FAMILY RETURNS FACT SHEETS

The following fact sheets were issued at the Family Returns Seminar, held at Church House, Westminster on 10 March 2011. We are re-publishing them for the benefit of our corporate partners who were unable to attend.

1. Asylum family process
2. Assisted and Required Returns process
3. Family Key Worker Pilot
4. Independent Family Returns Panel
5. Pre-Departure Accommodation
6. Allowing families out of Pre-Departure Accommodation
7. Evaluation

Family Returns Seminar
Church House
10 March 2011

FACT SHEET: ASYLUM FAMILY PROCESS including THE COMPACT

Where this fits in the new family returns process

This is part of the decision-making process:

The Asylum Family Process impacts only on families seeking asylum, it is not relevant to families who are in the UK for another reason, who may later go through the Family Return Process.

Brief details

- A brand new Asylum Instruction on *Processing Family Cases* has been developed and published, pulling together and highlighting the most key and relevant points from other instructions, with extra emphasis on the family unit.
- Asylum Case Owners have been trained as speciailists, to enable them to be responsibile for hosting both the family return conference and the family departure meeting, as appropriate.
- The Compact is a suggestion from the Independent Asylum Commission, and has been committed to as part of the review into the ending of children in detention. The idea is to develop an agreement setting out the expectations and responsibilities of both the asylum seeker and UKBA through the asylum process and up to the point of integration or departure.

Q&A

- *How will the new Asylum Instruction,* Processing Family Cases*, help?*

The Asylum Instruction on Processing Family Cases draws Asylum Case Owner's attention immediately to the key things they should be aware of when dealing with a family case. It also highlights the importance of the Family Welfare Form as a tool to be utilised throughout the entire process.

- *What is the Compact hoping to achieve?*

The Compact is not a legal contract, but it is hoped that by outlining the rights and responsibilities of both parties - the applicant and UKBA - within the asylum process, a greater degree of trust will be engendered.

- *Who will the Compact be aimed at?*

The Compact will initially be piloted for family cases only in the Asylum Screening Unit in Croydon. If it proves successful, we will then consider rolling it out to all asylum seekers.

When this will start to operate

The Asylum Instruction was published on 1st March 2011. We hope to start using the Compact as a pilot in the Asylum Screening Unit from April 2011.

Further detail

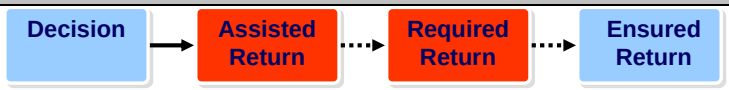
See 'Processing Family Cases' here:
http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/asylumprocessguidance/specialcases/

Family Returns Seminar
Church House
10 March 2011

FACT SHEET: ASSISTED AND REQUIRED RETURNS

Where this fits in the new family returns process

This follows a refusal of an application for leave to remain.



The assisted and required returns process is our core effort to engage with families and to seek to manage their departure from the UK through compliance and cooperation and without the need to arrest the family.

Brief details

- Families go through a two stage family return conference where we seek to understand any difficulties the family have in managing their return, we offer an *Assisted* Voluntary Return package and we set out a timetable for when we expect them to depart.
- Where families do not take steps to depart we will set "self check-in" removal directions. Families are *required* to make their own way from their place of residence to the port of departure, but we can consider requests for assistance with travel.

Q&A

Who attends the family conference? The Family Return Conference must be attended by all adult family members. Children are encouraged to attend, but parents should generally determine whether they wish their children to accompany them. Families can also bring their legal representative, a friend or a representative of a community group known to them.

How much time will you give families to prepare their departure before setting removal directions? Families are given at least two weeks to consider their return options as discussed at the Family Return Conference. If they choose not to return voluntarily, they will be served self check-in removal directions for a date with at least two weeks further notice.

How are UKBA working with other Agencies and NGOs to manage departure? UK Border Agency officers will continue to share information and foster and maintain effective working relationships at a local level with health, welfare, and education services that provide ongoing care and support to children. NGOs have played a key part in shaping the new process. We will continue to work with NGOs to help families make a dignified return home.

How does this differ from past attempts at this (Clan Ebor/ Glasgow/ Ashford)? The new family returns process involves more systematic engagement with families from the outset. Through the Family Return Conference, the new process places greater emphasis on the Assisted Voluntary Return programmes available to families, whilst making them fully aware of the consequences of failing to leave of their own steam.

When this will start to operate

Since June 2010 we have been piloting this new process. Since 1 March 2011 we are operating this process across all enforcement teams in the UK.

Further detail

Published guidance can be found in chapter 45 of the Enforcement Manual:
http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/enforcement/oemsectione/

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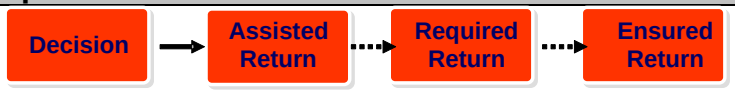
10 March 2011

FACT SHEET: FAMILY KEY WORKER PILOT

Where this fits in the new family returns process

Applicants within the pilot are allocated a voluntary Sector Key Worker for the duration of their claim for asylum.



