.**

A number of other families, who had not taken up AVR, still recognised that the process was trying to help them. For example, one family commented that:

- they were treated “fantastically” by staff;
- staff were very sympathetic, humble and understanding;
- the options for return were clear to them; but
- despite these positive factors relating to the process, they simply could not return.

Similar views were expressed by around half the families interviewed. Although the process gave these families the opportunity to take responsibility for their return, many still felt unable to take up AVR or voluntary return options. Furthermore, as noted in Section 2.1, 43 per cent of all families in the new FRP are leaving via ensured return,<sup>81</sup> so many families are not taking up the opportunity to take responsibility for how they return. Reasons for this are discussed below.

## **Engagement of families**

### **Engagement of families in the returns process was a challenge. Reasons for this related to denial and fear of return.**

Only 1 of the 23 families (where parents were spoken to) had opted for AVR, and another family was considering this option. A number of possible reasons for this were suggested by the research (discussed below). However, a common theme was that nearly all of the remaining families interviewed did not believe they would return, or refused to accept they would do so. This will affect families’ engagement with the returns process.

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81 See data table DT3.

The different responses of these families can be related to the ‘change curve,’<sup>82</sup> which shows a series of stages experienced by people confronted by change. The model includes the following stages:

- **denial:** “This can’t be happening”;
- **anger:** “Why me? It’s not fair!”;
- **bargaining:** “I’ll do anything, can’t you stretch it out?”;
- **depression:** “I’m so sad, why bother with anything?”; and
- **acceptance:** “I can’t fight it, I may as well prepare for it”.

Most of the families interviewed appeared to be at the ‘denial’ stage, but there was also evidence of ‘anger’ towards what was happening to them. Three families that were interviewed, repeatedly asked: “Why us, this is not happening to our friends? We have been here ten years, why now?” The ‘bargaining’ stage was seen to a lesser degree, mainly in relation to ongoing work with legal representatives and other groups. The depression stage was also evident in some families who were not (or were no longer) displaying signs of anger. Only one family was at the acceptance stage, which ultimately led to a smooth and successful return (based on the family’s feedback following return).

Most families also said that they feared return. This view was supported by around half of all other interviewees including most NGO staff, who also felt that families held fears about return even if they had received a correct refusal decision. Money and reduced re-entry bans<sup>83</sup> were not incentives for these families. One family, reflecting views expressed by many others, commented:

“The money doesn’t really make any difference, it is a matter of life and death ... if you have so much fear no matter how much fortune you get, you just don’t want to return to that place, no matter how much money, money makes no difference.”

**A lack of engagement affected how prepared families were to return, with implications for effectiveness of the new FRP. Stakeholder suggestions to address this included making AVR availability more flexible, and greater engagement with communities.**

Despite findings (discussed above) that most LIT staff felt families were better informed about their options under the FRP, some respondents to the online survey (and also in LIT focus groups) commented that denial about return often meant families were not more mentally prepared to leave. This was a recurrent theme amongst most strategic stakeholders (both UK Border Agency and independent) and several LIT focus groups. In addition, these groups agreed that many families did not fully engage until the process’s latter stages due to both denial and fear of return.<sup>84</sup> This has implications for families’ ability to take responsibility for their return, because, as previously discussed, Home Office guidance is that AVR and voluntary departure are not available once removal directions have been set (Home Office, 2013b).

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82 Originally developed by Elisabeth Kübler-Ross relating to the ‘Five Stages of Grief’ and also used in relation to change management (Kübler-Ross, 1969).

83 Two- or five-year re-entry bans apply to people who leave voluntarily ‘at the Secretary of State’s expense,’ which includes both AVR and self check-in voluntary departures, where tickets are provided. Ten-year bans apply to enforced removals (Home Office, 2013b).

84 This is consistent with more general research on AVR take up. The literature review in Thiel and Gillan (2010) “indicated that, in general, asylum seekers do not wish to return to their country of origin and will usually delay doing so for as long as possible” (see p 5).

Most NGOs, together with several LIT focus groups, suggested the need for increased flexibility on AVR timing. Senior UK Border Agency staff commented that AVR should be available as late as the guidance allowed unless a family had previously displayed non-compliant behaviour.<sup>85</sup> This seems pertinent to families' difficulty in coming to terms with the realities of return and concerns raised around the aspirational ten-week FRP timescale (see Section 2.1). Staff at Cedars commented that, on arrival, families often accepted return and were keen to take up AVR. It was not possible to verify whether families were more likely to take AVR later in the process, although most interviewed earlier in the process indicated that they would not take AVR at any stage.

Linking to broader issues around the denial of return, almost all NGOs interviewed referred to the need for earlier independent engagement with families to explain the application and return process. Most interviewees agreed on the importance of providing realistic expectations and information to families from the start (for example, about the likelihood of a grant of leave to remain). This suggestion links to the roles of community groups and networks in engaging families.<sup>86</sup>

Several strategic stakeholders (both UK Border Agency and independent) and a minority of LIT focus groups suggested that, within at least some communities, word of mouth influenced families' actions. This was corroborated by a number of families who referred to the value of advice from friends, relatives and organisations that they were involved with. Many LIT staff and strategic stakeholders (both UK Border Agency and independent) referred to a perception, in many communities, that if families prolonged the process long enough they would eventually be granted leave to remain.<sup>87</sup> While it was not possible to validate this view, different groups of strategic stakeholders referred to a period before the new FRP where they felt that it was unusual for families to be returned.

### **Length of time spent in the UK also emerged as a factor in families' reluctance to consider return.**

Three of the families interviewed were particularly against return as they had been in the UK for so long (ten, nine and six years respectively). These families would have preferred immediate return, rather than leaving after establishing lives in the UK. They anticipated that return would be particularly traumatic and that their children would not adapt. One of these families subsequently obtained leave to remain, which they said was because their child had settled well in school and was involved in activities that they could not have taken part in if they had returned. Other families had not been in the UK as long, but generally agreed that it became harder to leave the longer people were in the UK.

LIT staff, NGOs and most groups of strategic stakeholders agreed with families that AVR became less attractive the longer a family had been in the UK. One family (who had been in the UK for just over a year) had accepted AVR because the three-month departure timescale enabled their children to complete the school year.

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85 A UK Border Agency representative stated that, in line with published eligibility criteria, if removal arrangements are in place an application for AVR will be rejected. However, they also commented that exceptions to this were considered in family cases, particularly relating to the best interests of the child. The dotted line in Figure 2 makes reference to this practice.

86 This is a general point about engaging with community groups, rather than the specific role of Refugee Action. Refugee Action's non-directive approach is discussed in Section 2.1 above.

87 This is consistent with more general findings on factors affecting the take up of AVR. For example, the assessment of one AVR Programme (the Voluntary Assisted Return and Reintegration Programme) in 2006 found that rumours of an amnesty on asylum cases were also perceived to have had an effect on decisions to return (7 out of 24 respondents) (Evans, 2010).

## **Further barriers to family engagement stemmed from concerns with the decision making process.**

Concern around the decision making process was a key theme among interviewed families. The Independent Family Returns Panel's annual report (2012) established that, of 186 concluded FRP cases,<sup>88</sup> up to the end of March 2012, 41% (77 families) were concluded with the family being granted leave to remain. Granting leave to a family that had been in the FRP could be an indicator of issues around the earlier decision that a family should be returned. However, there may be other factors, for example, changes of family circumstances or in the return country.

Although the UK Border Agency sought to improve the quality of decision making, for example, through piloting the Early Legal Advice Project (ELAP),<sup>89</sup> concerns on this issue were raised by most NGOs.<sup>90, 91</sup> Their feedback was similar to the findings from the UNHCR audit on family asylum decision making (2013): a lack of involvement of dependants at the decision making stage; lack of consideration of dependants' welfare/experiences on return; lack of consideration of the impact on the lead applicant of having dependants; inconsistent legal advice or lack of legal advice available to families (see Section 2.4).

Despite reported views that families were better informed, interviewees, including LITs, NGOs and strategic stakeholders (both UK Border Agency and independent) suggested that families did not always absorb the information provided at the FRC. They highlighted that families have a large amount of information to assimilate, and were often upset about the prospect of return. This limited the process's potential impact, including helping families to prepare for return. At least half of the families interviewed provided similar comments to the quote below.

**“To be honest I was just too upset to even think ... this is not what I want for my children, this is not what I want for myself either.”**

One family suggested that, because it was so difficult to concentrate during the FRC, it would be helpful to take away a written document which explained the return options. Families were already provided with Refugee Action's contact details and Choices leaflet at the FRC, in addition to a UK Border Agency AVR information form. However, this kind of feedback suggests that a leaflet, providing a more general explanation of the returns process, might also be useful.

Some parents said that they found it hard to engage with the process as their focus was on looking after their children. Several NGOs, strategic stakeholders (both UK Border Agency and independent), LITs and families mentioned this.

## **A lack of engagement also had implications for children, meaning that they were not prepared for return.**

Children, like their parents, were found to be no better prepared for return if they had not engaged with the process. The Independent Family Returns Panel's annual report (2012) comments that: “The alternative of a family arrest and transport to a point of departure is too difficult to imagine for a child who has not been prepared for such a significant event.” At least partly supporting

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88 Outcomes included grants of leave to remain and returns, but excluded 'not family with children' cases.

89 Qualitative evaluation of the ELAP project highlighted some examples where earlier legal advice enabled information relating to other family members to be identified earlier. This assisted the case owner in making the initial decision (Lane, et al, 2013). See Appendix B.

90 Concerns around the quality of decision making were also raised in a report by The Children's Society (2012).

91 Decision making was independently addressed by the UNHCR audit of family asylum decision making (United Nations High Commissioner for Refugees, 2013).

this view, one mother interviewed, who had decided her children should not attend the FRC, commented that:

“... when they came to the door my children were in total shock because they didn't know what was going on, so in a way the UK Border Agency were right [in requesting that the children came to the meeting]; if the meetings were being handled in a better way then maybe I would have brought the children.”

Although concerned about children attending FRCs and FDMs, several NGOs also felt that children were not sufficiently involved in the process. This again connects to the General Comment on Article 12 and how effective and meaningful participation “needs to be understood as a process, not as an individual one-off event” (United Nations Committee on the Rights of the Child, 2009). Cedars staff said that, if parents had not discussed their situation with children, Barnardo's staff would speak to them if they felt that this was in the best interests of the child.

A booklet was produced by the Office of the Children's Champion with input from other professionals, including local authority social workers. Its aim was to help parents explain return to their children, which would give children an opportunity to ask questions and prepare for leaving the UK. The booklet was trialled for three months in both the North West and the North East, Yorkshire and Humber UK Border Agency regions with families (16 in total) who were going through the returns process. It was generally positively received by case owners and enforcement officers who felt it was helpful in advising parents that they needed to talk to their children about return.

## Practical support for return

### **Both Cedars and the Independent Family Returns Panel were felt to have improved practical support for returning families.**

A substantial part of the new FRP involves putting mechanisms in place to ensure that families are supported through the returns process. As well as AVR packages, this includes:

- LITs' engagement with community groups and education, health and social services staff;
- individual family return plans, developed by LITs;
- advice from the Independent Family Returns Panel on these plans; and
- Cedars' work in preparing families for return.

A wide range of interviewees (of all types) suggested that there was a need for more joint working with communities and community groups to support return. In particular, it was felt that communities needed to understand, in the new FRP context, that voluntary return (and specifically AVR) may be in the best interests of families and children, given that ensured return was often deeply traumatic for families. Joint working with education, health and social services staff is discussed in Section 2.2 and includes good practice examples of how schools supported return plans.

According to one family helped by the Community Sponsors initiative,<sup>92</sup> what assisted them was ensuring that the parent(s) were job ready, understood the return process, and received support in planning their reintegration. This included making contacts in their home country.

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92 The Community Sponsors initiative represents an example where efforts are being made to increase engagement and understanding of the immigration system with communities (see Appendix B). It does not exist to promote AVR or voluntary return. This was also an aim of the UK Border Agency's Access and Information project (see Commitment 3 in Section 2.6).

For families in the later stages of the process, the Independent Family Returns Panel advised on how the UK Border Agency could address families' immediate needs on return, for example, by ensuring accommodation or transport availability.<sup>93</sup> Panel members commented that some LIT staff now took a similar approach with, for example, one LIT contacting local charities in countries of origin. This suggested that the Panel's work had improved the quality and detail of LITs' return planning (a view confirmed by Panel observers and some LIT staff).

The benefits of Cedars in assisting families' preparation for return have already been noted in the discussion of welfare and safeguarding (see Section 2.2). The two families who had spent time at Cedars commented that this had helped them at least to begin to prepare. In particular, they reported that it had helped their children through the work of Barnardo's at Cedars. Three strategic stakeholders reported that 'pick ups' from Cedars were less confrontational than for other ensured returns because of this preparatory time. The Inspectorate of Prisons' report on Cedars stated that families received good support to prepare for return or release (HM Chief Inspector of Prisons, 2012a).<sup>94</sup> The Independent Family Returns Panel's annual report also referred to increased work to help families in the first 24 hours on return (Independent Family Returns Panel, 2012).<sup>95</sup>

## 2.4 Barriers to return

Barriers to return, such as further representations and judicial reviews, are a key factor affecting the returns process. An aim of the new FRP was to encourage families to raise challenges earlier in the process before enforcement action commenced. The evaluation therefore sought to assess whether this was happening.<sup>96</sup>

### **Cohort data showed no difference in the proportion of families raising barriers to return in the old and new processes.**

The cohort analysis found that, compared with pre-FRP cases, the proportion of returnable families raising barriers<sup>97</sup> was almost unchanged under the FRP, with an increase of only one per cent (see Table 5).

### **However, cohort data did show that slightly more barriers were raised under the new FRP.**

Families under the new process raised almost one-fifth (18%) more barriers compared with families in the old process. Controlling for the fact that there are ten more families in the FRP cohort compared with the pre-FRP cohort, 1.4 barriers per family were raised by the FRP cohort and 1.2 per family by the pre-FRP cohort.<sup>98</sup> The UK Border Agency's CID indicated that common barriers to return included further submissions, judicial reviews and a lack of suitable travel documentation.

