



Home Office

**Border &
Immigration Agency**

FAMILY ASYLUM POLICY
THE SECTION 9 IMPLEMENTATION
PROJECT

CONTENTS

The Pilot	1-3
The Cohort and Control Group	1
The Quantitative Outcome	1
Stakeholder Feedback	2
Conclusion	3
Annex A	4-7
Criteria for cases in the pilot	4
Cohort and control groups – number of families and nationalities	5
The outcome	6
Annex B	8
Process map for the termination of support under section 9	8

The Pilot

The Cohort and Control Group

1.1 The pilot ran from December 2004 to December 2005 and covered 116 family units in 3 separate geographical areas (London, Leeds and Manchester).

1.2 The project involved testing the effect of the legislation and its associated administrative procedures in relation to a cohort group of 116 families. All lived within the Becket House, Leeds Waterside Court, or Manchester Dallas Court enforcement areas. To ensure a fair evaluation, a control group of another 116 cases dealt with under normal casework procedures was also identified and matched exactly for nationality and, where possible, family size.

- The **cohort** of 116 families represented 29 nationalities, consisting of 36 adult dependants and 219 minor dependants.
- The **control** group was selected using the same criteria from within the same geographical areas. This group represented 29 nationalities and consisted of 40 adult dependants and 235 minor dependants.

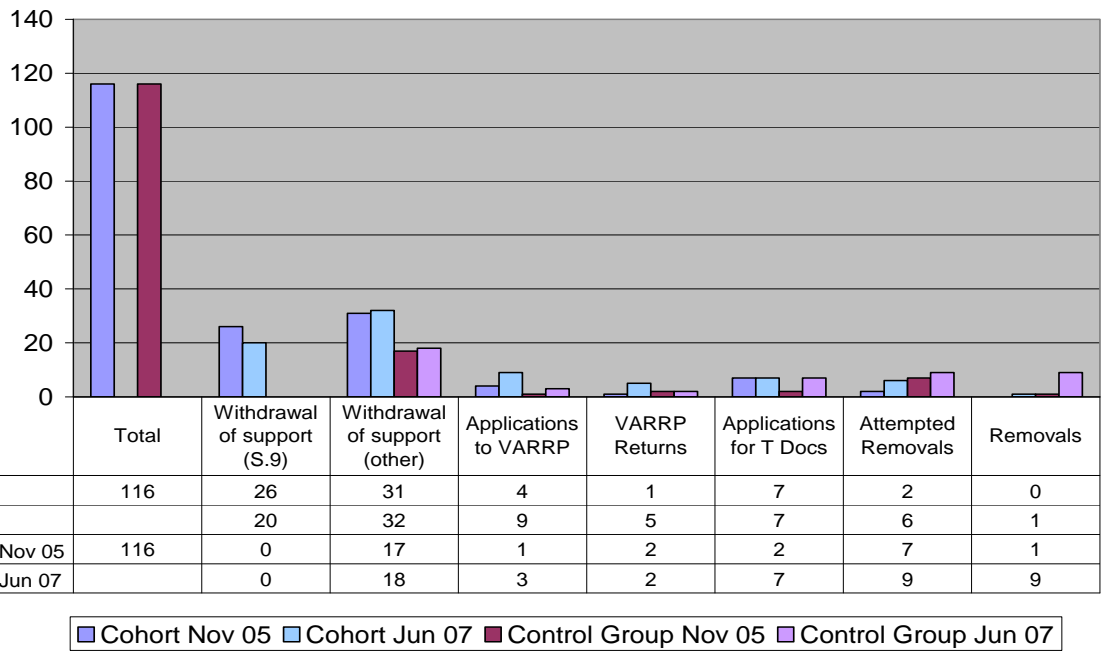
1.3 Information on the cohort and control groups has been updated to show relevant information at June 2007.

1.4 Further information on the background to the pilot is included in Annex A. A Process Map is included at Annex B.

The Quantitative Outcome

2.1 The table below measures the impact of the section 9 pilot on key areas: reduction in number of families supported (for section 9 or other reasons); applications for voluntary return under the International Organization for Migration's Voluntary Assisted Returns and Reintegration Programme (VARRP); applications for travel documents; actual returns under VARRP; attempted and actual removals. The table shows results in these key areas at the time the pilot concluded alongside information on the present position.

