

# **Review of the Alternative to Detention (A2D) Project**

**May 2009**

Services for life

Document control sheet

|                |                                                      |
|----------------|------------------------------------------------------|
| Client         | UKBA                                                 |
| Document Title | Review of the Alternative to Detention (A2D) project |
| Version        | 2.3                                                  |
| Status         | Issued version                                       |
| Reference      | IMO 08 215/1002                                      |
| Author         | Andrew Cranfield                                     |
| Date           | May 2009                                             |

| <b>Contact details</b> |                  |                                    |                                      |
|------------------------|------------------|------------------------------------|--------------------------------------|
| Main point of contact  | Telephone number | Email address                      | Postal address                       |
| Andrew Cranfield       | 07860 375836     | andrew.cranfield@tribalgroup.co.uk | 87-91 Newman Street, London, W1T 3EY |

**Contents**

1 Key Findings for Decision Makers ..... 4

2 Executive Summary..... 5

3 The A2D process..... 7

3.1 Overview ..... 7

3.2 Assess ..... 7

3.3 Transfer ..... 8

3.4 Remove ..... 8

4 The AVR process ..... 10

4.2 Key findings of VARRP data ..... 10

4.3 Improving the VARRP process..... 11

5 Strategic Objectives and Critical Success Factors..... 13

5.2 Local independent support..... 13

5.3 Structured Programme..... 14

5.4 Supply of information on country of origin ..... 14

5.5 Removal remains the key focus ..... 14

Appendix 1 – Glossary of Terms ..... 16

Appendix 2 – Methodology ..... 17

**Table of Figures**

Figure 1: Process for handling A2D eligible families..... 7

Figure 2: End-to-End A2D process timelines..... 9

## 1 Key Findings for Decision Makers

- The Alternative to Detention (A2D) pilot project was about setting up an alternative removal process that encouraged closer case work activity with families in supported accommodation, rather than in detention facilities, while meeting the needs of children. It was planned that the removals would take place through the Assisted Voluntary Returns process.
- The project failed to promote the anticipated increase in Assisted Voluntary Returns (AVR) with only one family choosing to take that option. The primary reasons for this were the very low number of families referred to the project and further legal representations by the families that were selected.
- An analysis of data of families who had returned to their country of origin under AVR from the UK showed that certain nationalities were more predisposed to return than others. However, this factor did not play any part in the A2D selection process of 'suitable' families.
- The AVR financial package did not prove to be a sufficient motivator for take up of voluntary returns. The intergovernmental agency running the AVR process, International Organization for Migration (IOM), strongly suggests that other factors are more powerful, with the primary drivers being homesickness, need to look after close relatives and a sense of being out of place within the UK. To increase the AVR take up rate in future A2D type projects, these 'pull' type issues need to be taken into account in assessing the suitability of a family at the earliest possible stage in the process.
- The very low rate of AVR take up meant that a predicted 'ground swell' of applications failed to materialise. Communications between the Appeal Rights Exhausted (ARE) Failed Asylum Seeker (FAS) families tend to be good and greater success would have been communicated quickly.
- The average time each family actually spent in the A2D facility was underestimated at the outset. This was primarily due to further representations by the families concerned, despite their ARE status.
- Improved early engagement of suitable families for an A2D type process would increase the probability of AVR take up, as ARE FAS families would have less time to integrate into the communities.
- The concept of independent key workers providing support to the families worked well up to a point but the interfaces between them and UKBA staff were suboptimal. As a result realistic timelines to reach decisions on AVR or other outcomes were not established.
- Some ARE FAS families have undergone considerable trauma during their journey to the UK. Given their experiences and vulnerability, the use of qualified social workers, should be considered in order to support families reach the necessary decisions.
- Future projects will need to be more output based with firm time lines established as quickly as possible.