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93 As part of this 'return support' issue, Panel members, strategic stakeholders and NGOs all welcomed Barnardo's concept of developing a Hardship Fund to support families on return.

94 The report referred to the opportunity for daily visits (although the visits room lacked privacy); access to telephones, email and the internet; and the provision of country information packs. It also commented that efforts were made to contact support organisations in destination countries; that a personalised bag of age-appropriate toys and books were put together for each child on leaving the centre; and that grants (for example, the Hardship Fund) were regularly provided to meet immediate needs on arrival

95 Such assistance included booking hotels for the first night of return and onward journeys for families, booking, and contacting local NGOs to help support the families.

96 The evaluation looked at all barriers, including further representations and judicial reviews.

97 Some barriers (for example, travel documentation issues) may not be directly raised by the family.

98 See data table DT18.

Most LIT staff and strategic stakeholders (mainly UK Border Agency) said that the opportunity to make further representations was explained by LIT staff at the FRCs. Some NGOs felt that this opportunity was not always made clear by LIT staff. Most families said that the topic was raised, but had differing views on whether this was properly explained or ‘mentioned very briefly.’<sup>99</sup>

### **There was some evidence that barriers were being raised later in the new FRP.**

Most LIT staff commented that barriers were regularly raised between the FRC and the FDM. Other strands of the research also indicated that barriers were commonly raised later in the process.

- The cohort analysis of the 2011 FRP group looked at the impact of the FRC on families’ behaviours. For the 56 families where the FRC triggered a reaction (for example, signs of distress, self-harm, absconding, disruptive behaviour, further submissions), 61 per cent (40 out of 66 reactions) included further submissions, judicial reviews or pre-action protocols.<sup>100</sup>
- Many LIT staff and strategic stakeholders (both UK Border Agency and independent) stated that further representations, judicial reviews and other barriers regularly occurred later in the process, often triggered by the serving of removal directions.
- The proportion of families raising barriers more than three months after the ARE date was 12 per cent greater for the FRP families relative to pre-FRP cases (see Table 5).

**Table 5: Barriers raised and time between the appeal rights exhausted (ARE) date and first barrier for pre-family returns process (pre-FRP) (2008) and FRP (2010 and 2011) cohorts<sup>101</sup>**

		Pre-FRP (2008)		FRP (2010 and 2011)	
		Number of families	%	Number of families	%
Timescale of raising first barrier (after the ARE date)	<3 months from the ARE date	27	42	21	30
	≥3 months from the ARE date	37	58	48	70
Number of families raising barriers and as a % of cohort		64	44	69	45
<b>Total returnable families (cohort)</b>		<b>145</b>	<b>100</b>	<b>155</b>	<b>100</b>

Source: UK Border Agency

99 The researchers from GVA did not attend FRCs, which meant that it was not possible to corroborate such views. Clear recording of the extent to which the availability of legal advice was explained to families within the FRC would be helpful.

100 The Pre-Action Protocol for Judicial Review sets out a code of good practice and contains the steps that parties should normally follow before making a claim for judicial review. See data table DT14.

101 See data tables DT18 and DT19.

## **Barriers were being raised which were ineffective in influencing case outcomes, and were often raised late in the process.**

Many LIT staff held the view that families and legal representatives used further representations and judicial reviews ‘tactically’ to delay the process. These LIT staff, as well as several strategic stakeholders and some Independent Family Returns Panel members, felt that legal representatives raised false hopes and expectations, often increasing denial of return.<sup>102</sup> The annual report of the Independent Family Returns Panel referred to concerns that were also raised by LIT staff and strategic stakeholders, that: “Solicitors will continue to work for a family where there is very little chance of them being able to remain in the UK. This depletes family resources that could otherwise be put to good effect helping the family to resettle in their country of origin” (Independent Family Returns Panel, 2012). Several strategic stakeholders agreed with the report’s assessment.

There was a widespread view that it was better for children if further representations were raised earlier in the process, with examples given of returns from Cedars being stopped on the way to the airport due to an injunction. This was partly supported by management information that showed that a large minority (41%, 27 of 66 families) accommodated at Cedars were subsequently allowed to return to their UK home.<sup>103</sup>

## **Some respondents linked late barriers to a lack of access to quality legal advice.**

This report has already referred to the considerable proportion of families granted leave after initially entering the FRP (see decision making discussion, in relation to family engagement, Section 2.3). Access to legal advice has already been discussed and it may be a factor in barriers being raised late in the process. Comments from families, NGOs and stakeholders (mainly independent stakeholders) indicated that many families did not have access to legal advice at the returns stage. FKWP representatives said that their experience was that around two-thirds of families they worked with were ‘dropped’ by their legal representative during the asylum process. One family, who had been at Cedars but was then granted leave to remain, commented that:

“No one had listened to me in my 13 months in the UK until I spoke to the solicitor at Cedars.”

The Independent Family Returns Panel’s annual report recommended that, where families did not have legal support, the UK Border Agency should offer advice to parents on accessing it (Independent Family Returns Panel, 2012). Legal advice is available at Cedars, with the HM Chief Inspector of Prisons report stating that families had “good access to legal assistance.” In addition the report went on to say, “records suggested half those held at Cedars had asked for legal assistance and in nearly all cases appointments had been arranged for the same or the following day,” while “solicitors reported positively on arrangements for legal visits” (HM Chief Inspector of Prisons, 2012a).

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102 This also relates to the take up of AVR and voluntary return, see Section 2.1.

103 The Family Returns Unit data are of all families accommodated at Cedars since it opened in August 2011 until 19 October 2012. See data table DT29.

## 2.5 Ongoing learning

The evaluation aimed to assess the extent that ongoing learning assisted the implementation and development of the new FRP.

### Staff training and culture

#### **Ongoing learning was being built into improvements to the FRP.**

Most strategic stakeholders (both UK Border Agency and independent), several Independent Family Returns Panel members and most LIT staff (during focus groups) felt that the new FRP had involved substantial changes within the UK Border Agency. They commented that FRP implementation needed ongoing improvements. Most Panel members and strategic stakeholders (both UK Border Agency and independent) agreed that the UK Border Agency was on an “improvement journey”.

Widespread training was provided for staff (see Appendix B for an explanation of the training and further discussion). While staff members raised some concerns about the initial training, it is positive that the UK Border Agency sought to develop, update and improve training as the process was embedded. An example of this was where Barnardo’s provided additional training for Reliance staff (and a senior UK Border Agency representative was seconded to help with this).

Induction training for staff at Cedars was, at the time of writing, delivered separately by the three individual agencies working there; it may be beneficial for a regular joint induction training programme to take place (similar to the joint induction training delivered at the opening of Cedars).

### Training on safeguarding and welfare

Staff felt that they needed additional training in some areas, for example, in dealing with challenging situations.

Most focus groups with LIT staff indicated that training for the new FRP had not included enough coverage of dealing with difficult and emotional incidents that could arise at the FRC or FDM. These staff suggested a need for more scenario-based training using real life situations and discussing how they were dealt with at the time and whether there would be a better way to deal with them in the future.

Most staff also commented on the need for a wider support network to assist with the emotional aspects of the new role. This view was supported by specialist training experts. Suggestions included a dedicated phone line for support or a mentoring scheme. Others commented that the development of specialist family teams in all regions, supported by line managers, was the best means of ensuring that staff were able to cope with the demands of the role. The Liverpool LIT had its own safeguarding manager who can provide support and advice.

FRP training had covered Section 55 and relevant welfare issues (Borders, Citizenship and Immigration Act, 2009). However, strategic stakeholders (mainly UK Border Agency) felt that, given that a considerable number of families had returned under the new process, it might be timely to provide more specialist training with real-life examples. There had been some instances of this already, for example, the Liverpool LIT (which had been involved in the FRP pilot) had provided training and support to other teams. There had also been some cross-LIT discussions.

In the survey of LIT staff, 15 respondents (20%) believed that they needed additional training specific to the new process.<sup>104</sup>

Comments referred to the need for more training on:

- the practicalities of the process (including internal processes and the UK Border Agency's CID);
- conveying negative news to families and dealing with emotional or aggressive families (including the possibility of shadowing a social worker or Barnardo's staff); and
- how to address specific issues, such as suicide threats, neglect, child abuse and self-harm.

## Specialist family teams

### **Ongoing learning might be improved by the development of more specialism on family welfare and child safeguarding.**

The research indicated that the new FRP has been implemented slightly differently across UK Border Agency regions. While the main stages of the process are relatively consistent, interviews and focus groups with LITs, Independent Family Returns Panel members, strategic stakeholders (both UK Border Agency and independent) and NGOs highlighted differences in delivery structures and resources (see Appendix B for more details). Central to this was the degree to which specialist family teams/units were used in different areas.

Almost all interviewees stated that the new process worked best with a dedicated family returns team. This was also raised in all nine focus groups with LIT staff. The Independent Family Returns Panel's annual report referred to the correlation between levels of engagement and specialisation (Independent Family Returns Panel, 2012). Such an approach may also:

- enable the UK Border Agency to select individuals with the appropriate skills, expertise and experience;
- allow greater focus on, and engagement with, family cases;
- reduce concerns raised by several LIT staff and NGOs that targets (focused on returns) discourage LITs from prioritising family cases due to the difficulties and timescales faced; and
- address the lack of incentive (for LIT staff working on non-family and family cases) to work on family cases due to the perception that these cases take more time under the new FRP.

The use of specialist engagement officers, working on cases only between the ARE date and the FDM, may also address a specific concern from many LIT staff that developing a relationship with families caused difficulties at the ensured return stage. These staff suggested that families felt betrayed as LIT staff, with whom they had developed a relationship, subsequently attended their enforcement visit. The increasing use of specialist family teams, focused on the FRP, could help to address this issue.<sup>105</sup>

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104 See data table DT20.

105 At the time of writing this evaluation report, changes were being taking forward through the implementation of the Removals Compliance Casework Directorate, with the establishment of dedicated resources and family engagement managers to work with families throughout the returns process. These changes were starting to happen with the recruitment of staff in early spring 2013 (email from UK Border Agency staff).

## Facilitating learning

### **The UK Border Agency's 'learning grid' and the Family Returns Unit had helped facilitate learning.**

An internal 'learning grid,' developed by Home Office Science for the UK Border Agency, provides a log of questions and responses on the new FRP, which includes any changes made as a result. This approach represents good practice and the log has been used on a regular basis. It is recognised that the UK Border Agency has responded to the challenges of implementing the new process. Examples include:

- increased flexibility on the stage when AVR can be offered;
- efforts to improve the communication of AVR earlier within the asylum process; and
- ongoing efforts to ensure greater transparency of documentation sent to the Independent Family Returns Panel.

The Family Returns Unit was recognised throughout the research as providing invaluable and efficient support. This involved disseminating feedback and learning, including through its regular newsletter and by producing guidance notes to staff. It also included liaising with the Independent Family Returns Panel to clarify specific requirements for the FWF and other aspects of the process (for example, working with schools and identifying local risks for enforcement visits).

### **There may be more potential to disseminate learning from the Independent Family Returns Panel and from Cedars.**

Although the Independent Family Returns Panel plays a valuable role in return planning, there may be opportunities for it to have more regular strategic input into the process. The research identified the Panel's positive impact on LITs' robustness when working with families (for example, when assessing welfare issues) and the quality of return plans.<sup>106</sup> This was recognised by strategic and operational stakeholders as well as LIT staff.

A wide range of stakeholders referred to the positive joint working that takes place at Cedars, including discussing ongoing learning. The HM Chief Inspector's report also commented on this, stating that: "Where incidents involving family members occurred, joint meetings were held in the centre to discuss lessons learned." However, it did comment that these were not always held promptly (HM Chief Inspector of Prisons, 2012a).

### **There may also be potential to connect learning from different stages of the process in a better way.**

A minority of interviewees (across Independent Family Returns Panel members, strategic stakeholders and NGOs) questioned how much the new FRP linked across the different stages. For example, it was stated that those involved with pre-departure accommodation, or providing AVR, had limited connection to other stages of the process. While accepting that the process was designed in this way, and that strategic meetings do take place, it was suggested that a lead for the entire process (at a strategic level, not in respect of managing individual cases) may help to ensure continuity.

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106 Improvements occurred through the Panel's recommendations to LITs about individual return plans. For example, LITs were regularly considering families' needs within their first 24 hours of return.

## 2.6 Child Detention Review commitments

The Government's Review into Ending the Detention of Children for Immigration Purposes included 20 specific commitments (UK Border Agency, 2010). The evaluation has collected information to identify whether these commitments have been met.