Quantitative Indicators - Cohort and Control Groups



2.2 The 2005 data shows that there was little difference between the cohort and control groups in terms of whether families left the UK – although there was a marginal increase in terms of the numbers taking preliminary steps to facilitate departure. The main difference illustrated is in terms of the proportion of cases in the cohort who had their asylum support withdrawn, almost 50%. Of those, most cases had support withdrawn for reasons other than application of the section 9 provision. Evidence suggests that a significant number of the families may have absconded from their accommodation because of concerns about the section 9 process.

2.3 The 2007 data shows that 6 families from the cohort group had become eligible again, and moved back onto, section 95 support. There was an increased number of applications for voluntary returns and actual returns among the cohort group compared to the control group. Application for travel documents improved for the control group. Attempted removals increased for both groups, with actual removals significantly increased for the control group.

2.4 A more detailed analysis of the outcome of the quantitative outcomes of the pilot is included in Annex A

Stakeholder feedback

3.1 A wide range of stakeholders was consulted about the pilot in order to inform an assessment of the effectiveness of the pilot and its processes. Feedback identified the following key areas of concern:

- Impact upon families and children – there was a concern for families who had absconded, as well as for the effect the overall process had on families, particularly children.

- Local Authorities indicated that they had difficulty in reconciling what they considered to be conflicting principles of child welfare and section 9.
- The pilot placed significant demands upon local authority resources.

Conclusion

4.1 The evidence from the pilot taken in November 2005 indicates that there was no significant increase in the number of voluntary returns or removals of unsuccessful asylum seeking families. It shows that in the form piloted section 9 did not influence behaviour in favour of co-operating with removal – although there was some increase in the number of applications made for travel documents. There was also some decrease in support costs.

4.2 The June 2007 data shows some increased interest in voluntary returns in the cohort group, together with increased attempts at removal for both groups and actual removals for the control group. These findings should be considered within the context of the change in approach in dealing with asylum applications by the Agency: making fast track asylum decisions – and removing those whose claims fail – was one of the four objectives set out in the IND Review published in July 2006.

4.3 In the form piloted section 9 did not significantly influence behaviour in favour of co-operating with removal – although there was some increase in the number of applications made for travel documents. This suggests that the section 9 provision should not be seen as a universal tool to encourage departure in every case. We therefore do not propose that the section 9 provision should be used on a blanket basis by Border and Immigration Agency case owners in the future.

