

ILPA information sheet

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UKBA Family Returns Pilots

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This information sheet provides information about ‘pilots’ currently run by the UK Border Agency. These pilots are concerned with family returns. They have been set up as part of the UK Border Agency’s response to the Government’s commitment to end the detention of children.

General background

The August 2009 “Detention of Children” information sheet provides some general information about detention of children in recent years.

The June 2010 “Detention of Children 2” and August 2010 “Detention of Children 3” information sheets provide information about the current Government’s commitment to end the detention of children and steps the UK Border Agency has taken to meet this commitment.

The current situation is that children continue to be detained by the UK Border Agency. However, since May 2010, the numbers of children that have been detained have been significantly fewer and the length of their detention has been significantly less than before May 2010.

Meanwhile, the UK Border Agency has been conducting family returns pilots to see whether it can encourage families to make voluntary returns or how it can remove families without using detention. These pilots are being conducted by immigration teams based in the North West and in London (Becket House). The information given here about these pilots is based upon information given to ILPA by the UK Border Agency. However, the UK Border Agency has given no single statement about what the pilots are or how they are intended to work, and they continue to be under development.

The pilots involve three stages, which the UK Border Agency has named – Assisted Return, Required Return and Ensured Return. The general intention is that the steps that the UK Border Agency may take to persuade or force a family to leave the UK will get increasingly severe the further through these stages the case progresses – but during none of the stages will the family be detained at an Immigration Removal Centre. This does not mean that no form of deprivation of liberty will be used (such as forcibly escorting the family to the airport). Also, it remains possible that a family may be taken out of the pilot process in which case detention may be used. More information about these three stages is given under distinct headings below.

First Stage – Assisted Return

This is the first stage for families. During this stage, the UK Border Agency will not take steps to enforce removal, but will seek to explain to the family opportunities for voluntary return. This will

include discussion of assisted voluntary return (AVR). AVR is provided by the International Organisation for Migration (IOM) in partnership with the UK Border Agency. Under AVR, a family may receive financial assistance to make a voluntary return to their country of origin.

In this first stage, the UK Border Agency will arrange at least one meeting with the family to discuss AVR. There is no requirement that the children attend this meeting. The family will be given at least two weeks to consider whether they wish to apply for AVR before the UK Border Agency considers moving to the second stage (Required Return).

Second Stage – Required Return

This is the second stage for families. If the family do not agree to and make a voluntary departure, the UK Border Agency will take steps to require the family to leave the UK. At this stage, removal directions will be set. The family will be given at least two weeks' notice of the removal.

In some cases, the removal will be under self check-in arrangements – i.e. the family will be left to make their own way to the airport. If, however, the UK Border Agency decides that the family is unlikely to co-operate with this, it may send escorts to pick up the family and take them to the airport.

Third Stage – Ensured Return

This is the third stage for families. This stage is the least developed of the three, and has only begun operating from 22 November 2010. This stage involves the UK Border Agency considering and then applying tougher measures to ensure that a family leave the UK.

At this stage, a Family Returns Panel will consider the various options facing the UK Border Agency and decide which of these is appropriate to use in the particular family's case. The panel will be made up of members of the UK Border Agency and professionals from other agencies – these may include representatives from social services, the Department for Education (children in care) and in some cases a health professional. The aim is that the panel will consider the welfare of the family, and in particular the child or children, to decide what is the most appropriate way for the UK Border Agency to seek to ensure the family leave the UK.

Currently, there are only three options available to the panel. The UK Border Agency has named two of these options – Open Accommodation and Limited Notice. Open Accommodation involves moving the family to accommodation near to Heathrow. If the family refuse to go, any support they are currently receiving may be stopped. Limited Notice involves giving removal directions without saying the precise date for which the removal is set. The family would be told that their removal is to take place in 21 days (and no sooner than three days) time, but would not know on which day or at what time an enforcement would come to collect them and remove them from the UK. A third option will be for the panel to decide that the UK Border Agency should consider voluntary return or self check-in again – i.e. the case should return to either the first or second stages. It is intended that in the weeks and months ahead there will be other options. These may include (no decision has yet been taken) – use of electronic tagging, increased reporting restrictions or detaining a parent. It is possible that in some cases more than one option will be used.

Cases not in the pilots

Many cases are not in the pilots. This will be the case if the UK Border Agency enforcement team dealing with the case is not based in the two pilot areas – North West and London (Becket House). In cases not in the pilots, it is now UK Border Agency policy that detention should not be used in family cases unless there has first been a meeting with the family to discuss assisted voluntary return (AVR) and an attempt at removal without using detention without the previous three months.