## 2 Executive Summary

- 2.1.1 The main objective of the A2D pilot was to encourage Failed Asylum Seeker (FAS) families on section 95 support, whose appeal rights were exhausted, to return to their country of origin voluntarily.
- 2.1.2 The scheme was designed to enable FAS families who were Appeal Rights Exhausted (ARE) to gain some breathing space in order to consider how they might best return to country of origin without using detention.
- 2.1.3 The project was launched in November 2007 with the first families arriving at the A2D Millbank premises on 14th January 2008. At the time, Millbank was a 170 bed residential facility at Ashford, Kent. During the review period there were 12 families (20 adults and 19 children) in residence.
- 2.1.4 Millbank was a residential unit that was run on 'hostel' lines with the families being able to come and go as they wished but with specified reporting requirements. They were also free to leave at any time but by doing so would become unsupported. While within the A2D project, the children were placed in local Kent Education schools and there was a resident doctor on site with considerable experience of dealing with asylum seekers, as well as independent onsite key workers to provide support.
- 2.1.5 The provision of accommodation, support services and key workers, at Millbank was contracted to Migrant Helpline (MHL). The pilot was scheduled to run until to October 2008 when it ended.
- 2.1.6 The review was commissioned to determine the viability of the project going on the results that had been obtained at that time. However, due to the very low throughput the decision was made to close the pilot whilst the review was still underway. This made a full assessment more difficult to carry out. However, lessons have been learned that could be applied to future A2D type projects. The methodology used for this review is outlined in Appendix 2.
- 2.1.7 The review was carried out using data and information supplied by UKBA, International Organization for Migration, Migrant Helpline and discussions with UKBA staff.
- 2.1.8 During the life of the project, only one Assisted Voluntary Return occurred. This was far below what was expected and the main reasons were considered to be:-
- Lack of acceptance that exists within the families, who are reluctant to believe that they will be removed
  - Further representations by the families, despite their Appeal Rights Exhausted status
  - Lack of throughput of 'suitable' families
  - Insufficient elapsed time to prove the concept conclusively
  - Lack of early engagement with suitable families
- 2.1.9 The costs savings that were envisaged at the outset were not delivered due to lack of suitable families for AVR and the low throughput of families. Commercial considerations preclude discussion of detailed actual costings within this review.
- 2.1.10 The indications are that a revised model with improved referral criteria, procedures and boundary management between UKBA and any service provider, such as MHL, could

have the potential to increase the rate of AVRs. This would be achieved by overcoming the issues described above and creating a positive 'ground swell' affect in doing so.

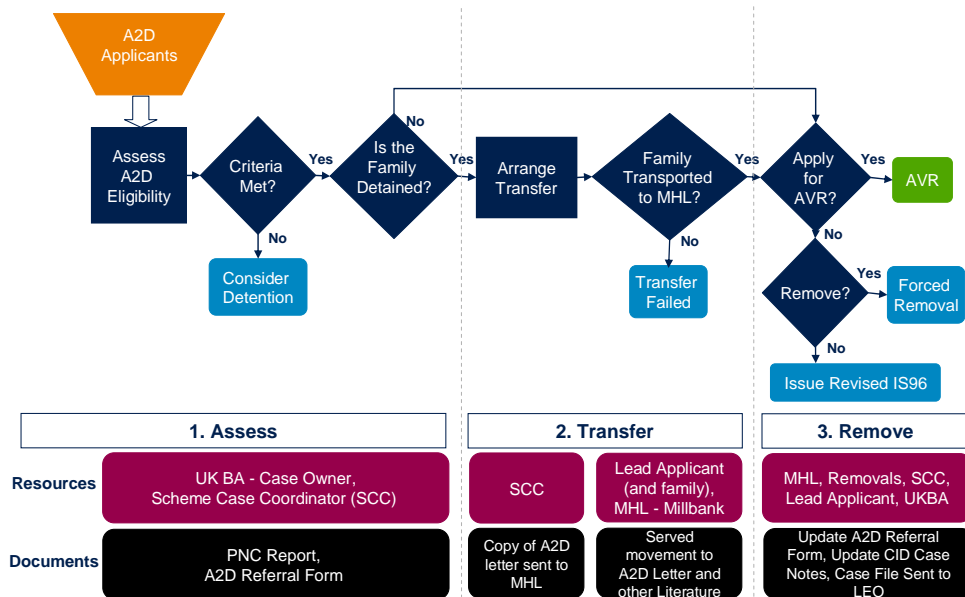
- 2.1.11 The data on returns shows that the vast majority of all AVRs are for single people (mostly male), the findings also suggests that the AVR rate will, in all probability, remain lower for ARE FAS families than for single people. Moving a family to the UK is a far greater commitment in both financial and social terms and, therefore, going back is often considered the least attractive option.
- 2.1.12 In addition, it should be borne in mind that some of these families may have endured great hardship, danger and privation to arrive within the UK. Against this background, UKBA often has to deal with traumatised and vulnerable people and the A2D project was a credible attempt at dealing with such people with tact and sensitivity.
- 2.1.13 Success of any future schemes based on the A2D principles will be dependent on a number of factors, including the active promotion of such schemes throughout UKBA. It is also considered essential that suitable performance measurement metrics are developed to incentivise the use of such scheme by UKBA caseworkers.