Table 6: Progress on Child Detention Review commitments

Commitment	Progress	Commitment met?
<b>Decision making</b>		
1) We will test whether early access to legal advice supports better decision making and increases trust in the system.	The Early Legal Advice Project (ELAP) has been piloted in the Midlands and East of England region to test whether early access to legal advice supports better decision making and increases trust in the system. ELAP has been independently evaluated (Lane, et al, 2013).	Met
2) We will test out the 'key worker' pilot principles with family cases.	This principle has been tested through the Family Key Worker Pilot (FKWP), and has been evaluated independently.	Met
3) We will work with others to develop new models of community engagement and support.	<p>The UK Border Agency has run a project entitled 'Access and Information.' This focuses on ensuring better quality engagement with, and information provision to asylum seekers at key contact points in the asylum process (for example, screening and substantive interviews). The project involves linking with partners to provide a suite of improved advisory services (for example, working with providers of initial accommodation). It also focuses on vulnerable groups (for example, children; trafficked people; adults with care needs) of asylum seekers to improve engagement with them. Work also includes ensuring asylum applicants are provided with realistic expectations regarding their situation.</p> <p>The Community Sponsors initiative is run and funded by Citizens UK. Trained community sponsors facilitate workshops in local communities to increase understanding of the immigration process amongst, for example, teachers and faith workers. The sponsors also engage with individuals going through the immigration system who require support and information. To date, ten community sponsors have been trained.</p>	Met
4) We will establish specialist family case owners within the UK Border Agency.	Family-specific training for case owners has been provided by the UK Border Agency. It is understood that over 340 staff members had undertaken at least one of the family return training modules (by the end of August 2012). <sup>107</sup>	Met
5) We will introduce a compact between the asylum seeking family and the UK Border Agency.	The Compact was piloted in Glasgow between 20 August 2012 and 20 November 2012. Its main purpose was to improve the applicant's understanding of the asylum process. The pilot found that most applicants reported a better understanding of the asylum process (90%, 27 applicants), the role of the UK Border Agency (80%, 24 applicants) and of the role of the applicant in the asylum process (87%, 26 applicants). <sup>108</sup>	Met
6) We will review decision making in family asylum cases in partnership with UNHCR.	UNHCR has undertaken a review of decision making for family asylum cases (United Nations High Commissioner for Refugees, 2013).	Met

107 Email from UK Border Agency staff to evaluators.

108 See data table DT22.

Commitment	Progress	Commitment met?
<b>Assisted return</b>		
7) We will introduce an independent element into the assessment of future Assisted Voluntary Return (AVR) schemes when the existing AVR contracts are re-tendered.	The Wilton Park conference in July 2012 involved a variety of stakeholders contributing to a new AVR model then under development. Minor adjustments have already been introduced, such as treating a family application related to a foreign national offender leaving under the facilitated return scheme, as a separate AVR. A number of trials are now under way that will inform future change, such as one with social services for care leavers and another with the No Recourse to Public Funds Network on knowledge dissemination. There is also work taking place around AVR with key groups that families engage with, for example, faith groups. Also see Commitment 11, which refers to Refugee Action independently facilitating the AVR programme.	Met
8) We will provide an incentive for earlier acceptance of voluntary return by modifying the re-entry ban.	Following public consultation, the UK Border Agency modified the re-entry ban rules in April 2011. This introduced a new two-year ban for those who leave the UK at the UK Border Agency's expense (primarily AVR) within six months of their return decision or subsequent appeal. The normal ban for all other voluntary departures at the Agency's expense is five years.	Met
9) We will conduct a Family Return Conference (FRC) in every family case as a first step towards return.	FRCs have been introduced and should be carried out for all family cases. Data extracted from the UK Border Agency's Case Information Database (CID) indicate that this is the case other than in exceptional circumstances. Chapter 45 states that: "In exceptional circumstances, an FRC may not be suitable for families with significant conflict or compliance issues, who may quickly progress towards the required return stage, or be referred to the Independent Family Returns Panel for consideration of the ensured return options." (Home Office, 2013b).	Met
10) We will ensure that every family is aware of the assisted return packages available.	Feedback suggested that families are made aware of AVR at various stages in the application and return process. Considerable work is ongoing to ensure that social services family teams are trained on AVR. However, there were concerns that families do not always understand this option. The Family Welfare Form (FWF) should clearly outline discussions on AVR at the FRC. Data extracted from CID showed that 95 per cent (148 FRP cohort families) were told about AVR (the remaining 5% may partially reflect inconsistent recording on CID). <sup>109</sup> All 23 families interviewed (where parents were spoken with) had been made aware of the AVR option. The Family Returns Unit reported that every return plan it reviews refers to the offer of AVR.	Met
11) We will seek to work with partners in helping families to engage with the option of AVR.	Refugee Action independently facilitates AVR. Key to this role is the provision of independent and non-directive information on AVR. In addition, the FKWP provided a good example of how partner organisations can provide information and support to families on AVR. Feedback also indicated that information and awareness of AVR is, to varied degrees, provided at locations such as initial accommodation and reporting centres. Also see Commitment 7.	Met
12) We will provide every family with adequate time to consider their options before we take firmer action.	Families are given a minimum of two weeks to consider their options following the FRC. Several NGOs commented that this is not long enough. LIT staff commented that, in most cases, families were given more than two weeks to consider their options, often due to barriers being raised. Management information shows that in 39 per cent of cases (128 families) the time between the FRC and the Family Departure Meeting (FDM) was four weeks or longer. <sup>110</sup>	Met

109 See data table DT30.

110 See data table DT8.

Commitment	Progress	Commitment met?
13) We will seek to ensure that we are aware of all relevant compassionate factors as early as possible in the family returns process (FRP).	The FRC is designed to identify relevant issues. Several NGOs suggested that such issues should be identified within the decision making stage. Considerable improvements have been made to obtain additional welfare information, but difficulties in engaging with some families early in the process were identified in the research. It is important that adult and child dependants are involved at the decision making stage, as highlighted in UNHCR's audit of family asylum decision making (United Nations High Commissioner for Refugees, 2013).	Partly met
<b>Required return</b>		
14) We will no longer detain families before serving removal directions.	The new FRP has only held families in pre-departure accommodation after removal directions have been served (note that border cases do not form part of the FRP).	Met
15) We will increase the minimum notice period in family cases from 72 hours to 2 weeks for a required return.	The required return stage provides a minimum notice period of two weeks when setting self check-in dates.	Met
16) We will give families the opportunity to leave under their own steam via a self check-in and without the need for enforcement action.	The new FRP provides all families with the opportunity to return via self check-in, although there is some flexibility within the process for families to move directly to ensured return in some cases. Chapter 45 of the Enforcement Instructions and Guidance states that ensured only return is suitable for families "in exceptional cases, where the family is considered unsuitable for assisted or required return because a member of the family posed a high risk of harm to themselves or others" (Home Office, 2013b).	Met
<b>Ensured return</b>		
17) We will set up an independent Family Returns Panel to oversee the return of difficult cases.	The Independent Family Returns Panel has been established to consider all cases at the ensured return stage.	Met
18) We will implement new return options of: <ul style="list-style-type: none"> <li>– limited notice return;</li> <li>– open accommodation;</li> <li>– pre-departure accommodation.</li> </ul>	<ul style="list-style-type: none"> <li>– Limited notice return forms part of the new FRP. This is different to escorted return without further notice and specifies a return period of between 72 hours and 21 days.</li> <li>– Open accommodation is available but has only been used in three cases. This use was linked to required returns rather than the intended use at the ensured return stage. The view of most individuals interviewed indicates that open accommodation is not seen as a suitable option at the ensured return stage.</li> <li>– Cedars has been developed as a pre-departure accommodation option.</li> </ul>	Met

Commitment	Progress	Commitment met?
<p>19) We will hold families only in very limited circumstances for border and other high risk cases.</p>	<p>Management information showed that 66 families have been held in pre-departure accommodation under the Immigration Act since Cedars opened in August 2011 until 19 October 2012 (these 66 families will include families held more than once in Cedars, meaning the total figure will be slightly lower than 66 for individual families).<sup>111</sup> These families have only been held at Cedars following reviews by the Independent Family Returns Panel.</p> <p>Tinsley House is used for families intercepted at the border and, in rare cases, for criminal and other high-risk families who cannot be safely accommodated at Cedars (Home Office, 2013b). The latest available Migration Statistics show that, of those children entering detention in the final quarter of 2012, 26 were detained in Tinsley House, compared with 29 at Cedars, 2 at Pennine House Short-Term Holding Facility and a total of 3 at Brook House and Yarl's Wood Immigration Removal Centres (Home Office, 2013a, table dt.01.q).</p>	<p>Met</p>
<p>20) We will close the family unit at Yarl's Wood for the detention of families with children.</p>	<p>Cedars has been developed as pre-departure accommodation for families with children. Yarl's Wood is no longer used for families with children.</p>	<p>Met</p>

111 See data table DT29.

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IMB for Cedars	Independent Monitoring Board for Cedars. Like prisons and immigration removal centres, Cedars has an IMB. This monitors Cedars and ensures that proper standards of care and decency are maintained.
Independent Family Returns Panel	The Panel provides independent advice to the Home Office (UK Border Agency at the time of the evaluation) on the method of return for individual families when an ensured return is necessary. See Appendix B for discussion of the role of the Panel.
IRC	Immigration Removal Centre
LIT(s)	During the period of the fieldwork, the UK Border Agency's local operational roles were carried out by Local Immigration Teams. LITs also engaged with local partners on immigration issues. LITs transitioned to Immigration, Compliance and Engagement (ICE) teams in 2013.
Management information	This is internal data provided by the UK Border Agency from its live administrative system. This means data are subject to change. In addition the data are used for internal management purposes and have not been quality assured to the standard of National Statistics.
NGO	Non-governmental organisation
OISC	The Office of the Immigration Services Commissioner is responsible for regulating immigration advisers.
Open accommodation	Open accommodation is residential accommodation where families are housed on a full-board basis without cash support. Families are not detained or compelled to travel. Use of open accommodation is discussed at Appendix B.
Pre-Action Protocol	The Pre-Action Protocol for Judicial Review sets out a code of good practice and contains the steps that parties should normally follow before making a claim for judicial review.
PNC	The Police National Computer holds details of people, vehicles, crimes and property that can be electronically accessed by the police and other criminal justice agencies.
Section 55	Section 55 of the Borders, Immigration and Citizenship Act 2009 requires the Home Office (UK Border Agency, at the time of the evaluation) to carry out its existing functions in a way that takes into account the need to safeguard and promote the welfare of children in the UK.
STHF	Short-term holding facility.
UNHCR	United Nations High Commissioner for Refugees
United Nations Convention on the Rights of the Child	UN Convention on the Rights of the Child is an international human rights treaty containing standards, which set minimum entitlements and freedoms that should be respected by governments. Articles mentioned in the evaluation report are described below.
Article 1	This defines a child in terms of age (usually as being under 18).
Article 3	This covers the best interests of the child. It states that the best interests of children must be a primary concern in making decisions that may affect them. All adults should do what is best for children. When adults make decisions, they should think how their decisions will affect children.
Article 6	This covers every child's inherent right to live. It also states that parties to the Convention should, to the maximum extent possible, ensure the survival and development of the child.
Article 12	This covers respect for the views of the child. It states that when adults are making decisions that affect children, children have the right to say what they think should happen and have their opinions taken into account. This encourages adults to listen to the opinions of children and involve them in decision making. Article 12 also recognises that the level of a child's participation in decisions must be appropriate to the child's level of maturity.
Article 15	This covers freedom of association. Children have the right to meet together and to join groups and organisations, as long as it does not stop other people from enjoying their rights.

Article 17	This states that parties to the Convention should ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral wellbeing and physical and mental health.
Article 19	This states that parties to the Convention should take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
Article 24	This covers the right of the child to enjoy the highest attainable standard of health and to treatment and rehabilitation facilities.
Article 26	This covers every child's right to benefit from social security.
Article 28	This covers the right of the child to education.
Article 29	This covers the direction of a child's education, including the development of his or her abilities to his or her fullest potential.
Article 31	This covers the child's right to rest and leisure, to engage in play and recreational activities appropriate to his or her age and to participate freely in cultural life and the arts.
Voluntary return	The Home Office encourages voluntary return when it has refused to give permission to stay in the UK and any appeals against its decision have failed. For those who do not leave voluntarily, return is enforced. There are two voluntary return options. The first of these, Assisted Voluntary Return (AVR), is described above. The second option is voluntary departure, administered by the Home Office (UK Border Agency, at the time of the evaluation), where an individual arranges to leave by their own means and without financial assistance within an agreed timescale.

## Definitions

### Absconding definition

The definition of absconding is located in Chapter 19 of the Enforcement Instructions and Guidance (EIG).

“An absconder is defined as a person who proceeds through the immigration control without obtaining leave to enter, leaves the border control area or UK Border Force accommodation without permission, escapes from detention, breaches one or more of the conditions imposed as a condition of temporary admission, temporary release, bail or release on a restriction order and whose current whereabouts is unknown.”

The following text provides guidance for managing absconding families as provided in Chapter 45 of the EIG (Home Office, 2013b, Chapter 45.13).

“If a family fails to attend a reporting event, the Family Return Conference or the Family Departure Meeting without an acceptable reason, or is no longer resident at the address they have provided; and a new address cannot be obtained, the family will be considered to have ‘absconded.’

The number of events a family should miss in order to be defined as an absconder will be considered on a case by case basis by the Local Immigration Team.

Failure to Report is the term given when a family fails to report for 2 pre-set reporting events for which they are required to attend without an acceptable reason. This does not include events which they are invited to attend (eg the substantive asylum interview). It is not necessary that these events are consecutive.

If it is confirmed that a family are no longer resident at the address they have confirmed with UK Border Agency as their home address and/or the address designated for purposes of financial support/benefits, reasonable attempts should first be made to identify a new address. A reasonable attempt should be made to contact the family, their legal representative or any other known family representative in order to ascertain a new address. If a new address cannot be obtained, the family will be considered to be in breach of their conditions.

Once it has been confirmed that contact cannot be made with the family, the family should be recorded as an absconder. All ongoing reporting restrictions should be cancelled, including any Electronic Monitoring (EM) requirements.

Where a family has absconded, but is subsequently traced and located by the UK Border Agency it is for the Local Immigration Team to decide whether the case should resume at the assisted return stage, with a Family Return Conference or proceed straight to ensured return and an Independent Family Returns Panel referral. This decision should take full account of the family's prior compliance, behaviour and reaction to discussions regarding their return. Consideration should be given to:

- whether the family will be allowed to travel to the port of departure entirely under their own steam, or
- whether we will need to assist them to departure on their notified date if the family request help with this (usually by sending round transportation to take them to the airport), or
- whether required return is not appropriate and the case should proceed straight to the ensured return route. This may occur in exceptional cases where the family have such a poor history of non-compliance that they are almost certain not to comply with self check-in removal directions. See Required Return for further information. Where a failure to comply with self check-in removal directions would present a risk to the public such as in criminal cases of a serious nature please refer to CCD guidance.

Details of any absconding by the family and any attempts to trace them should be included on the FWF.”

## Safeguarding definition

Section 11 of the Children Act 2004 places duties on a range of organisations and individuals to ensure that their functions, and any services that they contract out to others, are discharged with regard to the need to safeguard and promote the welfare of children

Section 55 of the Borders, Citizenship and Immigration Act 2009 places upon the UK Border Agency a duty to take account of the need to safeguard and promote the welfare of children in discharging its functions.

Safeguarding and promoting the welfare of children is defined in Working Together to Safeguard Children (Department for Education, 2013)<sup>112</sup> as:

- protecting children from maltreatment;
- preventing impairment of children's health or development;
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and
- taking action to enable all children to have the best outcomes.