The Family Key Worker Pilot has been introduced to test the impact of increased asylum seeker trust and understanding of the asylum process in the facilitating and effecting of legal, sustainable solutions to their claims including increased take-up of voluntary returns by those with no protection needs.

Brief details

- UKBA are working in conjunction with Refugee Action to facilitate the pilot.
- Families are allocated a Voluntary Sector Key Worker (within Refugee Action) upon entry to initial asylum accommodation. Key Workers will hold 8 interventions with applicants during the asylum process, notably prior to substantive asylum interview and if applicable, appeal against refusal and following the service of any decision. Key workers and Asylum Case Owners will hold regular case conferences.
- Interventions are designed to provide support and understanding throughout the asylum process by providing asylum applicants with the information to empower them so they can make informed decisions and choices and remove potential crisis management as applicants approach the reality of removal.

Q&A

How many people will form the pilot?
The pilot will accommodate 100 families routed into the North West between 13 December 2010 and 30 April 2011.

What is the pilot aiming to achieve?
Avoidance or minimisation of crisis driven responses to unanticipated asylum outcomes through increased support and guidance for the whole family.
Subsequent increase of AVR uptake, ideally at earlier stages of the asylum process, to reduce the need for ensured family removals.

How will the pilot be evaluated?
Refugee Action and UKBA will conduct a joint evaluation based on both quantitative and qualitative data taken from independent data sets, control groups, focus groups / interviews and e -based questionnaires. The report will be circulated upon conclusion of the pilot.

What happens if families refuse to enter the pilot, or take up the opportunity of AVR?
The Key worker pilot will be run in conjunction with the new family returns process and families are expected to comply accordingly.

When this will start to operate

The pilot will operate from 13 December 2010 until 1 December 2011

Further detail

Not yet available

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10 March 2011

FACT SHEET: INDEPENDENT FAMILY RETURNS PANEL

Where this fits in the new family returns process

This is part of the ensured return process:

The purpose of the Panel is to provide advice to the UK Border Agency on the method of removal from the UK of individual families when an ensured return is necessary. This advice will help to ensure that return plans are developed taking account of the need to safeguard and promote the welfare of the children involved.

Brief details

In addition, to advising on individual cases, the Panel will publish an annual report and consider the overall handling of families who are denied entry to the UK at the border.

The Panel will comprise:

- Chris Spencer (the chair), until very recently Director of Children's Services at Hillingdon Council;
- Pauline Newman, who will join the Panel in April after her retirement as Director of Children's Services at Manchester City Council;
- John Donaldson MBE, former Head of Service for Immigration and Emergency Services at Glasgow City Council;
- Philip Ishola, current Head of the Asylum and Immigration Service and Counter child trafficking lead officer, Harrow Children's Services and Local Safeguarding Children Board;
- Dr John Keen, GP and Medical Advisor to the UK Border Agency); and
- One official each from the UK Border Agency and Department for Education.

Members of the Panel are being appointed on an interim basis pending a formal recruitment process later in the year.

Q&A

Is UKBA obliged to follow the Panel's advice?

There is a presumption that the Panel's advice will be accepted. If, exceptionally, the UK Border Agency does not accept the Panel's advice, or if the Panel itself cannot agree what that advice should be, the case will be referred to the Immigration Minister. He will inform the Panel how he intends to proceed, setting out reasons. The Panel will report on any cases where its advice is not accepted.

Why are UKBA and DfE officials on the Panel?

The role of the UK Border Agency official is to provide expertise on enforcement policy and practice so that the Panel is better able to scrutinise and challenge the plans put to it. The DfE

official brings expertise on safeguarding legislation, policy and practice. ***How often will the Panel meet?*** This will depend on the number of cases which reach the ensured return stage but we are currently planning for two a week.
When this will start to operate
All ensured returns from 1 March 2011 onwards will be submitted to the Panel for advice.
Further detail
See: http://www.ukba.homeoffice.gov.uk/aboutus/workingwithus/indbodies/04independent-family-returns/

Family Returns Seminar
Church House
10 March 2011

FACT SHEET: PRE-DEPARTURE ACCOMMODATION

Where this fits in the new family returns process

This is part of the ensured return process:

Pre-departure accommodation is supervised housing for families who need a more secure level of accommodation once notice of removal has been served. The advice of the Family Returns Panel will be sought in all such cases.

Brief details

- This option will only be used as a last resort, and all the other ensured returns options will have been explored before trying this.
- Families will be housed in self-contained flats which will be within a supervised building, exclusively used for housing a small number of families.
- The accommodation will provide a high degree of privacy and not have an institutional atmosphere. It will be completely open inside, with families having rooms they can shut for their own privacy and there will be access to the grounds.
- Barnardo's will provide on-site welfare services. G4S will provide facilities management services with specially trained staff.

Q&A

Will families be able to come and go freely?
Families will be able to move freely within the grounds of the facility. Family members, including children, will be able to ask for permission to leave the facility for short periods subject to a risk assessment and appropriate supervision.