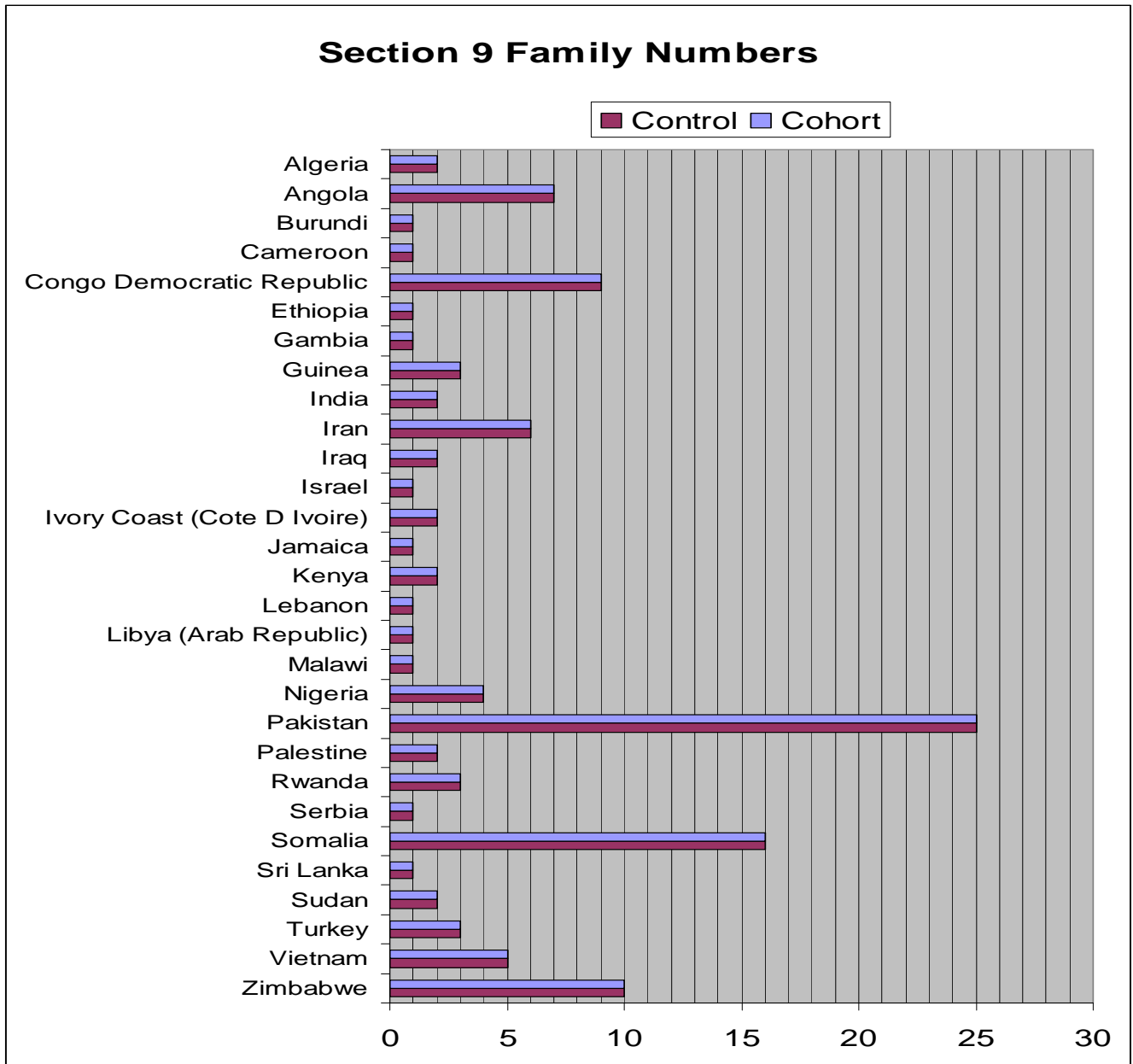
4.4 It is, however, important that we retain an ability to withdraw support from families who are wilfully not co-operating in the process. Going forward it should be for case owners to take a view, based on an established relationship with the family and an intimate knowledge of the asylum claim which has not been successful, of which approach to encouraging departure is most likely to be effective. Given the importance of this, case-specific close working with appropriate officials from the local authority will normally be required if the use of the section 9 provision is being considered.

The criteria for cases in the pilot

1. The criteria for a case's inclusion within the pilot included:
 - A case was notified as a family case on the Casework Information Database (CID).
 - Asylum had been applied for in the United Kingdom.
 - The application for asylum had been refused.
 - The Appeal Rights Exhausted notified date on CID was between 1st January 2004 and 30th November 2004.
 - The cases resided within the local enforcement areas of Becket House (London), Leeds and Manchester.
 - The cases were provided with asylum supported subsistence and/or accommodation.
 - The cases were not nationals of a country that would allow the UK Immigration Service to use an EU letter or a Chicago Convention Letter. (These documents can be used to effect removal without the individuals necessarily co-operating with the documentation process.)
 - The family's co-operation was required to obtain the documentation.
2. The geographical areas were selected on the basis that they could supply sufficient cases to ensure a meaningful pilot. Selection was not conducted on the basis of nationality.

Cohort and control groups – number of families and nationalities

3. A number of different nationalities were represented in the pilot to ensure a fair evaluation.



The outcome

4. Outcomes are based on information gathered to the end of the pilot and updated at June 2007.

A. Asylum support costs

5. Of the 116 cases in the cohort:

- A decision (Stage 4) was made to terminate support in 41 cases (35% of the cohort, to nearest percentage point).
- Of these, support was actually terminated in 26 cases (22% of the cohort). Of the cases terminated, 6 have had support reinstated following a change in the ECHR circumstances of the families (23% of terminated cases / 5% of the cohort).
- Four families are currently being supported by a local authority following a human rights assessment (3% of the cohort).
- No children were taken into care as the direct result of section 9. The children in two families included in the pilot are currently being supported under section 20 of the Children Act for unrelated reasons.