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112 This replaced earlier guidance from 2010. Section 11 of the Children Act 2004 and Section 55 of the Borders, Citizenship and Immigration Act 2009 are also covered in this guidance.

# Appendix B: Additional and related findings

This appendix provides additional findings from the research that were not central to addressing the evaluation objectives. Most of these findings focus on process as well as covering information from related projects and activities, such as the Family Key Worker Pilot (FKWP).<sup>113</sup>

## Implementing the new family returns process

The research indicated that the new family returns process (FRP) has been implemented differently across the different UK Border Agency regions. For example, some Local Immigration Teams (LITs) use immigration officers to facilitate both the Family Return Conference (FRC) and the Family Departure Meeting (FDM), whereas other LITs use case owners for the FRC and immigration officers for the FDM. This indicates that in some regions different individuals lead on different elements of the process. Learning from specialist family teams has already been discussed at Section 2.5 and suggests that the best model is one where a dedicated family team takes the family through the returns process.

## Staff training

Staff training is also discussed at Section 2.5. The research found mixed views on the success of training for staff working on the new FRP.

The new FRP led to the development of specific training modules for LIT staff involved in its implementation. The training primarily incorporated four modules:

- Module 1 – introduction and overview of the new FRP;
- Module 2 – FRCs/FDMs and engaging with children and young people;
- Module 3 – the Independent Family Returns Panel, preparing return plans, referring cases to the Panel and presenting to the Panel; and
- Module 4 – keeping children safe Tier 3 training.

At the time of completion the survey of LIT staff established that 64 respondents (81%) had received specific training related to the new process.<sup>114</sup>

Some stakeholders (both UK Border Agency and independent) and Independent Family Returns Panel members felt that LITs were given limited notice of training modules. They commented, as did LIT staff, that this sometimes meant that the appropriate staff had not attended the initial training. This was supported by comments from two training providers. They referred to some initial staff opposition to the training, suggesting that this may have been due to limited notice and

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113 The terminology used here (including references to the UK Border Agency) refers to the process and associated activities as they were at the time of the evaluation.

114 It is important to recognise here that some respondents may have been managers of staff involved in running the FRP and as such do not personally conduct FRCs or FDMs or present cases to the Independent Family Returns Panel. They therefore will not need to go on training for Modules 2 or 3. Respondents may also have been in positions where the training was not essential (for example, the Family Returns Unit or individuals involved in establishing the process). See data table DT20.

limited choice on whether to attend or not. The same individuals commented that this situation has improved over time but suggested that the specialism of family work meant that staff needed to 'want to carry out the work.' They stated that training had been received more positively where specific family teams were in place.

Other strategic stakeholders (UK Border Agency) commented that LITs were responsible for allocating staff to the training and ensuring that the right staff attended (i.e. staff who wanted to carry out family-specific work, where resources permitted this choice). Where space was limited, the priority was to ensure that the training was attended by those carrying out relevant FRP roles. The same stakeholders stated that LITs were also able to put forward additional requests for training (more training was delivered as a result of these requests).

One Independent Family Returns Panel member suggested that training and guidance for the new FRP had been insufficient at the outset of national rollout. This meant that the Panel tended to act as a pathfinder providing detailed information for LITs around the requirements of the process. Staff who had completed the training provided the following feedback within the online staff survey.<sup>115</sup>

- On the effectiveness of the four modules covered in the survey, an average of 79 per cent of responses were positive.
- The most positively received elements of the training were Module 1 (introduction and overview of the new FRP) and Module 3 (the Independent Family Returns Panel; preparing return plans; referring cases to the Panel and presenting to the Panel), although a smaller number of staff had completed this module by the end of June 2012 when the survey closed.
- The least positively received was Module 2 (FRCs/FDMs and engaging with children and young people).

In contrast to these survey findings, LIT staff within focus groups were less complimentary about their training. Overall, there was a feeling from staff that they initially (after the training) had large knowledge gaps around internal processes and procedures (the training mainly gave more of an overview). There was, however, recognition from LIT staff in almost all of the focus groups, as well as most strategic stakeholders, that implementing such a large and complex new process would always create difficulties. LIT staff in three of the nine focus groups commented that it would be very difficult to devise a training programme to explain such a process adequately and cover all scenarios. Many stated that the most effective means of learning the process was simply through doing so 'on the job.'

## The Independent Family Returns Panel

The Independent Family Returns Panel is also discussed within Sections 2.2 and 2.3. Overall the research found that the Panel has helped to ensure that the best interests of children, particularly linked to safeguarding and welfare, are considered fully within ensured returns.

The Panel was established following the national rollout of the new FRP. It provides independent advice to the UK Border Agency on the method of return for individual families when an ensured return is necessary.<sup>116</sup> This is achieved by reviewing family return plans and Family Welfare Forms (FWFs) and ensuring that they take full account of the welfare of children involved while also meeting the UK Border Agency's responsibilities under Section 55 (Borders, Citizenship and Immigration Act 2009).<sup>117</sup>

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115 See data table DT20.

116 Decisions regarding whether a family should be removed from the UK rest with the UK Border Agency and the independent courts. It is not a function of the Panel to endorse or reconsider these decisions.

117 The Independent Family Returns Panel has an independent chair and ten members with experience of safeguarding and medical expertise. This represents a pool of Panel members with each meeting involving four members (a chair, a medic and two safeguarding experts). Interviewees suggested that the Panel had a broad knowledge base within its membership.

The Panel was viewed positively by at least three-quarters of the individuals spoken with within the research. This was mainly due to its independence, expertise and the level of rigour with which it examined cases. In contrast to most LITs' views, one LIT focus group stated that the Panel was too demanding in ensuring every small detail is pre-planned and recorded. However, relationships between the Panel and the LITs were generally seen as positive and continually improving.

Panel members reported that the quality of the information they received (within the FWFs) had improved over time as case owners and immigration officers gained an understanding of their expectations. This was particularly the case when the same staff engage with the Panel on a regular basis, for example, in LITs with dedicated family teams (Panel members referred to differences in the quality of information received from different regions and LITs – this links to 'Implementing the new family returns process' above and also Section 2.5). Examples given included asking more questions of families at an early stage to establish a better picture of their circumstances, as well as engaging with a wide range of agencies linked to health, education and emotional wellbeing.

Panel members commented on the importance of appropriate LIT representatives being at teleconference meetings. This included an individual with knowledge of the case history (up to the ensured return stage) and an individual who would be part of the enforcement team. The Panel members stated that normally the relevant individuals were present. One focus group with LIT staff suggested that there were a number of instances where immigration officers attended Panel meetings with limited knowledge of the case's history (having only become involved at the FDM) and therefore found it difficult to answer questions from the Panel. This indicated a need for somebody to be present who was involved in the FRC.

During 2012 the Independent Family Returns Panel experienced a steady increase in the number of bookings for cases to review. At the same time the attrition rate between the numbers of bookings and cases actually reaching the Panel also increased. The conclusion drawn was that speculative bookings of Panel slots were being made, where there were minimal expectations of these cases being ready in time. This meant that the Panel was frequently underutilised despite many cases going through the ensured return stage.<sup>118</sup>

The Family Returns Unit operates a reserve list of cases, but due to the logistical demands of preparing a case for Panel (together with resource issues) LITs were generally unable to reschedule their work to fit in with short-notice cancellations. As a result, the Family Returns Unit has amended its booking process to address this problem. The booking process is under continuous review. This is a good example of ongoing learning being implemented.

## Open accommodation

Feedback from the UK Border Agency strategic stakeholders revealed that a number of return plans reviewed by the Independent Family Returns Panel included an overnight stay in open accommodation as a contingency plan following a failed return. However, no return plan had proposed open accommodation (as an ensured return option) for managing a family's departure and open accommodation has not been booked on any occasion for its stated purpose (including following a failed return). Overall, the option has been rarely used.

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118 Information taken from email from the Family Returns Unit.

The view from LITs, members of the Independent Family Returns Panel and a variety of strategic stakeholders was that open accommodation was an unsuitable option as it would mean removing families from their homes (breaking community ties to the detriment of family welfare) while also creating an absconding risk or failure to depart from open accommodation (particularly if the family has reached the ensured return stage). Anecdotal feedback from UK Border Agency strategic stakeholders also indicated that some members of the Independent Family Returns Panel did not feel that the facilities were of a high enough standard.

Based on these views, and the low level of usage, it may be appropriate for the UK Border Agency to review the option of open accommodation. This may involve formally removing the option of open accommodation or exploring alternative options. The benefit of alternative options could be twofold. Firstly, it would provide an alternative to the ‘last resort’ option of Cedars; and secondly, in response to the view of some non-governmental organisations (NGOs) and strategic stakeholders (both UK Border Agency and independent), it could be used to break long journeys rather than using pre-departure accommodation or travelling for long periods throughout the night. A further alternative option may be to explore the provision of specialist support for children, for example, as provided by Barnardo’s at Cedars, within an open environment (either in the family home or an alternative location).

## Pre-departure accommodation

Findings relating to Cedars are provided within Sections 2.2 and 2.3. While it is recognised that it is not in a child’s, or family’s, best interests to leave via ensured return, pre-departure accommodation was viewed positively in most cases.

Cedars provides secure pre-departure residential accommodation where families are held for short periods of time before being returned.<sup>119</sup> It is a specific option within the ensured return stage of the new process and is described as a ‘last resort’ option within the Chapter 45 Enforcement Instructions and Guidance (Home Office, 2013b).<sup>120</sup> The facility is operated by G4S on behalf of the UK Border Agency but also houses a team from Barnardo’s providing specialist (and tailored) advice and support. It includes a range of facilities and services such as 24-hour healthcare and access to a GP and legal assistance, childcare staff and qualified social workers, and welfare and counselling support.

## Short-term holding facilities

Cayley House is a non-residential short-term holding facility at Heathrow Airport. Around five operational stakeholders commented that Cayley House was used for families held at airports for several hours after being escorted from their homes.

HM Chief Inspector of Prisons has produced an inspection report on Cayley House (HM Chief Inspector of Prisons, 2012b). This supported comments from the Independent Monitoring Board (IMB) for Heathrow Airport that most families returning via Heathrow do not go to Cayley House (and if they do it is only for one to two hours). The HM Chief Inspector’s report stated that no children had been held in Cayley House over the three-month period before the inspection (HM Chief Inspector of Prisons, 2012b).

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119 This is to a maximum of 72 hours but can be extended up to 7 days with Ministerial approval.

120 Like all ensured return options it must be referred for advice to the Independent Family Returns Panel.

However, one senior representative from the UK Border Agency commented that Cayley House is increasingly becoming part of return plans for families (in the time period since the HM Chief Inspector's report). Although the numbers are very small, the increase in use for families with children can be seen in internal data provided by Tascor Services Ltd (formerly Reliance) which manages the facility on behalf of the UK Border Agency. In the first half of 2012, three families with four children between them entered Cayley House. In the second half of 2012, eight families with eleven children entered the facility.<sup>121</sup> Please note, a small number of families will be border cases (i.e. not part of the FRP).

It was suggested by operational stakeholders that the facility, although having a specialist family room, was not ideal for families and their children in physical terms, for example, families have to mix with single adults. Similarly, although the HM Chief Inspector's report stated that Cayley House was equipped to accommodate children (including attempts to soften the environment, providing baby changing equipment and children's books/games) it did identify some concerns, for example, exposed sharp metal edges. It also indicated that not all staff had received child protection training (HM Chief Inspector of Prisons, 2012b).

## Airlines

A wide range of interviewees (both strategic and operational stakeholders, LIT staff, Independent Family Returns Panel members and NGOs) referred to issues regarding airlines. Due to the countries of return, LITs have limited choice over which airlines to use. Some airlines will not accept escorted returns, while others have regularly refused to carry families at the last minute due to the potential for disruption. It was suggested that there should be additional discussion with airlines to prevent last minute disruption to return plans, which is often not in a child's best interests. This might include agreeing, in advance, specific criteria with each airline for accepting passengers (i.e. what sort of behaviour would mean that they were unwilling to accept the passengers or what would be the minimum timescale notification for accepting passengers). It may also include airlines providing regular updates on their acceptance criteria.

## Flexibility within the process

Senior UK Border Agency staff involved in the design of the new FRP reported that, while the new process provided a formal stage-by-stage approach to returning families, it was always intended to allow flexibility (when considered appropriate); for example, not all families would be suitable for self check-in. Despite welcoming this allowance for flexibility, most interviewees expressed a strong preference for greater central control of the new FRP. Their main reasoning for this was to encourage greater consistency within the process, and therefore improved understanding of it. It was suggested that this would lead to a more consistent approach with dedicated resources, improved outcomes and enhanced mechanisms for sharing good practice.

## Early Legal Advice Project

The Early Legal Advice Project (ELAP) operated in the Midlands and East of England region between November 2010 and December 2012 following an earlier pilot in Solihull. It provided free early legal advice to asylum applicants (including families) routed to the region and wishing to accept legal aid. The process involved a greater level of initial engagement between the applicant and the legal representative, as well as between the legal representative and the UK Border

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<sup>121</sup> See data table DT23. The data are for internal use and are not subject to the quality checks that are carried out on official statistics before publication.

Agency case owner. One aim of the project was to provide the case owner with all available evidence prior to the substantive asylum interview (referred to as 'frontloading'). An independent evaluation of ELAP has been undertaken. Quantitative data from the final evaluation of ELAP includes an examination of the link between early legal advice and return, reporting outcomes specifically for families (Lane, et al, 2013).

From the qualitative data for the final evaluation of ELAP there were examples where the process assisted the decision making procedure for family cases. Specifically, early legal advice enabled the identification of information on other family members, which helped the case owner to make an initial decision. This occurred through legal representatives and case owners carrying out research into family history and background to build a more detailed picture of the case (Lane, et al, 2013).

There were also examples of case owners and legal representatives identifying applicants likely to be unsuccessful with an asylum claim, but likely to be granted leave under Article 8 of the European Convention on Human Rights, based on family circumstances (Lane, et al, 2013). The United Nations High Commissioner for Refugees (UNHCR) audit of family asylum decision making gave an example where the ELAP 'frontloading' process was particularly beneficial to the collection of timely and relevant information regarding the welfare of children associated with a claim (United Nations High Commissioner for Refugees, 2013).