### 3 The A2D process

#### 3.1 Overview

3.1.1 The A2D pilot was launched in November 2007 and families who had exhausted all appeals and met other specific criteria were asked to consider staying at the Millbank facility, with other families, while they were worked through AVR options with the on-site A2D contractors, Migrant Helpline (MHL).

3.1.2 The structure of the A2D process followed at the time, as shown in Figure 1, was broken down into three distinct stages:-



**Figure 1: Process for handling A2D eligible families**

#### 3.2 Assess

3.2.1 The assessment of suitability for A2D was based around the following criteria:-

- Have at least one minor dependant;
- Have exhausted their appeal rights (in respect of the lead applicant and any other extant claims);
- Have no history of violent behaviour, or inclination towards violence;
- Have no medical problems requiring significant medical intervention, including counselling by the Medical Foundation;
- Have been informed about AVR by the case owner previously, but not have then applied for AVR;
- Have no application for AVR pending;

- Be detained, or supported in respect of both accommodation and subsistence, or in receipt of subsistence only;
- Have no child who is sitting examinations at GCSE, AS or A level within the next three months.
- Have no child deemed to be at risk under child safeguarding arrangements;
- All be removable to the country of origin (in terms of AVR removability)

3.2.2 The above criteria were obligatory and no cases were referred during the months of November and December 2007. However 24, 20 and 26 cases were referred during February, March and April 2008 respectively. It was only due to the result of active promotion, within the UKBA case work community, that the numbers increased dramatically in May 2008 to 294 (149 North West Region and 108 failed Case Resolution Directorate cases) and 143 in June.

3.2.3 By July 2008 there were 524 referrals in total, with 68% deemed, by the Scheme Case Coordinators, not suitable for inclusion since they failed to meet all of the above criteria. The largest proportion of those referrals, were from the North West region and were failed Case Resolution Directorate (CRD) cases.

3.2.4 Discussions with some UKBA London and South East Region team leaders revealed that, although the referral process was established, their teams were not fully aware of the A2D option. This may primarily have been due to the initial focus being concentrated on the regions where the most eligible families lived i.e. the NW, NE and Midlands. However, the lack of initial proactive promotion and awareness across all UKBA regions, coupled with the turnover of case working staff, was clearly a problem.

### **3.3 Transfer**

3.3.1 Prior to the A2D project, the Millbank facility was used as an Initial Accommodation Unit for asylum seekers. Although A2D was launched in November 2007, the first families did not enter the facility until 14<sup>th</sup> January 2008 due to the slow initial take up for the reasons described above. However, it did enable better MHL staff preparation at Millbank.