B. Voluntary returns of unsuccessful asylum seekers with family

6. This was measured in terms of applications to the VARRP, applications for travel documents and of returns completed.

VARRP

7. Of the 116 cases in the cohort:

- There have been 9 (8% of the cohort) applications to the VARRP.
- Of these, 5 (4% of the cohort) families have left the UK.

Of the 116 cases in the control group:

- There have been 3 (3% of the control group) applications to the VARRP.
- Of these, 2 (2% of the control group) families have left the UK.

Applications for Travel Documents

8. Of the 116 cases in the cohort:

- There were 7 (6% of the cohort) applications for travel documents.

Of the 116 cases in the control group:

- There were 7 (6% of the control group) applications for travel documents.

9. These increases do not represent statistically significant changes.

C. Removals of unsuccessful asylum seekers with family

10. This was measured in terms of both attempted and successful removals.

Attempted Removals

11. Of the 116 cases in the cohort:

- There were 6 (5% of the cohort) cases of failed removal attempts.

Of the 116 cases in the control group:

- attempted removals were made on 9 families (8% of the control group), which ultimately resulted in successfully removing all 9 families.

Successful Removals

13. Of the 116 cases in the cohort:

- There was 1 (1% of the cohort) case where the family was successfully removed.

Of the 116 cases in the control group:

- There were 9 (8% of the control group) cases where families were successfully removed.

D. Absconders

14. Of the 116 cases in the cohort:

- 82 (71% of the cohort) should have been reporting to the Immigration Service or in contact with asylum support officials.
- Of these 82, 32 (39%) were no longer in contact.

15. Of the 116 cases in the control group:

- 86 (74%) should have been reporting to the Immigration Service or in contact with asylum support officials.
- Of these 86, 18 (21%) were no longer in contact.

Process Map for the Termination of Support under Section 9

Annex B

Family refused asylum and asylum claim determined. Family informed in writing that they must now leave the UK, given information about voluntary return and warned that their support may be terminated if they fail to leave.

Stage One
First letter issued at end of appeal, informing the family that they must leave the UK, giving details of how to make a voluntary or assisted departure, and warning that support may be withdrawn if in the opinion of the S-o-S they have failed without reasonable excuse to take reasonable steps to leave the UK or place themselves in a position in which they are able to leave voluntarily.

Families considered suitable for voluntary return invited to discuss arrangements for departure and warned again that support may be terminated.

Stage Two
Second letter issued with appointment for interview, together with information on voluntary returns, as before.

Family attends interview

Family fails to attend without reasonable excuse

Stage Three
Interview takes place. Where appropriate, third letter issued with warning that a certificate will be issued with the consequence that support might end unless acceptable reasons are provided within 7 days. Information on voluntary return provided as before. Certificate prepared. Case passed to NASS. Letter copied to LA SSD.

UKIS concludes that family is currently unable to leave the UK but is co-operating with redocumentation/arrangements to leave.

UKIS considers the family is failing without reasonable excuse to take reasonable steps to leave voluntarily, or place itself in a position in which it could. Prepares the certificate and warns the family in writing that support may be cut off if that continues.

Provided co-operation continues, support continues until family departs

Family begins to take reasonable steps to leave the UK voluntarily, or place itself in a position in which it could.

Stage Four
ECHR aspects considered by NASS. Fourth letter sent (copied to LA SSD), certifying that the family has failed, without reasonable excuse, to take reasonable steps to leave the UK, or place itself in a position in which it could. Support will end in 14 days where continuation of support is not necessary to avoid a breach of ECHR. Information on voluntary return provided as before.

NASS concludes it is necessary to continue support to avoid a breach of ECHR. Certificate issued with letter to that effect.

NASS issues the certificate stating that the family has failed to take 'reasonable steps to leave' etc and gives explanation of why there is no breach of ECHR. Support will end 14 days after receipt of certificate in cases where termination will not result in a breach of ECHR. Details of how to make a voluntary or assisted departure are provided again.

Family departs UK before support ends

Support ends

Stage Five
Support ends 14 days after receipt of certificate unless an appeal is heard and allowed within this period.

Appeal to ASA allowed. (ASA may annul the certificate, require matters to be reconsidered or substitute its own decision.) Support reinstated/continues as appropriate for limited period pending removal. LA SSD informed.

Appeal to ASA dismissed

No appeal to ASA

IS take further action to remove barriers to return.