## Family Key Worker Pilot

FKWP ran in the North West region of England between October 2010 and March 2012. It was managed by Refugee Action and involved joint working with the UK Border Agency, which contributed to the pilot's funding. The key workers provided independent support and advice to families involved in the asylum process. In line with the commitments on decision making, in the Child Detention Review, the UK Border Agency was also keen to test out FKWP principles with family cases (UK Border Agency, 2010).

The UK Border Agency produced a summary of relevant management information, which compared outcomes for the 108 families in the FKWP with those for an equivalently sized control group. This management information showed that there was little difference, either between the two groups, for grants, refusals and withdrawn cases at the first decision stage, or between appeal rates. The control group exceeded the pilot group in terms of Assisted Voluntary Return (AVR) (four compared with two) and other voluntary departures (one compared with two). There was one enforced return for the FKWP group and none for the control group. The numbers were very small, with a total of ten return outcomes across both groups. It is, however, reasonable to conclude that the pilot did not demonstrate any impact on the take up of AVR or other voluntary returns (UK Border Agency, unpublished).

An independent evaluation report (Hutton, 2012), produced for Refugee Action, reported on the impact of key worker support on families. Some impacts connected to the aims of the new FRP, for example, a concern with engaging with families and with addressing health and welfare needs. The FKWP evaluation reported improvements in (adult) clients' health and wellbeing. Improvements in confidence and resilience were also reported, although the evaluation acknowledged that resilience was hard to pin down.

Perhaps the most directly relevant finding was that, in some cases, the key worker was able to encourage realism about the likelihood of a family being allowed to remain in the UK. This connects to the 'denial' of return identified for many families in the FRP evaluation. Linked to this, key workers were also able to promote understanding of AVR. The FKWP evaluation reported

at least one instance where the outcome was that a family chose to take AVR (Hutton, 2012). However as discussed above management information did not show an increase in take up of AVR (UK Border Agency, unpublished).

Another potentially relevant finding from the FKWP was the benefit of having interviews in a more informal home setting. This was seen as encouraging trust and a fuller disclosure of a family's circumstances (Hutton, 2012). This approach was also seen with FRCs, where the preference is to hold the Conference in the family home.

Interviews with representatives of Refugee Action and the UK Border Agency indicated that key lessons had been learnt from the FKWP. Anecdotal evidence suggested that the initiative had the following impacts, which corroborate the FKWP evaluation findings.

- A clearer understanding by families of the overall asylum process (not just the returns stage) from an earlier point in their application. This included being informed about the return stage and their return options at the start of their asylum application.
- Realistic expectations for families regarding their asylum application, including understanding that they could be refused asylum and why this might be the case (it was suggested that this meant applicants were less shocked when receiving refusal decisions).
- Ongoing independent support and contact management. Key workers were able to spend more dedicated time with families than case owners and were able to identify specific issues or concerns, including those related to child welfare (several examples were given where the key worker identified and addressed child safeguarding and welfare issues).
- Liaison between the key workers and UK Border Agency case owners on behalf of the families.
- Assistance and advice for families regarding legal representation (the key workers received Office of the Immigration Services Commissioner Level 2 training), with respondents commenting that in their experience, approximately two-thirds of the families that they worked with were 'dropped' by their legal representative during the overall asylum process (see Section 2.4).

Case owners from one LIT commented that families involved in the FKWP showed a greater knowledge of the returns process. This meant that they knew what to expect and were less likely to have negative reactions at the FRC and FDM. Most NGOs interviewed raised the point that families not receiving any form of support from third party organisations found it very difficult to understand the process. An Independent Family Returns Panel member endorsed this view and suggested the need for all families to have a lead professional overseeing their application and return.

## Community Sponsors initiative

The Community Sponsors initiative is run and funded by Citizens UK. It started in early 2012 and included ten community sponsors (by August 2012) trained specifically by Citizens UK. The sponsors carry out a range of different roles within their individual communities. Key to this is engaging with local people in the immigration system and establishing what support and information they require. This then involves discussing appropriate actions with Citizens UK, which may provide its own support or refer the individual (via the sponsor) to another specialist organisation (for example, a health or housing specialist).

In addition to the individual support provided by Community Sponsors, the initiative has also facilitated workshops within specific communities across London. The workshops have provided information about the immigration process and have involved relevant local community sponsors. They have been attended by a range of people from within local communities, for example, teachers and faith workers.

The project focuses not only on raising awareness of the overall immigration process but also works to clarify the expectations and the implications of different stages of the immigration process. Early anecdotal feedback identified several positive impacts from the project, particularly about how community sponsors (and individuals they are working with) are educating their communities about the immigration system. This links to wider findings from this evaluation that suggested the need for greater joint working with local community leaders to provide a more accurate and realistic understanding of the asylum process, including returns.

## Compacts

The Compact is a statement of agreement between the UK Border Agency and the asylum seeker, designed to help the asylum seeker understand more fully what will happen during the asylum process. It explains what the asylum seeker can expect from the UK Border Agency and what the UK Border Agency expects from the asylum seeker in return. The Compact is signed by both the asylum seeker and the UK Border Agency to demonstrate understanding and commitment. However, it is not a legal document and the asylum seeker is not required to sign it (nor will they be treated any differently if they choose not to).

The Compact was piloted with family case applicants who attended Festival Court (the UK Border Agency building in Glasgow) for their asylum screening interview.<sup>122</sup> If the applicant made an appointment to claim asylum, they were sent a copy of the Compact with their invitation for the screening interview.

Over a period of four months, UK Border Agency staff submitted returns for 35 families who had piloted the Compact.<sup>123</sup> Of these cases, only 30 contained sufficient data for analysis. All of the families were referred to the UK Border Agency from the Scottish Refugee Council.

The families were of 14 different countries of origin, the top 3 being China (23%, 7 families), Syria (17%, 5 families) and Nigeria (10%, 3 families). All but 1 of the families had a dependant spouse or partner linked to the case (97%, 29 families). Almost half of the families had only 1 child (48%, 14 families) under the age of 18.

The applicants had mostly been in the UK either less than 1 month (27%, 8 families) or between 2 and 4 years (27%, 8 families). A further 23 per cent (7 families) had been in the UK more than 6 years but less than 10 years. The original reason that the main applicant entered the UK was cited by over half of the applicants as being to study (57%, 17 applicants). A further 13 per cent (4 applicants) entered the UK illegally.

Most applicants recalled receiving the Compact (80%, 20 of 25 applicants who had been sent the Compact). Over two-thirds read the Compact (67%, 20 of all 30 applicants). Half of those who received the Compact, but did not read it (or had it read to them), said that it was because the Compact was in English (50%, 5 applicants).

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122 In this context, a family case includes those groups with at least one child aged under 18.

123 See data table DT22.

Of all applicants, less than one-quarter had further questions (23%, 7 applicants). These questions were focused on employment (for example, can the applicant work, if they cannot work why is this), timescales for the asylum process (how long does the applicant have to wait until the substantive asylum interview), accommodation (where can they obtain support to obtain accommodation and assistance with the cost of accommodation) and documentation (what documents are needed to prove their asylum claim).

The main purpose of a Compact was to improve the applicant's understanding of the asylum process. Most applicants reported a better understanding of the asylum process (90%, 27 applicants), the role of the UK Border Agency (80%, 24 applicants) and of the role of the applicant in the asylum process (87%, 26 applicants) because of the Compact and subsequent discussions with UK Border Agency staff.

Most applicants signed the Compact when they were initially asked to (93%, 28 applicants). Two applicants refused to sign the Compact when initially asked and received further clarifications regarding the asylum process and their role in it. These applicants still refused to sign the Compact.

# Appendix C: The new family returns process

This appendix provides a summary of the new Family Returns Process (FRP), which was rolled out nationally in March 2011 following an initial pilot in the UK Border Agency regions of the North West and London and South East between June 2010 and March 2011.<sup>124</sup>

The FRP represents a new approach to managing returns for families who are found to have no legal right to be in the UK. The new process was introduced following the Government's commitment to cease the detention of children for immigration purposes. This consideration is central to the new process, although it also aims to:

- increase the uptake of voluntary and assisted returns;
- encourage greater preparation and freedom of choice for returning families;
- give families the opportunity to make further representations and seek judicial reviews before the enforcement of their return;
- ensure that the welfare of children is the prime consideration when considering enforcement action, as well as the best interests of the whole family when possible; and
- ensure greater engagement with families and maximise the opportunity for parents to take responsibility for what happens to them and their children.

## Eligibility

The new FRP applies to families with dependent children (aged under 18) who are liable to be returned as either:

- illegal entrants;
- overstayers;
- failed asylum seekers;
- persons in breach of their conditions of temporary leave to remain;
- persons who have gained (or attempted to gain) temporary leave to remain by deception;
- deportees; and
- persons refused leave to enter.

A person in any of the above categories will become liable for return, as will their spouse and/or dependent children, once their application has been considered and all avenues of appeal have been exhausted.

Chapter 45 guidance (Home Office, 2013b) does not provide advice on how to process cases of unaccompanied children or where the family unit does not include a child under 18 years of age, for example, a married couple with no children. While the new FRP applies to all family cases as outlined above, the processes and procedures may vary for returning the families of foreign national prisoners and families subject to third country return.

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<sup>124</sup> The terminology used here (including references to the UK Border Agency) reflects the FRP as it operated at the time of the evaluation.

The new FRP allows staff to fast-forward some families through early stages of the process, if there are significant risks of absconding, non-compliance or harm. However, any family who had an ensured return would have to be referred to the Independent Family Returns Panel. Chapter 45 guidance makes this point.

“In exceptional circumstances, a Family Return Conference may not be suitable for families with significant conflict or compliance issues, who may quickly progress towards the required return stage, or be referred to the Independent Family Returns Panel for consideration of the ensured return options.”

(Home Office, 2013b)

Chapter 45 also refers to the following criteria when assessing whether a family should be put into the FRP.

- The family includes at least 1 parent and 1 child under the age of 18 who are to leave the country.
- The family has no lawful basis to remain in the UK and has been informed of this by the service of relevant papers.
- There are no known casework barriers (outstanding applications or submissions to remain) or other medical/compassionate barriers to the family's return.
- There are no known documentation barriers to the family's return or existing documentation barriers are considered likely to be resolved in parallel with the returns process.
- There are no legal barriers (pending immigration appeals, judicial reviews of return decisions, rule 39<sup>125</sup> indications – or any other litigation that has the effect of suspending return).
- The UK Border Agency knows where the family lives. It is preferable that families entering the returns process have a reporting requirement to allow for good contact through the process. Families who are recorded as absconded should go through the absconder tracing process first.
- The case does not constitute an 'exceptional case' that qualifies to go straight to the ensured return stage.
- The UK Border Agency is in a position to set removal directions and the logistics of planning a return home for the family can be achieved in a timely manner.

(Home Office, 2013b)

Families who do not meet these criteria will continue to be progressed by case owners until they do meet the criteria and an FRP application can be raised for them. In this report they form the 'non-FRP' group.

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125 This is a request to the European Court of Human Rights (under rule 39) that an applicant should not be removed from the UK (Home Office, 2013b, Chapter 60, Judicial Review and Injunctions).

## Rationale for the family returns process

A range of factors informed the rationale for the new FRP. These are outlined below.<sup>126</sup>

- The Government made a public pledge in May 2010 to bring about the cessation of child detention for immigration purposes.
- The UK Border Agency has a responsibility to ensure that it safeguards children and promotes their welfare. This responsibility is outlined within Section 55 of its duties (Borders, Citizenship and Immigration Act 2009).
- In alignment with the Chief Inspector of the UK Border Agency's recommendations, the UK Border Agency must develop clear action plans for each family, consider all options for return, and retain clear and evidenced records of each family's route to departure (Independent Chief Inspector of the UK Border Agency, 2010).
- Legal scrutiny over the previous returns process, particularly the detention of families, has prompted a transition to a more unanimously humanitarian returns process.
- It is hoped that the new FRP will provide greater economic efficiency; there are around 6,000 families receiving UK Border Agency support and these cases should be dealt with quickly and comprehensively.
- The UK Border Agency believes that the new process is the right thing to do and represents a change to a more compassionate and liberal method of family return without compromising the need for immigration law enforcement.

## Summary of the family returns process

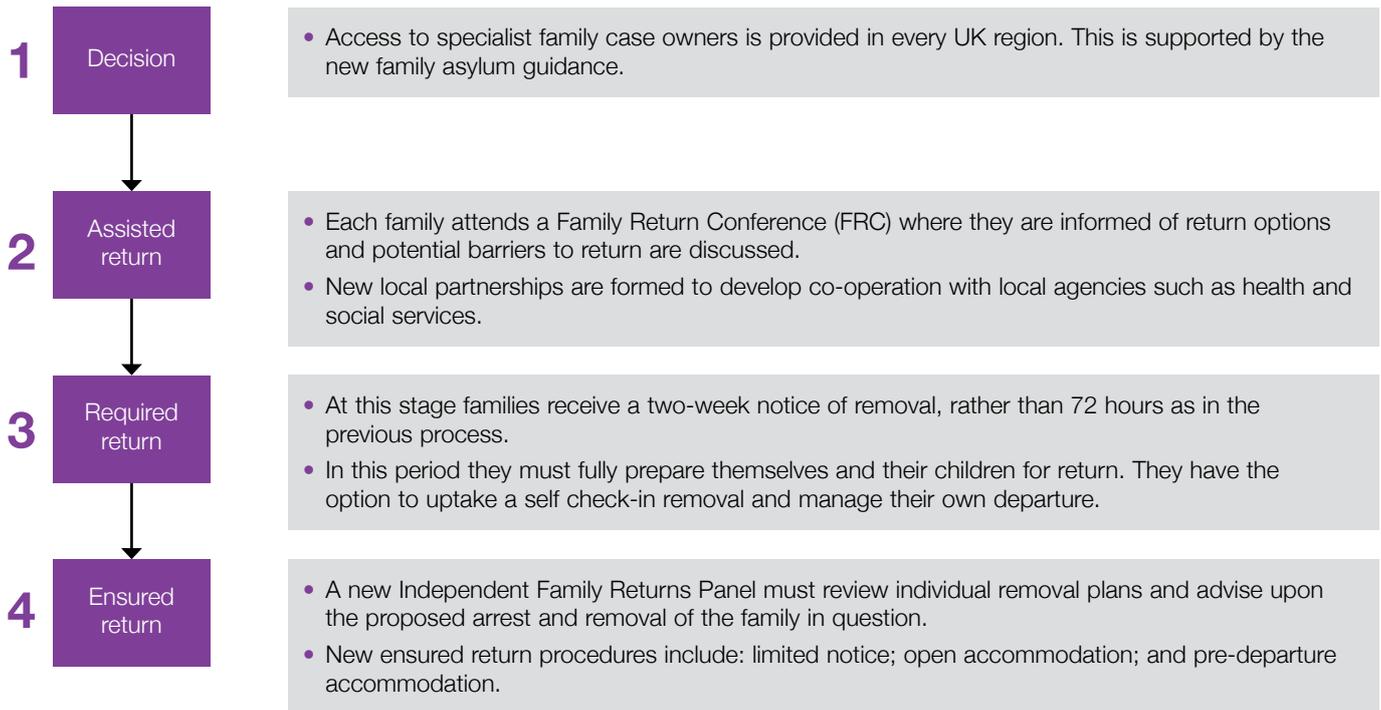
The new FRP represents a four-stage process for family returns. These stages are designed to move a family through to the point of return, involving them in all stages of the process and taking into account the individual family circumstance. Each stage presents the family with a range of return options. This freedom of choice becomes increasingly limited as the process moves towards the ensured return stage, where returns are enforced more firmly.

