



Independent Family Returns

**Independent Family Returns Panel
(IFRP)**

Interim Report 2022-23

Chair's Forward

The Independent Family Returns Panel (IFRP) provides advice to the Home Office on the safeguarding and welfare needs of families with children who face an ensured return to their country of origin, as part of the family returns process. This enables the Home Office to ensure that the welfare and safeguarding needs of such families are appropriately catered for. The formal remit of the IFRP is given below. The panel comprises of professionals with a range of relevant expertise across the areas of Social Care, Police, and Medical Doctors, together with other experienced professionals with a common emphasis on family safeguarding.

The IFRP makes recommendations to the Home Office on the best method of returning individual families to their home country, ensuring the specific welfare needs of the children and family are met, where families have no right to remain in the UK and have not departed voluntarily or via a self-check process, and so become subject to an enforced return process. Section 54A of the Borders, Citizenship and Immigration Act 2009 as inserted by the Immigration Act 2014 requires the Secretary of State to consult the IFRP (a) in each family returns case, on how best to safeguard and promote the welfare of the children of the family, and (b) in each case where the Secretary of State proposes to detain a family in pre-departure accommodation, on the suitability of so doing, having particular regard to the need to safeguard and promote the welfare of the children of the family.

The Illegal Migration Act 2023 will mean a varied role for the IFRP in some circumstances and we continue to work with the Home Office to identify how this may work in practice.

We continue to work with the Home Office to understand the problems preventing families who are currently in the returns system from being removed.

I now present an update report as Chair of the Independent Family Returns Panel.

Helen Chamberlain

Chair, Independent Family Returns Panel

Introduction

There continues to be a lack of panel activity due to the volume of barriers being raised during the Family Returns Process. It is the Independent Family Returns Panel's (IFRP) intention to again offer an interim update report.

The role and remit of the Independent Family Returns Panel

Following the Government announcement to end the detention of children for immigration purposes in December 2010, the Independent Family Returns Panel (IFRP) was established in March 2011. The purpose of the panel is to provide advice on the welfare and safeguarding aspects of the removal arrangements made for families who are no longer legally entitled to reside in the UK and have failed to depart the UK voluntarily.

Section 54A of the Borders, Citizenship and Immigration Act 2009, as inserted by the Immigration Act 2014, requires the Secretary of State to consult IFRP (a) in each family returns case, on how best to safeguard and promote the welfare of the children of the family, and (b) in each case where the Secretary of State proposes to detain a family in pre-departure accommodation, on the suitability of so doing, having particular regard to the need to safeguard and promote the welfare of the children of the family.

The formal remit of the IFRP is to make independent recommendations to the Home Office on the best method of returning individual families to their home country. This is to ensure that the specific welfare and safeguarding needs of the children and family are fully considered and met when families face the prospect of a required or ensured return.

It is important to highlight that the panel have no decision-making responsibility in respect of whether a family is returned, the decision has already been taken. The panel's role is to ensure that the return considers the best interests of children and the welfare of a family in that return process.

The panel has an additional, non-statutory role, relating to the occasional need to hold families with children at the border while enquiries are made as

to whether they may be admitted and/or while they await a return flight. The family is held for the shortest possible time, usually in a holding room at the port of entry and where possible, families are held separately from other passengers. If a family is to be held overnight or for longer than 24 hours, they are normally removed to designated family accommodation in an immigration centre. The panel maintains an overview of the handling of families who are denied entry to the UK at the border, to ensure that detention in such cases is kept to a minimum and that assurances are provided regarding any potential safeguarding and welfare concerns.

The IFRP is comprised of professionals with a range of relevant expertise from the disciplines of Social Care, Police and Medical Doctors who offer significant experience on how to meet safeguarding of families in these circumstances.

Annual Reports

The IFRP produced an annual report for 2019-2020, making recommendations to the Home Office for continuing improvement in relation to these important issues. All those recommendations have now been finalised.

The interim report covering years 2020 to 2022 was published in February 2023, there were no recommendations. The report is available to view online:

[2020-2022 interim annual report \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

Interim IFRP Work 2022 -2023

Since panel activity re-commenced in August 2021, there have been three statutory referrals to panel. The limited panel activity is linked to the high volume of barriers within Family Returns' work in progress, resulting in approximately 96% of cases being placed 'on hold' and unable to be progressed whilst barriers are being concluded. There are several reasons why a family would be 'on hold' including a family pursuing litigation to normalise their stay. There are other barriers to their removal such as documentation issues or families who are classed as having been 'lost contact' with. We have identified a concern at the number of families who are deemed to have been 'lost contact with' as it also includes families who have absconded and their whereabouts are unknown. Once we raised this as a concern we were provided with information from the HO as to how they manage cases where families may have absconded or are 'missing'. I also invited the National Police Chiefs Council lead on 'Missing People' to talk to use about the ways in which the Police manage those families with children who are deemed to be missing. This presentation explained the process as to when children would be deemed vulnerable and what steps the Police would take to try and trace them.