3.3.2 Eleven families absconded prior to arriving at Millbank and nine families absconded from the facility during January, February and March 2008. Three of these absconders were transferred from one part of the building to the other when part of Millbank was operating as initial accommodation, perhaps leading to mixed messages being received by the FAS families<sup>1</sup>. Between April and July 2008, there were no absconders. This improvement is believed to have been due to enhanced communication with the families prior to entering the on A2D project so that expectations were better managed, as well as the onsite support that was provided.

3.3.3 As at the middle of July 2008, there were 20 Adults and 19 children (12 families) in residence at Millbank and the length of stay ranged from 21 to 150 calendar days.

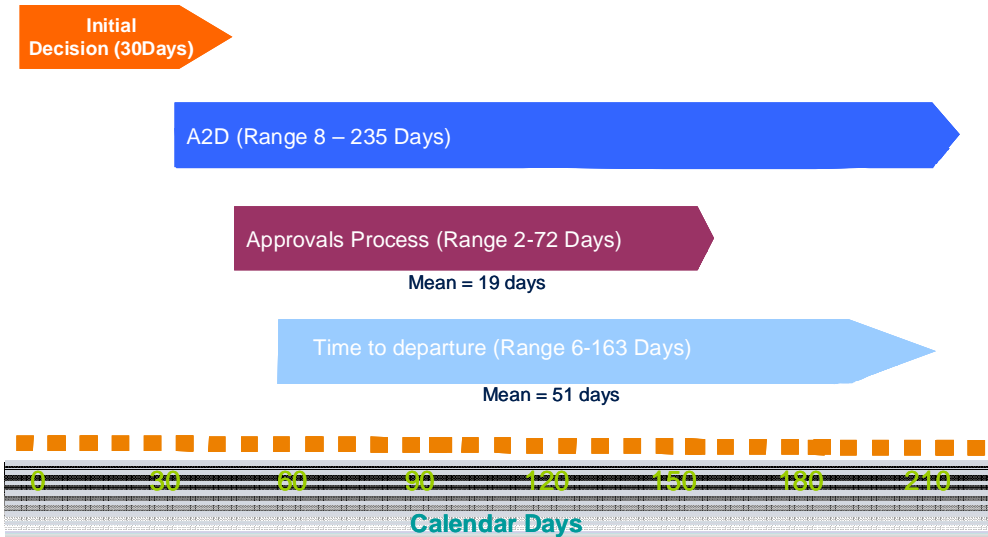
### **3.4 Remove**

3.4.1 Between January and July 2008 there were two dispersals and one attempted enforced removal. The attempted removal was frustrated by a Judicial Review (JR) and the mother and child were removed to private accommodation.

---

<sup>1</sup> There is normally no choice over Initial Accommodation, whereas families within the A2D project were free to leave but would become unsupported in doing so

3.4.2 An analysis was carried out on the elapsed time of the various key stages of the A2D using the small sample of data available. The consolidated output of this analysis is shown in Figure 2.



**Figure 2: End-to-End A2D process timelines**

3.4.3 It should be noted that the timelines in Figure 3 do not take into account multiple appeals by FAS families. While beyond the scope of this review, a deeper analysis is required on the impact of such appeals.

3.4.4 Under the system that was operated, a seven month stay in an A2D type facility was possible. This is based on the assumption that it is unlikely that a family would have left the facility once an AVR application had been made.

3.4.5 It is understood that the range for the time to departure (removal) was significantly underestimated at project inception, with the original plan calling for families to be resident at Millbank for a maximum of 6-8 weeks. This proved not to be a realistic expectation for the vast majority of cases and meant the expected number of returns, as a percentage of those processed, were not achieved.

3.4.6 Redeveloping the existing A2D model to be front-end loaded, so that a greater proportion of cases are referred earlier in the process, coupled with improvements to the process, could have a significant impact on reducing the end-to-end times.