Much of the process is built around good communication with the family involved. For this reason the new process emphasises building a strong level of trust with the returning family in order to facilitate communication of the UK Border Agency's responsibilities and the options of return available to the family, and the family's own wishes on how they return. Central to this is the Family Return Conference (FRC) which takes place in Stage 2 of the process. Figure C1 outlines key details for each of the four stages.

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<sup>126</sup> Based on UK Border Agency Module 1 training course for staff working in the new FRP.

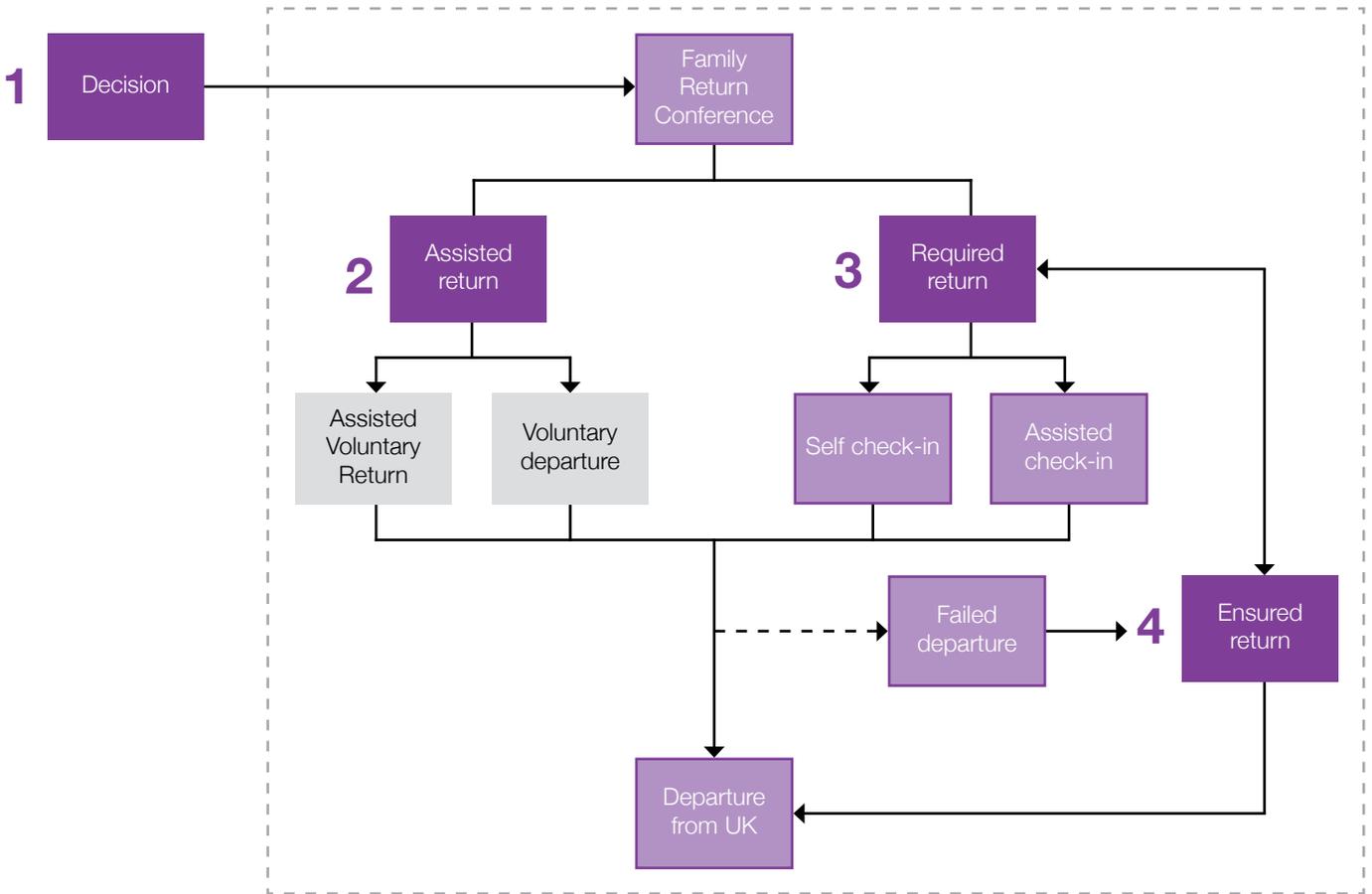
Figure C1: Stages of the new family returns process



Source: UK Border Agency

Figure C2 shows how the different stages of the new process interlink. Once the decision has been taken that a family must leave the UK and they have no legal right to remain, and if they meet the criteria as listed in the section on eligibility above, then they enter the new FRP. It is vital to maintain the momentum of the family through the process whilst continuing to engage them in regular contact and resolve any possible barriers to return. Consequently, the aspirational timescale for most family returns is ten weeks.

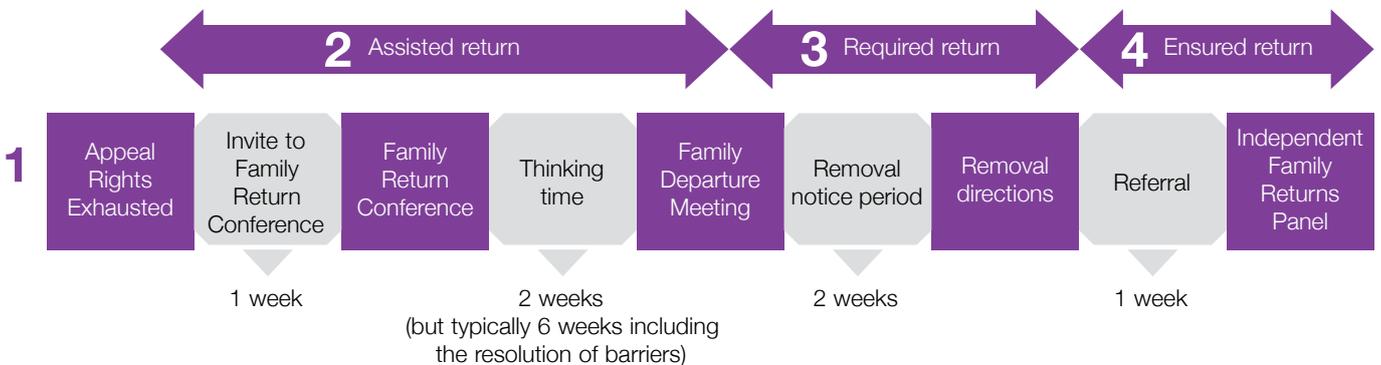
Figure C2: How stages of the Family Returns Process interlink



Source: UK Border Agency

Figure C3 outlines the aspirational timescales of the new process and how each stage fits within the planned ten-week return period. This shows how the intention of two weeks between the two FRCs (the second Conference is often known as a Family Departure Meeting, or FDM) can often take six weeks due to resolving barriers that have been raised (for example, further representations, judicial reviews or medical issues).

Figure C3: Ten-week returns process



Source: UK Border Agency

## Family Welfare Forms

A major element of the new FRP is the need to record clear and evidenced records of each family's route to departure. The Family Welfare Forms address this commitment and also help to promote stricter adherence to the UK Border Agency's Section 55 duties regarding the welfare of children (Borders, Citizenship and Immigration Act, 2009). These forms are completed and updated for each family and form the basis for important operational decisions throughout the process.

Staff are also required to record information for each family on electronic databases, in addition to completing Family Welfare Forms and recording all considerations, decisions and approvals in the specific case file. This will allow for a stronger evidence bank for legal proceedings as well as providing the Independent Family Returns Panel with more clear and comprehensive case records for each family.

## Stage 1 – decision making

The first stage of the new process relates to decision making. The decision making stage involves a detailed collation of information concerning the reported family and all of its members. This includes all information that will inform decision making on the course of the returns procedure, such as medical needs, educational status, child welfare and other relevant considerations.

There were a number of specific activities and interventions running at the time of the evaluation. The findings related to these are discussed in Appendix B and are described below.

- **Training and guidance:** Asylum case owners who specialise in family cases and Family Welfare Forms were provided with adapted training and guidance to help them develop a greater understanding of each family's situation and the best course of action for the children.
- **Quality improvements:** The United Nations High Commissioner for Refugees (UNHCR) conducted a review of the UK Border Agency's decision making, quality and observance of training and guidance for family cases (United Nations High Commissioner for Refugees, 2013).
- **Family Key Worker Pilot (FKWP):** This pilot involved co-operation between the UK Border Agency and Refugee Action to provide asylum seekers with supplementary assistance from a key worker (from the voluntary sector) to aid them through their asylum claim.
- **Early Legal Advice Project (ELAP):** This project enabled eligible individuals in the Midlands and East of England UK Border Agency region to receive free early legal advice. It ran from November 2010 to December 2012.
- **Community Sponsors initiative:** This initiative, currently (as at April 2013) operational, was implemented by Citizens UK to enable improved communication between the UK Border Agency, local communities and individuals within the immigration system. This occurs through trained community sponsors.
- **Compact pilot:** This is an agreement, which claimants have the option to sign, designed to help asylum-seeking families to understand what will happen during their application. The pilot ran between August and November 2012 in Glasgow.

## Stage 2 – assisted return

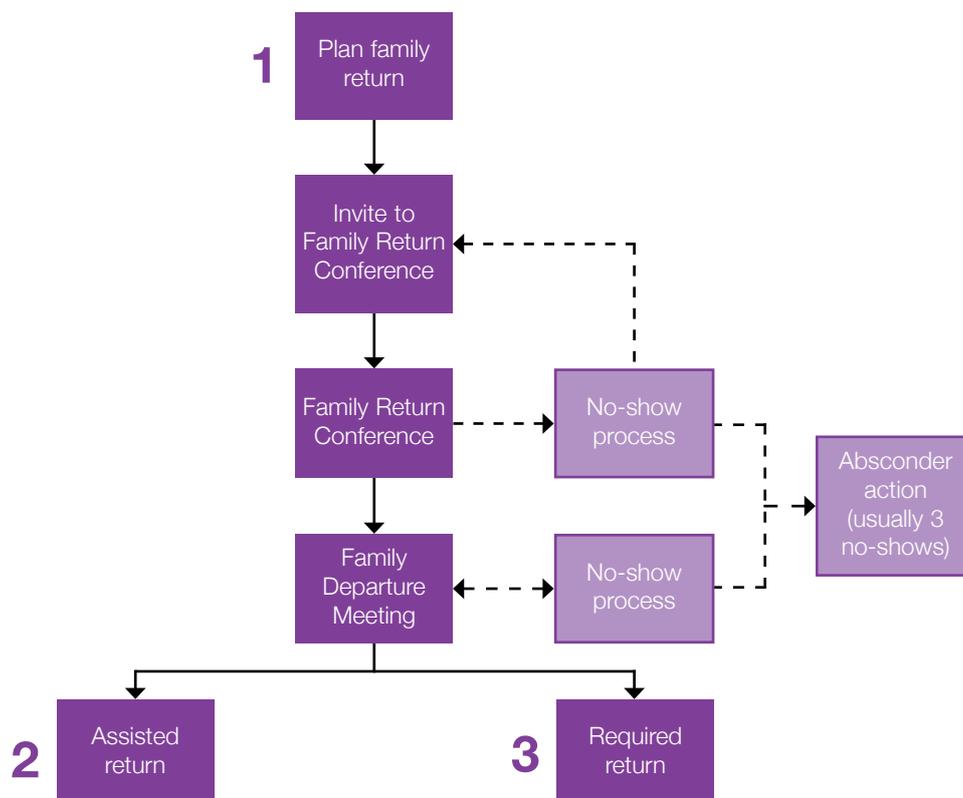
At the assisted return stage, two types of return option are available for families. One is voluntary departure, administered by the UK Border Agency, in which a family will independently arrange their return within a specific time frame and without financial assistance. The other type is Assisted Voluntary Return (AVR). The precise details of assistance are decided in co-operation with Refugee Action, which runs the AVR Choices programme. The UK Border Agency decides on a family's eligibility for AVR once the application has been received from Choices. Processing an application and setting up a leaving plan can take up to four months, but usually takes around three weeks.

The intention is to provide the family with full information about their range of options for return at the FRC. They are then granted at least two weeks of 'thinking time' in which to make a decision regarding their elected procedure for return at the FDM (the second Conference). Subsequent discussions and engagement at the FDM will lead the family into either the assisted or required route of return. This engagement approach is depicted in Figure C4.

If the family initially refuses or opts out of returning voluntarily at this stage, they will move on to the required return route.

