



# THE UK BORDER AGENCY RESPONSE TO THE INDEPENDENT CHIEF INSPECTOR'S REPORT ON FAMILY REMOVALS: A THEMATIC INSPECTION

## **THE UK BORDER AGENCY RESPONSE TO RECOMMENDATIONS FROM THE CHIEF INSPECTOR'S REPORT ON FAMILY REMOVALS: A THEMATIC INSPECTION**

The UK Border Agency thanks the Independent Chief Inspector for the report. We welcome the comments that staff were found to be aware of the importance of promoting voluntary returns and that families should not be considered for arrest and detention until this had happened; as evidenced in the Family Returns Project in Glasgow. We are also pleased that the report notes examples of areas where a more developed approach to managing family cases is embedded, including our work with organisations outside of the Agency.

The Agency welcomes the recommendations which we will now use to further improve our processes for managing family cases, however not all of the recommendations have been accepted.

On 1 June 2010 the Agency launched a review on how the detention of children for immigration purposes could end. We have sought the input of a range of interested parties, both directly and through a working group co-chaired by the UK Border Agency and the Diana, Princess of Wales Memorial Fund. We are determined to get it right so we will intensify the work with our partners inside and outside Government and continue working over the summer on finding alternatives to detention to consider how we can deliver this key commitment to protect the welfare of children while ensuring the return of families who have no right to remain in the UK. Yarl's Wood family unit will close when the review is completed and credible alternatives to detention are found.

### **The recommendations are that the UK Border Agency:**

- 1. Develops a clear action plan for each family with whom it comes into contact, involving all relevant agencies and ensuring that frequency of reporting, outreach work, information about health and welfare; options for returning voluntarily; and options for arrest and detention (if appropriate) are co-ordinated with clear timescales and responsibilities:** The UK Border Agency accepts this recommendation.
  - 1.1 The Chief Inspector noted that our staff are aware of the importance of offering a voluntary return before considering whether arrest and detention is appropriate. However, it is accepted that a clear action plan for each family is not embedded in all parts of the UK Border Agency. The Agency will look to include this as part of the recommendations that come from our review into ending the detention of children.
- 2. Clarifies how voluntary return should be offered to families; identifies the skills necessary to do this; and trains members of staff accordingly:** The UK Border Agency accepts this recommendation.
  - 2.1 The UK Border Agency will improve the way in which we communicate to families the option of Assisted Voluntary Return (AVR) through closer engagement with the voluntary sector and community groups.
  - 2.2 The Chief Inspector acknowledged that information and support through publicity materials / information sheets is in use across the UK Border Agency. Work is already underway through the two pilot schemes running to review and refine this so that the right information is given at the right time.
  - 2.3 The AVR Team will work closely with regions to support any AVR specific activity undertaken through Reporting Centres. This might involve training workshops, specific

information materials or support through provision of International Organisation for Migration (IOM) caseworkers in the centre for specific nationalities / types of cases.

2.4 The UK Border Agency already works to ensure that there is a clear understanding of AVR across the Agency, how it works and how it benefits the individual returnee and the UK. This is done through the AVR liaison network so all information is easily cascaded and supported by a series of training sessions and workshops led by the AVR Communications Manager.

2.5 As part of our review into the ending of children in detention we are committed to the idea of introducing a family assisted return conference as a first step towards return. As part of the conference we will ensure that the family has been advised of assisted return options in person, either where they are accommodated or at a reporting centre event. The offer made at the conference will be backed up in writing.

**3. Ensures that family welfare forms (FWF) are completed in full and from initial contact through to the family's departure:** The UK Border Agency accepts this recommendation in principle.

3.1 Current guidance outlines that staff must check that a voluntary return has been offered and that this is noted on the case file (using the FWF) before they approach an Assistant Director for authorisation to detain and remove.

3.2 The UK Border Agency is looking at whether the FWF is the right vehicle for recording interaction with families and decision making. As part of a fundamental change in approach to managing family returns we are exploring more sophisticated tools to record how we engage with families and record our decision-making, whether written or electronic.

**4. Ensures that all alternatives, including self check-in, are exhausted before enforced removal is considered:** The UK Border Agency accepts this recommendation.

4.1 Current guidance states that the following alternatives must always be considered primarily before proceeding to detain:

- 1) Voluntary Returns;
- 2) Self check in removal directions

The Chief Inspector noted that in the cases sampled it was not clear from the information on the files that these options had been considered or offered before the family were arrested and detained. We accept that more needs to be done to improve our engagement with families and we are exploring alternative ways for them to return to their country of origin. As part of our review into ending the detention of children we are looking at ways we can fundamentally change how we manage family returns.

**5. Ensures that medical consent forms are requested from every family; and full medical information obtained from those families who provide their consent:** The UK Border Agency accepts this recommendation.