## 4 The AVR process

- 4.1.1 The main AVR mechanism in the ‘remove’ part of the process, as shown in Figure 1, was the Voluntary Assisted Return and Reintegration Programme (VARRP) programme. It is not obligatory for those returning to country of origin to go through the VARRP scheme. However, the vast majority do so. This is due to the support that the VARRP programme provides both during the return process and re-establishment of the families in their country of origin. All eligible failed asylum seekers, not just those who were in A2D, are encouraged by UKBA to return through this programme.
- 4.1.2 As a result, the most reliable source of data regarding the volume, type and geographic profiles of returnees is contained within the VARRP statistics for the UK and needs to be considered in improving the process for any future A2D type projects.
- 4.1.3 The International Organization for Migration (IOM) is an intergovernmental organisation, part funded by EU and the Home Office, that provides support for illegal immigrants, failed asylum seekers and ex-foreign national prisoners through schemes such as VARRP. The IOM operates entirely independently from UKBA.
- 4.1.4 The role of IOM is to help facilitate returns to country of origin, once the individual or family has made that decision. While the IOM provides literature and information on the support they can provide, they are very clear that it is not their role to actively persuade individuals or families to take up VARRP.
- 4.1.5 The VARRP scheme is only applicable for failed asylum seekers and provides for support for returnees once back in the country of origin. The scheme enables applicants to return with dignity and facilitates an income generating activity to achieve a sustainable future. However, once Removal Directions have been set, VARRP cannot be used. This means that the ARE FAS families must be informed of the window of opportunity for VARRP, as soon as possible during the ‘Assess’ stage.

## 4.2 Key findings of VARRP data

- 4.2.1 An analysis of the data supplied by IOM showed the following:-
- Since August 2005, less than 8% of all UK applicants who departed under VARRP consisted of 2 or more family members. This 8% are predominantly believed to be single mothers and a child.
  - That of the 61 families that returned home under AVR in six months to July 2008, 56 (92%) were ineligible for A2D
  - That only three (5%) of the 61 families met the A2D criteria in full (by being both ARE and on section 95 support)<sup>2</sup>.
  - Between 50%-60% of all VARRP applicants cancel. However, Albanian, Kosovan, Afghan and Sri Lankan nationals had a far lower rate of cancellations, compared to other nationalities.

---

<sup>2</sup> Section 95 support is given while a claim for asylum is being considered. The claimant is found somewhere to live and will be provided with living expenses.

- There was no apparent difference between single people and families with regard to cancellation rate, although the reasons could not be determined.

4.2.2 The ability to carry out enforced family removals to Afghanistan, Iraq and other countries needs to be taken into account in the selection of families into such schemes as A2D. Where enforced removal to such countries is not possible, consideration should be given to allowing a shorter decision time for such families.

4.2.3 Selective targeting of the Iraqi and Afghan nationalities may increase success rates, reduce elapsed end-to-end time and cost burden but would need to be validated as practicable.

4.2.4 It should be noted that the target group for A2D were those who had not opted for VARRP initially. On these grounds, it can be argued that the A2D cases were always going to take longer to resolve.

### 4.3 Improving the VARRP process

4.3.1 Discussion with both UKBA and IOM staff highlighted the belief that there was no evidence that financial incentives were a key driver. While the money is seen as a facilitator, the IOM, in particular, strongly believe that primary drivers will always be:-

- Number of close and or elderly relatives still within country of origin
- Level of homesickness
- Lack of community support within UK
- Lack of cultural fit in the UK, outside own communities– e.g. ‘people seem unfriendly and rude’
- Level of destitution

4.3.2 The A2D casework instructions did not fully take into account the above potential ‘pulls’ to return to country of origin.

4.3.3 The above criteria are, of course, subjective and emotional. However, with professional social work type support it should be possible to develop a suitable template with suitable scoring systems for assessment. This highlights the need for professional and skilled social work support to deal with these painful feelings and emotions, effectively and fairly.

4.3.4 The case workers could also establish the number of close family members resident in the UK or other European countries. If adult members of the family have siblings, for example, living in the UK or Europe, then it is probably less likely that they will want to return to country of origin. It should be noted that individuals may be reluctant to disclose this information.