## Family engagement

Figure C4: Overview of family engagement



Source: UK Border Agency

## Family Return Conference and Family Departure Meeting

Families are only invited to an FRC if the conditions listed in the section on eligibility above are met.

The following representatives must be in attendance at both the FRC and FDM.

- UK Border Agency staff: Case owners or immigration officers who have completed the relevant training modules (Keeping Children Safe Tiers 1-3; Personal Safety; and Modules 1 and 2 of the new FRP).
- The parents and adult members of the family group in question.

The Conferences may also be attended by children of the family. It is recommended by the UK Border Agency that, for the sake of adequate preparation and child welfare, children should also attend. However, the involvement of children remains at the discretion of their parents. A legal representative of the family and a friend, key worker (not necessarily linked to the FKWP, as there are no plans to continue this pilot) or community representative (pending risk assessment) may also attend.

FRCs (and FDMs) are usually held on UK Border Agency premises and their main aims are outlined below, starting with the aims of the FRC.

- To assist the family, including children, in understanding the process and preparing them for their return.
- To ensure that the family is informed of all available departure options, including the offer of AVR.
- To advise the family about what considerations to take into account when making in their decision.
- To identify and address any barriers to return.
- To encourage further submissions where appropriate.
- To discuss issues such as travel, health, baggage and shipping.
- To agree a timescale leading towards the family's eventual departure.

Regular contact with the family is subsequently maintained until the FDM. This meeting is intended to be scheduled for two weeks later but can be up to six weeks later when taking into consideration the potential barriers to return that arise in the FRC. The aims of the FDM are summarised below.

- To assess the family's decision on which return route is most appropriate.
- To proceed with any agreed assisted returns (AVRs or voluntary departures).
- To discuss with the family the required or ensured return routes where a family has indicated that they are not inclined to go voluntarily.
- To present the family with removal directions for two weeks' time or advising that removal directions will be set where appropriate.
- To encourage further submissions where appropriate.

## Stage 3 – required return

The required return stage represents the first attempt at setting a return date for families who are not interested in returning voluntarily. There are a number of considerations for staff.

- The feasibility of the family using self check-in or assisted check-in departure options, with particular attention paid to the best interests of children.
- The aim to serve the family with removal directions stipulating that they must depart the UK within two weeks of the notice.
- Subsequent appeals, legal challenges or other issues raised by departing families should be dealt with in a timely and professional manner.
- Aborted departures must be managed in order to re-schedule the procedure quickly and effectively.

The self check-in return option dictates that the family makes arrangements for their own departure but within a pre-determined timescale and in order to take a particular flight, for which they have been provided tickets. The primary incentive of providing a self check-in option is to sustain the momentum of families through the FRP. It is a measure that gradually increases the imminence of departure, while allowing the family sufficient time and freedom of choice to make departure arrangements. A refusal to self check-in also substantiates recommendations that the family should be progressed to the ensured return stage.

Self check-in returns are ill-advised when the family in question has a history of intentionally disrupting the return process and further attempts at setting a required return have a limited chance of success. This measure may also be inappropriate when one or more members of the family present a considerable health and safety threat to UK Border Agency staff, other family members, themselves or the wider public.

## Stage 4 – ensured return

Refusal to co-operate with any of the preceding options for return, results in consideration of enforcing ensured return.

A number of existing methods for enforcing ensured returns have been retained in the new FRP. These include:

- reporting restrictions;
- electronic monitoring; and
- family separations (in exceptional cases).

New approaches include:

- limited advance notice of removal directions (other options include no further notice of removal directions);
- open accommodation; and
- pre-departure accommodation (Cedars).

## Independent Family Returns Panel

The entire range of ensured return options must be considered when formulating a return plan for the family. This plan and all available information concerning the case of a returning family must be submitted to the Independent Family Returns Panel. An interim panel was set up in March 2011 in time to support the new FRP. Membership included UK Border Agency staff, representatives from the Department for Education and social work professionals. In April 2012 the Independent Family Returns Panel was established.<sup>127</sup> This Panel has an independent chair and a pool of ten members who have experience of safeguarding and medical expertise. UK Border Agency staff are no longer represented on the Panel.

It is not within the Panel's duties to make a judgement on whether return is the correct action, rather, the Panel must assume that the return will go ahead and is therefore charged with evaluating and advising on the proposed return plan. It must take into consideration a range of issues, such as health considerations, child welfare, legal problems and the specific viability of a range of return options, outlined below.

- **Notice periods:** Either the family receives limited notice of their departure, informing them that they could be returned at any point within the next 21 days; or they get 72 hours notice that they will be returned straight from their accommodation; or they are escorted to return with no further notice (following the notice they received relating to their self check-in).
- **Family separation:** Consideration of the detention of one parent, leaving the family to remain in the community.
- **Accommodation:** This includes open accommodation that involves full-board residential accommodation with free movement; or pre-departure accommodation whereby families are entered into a dedicated full-board residence that is securely monitored and in proximity to the departing airport.
- **Increased restrictions:** These might include electronic tagging or enhanced reporting requirements that stipulate that certain families must attend reporting events more frequently.

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<sup>127</sup> These appointments were announced in April 2012, from when the Panel existed in its full permanent form (UK Border Agency, 2012).

# Appendix D: Evaluation methodology

This appendix details the methodology, consisting of three strands, used to evaluate the new family returns process (FRP). All tools used in the evaluation were reviewed by the Research Steering Group.

## Strand 1: Review of management information

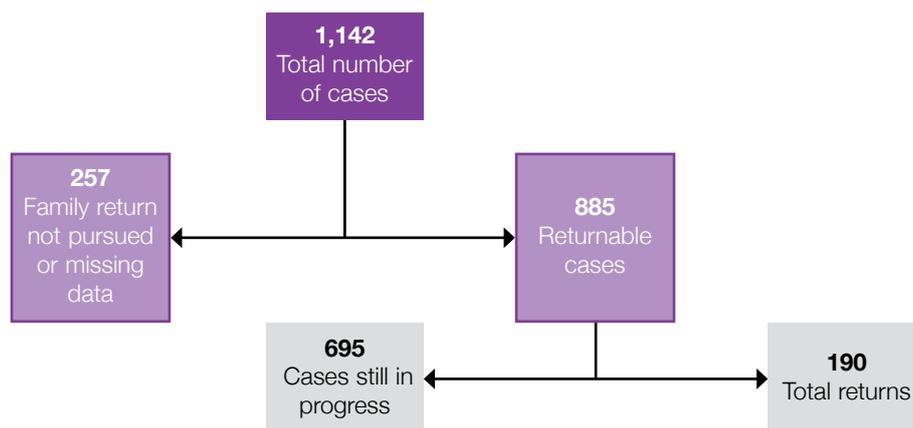
Management information and further data extraction was used in two ways:

- macro-level analysis (all families in the new FRP); and
- cohort analysis.

### 1. Macro data analysis

Management information was provided by the UK Border Agency's Performance Services Unit. Data are of all families who are going through or have been through the FRP as of 12 October 2012, when the data were downloaded from the UK Border Agency's Case Information Database (CID). Therefore cases are included from the pre-March 2011 pilots (in the North West and London regions, which started on 17 June 2010). Figure D1 summarises outcomes for all 1,142 FRP cases as at 12 October 2012 when the data were extracted.<sup>128</sup> Of 885 returnable family cases, 79 per cent<sup>129</sup> (695 families) were still in progress and 21 per cent (190 families) had returned.<sup>130</sup>

Figure D1: Family returns process case overview



<sup>128</sup> For a more detailed overview, including the route of return and stages in the process, see data tables DT2a and DT3, or Figure 2 in the main report.

<sup>129</sup> Percentages may not sum to 100 per cent because they have been rounded independently.

<sup>130</sup> This report makes use of previously unpublished management information on the return of families. Although it has been subject to internal quality checks it was derived from live UK Border Agency administrative systems and means that the final results may be liable to change. This information has not been quality assured under National Statistics protocols. The findings should therefore be treated with a degree of caution.

The data were used to explore several outcomes relevant to the evaluation's objectives, including:

- methods of return, including take up of Assisted Voluntary Return (AVR) and voluntary return;
- reasons for failed Family Return Conferences (FRCs);
- timescales between different key events; and
- barriers raised.

Additional data analysis was carried out on conformity with the process. Performance Services was asked to extract absconding and 'non conforming' data on all family cases returning through the new FRP from 1 March 2011 until 29 October 2012 (when the data were extracted).<sup>131</sup> These included cases that had been through the assisted, required and ensured stages of the process, who had been returned or who had got some sort of leave to stay in the UK. The absconding and 'non conforming behaviour' variable was made up of the following.

- Cases listed as a PNC (Police National Computer) immigration absconder.
- Cases where a breach/non-compliance barrier had been raised. Often these barriers were raised because a family had absconded, but a PNC absconder indicator may not have been raised.
- Cases where an 'Assisted Return – Conference Not Completed, Not at Place of Residence' had been recorded. This did not necessarily mean that the family had absconded.
- Cases where a 'Required Return – Conference Not Completed, Not at Place of Residence' had been recorded. This did not necessarily mean that the family had absconded.
- Cases where the return plan, on which the Independent Family Returns Panel had provided advice, could not be implemented (or enacted) because the family was not at home.

The intention was to understand whether absconding and non-conforming behaviour was more likely to occur at a particular stage in the returns process. For example, whether the required return stage (at which point the families would be expected to return through self check-in) or ensured return stage, influenced non-conforming behaviour.

The Family Returns Unit supplied separate sets of data, concerning:

- referrals to the Independent Family Returns Panel, including advice on return plans; and
- the number of families held for immigration purposes in pre-departure accommodation, including the proportion directly returned and released.

## 2. Cohort analysis

The purpose of this strand of work was to compare the outcomes, timescales, barriers to return, conformity with the process and the identification of health and welfare issues for returnable families, before and after the new FRP was implemented. To achieve this, UK Border Agency Performance Services staff downloaded three cohorts of data (2008, 2010, and 2011) from CID. These downloads were then supplemented with a more detailed manual data extraction from the notes pages on CID. Details of the three data cohorts provided, and the additional data then extracted from CID, are described below.

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<sup>131</sup> The data are only as good as what has been recorded on CID. It may be the case that there is under-reporting by case owners. These findings should be considered as indicative only.

## Data cohorts

The 2008 cohort consisted of applicants with one or more dependant under the age of 18 linked to the case. They had claimed asylum and had an appeal rights exhausted (ARE) date of between 1 August 2008 and 31 December 2008 linked to their asylum claim.

The 2010 and 2011 cohorts were also made up of families defined as having at least one dependant under the age of 18 linked to the case. They had claimed asylum, and had an ARE date of between 1 August 2010 and 31 December 2010 (2010 cohort) and 1 March 2011 and 31 July 2011 (2011 cohort) linked to their asylum claim. In addition, family return case types on a linked application were requested to confirm which families were in the FRP.

For these three cohorts,<sup>132</sup> data were requested on:

- nationality;
- person ID;
- UK Border Agency region;
- ARE date;
- all case types/applications raised after the ARE date, plus the dates and associated case outcomes;
- latest case outcome and dates;
- expiry date (of the latest case outcome);
- barriers raised post-ARE with the date that the barrier was cleared and associated barrier outcome with outcome date;
- level of compliance with removal directions;
- removal directions set and associated cancellation code (to get a view on failed removals and the reasons for these);
- removal case type;
- removal outcome;
- removal outcome date;
- breaches of restrictions, i.e. absconding and failing to attend (for example, not reporting to the UK Border Agency when required to);
- latest case closure completion date; and
- additional data for family return case types, including:
  - assisted return – Conference completed at home or reporting centre;
  - required return – self check-in;
  - referrals to healthcare provider; and
  - Independent Family Returns Panel advice event types.

The intention had been to analyse two cohorts, 2008 and 2010. It was anticipated that 2008 data would only include families whose cases went through the old process (pre-FRP). The 2010 data would, for the most part, include families for whom return action was being pursued through the new FRP. However, only 77 families in the 2010 cohort were in, or had been through, the new process. Of these, 70 cases were 'returnable' cases of families who had been or were still in the new process (the remainder having been granted leave to remain).<sup>133</sup>

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<sup>132</sup> Non-asylum cases were not included as there were very few of these. Also, there may be families in the FRP for whom an ARE date is not shown on CID. Any such families were not included in the cohort as the ARE date was an important criteria for analysis.

<sup>133</sup> See data table DT25.

It was therefore decided to extract details for a third cohort (2011). The 2011 cohort comprised families with an ARE date of between 1 March to 31 July 2011. This timing allowed at least a year after the ARE date for cases to go through the process. Further information on each cohort, case outcomes and returns through the FRP are shown in Table D1.

Table D1: Outcomes for 2008, 2010 and 2011 cohort families<sup>134</sup>

Outcome		2008	2010	2011
<b>Returnable families</b>		<b>154</b>	<b>466</b>	<b>371</b>
<b>Returned</b>	Enforced return	24	15	14
	Required return	–	2	1
	Returned via AVR/AVRFC <sup>1</sup>	11	22	16
	Voluntary departure	10	8	6
	<b>Subtotal of returns</b>	<b>45</b>	<b>47</b>	<b>37</b>
	Families returned as a % of all families in the cohort	9%	7%	7%
	Families returned as a % of returnable families in the cohort	29%	10%	10%
	<b>Non-concluded cases</b>	<b>109</b>	<b>419</b>	<b>334</b>
	Non-concluded cases as a % of all cases in the cohort	22%	60%	67%
<b>Non-returnable families (at time of data extraction)<sup>2</sup></b>	Granted leave to remain: discretionary leave, no time limit leave, leave outside the rules, granted asylum, humanitarian protection, or naturalised	332	227	125
	Non-returnable families as a % of all families in the cohort	68%	33%	25%
<b>Total number in each year cohort</b>		<b>486</b>	<b>693</b>	<b>496</b>

- 1 Assisted Voluntary Return for Families and Children (AVRFC). This programme is for family groups made up of a maximum of two adult parents or legal guardians and at least one child, under 18. Unaccompanied children, under 18, also qualify for AVRFC.
- 2 The 2008 cohort data were extracted from CID on 30 May 2012, the 2010 cohort data on 2 August 2012 and 2011 cohort data on 3 September 2012.