5.1 The UK Border Agency will be looking at the information that it is necessary to consider before an enforced return is determined to be necessary. This will form part of the work looking at how the Family Welfare Form is used.

- 6. Provides appropriate interpreting services during any family arrest:** The UK Border Agency does not accept this recommendation.
- 6.1. The UK Border Agency has a variety of options in place for appropriate interpreting requirements which are considered as part of the operational planning process. There is clear guidance for staff in what option is best in the individual family's case. We do not consider it is necessary for an interpreter to be on every visit, but we ensure that we are able to communicate with the family so that they are informed of why we are there and what will happen next.
- 7. Ensures that the time and number of officers involved in any arrest reflects clearly the individual circumstances of each family:** The UK Border Agency accepts this recommendation in part.
- 7.1 The issue raised is about the recording of the considerations that were made to determine the best time to arrest a family. We do have clear guidance on considerations that need to be made before a visit. The Agency's Professional Standards for Enforcement Team currently undertakes assurance reviews and we will look to incorporate an assurance of operational planning and how it is recorded into our assurance activity.
- 8 Reviews the level of seniority required to authorise and maintain the detention of families; ensures there is a clear rationale for the level at each detention review; and ensures that each review takes full account of the family's circumstances:** The UK Border Agency accepts this recommendation.
- 8.1 The difference between the authority levels cited in Chapters 45 and 55 was an oversight when the former was amended in November 2009 and will be corrected. Currently the authority to arrest and detain families rests with a Regional Director. The Agency will look to include this as part of the recommendations that come from our review into ending the detention of children.
- 9 Strengthens their arrangements for the storage of and facility for the timely retrieval of files:** The UK Border Agency accepts this recommendation.
- 9.1 The UK Border Agency's current operating model and policies mean that it receives, processes, transports and stores a high volume of supporting paper documentation to complete an application. The Agency has a contract with a commercial supplier for the offsite storage, and associated services relating to, approximately 10 million paper records.
- 9.2 Records are currently split across two sites with the vast majority (9 million) housed in East London. Many of the files that have been called on, or are likely to be referred to in the near future, are kept in the Croydon store. The Agency expects around 350,000 registered records to be in use across the business at any one time. Records requested from the contractor should be delivered to the Agency within 24 or 48 hours. Contractor performance for the first quarter of 2010-2011 (April-June) was 98.56% and 96.82% respectively. Our current tracking system does not enable records to be tracked at the point of receipt from the contractor; and there may be time lag in the onward transmission from the point of delivery by the contractor to the requestor.
- 9.3 Not all UK Border Agency locations are able to track files in and out using the file tracking system which can make it difficult to locate a file that appears to be 'in transit' around the Agency.

9.4 We are in the process of awarding a new 15 year contract for the storage and retrieval of files, which will incorporate the provision of a new file and record management system that will enable comprehensive tracking across the Agency. The new contract specification provides the opportunity to bring greater discipline and transparency to some of our internal paper record management processes and a raft of cultural change management is being planned to support this, all of which will link to the Immigration Case Work (ICW) programme's work to move case working from paper to an electronic case work system designed to cope with the scale of change and volume found in immigration case working. Customer records will be stored electronically with strict adherence to the Agency's information management policy. Our strategy for moving away from a paper based operating model involves:

- reducing the amount of paper received by the Agency by redefining document requirements and moving more customer interactions online;
- processing the reduced volumes of inbound paper just once by routing postal correspondence to a single location; and
- processing cases electronically.

The Professional Standards for Enforcement Team has undertaken a file review with the development of a professional standard due in September 2010.

**10 Ensures that a clear audit trail is maintained in every family case and clarifies the information that should be stored on the file and the Case Information Database:** The UK Border Agency accepts this recommendation.

10.1 We shall seek to simplify and clarify the way in which we record family cases on the Case Information Database to develop consistency across the Agency. Some of the issues that will need to be addressed are the fact not all family members arrive as a family unit and the different profiles of families that are currently being recorded.

**11 Reviews its training requirements for staff to ensure they are aware of cultural issues when engaging with families:** The UK Border Agency does not accept this recommendation.

11.1 We expect our staff to act professionally, sensitively and with complete awareness of diversity at all times. We believe appropriate training is already given to staff through our mandatory diversity courses throughout their career as well as specifically tailored training for staff working with children. We are constantly striving to improve how we deliver our policies and services to the public.

**12 Publishes and analyses a clear set of management information in respect of families with dependent children to provide greater transparency and to fully inform policy and practice:** The UK Border Agency accepts this recommendation in part.

12.1 It is accepted that the way in which the UK Border Agency record information on families could be developed and should inform the way in which policy and practice develops, however a decision as to whether these figures would be published as National Statistics or recorded as Management Information would first have to be taken by the UK Border Agency Board and discussed with Migration Statistics.