What rules will apply and under what legal power will you prevent families leaving?
Powers to require the family to remain at the accommodation are derived from Schedule 2 to the Immigration Act 1971. It will ultimately be operated in accordance with new Short Term Holding Facilities Rules. We have previously consulted on these Rules and are now establishing which Rules should apply to the new pre-departure accommodation. The accommodation may have to open without the Rules being in place.

What is the maximum length of stay?
Families will normally stay for a maximum period of 72 hours as this is the usual time period between the service of removal directions and a specified removal date. In exceptional circumstances such as where a flight is delayed or cancelled it will be possible to extend a stay to a maximum of 7 days with Ministerial approval.

What mechanism exists to challenge a decision to hold a family in pre-departure accommodation?
The family may submit a bail application at any time to an on-site UKBA official. The application may be renewed to the Immigration Appeals Chamber of the First Tier Tribunal.

Where will the accommodation be located?
We have made a planning application for change of use at a former school in Pease Pottage, West Sussex.

Who will run the accommodation ?
G4S will be responsible for the facilities management (e.g. healthcare, security, catering, etc.). Barnardo's will provide all welfare and social work services such as children's work and assisting families prepare for their return.

What on-site facilities will there be?
Self-contained flats for each family, an outdoor space for families to use, access to primary healthcare, access to legal advice, onsite social worker support, child & family support workers, mixed play facilities, access to the internet, telephones, a multi-faith room, a private space for families

When this will start to operate

From Summer 2011

Further detail

See: http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/consultations/26-end-child-detention/child-detention-conclusions.pdf

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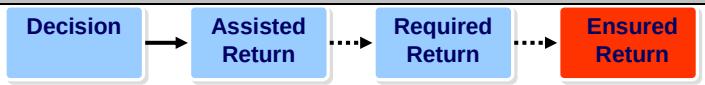
Church House
10 March 2011

FACT SHEET: ALLOWING FAMILIES OUT OF PRE-DEPARTURE ACCOMMODATION

Where this fits in the new family returns process

This is part of the ensured return process:



Pre-departure accommodation is supervised housing for families who need a more secure level of accommodation once notice of removal has been served. The advice of the Family Returns Panel will be sought in all such cases.

Brief details

- Families housed in pre-departure accommodation may request to leave pre-departure accommodation to undertake specific activities. Families will have to return to the accommodation on the same day and will be supervised while they are out. A UKBA on-site manager will decide whether to grant the request.

- Parents may equally apply for their children to leave pre-departure accommodation on organised day trips. Children will be accompanied by an appropriate carer.

Q&A

What factors will UKBA consider in deciding whether to allow a family or child out for the day?
We will consider many factors including, any known safeguarding issues with the family or the proposed activity; any health issues which might affect the family's ability to complete the activity which cannot be managed in another way; the behaviour of the family in the accommodation or in previous engagement with the UKBA or other authority; any matter relating to the family and their likelihood to comply with the terms agreed for the activity.

Will it be possible to challenge decisions to refuse families out for the day?
Decisions will be provided in writing. Parents may ask for the UKBA Area Manager to review the decision.

Will it be possible to see the policy under which decisions are taken?
Yes, the policy will be as described in a Detention Services Order which will be published on the UKBA website nearer the time when we open the accommodation.

Who is responsible for the children while away from the accommodation?
Parents remain responsible for their children if they are accompanying them during the activity.

They will otherwise be the responsibility of the carer. ***Who will act as the carer?*** It is our intention to appoint people who are sponsored by a charity which has partnered with the UK Border Agency to deliver the service. They will be suitably vetted and have insurance.
When this will start to operate
From Summer 2011
Further detail
See: http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/consultations/26-end-child-detention/child-detention-conclusions.pdf

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FACT SHEET: EVALUATION OF THE NEW FAMILY RETURNS PROCESSES

Evaluation aim

This evaluation will cover all four stages of the new family returns processes.

The aims of the evaluation are to:

1. examine the effectiveness of the overall process in achieving its stated objectives and associated government commitments;
2. support and challenge the new processes in order to improve them and which supports the welfare interests of the children and wider family as far as possible; and
3. promote opportunities for action learning as the new process beds down across the agency.

Brief details

This will be done through:

- Undertaking cohort research, impact assessments, and using documentary evidence, management information and official statistics to assess progress against key commitments.
- Process based evaluation of the various parts of the new process - decision making (including Early Legal Advice Project and Family Key Worker Pilot), assisted, required and ensured return options, including interviews with key workers and staff.
- Understanding the end to end process through interviews with families in order to gain a deeper understanding of: how they understood the options made available to them, including self check-in and AVR; the decision to take up AVR and whether/how this was influenced by the new processes; safeguarding/ welfare issues; and for those housed in pre-departure accommodation, how they found this to have worked for them (including the 'suitable adults' scheme).

When this will start to operate

An evaluation report will be produced approximately 10-12 months after rollout of the full programme (around January-March 2012).

Further Detail

Our first interim assessment is available:
http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/consultations/26-end-child-detention/pilots-initial-assessment.pdf?view=Binary