Source: UK Border Agency

In order to supplement the cohort, manual data extraction of information from CID records was undertaken. Much of this information is included in either notes fields, or separate documents within CID (for example, the Family Welfare Form, FWF), and could only be identified through close examination of individual CID records. The detail in the notes pages in CID was variable across the cases. This meant that, for some cases, there was very little information available, whilst for others a detailed picture could be drawn up. The paper files may have held more information, but these were not included in the exercise. The additional information was saved in MS Excel data tables.

The following information was extracted, where possible, for each family:

- evidence of the FWF;
- health, social care and education issues for the family;
- evidence of being informed about AVR; for the 2011 cohort it was also noted whether families were told about AVR before the ARE stage or, for families in the new FRP, after the assisted return stage; and

<sup>134</sup> See data table DT24.

- where a family had returned the method of return was examined, with a focus on self check-in, escorts, the notice of return (i.e. the length of time between removal directions being served and the family's return) and the use and length of detention or, when opened, pre-departure accommodation.

For FRP cases in the 2011 cohort, the following information was extracted in addition to the above (for cases going through the new process):

- whether children were at the FRC or at any other family return meeting; and
- whether the FRC, the Family Departure Meeting (FDM) or self check-in/removal directions may have triggered particular responses (for example, actual or threatened self-harm or suicide threats, signs of distress, 'disruptive' behaviour, absconding or further submissions).

As summarised in Table D2, details were only extracted for returned or potentially returnable family cases. This meant that no further data were extracted for cases in the categories below.

- Families who had been granted (unexpired) leave to remain. This included time-limited grants of asylum, humanitarian protection or discretionary leave, as well as naturalisation or indefinite leave to remain.
- Cases who were no longer defined as families (usually because the youngest child had reached 18 since the ARE date).
- Cases where the main applicant had died since the ARE date.

Table D2: 2008, 2010 and 2011 cohorts – additional data extracted<sup>135</sup>

	2008	2010	2011
All returnable families who are going through the new FRP	9	70	85
All non-concluded and returned cases for 2008 cohort. A sample of non-concluded and returned cases was taken for the 2010 and 2011 cohorts.	145	115	90
<b>Total number of cohort cases for which data have been extracted</b>	<b>154<sup>1</sup></b>	<b>185</b>	<b>175</b>

1 Analysis was only undertaken on 145 cases; the 9 going through the new FRP were disregarded.

For the 2008 cohort details were extracted for all 154 returned or potentially returnable family cases. As shown in Table D1, this consisted of 45 returns and 109 non-concluded cases. There were a small number of cases (nine) who were being returned through the new process. The data on these cases were extracted but they were not included in the analysis.

Compared with the 2008 cohort, the 2010 and 2011 cohorts had a much higher number of non-concluded cases (see Table D1) as these later cases had less time to reach conclusion. For these two cohorts, all cases going through the new FRP were extracted. However, time constraints, and the fact that there were more non-concluded cases than in 2008, meant that that additional information was only extracted for a sample of the remaining cases in the 2010 and 2011 cohorts.

135 See data table DT25.

The data were extracted from 2010 cases for the types of families listed below.

- The families who were going through the new process, and did not have any kind of leave to remain (70 families).
- A random sample (115 cases) of the 466 families not going through the new process; this group included those families who had already been returned, or returned home voluntarily, but did not include those granted leave to remain.

Similarly, for the 2011 cohort, data were extracted for 85 new FRP cases (excluding those granted leave) and a sample of the remaining cases (90 of 371 cases). The sample included all who had been returned. It excluded those who were no longer a family or who had a fresh asylum application (and so were not at the ARE stage) and those granted leave to remain.

At various points in the discussion of findings, there are references to pre-FRP, non-FRP and FRP cases. All cases in the 2008 cohort (145 cases in total) are considered to be pre-FRP. The total number of FRP cases is therefore 155 (70 from 2010 and 85 from 2011, as shown in Table D2). With regard to the non-FRP cases in 2010 and 2011, because of the large number and limited resources, a random sample was taken, and data extraction was undertaken on 205 cases (as shown in Table 1 in the main report).

The cohort data were anonymised and encrypted before they were sent to the evaluators. Where differences were identified between the cohorts during the analysis, they were tested for statistical significance at the five per cent level. Statistically significant differences are indicated in the report findings (shown with a \*).

## Strand 2: Engagement with UK Border Agency staff and key stakeholders

Strand 2 of the evaluation research sought to capture the views of UK Border Agency staff and external stakeholders engaged with the new FRP. This was done through use of an online survey, focus groups and interviewing, as summarised in Table D3 and discussed below. Key themes were then identified and mapped to facilitate in-depth qualitative analysis.

**Table D3: Interviews and focus groups with UK Border Agency staff and non-governmental organisations<sup>136</sup>**

Method	Number of organisations	Number of individuals
UK Border Agency staff online survey	-	79
Regional UK Border Agency staff focus groups	-	54
NGO interviews and focus groups	22	38
Independent Family Returns Panel interviews	-	9
Strategic and operational interviews and focus groups with external and UK Border Agency staff	15	53
<b>Total</b>	<b>37</b>	<b>233</b>

Within the report there are references to ‘strategic stakeholders,’ which refer to both UK Border Agency and independent strategic stakeholders. Similarly, there are references to ‘stakeholders,’ which refer to the views of operational staff from both the UK Border Agency and other organisations. See Table D5 for a list of stakeholder groups.

<sup>136</sup> See data table DT26.

## Online survey of UK Border Agency staff

Staff who work with returning families across all the UK Border Agency regions were asked to complete an online survey. A total of 79 UK Border Agency staff completed the survey. At the time the survey was completed, the UK Border Agency estimated that there were about 92 Local Immigration Team (LIT) staff directly involved in aspects of the new process. This represents an estimated response rate of 86 per cent.

## Interviews and focus groups

### Regional UK Border Agency staff focus groups

Three UK Border Agency regions (North West; North East, Yorkshire and Humber; and London and South East) were chosen to explore staff views of the new process in more depth. The findings from the online survey were used as a basis for discussion in the focus groups.

The North West and London and South East regions were chosen to take part in the focus groups and interviews because these regions were the first to pilot the new process and it was anticipated that staff would have gained considerable experience of it as a result. The North East, Yorkshire and Humber region was chosen because it was a non-pilot area with a large number of families going through the FRP.

The evaluators facilitated focus groups with LIT staff involved with the new FRP (including coverage of involvement at different stages of the process). In most cases these were operational staff. The table below shows the number of focus groups per region.

Table D4: Number of focus groups by UK Border Agency region<sup>137</sup>

Region	Number of focus groups
London and the South East	5
North East, Yorkshire and Humber	2
North West	2
<b>Total</b>	<b>9</b>

In advance of focus groups and interviews, Home Office Science staff and the evaluators visited the three regions to explain the evaluation to staff working on family returns. These sessions covered the research to be undertaken and whether staff could help with recruitment of families into the research. Staff were also encouraged to complete the online staff survey.

### National-level interviews and focus groups (internal and external stakeholders)

In addition to the UK Border Agency staff, a wide range of stakeholders were engaged through focus groups and interviews. The stakeholder groups, the majority of which were nationally based, are outlined in Table D5.

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137 See data table DT27.

Table D5: Stakeholder groups

Group	Description
Panel members	Members of the Independent Family Returns Panel.
Non-governmental organisations	Representatives of NGOs. These involved a mixture of strategic representatives (for example, policy leads) and operational representatives (for example, those working with families on a day-to-day basis). See list below.
UK Border Agency strategic stakeholders	Strategic UK Border Agency staff, For example, policy staff, heads of service, senior managers, representatives from the Office of the Children's Champion and representatives from the Family Returns Unit.
Independent strategic stakeholders	Although not a comprehensive list these included: Department for Education (DfE) representatives (including DfE representatives on the independent Family Returns Panel), the Independent Monitoring Boards (IMB) for Cedars and Heathrow, Reliance, Barnardo's Training and Consultancy, local authorities, legal representatives and also representatives from the health and education sectors. While these were primarily strategic stakeholders a small proportion could be classed as operational.

NGOs interviewed as part of the evaluation are outlined below (note that more than one individual was spoken to from several of these organisations):

- Asylum Aid;
- Bail for Immigration Detainees (BID);
- Barnardo's;
- Calderdale Refugee Forum;
- Children and Families Across Borders (CFAB);
- Citizens UK;
- Coram Children's Legal Centre;
- East of England Local Government Association (EELGA);
- Freedom from Torture;
- Immigration Law Practitioners' Association (ILPA);
- Islington Law Centre;
- North East Refugee Service;
- Medical Justice;
- Refugee Action;
- Refugee Council;
- Scottish Refugee Council;
- Strategic Legal Fund;
- Strategic Migration Partnership (Scotland);
- The Children's Society;
- United Nations High Commissioner for Refugees (UNHCR);
- Unity Centre Glasgow; and
- Welsh Refugee Council.

In addition to those shown above, a number of other NGOs and public sector bodies were also given the opportunity to be interviewed, but declined.

## Engaging with families (Strand 3)

### Recruitment of research participants

The methodology was developed to encourage participation, but it was anticipated that engaging families in the research would be a major challenge. Contingency plans were drawn up to be put into place if there was insufficient engagement.

A letter,<sup>138</sup> inviting families in the returns process to participate in the research, was initially translated into 13 languages, based on UK Border Agency advice on the most widely used languages of asylum applicants. These languages were Albanian; Arabic; Bengali; Chinese (Simplified); Farsi; French; Hindi; Mongolian; Punjabi; Spanish; Swahili; Tamil; and Urdu. From 27 February 2012, LIT staff enclosed the research letter and a stamped addressed envelope with each family's invitation to the FRC. The evaluators set up a dedicated freephone line, so that families who were interested in taking part could leave a message, or, alternatively, post an enclosed reply slip.

By April no families had agreed to participate in the research. There had been fewer FRCs than expected. Between 1 March and 23 April 2012, there were only 28 FRCs or failed FRCs. With such a small pool from which to recruit families, the lack of take up was unsurprising.

After asking for advice from LITs and the research steering group, a number of contingency measures were put into action by GVA or by Home Office Science. Alongside a number of other changes in approach, the original research letter (which put the onus on the families to opt in to the research) was revised. This enabled GVA to contact families by telephone (if their telephone number was held by the UK Border Agency) and ask them directly whether they would like to participate in the research. Letters were slightly amended depending on the family's circumstances, for example, if they had applied for AVR or were at the ensured returns stage.

In addition, GVA attended reporting centre events, and requested support from NGOs and LIT staff to engage families.

Table D6 shows the different ways that Home Office Science and GVA engaged with families and whether a positive response was achieved.

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<sup>138</sup> The letter that was sent to families is available on request.

Table D6: Method of engagement and number of interviews with families<sup>139</sup>

	Number of families approached	Positive response from families
1. Visit reporting centres	10	3
2. Visit pre-departure accommodation	3	0
3. LITs to act as gatekeepers (including FRCs and FDMs)	2	2
4. NGOs to act as gatekeepers	22	8
5. Revised letter sent to families with FRCs in June, July and August	78	4
6. Revised letter, sent to all families who applied for AVRFC <sup>1</sup> (live applications between 22 May 2012 and 21 June 2012)	26	3
7. Revised letter, sent to families who had their FRC in 2010, 2011 or 2012 and who had been given leave to remain	29	2
8. Revised letter, sent to families who had their FRC in 2012 and who were at the enforced or required return stage	39	1
9. Revised letter, sent to 'enforced return' families whose return was halted by a judicial review	8	1
10. Family telephoned the evaluation freephone after discussion with friend who had taken part in the research	N/A	1
<b>Total number of families interviewed</b>		<b>25<sup>2</sup></b>

1 Assisted Voluntary Return for Families and Children (see note 1, Table D1).

2 Two of these families only involved interviews with children.

All families interviewed with children aged eight or over were asked if they would be willing for their children to be interviewed as part of the research. It was clearly explained that this was the choice of the family and their children; no pressure was put upon families. GVA also scheduled meetings with families out of school hours, to provide more opportunities for speaking with children.

## Interviewing families

All families were interviewed only after they had provided consent. Before asking for consent, the purpose of the interview was explained to all families, clearly outlining that the research was confidential, anonymous and would not affect each family's case. It was also explained that the researchers were wholly independent of the Home Office/UK Border Agency. All families were provided with continual opportunities to ask questions prior to, and during, the interviews. It was made clear that families did not need to take part in the research and could pull out at any time.

Interviews with children only took place following consent from both the child and their parent/guardian. In all cases where children were interviewed by the evaluators, the research team included Terry Smith as an independent GVA Associate and child safeguarding expert. The questionnaire used for interviewing children was designed with the advice of Terry Smith, in addition to review by the evaluation's research steering group. It was specifically designed to ensure that the children were not caused any distress. The discussions were carried out in

<sup>139</sup> See data table DT28.

a sensitive manner by Terry Smith, based on his experience of engaging with children in the immigration system and undertaking similar research.

It was explained to all respondents that no details of their responses would be attributed to them or would be identified as being linked to them. It was also explained that the only reason that their responses would be passed on would be if they had said anything that would lead the researcher to believe that a child or member of the family was not safe. If this were to occur, an agreed procedure was in place whereby GVA would provide details of the concern to Home Office Science. Home Office Science would subsequently escalate the matter to the Office of the Children's Champion, who would follow the UK Border Agency's child protection procedures as appropriate.

Separate questionnaires were developed for parents, children aged 8 to 12 and children aged 13 to 18. There were some amendments made to the parent questionnaire when interviewing families at the later stages of the new FRP (for example, to ask their experiences of self check-in or pre-departure accommodation). The questionnaires are available on request. While interviews followed a series of set questions the researchers also facilitated informal discussion where appropriate.

The interviews included ten different nationalities. The three most commonly interviewed nationalities were Pakistani, Nigerian and Iranian. A breakdown of the family composition and stage in the FRP reached by families interviewed is available in Table DT21 of the supplementary MS Excel data tables. A nationality breakdown has been removed to ensure anonymity.

As with the stakeholder interviews and focus groups, the key themes were identified and mapped to enable in-depth qualitative analysis.

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