4.3.5 This availability of this information would then be used by the caseworker and local enforcement unit and updated by the service provider key worker on a periodic basis. This would help to ensure the most appropriate courses of action are taken by UKBA.

4.3.6 The ability to return with dignity and with the support of an in-country integration package, is probably a stronger incentive and the core foundation of the VARRP programme. This highlights the need to consider the above factors at the ‘Assess’ stage of the process.

4.3.7 The referral criteria need revising and consideration given to possibly including those families who are in section 95 accommodation and even those who have not been on support, but who would meet the revised criteria.

- 4.3.8 A fuller analysis would need to be carried out in order to validate any potential benefits of including such cases, in order to create the necessary ground swell and culture of acceptance of AVRs by families within any A2D type project.
- 4.3.9 Even with improvements to the selection of families and the A2D process, the evidence suggests this will always be relatively small for families, as opposed to single people. It was also noticeable there were too few residents and insufficient throughput for the IOM to play a greater role. If a critical mass of residents had been achieved, with revised support and arrangements, then a greater number AVRs may have been achieved.
- 4.3.10 Prioritising families from countries with higher rates of AVR success should also help 'kick start' any future A2D projects.

## 5 Strategic Objectives and Critical Success Factors

5.1.1 The UKBA Public Service Agreement 3, calls for a reduced time to conclude asylum applications and an increase in the number of removals year on year.

5.1.2 At the time of the inception of A2D, the project objectives to support the Public Service Agreement were:-

- **Reduce number of families with children in detention** – This was, and still remains, a main driver.
- **Earlier returns than envisaged** – This was based on the package of supervision and support that would enable families to feel more in control of their destiny and be better prepared to deal with a return.

5.1.3 The small numbers involved in the project clearly had a very small impact on reducing the overall number of families and children in detention.

5.1.4 The critical success factors deemed necessary to improve the ‘earlier returns than envisaged’ rate were:-

- **Local independent support** - This was being achieved with Migrant Help Line (MHL) key workers playing a critical independent role.
- **Structured programme** - A key element of the process was that a structured planned programme was implemented for the families within Millbank.
- **Supply of information on country of origin** – As part of the preparation process to return, there should be a structured education programme on respective countries while families were being processed in an A2D type project.
- **Removal remains the key focus** – A critical assumption of the A2D project was that that failure of the family to elect for AVR would be backed up by enforcement action.

### 5.2 Local independent support

5.2.1 Engagement between the key workers and the families appeared good, however, in future the key worker job specification needs to be revised to ensure that outputs are better defined and delivered.

5.2.2 The MHL key worker job description had the lead purpose of the job as ‘contributing to the overall success of the organisation in accordance with Migrant Helpline’s aims and objectives’. It is strongly felt that in future projects this will need to be made more explicit in order to ensure that there are not conflicting objectives between UKBA and service providers.

5.2.3 It is also felt that the key worker job specification should also outline the skills, knowledge and abilities required of the job holder as well as a greater focus on pro-active encouragement of AVR and systematic reporting of management information.

5.2.4 It is also suggested that the main duties and responsibilities should also be reviewed against the UKBA Scheme Case Coordinator, enforcement and caseworker job specifications in order to ensure that information flows are optimised and that responsibility boundaries are well defined.

5.2.5 It is clear that many ARE FAS families are desperate people who have spent relatively large sums of money, undergone considerable hardship and faced significant dangers to

get into the UK. The head of one A2D family stated that he would rather die than be forced to return to their country of origin.

- 5.2.6 Dealing effectively with such deep emotions and feelings requires highly trained key workers and professional support systems. This means that key workers in future projects need to be more highly trained and skilled than has been the case previously. Consideration should be given to the use proper qualified social workers in this role.

