



Detention Services Order 1/2014

Definition of a family for the purposes of accommodating members appropriately in immigration removal centres or pre-departure accommodation

Process: Accommodation of families in immigration removal centres or pre-departure accommodation.

Implementation Date: June 2016

Review Date: June 2018

Contains Mandatory Instructions

For Action: N/A

For Information: Home Office and supplier staff operating in immigration removal centres and pre-departure accommodation.

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Processes Affected: The accommodation of families in immigration removal centres or pre-departure accommodation.

Assumptions: Staff will have sufficient knowledge to follow these procedures.

Note: This Detention Services Order (DSO) replaces DSO 1/2014 version 1.0, which is cancelled.

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Detention Services Order 01/2014

Definition of a family for the purposes of accommodation in an immigration removal centre or pre-departure accommodation

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Detention Services Order 1/2014

Definition of a family for the purposes of accommodation in an immigration removal centre or pre-departure accommodation

Introduction

1. This Detention Services Order clarifies what:
 - constitutes a family for the purpose of immigration detention accommodation and how members should be accommodated in immigration removal centres; and
 - constitutes a family for the purpose of residence at pre-departure accommodation, and how members should be accommodated.

Definition of family

2. Home Office officers are likely to encounter many different kinds of families. The list which follows is not exhaustive but is intended to be indicative of the sorts of groupings that must be treated as families for detention accommodation purposes:
 - ♦ Two parents, married or unmarried, and their dependent children, including dependent children who may be 18 or over.
 - ♦ A single parent or other adult carer/guardian with dependent children, including dependent children who may be 18 or over.
 - ♦ An extended family unit that may include, for example, one or two parents, grandparent(s), aunt(s), uncle(s) – or any combination of extended family members - **with** dependent children.
 - ♦ A heterosexual couple, married or unmarried, without dependent children.
 - ♦ A same sex couple, married/in a civil partnership or not, with or without dependent children.
 - ♦ An older sibling (18 or over) with dependent younger siblings under 18 or 18 or over but vulnerable by reason of mental or physical disability.

3. Where other groupings present themselves as a family unit it will be necessary to consider carefully the truthfulness of the relationships and whether all members of the family unit should be accommodated together as a family.
4. All claims to be in a relationship that would constitute a family under the terms of this DSO should be checked on CID and/or with the caseworker to establish:
 - ♦ the genuineness of the claimed relationship; and/or
 - ♦ whether there are any concerns about co-locating the parties.

What is not a family for the purposes of immigration detention accommodation?

5. Siblings who are all 18 years or over are not a family for the purposes of immigration detention accommodation except where one or more of the siblings is vulnerable by reason of mental or physical disability. If the siblings are all male or all female, efforts should be made to accommodate the siblings in the same centre and in the same room or in the same sleeping area (for example, if the centre has dormitory accommodation or is split into separate sleeping areas).
6. Where practicable, in cases of a brother and sister who are both 18 years or older, each should be accommodated in the appropriate adult accommodation within the same centre.

Accommodation of families without dependent children under 18

7. A family without children, or a family where all dependent children are 18 years or over, may be detained in an immigration removal centre. **All such families** must be detained in dedicated family accommodation; wherever possible as a family unit in adjoining rooms.

For example, where possible:

- ♦ Older dependent children aged 18 or over should not be separated from their parent(s) and accommodated in single adult rooms, unless they express a preference for this. Consideration should be given to providing separate accommodation in the family unit.
- ♦ Similarly, older members of extended family units (for example, grandparent(s), aunt(s), uncle(s)) should not be separated from their family and accommodated in single adult rooms.
- ♦ Couples (heterosexual or same sex) without children must be detained together in the family accommodation.

Accommodation of families in pre-departure accommodation

8. For those families with at least one dependent child under 18 who have been in the country for some time but have no legal right to stay, the process for managing their return aims to encourage them to leave voluntarily and without the need for enforcement action. Such families who refuse to leave voluntarily may need to be accommodated in pre-departure accommodation for a very short period to facilitate their return. Any such stay would form part of the return plan for the family, which would have been considered by the Independent Family Returns Panel (IFRP). This helps ensure that individual return plans take full account of the welfare of the children involved and that the Home Office fulfils its responsibilities under section 55 of the Borders, Citizenship and Immigration Act 2009. Only families with at least one child aged under 18 years of age may reside in pre-departure accommodation.
9. In exceptional cases, the family accommodation at Tinsley House may be used to hold families with dependent children under the age of 18 where one or more individual(s) within the family pose(s) significant public protection risk or where a family member is being removed straight from prison custody.

Accommodation of families detained at the UK border

10. The Home Office may, on occasion, need to hold families with dependent children under 18 on arrival at the UK border while enquiries are made to determine whether they can be admitted to the UK or, if they have no right to enter the country, until the time of the next available return flight.
11. If such enquiries are prolonged, or there is a substantial period of time before the return flight, families with dependent children under 18 years old may be held in the family accommodation at Tinsley House, near Gatwick airport.

Separating, or continuing to separate, families in detention

12. Occasionally, it may be necessary to separate members of a family after they have been detained – for example, if a family member has to be admitted to hospital or if a family member becomes violent and poses a threat to the safety of other family members, to other families or to staff. The initial decision to authorise temporary separation in these circumstances will be made by the detention facility supplier.
13. If the temporary separation involves removing a single parent from the child/children in his/her care, the supplier must obtain the authority of the Returns duty director immediately and refer the case to the local authority's children's services department, also immediately.

14. Decisions to continue separation for longer than 12 hours require the authority of the Head of Detention Operations during working hours, or the Returns duty director outside working hours.
15. In addition to the above, if a decision is made to hold family members separately at different centres, the Home Office caseworker should be informed as soon as possible.
16. In ensured return cases involving families with children under 18, the Home Office IRC Team must inform the Removals Casework family returns team of separation so that the information can be relayed to the Family Engagement Manager managing the case and the IFRP updated about the developments and action taken.
17. In Border cases involving families with children under 18, the Home Office IRC Team must inform Border Force of separation immediately, to prompt a review of continued detention where appropriate.
18. A nursing mother must not be separated from the child she is nursing.

Revision History

Review date	Reviewed by	Review outcome	Next review
28/6/16	Removals, Enforcement and Detention Policy	New requirement in para. 4 re: checking claimed relationship; policy re: separating mother from child she is nursing brought into line with general Home Office policy (para. 18).	06/2018