Since COVID 19 restrictions prevented returns for the most part of two years, families are looking to regularise their status in the UK, in line with provisions in the Immigration Rules. We have had three families presented at panel for independent safeguarding advice for their removal.

There are many complexities involved in returning families to their country of origin, and the passage of time means families feel they should not be returned. This can lead to barriers being raised late in the Family Returns Process. These include, but are not limited to, legal challenges and further submissions. Of the three families discussed at panel, only one progressed to ensured return stage. The IFRP continued to meet quarterly with the FRU, Border Force, Home Office Sponsorship Unit, and the Safeguarding Advice and Children's Champion. During this meeting, we review any cases where children had been detained at ports for over 18 hours while a decision was

made on their admissibility to the UK. As part of this process, we identify any safeguarding concerns for arriving children in their current circumstances. These are then reviewed by Border Force staff and fed back to the panel.

We have highlighted a further concern regarding a third-party contractor, Clear Springs, who are contracted to provide accommodation and transport services to the Home Office. Several cases presented to the panel highlight a delay in transporting arriving children to accommodation, meaning that some children will be held at arrival ports longer than 18 hours.

Panel Members

In 2022 we saw the departure of one panel member, Imogen Spencer-Chapman to pursue other career aspirations. We are grateful for her support and contribution over the four years that she sat as a panel member and wish her all the very best.

After our recruitment process in 2021 we welcomed four new panel members. We are still in the process of recruiting two new panel members to ensure that we have a full panel which should be eight members and myself as Chair. It is important that there is a full complement of available panel members to ensure that the breadth and depth of experience is brought to panel meetings, and they can be efficiently and effectively run. The recruited panel members are available every week to ensure planned and ad-hoc panels can be held whenever there is a need.

The Illegal Migration Act 2023

One of the Key priorities of the Prime Minister is to ‘stop the boats’, the Act makes provision for and in connection with the removal from the United Kingdom of persons, who have entered or arrived in breach of immigration control; to make provision about detention for immigration purposes; to make provision about unaccompanied children; to make provision about victims of slavery or human trafficking; to make provision about leave to enter or remain in the United Kingdom; to make provision about citizenship; to make provision about the inadmissibility of certain protection and certain human rights claims relating to immigration; to make provision about the maximum number of persons entering the United Kingdom annually using safe and legal routes; and for connected purposes.

The Illegal Migration Act (IMA) disapplies the statutory duty to consult the IFRP where the family’s removal is under the IMA’s duty to remove. However, this does not prevent any consultation, therefore we continue to work with the Home Office to establish the future role for the IFRP in these circumstances. The requirement to consult the IFRP for other family returns (i.e., which are not under the IMA) still exists.

As a panel we feel that our role is necessary in providing independent safeguarding advice to the Home Office for all removals of families. We provide timely and experienced advice from a range of medical, legal, and safeguarding perspectives to ensure that a family's needs are considered and that they are afforded the right protections and support during their removal and arrival back in their country of origin. We believe this independent oversight and advice is vital and continues to be so.

Recommendations from previous reports

All the recommendations in the 2019-20 Annual Report have now been finalised.

There was one outstanding recommendation from the Annual Report 2016-2018.

- 1. Holding children at ports:** The IFRP welcomes the review by the Office of the Children's Champion (OCC) into the arrangements for holding children at ports and recommends that the Home Office gives careful consideration to implementing the recommendations.

[Home Office response: report on the family returns process by the Independent Family Returns Panel for 2016 to 2018 \(accessible version\) - GOV.UK \(www.gov.uk\)](#)

The Safeguarding Advice and Children's Champion (SACC), formally OCC, have carried out inspection activity and reported their findings internally, the panel have had sight of this update. There will be follow up visits by the SACC where they have invited myself and a panel member to accompany them. Once those follow visits have been carried, out we will review this recommendation and assess whether we are now assured those

arrangements at holding ports are satisfactory and that this recommendation can be finalised.