### **5.3 Structured Programme**

- 5.3.1 There was a feeling within UKBA that such a programme was not fully implemented and required a stronger focus. At the same time, boundary management between UKBA staff, especially the Scheme Coordinating Workers and enforcement staff, and key workers needs to be improved. This should enable tighter communication and achievement of agreed objectives against planned time frames.

- 5.3.2 Any future project requires realistic decision time lines to be established between the families, caseworkers, scheme co-ordinators and enforcement staff. The key workers would play an integral part in working and supporting the families in making decisions.

- 5.3.3 The assumption, within the case worker instructions, was that the families were taken through the AVR process in a 'managed' environment and with intensive assistance in order to enable the families to make an informed choice about their future options. This aspect needs to be strengthened through revision of the key workers job specification and the suitability of selected families.

- 5.3.4 Establishment of a 'critical mass' of families will ensure greater support from IOM and this would result in a virtuous cycle in helping overcoming the reluctance of FAS ARE families to accept any form of return to country of origin. Discussions would indicate that such a 'critical mass' was considered to be in the order of 30 plus families.

- 5.3.5 For future projects, there is a clear need for caseworker instructions to be updated by UKBA to ensure improved selection of families and hence a greater probability of achieving a voluntary return within the shortest time scales possible.

- 5.3.6 The A2D Scheme Caseworker Coordinators should remain pivotal in ensuring that revised criteria are met and communicated to both UKBA case workers and key workers.

- 5.3.7 An improved model would also help ensure that ARE FAS families fully appreciate the realities of their situation quicker.

### **5.4 Supply of information on country of origin**

- 5.4.1 The availability of such information should help a family in their decision making. It should be made clear to the families during the 'Assess' stage that this education process is an integral part of any A2D type programme. The families must be made aware of such an education programme from the outset and prior to arrival at an A2D type facility, so that it can be factored into their decision making.

- 5.4.2 This would go beyond the standard literature and information that is already supplied by IOM and would require UKBA to provide some resources in this area.

### **5.5 Removal remains the key focus**

- 5.5.1 The removal of vulnerable families is always difficult and hugely sensitive with significant reputational risks to UKBA. Removal is also going to remain an essential part of the asylum system and is necessary in order to reduce the cost of support (approx £22K per

family pa) and also the attractiveness of the UK to asylum seekers to those who are ineligible.

5.5.2 However, no removals were made during the review period, although the families were frequently made aware of their status and it was planned that enforced removals would take place if the AVR option was not taken up.

5.5.3 The UKBA weekly mandatory reporting event for ARE FAS families provides an opportunity for a greater role of enforcement unit staff in re-enforcing the three choices of return: under their own steam, VARRP or enforced removal.

## Appendix 1 – Glossary of Terms

| <b>Acronym</b> | <b>Description</b>                                   |
|----------------|------------------------------------------------------|
| <b>A2D</b>     | Alternative to Detention                             |
| <b>ARE</b>     | Appeal Rights Exhausted                              |
| <b>AVR</b>     | Assisted Voluntary Return                            |
| <b>CID</b>     | Casework Information Database                        |
| <b>CO</b>      | Case Owner                                           |
| <b>CRD</b>     | Case Resolution Directorate                          |
| <b>CSF</b>     | Critical Success Factor                              |
| <b>ER</b>      | Enforced Removal                                     |
| <b>FAS</b>     | Failed Asylum Seeker                                 |
| <b>IA</b>      | Initial Accommodation                                |
| <b>IOM</b>     | International Organization for Migration             |
| <b>JR</b>      | Judicial Review                                      |
| <b>LEO</b>     | Local Enforcement Office                             |
| <b>MHL</b>     | Migrant Help Line (Contractors to the A2D programme) |
| <b>PNC</b>     | Police National Computer                             |
| <b>SCC</b>     | Scheme Caseworker Coordinators                       |
| <b>UKBA</b>    | United Kingdom Border Agency                         |
| <b>VARRP</b>   | Voluntary Assisted Return & Reintegration Programme  |

## Appendix 2 – Methodology

The methodology that was followed for the project review is shown below:

