



OPEN ACCOMMODATION

ACCOMMODATING FAMILIES OUTSIDE OF DETENTION

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Introduction

The Ending of Detention of Children for Immigration Purposes

1. The UK Border Agency is currently working to establish a radically different approach to the way we manage illegal migrant families through to departure from the UK. This new approach is designed to secure departure without the need for immigration detention. Our approach to this work is underpinned by these key principles:
 - Families have to understand what is happening to them and have confidence in the decision-making process.
 - Parents need the opportunity to exercise some control over the manner of their departure so that this can be arranged, in co-operation with the UK Border Agency, in a way which takes account of the needs of their children.
 - Voluntary returns are built on trust. We must work to build trust with families and the wider voluntary sector.
 - We must know our families better so that we can respond to their situation, in particular health and welfare issues, when managing their return.
 - We want to ensure that we are managing the process taking account of the need to safeguard and promote the welfare of children.
 - Further legal representations and legal challenges must be drawn out earlier.
 - Judicial review must be respected but the system should be designed so that legal challenge is not always submitted at the last minute or used as a tool to delay return.
 - The system must be sufficiently firm that it is not possible to resist departure through non-cooperation.
 - The system must include provision for managing high risk and Multi-Agency Public Protection Arrangements (MAPPA) cases with due regard to any additional consideration and management methods that these cases require.
2. To build a new system we need to re-examine all of our interactions with families from the point of first contact. This may be when we encounter the family on an enforcement operation. It may be when we first visit a family after

they have been brought to our attention by a local authority. It may be when they walk into our offices to claim asylum. This work is ongoing and with iterative changes we will be improving our processes over the coming months.

3. Once a decision has been taken that a family must leave the UK, and any consequential in-country appeal rights have been exhausted, our new approach to family cases has three elements:

(1) Assisted Return – where UK Border Agency staff meet the family in person at a “family return conference” and explain their options in relation to returning voluntarily. Family and legal representatives are welcome to attend the conference. The family will be offered at least two weeks to consider their options and make a decision on whether they would like to depart voluntarily, possibly benefiting from an Assisted Voluntary Returns (AVR) package. This may include a combined offer which includes a Facilitated Returns Scheme (FRS) package if a member of the family has a criminal conviction.

(2) Required Return – If the family choose not to depart or take the offer of AVR, they will be served with notice of removal at a time/date set by UK Border Agency. They will be given at least 2 weeks notice. If we have confidence that the family will leave the UK they will be allowed to travel to the airport unescorted and check into the flight. If they are not likely to cooperate in this manner, or have specifically requested assistance to get to the airport, we may send escorts on the morning of their departure to escort them to the airport.

(3) Ensured Return – Where the Required Return fails because the family do not comply, or where their past behaviour is such that it is not appropriate to proceed with Required Return, they will move to the ensured return route. This route may include a dedicated Family Returns Panel who will take decisions about how best to manage the family in a way that leads to removal whilst having careful consideration as to the welfare of the children. The Family Returns Panel will have a range of measures to choose from in order to secure successful family returns. One of these options will be to move some families to non detained accommodation – “open accommodation”

4. This paper sets out the proposals to pilot open accommodation and how it will work.

Open Accommodation

5. Within the current process model for ending child detention, families already in receipt of UKBA section 95 or section 4 accommodation support will continue to receive that support and to reside in their existing communities with full access to services. In most cases we hope that removal will be direct from families' existing accommodation. However, there will be some circumstances where families will be required to move to temporary non detained accommodation facilities prior to removal. The decision to invoke the option to move a family to a non detained accommodation facility – “open accommodation” - will be made by the Family Returns Panel.
6. The Family Returns Panel will consider recommendations made by the caseowner to move the family into open accommodation with consideration of any factors which might make them unsuitable for a move, such as compassionate reasons or medical conditions where continuity of care is important. Equally, the panel will give due consideration to any welfare or other issues concerning the children in the family and whether moving them to new accommodation is proportionate to effectively managing the family's removal from the UK.
7. We will extend existing family returns pilots to test open accommodation for families once an interim Family Returns Panel is up and running.

WHAT IS OPEN ACCOMMODATION?

8. Open accommodation is a non-detained residence where families will be free to come and go as they please. This will be more or less identical to the initial accommodation used at the beginning of the asylum process before asylum seekers are dispersed into UKBA supported accommodation.
9. We have identified that there is currently Initial Accommodation in Thornton Heath which we can pilot as open accommodation. Open accommodation in Thornton Heath is blocked hostel style accommodation. Family removal cases will be housed in a separate wing of the accommodation on a full board basis with family sized bedrooms, communal bathrooms and access to communal areas. The residence is managed by a contracted Accommodation Provider and families will have access to health and education services.
10. Families will not be prevented from leaving the open accommodation in Thornton Heath, but we will know whether they remain in residence. This is because the accommodation has staff on site (there is a 24 hour reception service) who register families when they move in or move out of the accommodation, and who ask residents to sign a daily register. They will not monitor the normal comings and goings of individual people, but they will know if a family does not return home and is missing from the residence.

WHO WILL MOVE INTO OPEN ACCOMMODATION AND WHY?

Rationale behind the decision to have open accommodation

11. We know that there will be some families who despite our best efforts, will not comply with offers to leave by Assisted or Required Return and who we need to send a clear message that their time in the UK is coming to an end. We consider that moving such families out of their existing accommodation and away from community links and ties they have built up will signal to them that they have reached the end of the road and enable them to understand that their removal will happen. This practice is followed overseas by many of our European partners who already operate a similar system. It is also consistent with recommendations made to the Child Detention Review.
12. There have been past attempts at using different types of accommodation to house families immediately before removal. One of these projects in Glasgow is ongoing. However, past attempts differ considerably to the new use of open accommodation as part of the ensured return process. Families are not entering this accommodation with the aim of persuading them to depart voluntarily from the UK. Instead, the families in our accommodation are entering it because of their past non-cooperation and will be leave the accommodation following the service of removal directions.

Which families will move to open accommodation?

13. Families are likely to be transferred to open accommodation where:
 - (i) Assisted and Required Return routes have been exhausted and failed, and
 - (ii) Ensured removal with “limited notice” was also unsuccessful – or in some cases inappropriate, and
 - (iii) The family are supported under Section 4 or Section 95 of the Immigration and Asylum Act 1999.

Which families will be excluded from the open accommodation?

14. Some families will not be able to be placed in the open accommodation pilot. This will include:
 - (i) Cases where a family member is subject to Multi Agency Public Protection Arrangements (MAPPA cases).
 - (ii) Vulnerable families with specific medical needs.
 - (iii) Cases where the family has previously threatened to self harm either themselves or others. However, if a family makes such threats when already resident in open accommodation, a referral will be made to social services, and advice will be taken on whether

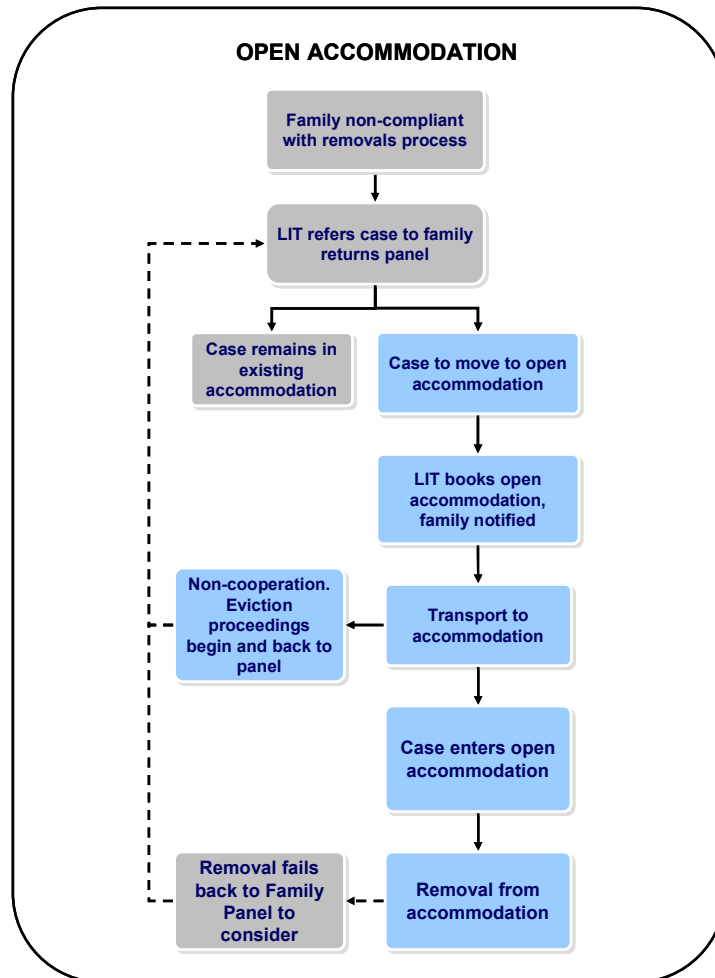
to remove the family from the open accommodation and return them to section 95/ section 4 accommodation.

- (iv) Non-asylum cases will remain in their existing accommodation and we will seek to effect the family's removal from that accommodation.

HOW WILL THE PILOT PROCESS WORK?

Procedure for moving families to non detained accommodation who are generally assessed to be non compliant with the removals process

- 15. The process can be summarised by the following:



- 16. As a first step, families who have not co-operated with the new family returns process will be referred to the Family Returns Panel by the Local Immigration Team. These families will have failed to take up an AVR or comply with a Required Return, or families who have absconded during the family returns process but who have now been traced. The Family Returns Panel will then consider whether moving the family to open accommodation is a suitable option in managing their case towards removal.

17. The Family Returns Panel will have at the heart of their consideration process the need to safeguard and protect the welfare of the children involved. They will consider the UK Border Agency Section 55 duty to children, and also issues arising in relation to Article 8 of the European Convention on Human Rights. If the move will involve a diminution in the level and standard of accommodation, the Panel will have to consider whether that is reasonable taking into account the individual circumstances of each family.
18. If the Family Returns Panel decides that a move to open accommodation is appropriate, the Local Immigration Team (LIT) will book space for the family in the new accommodation and will arrange to transport for the family to their new home. The LIT will notify the family, the family's legal representative, the accommodation provider and, where there are children of school age, the children's school, that the family will be moving to alternative accommodation in a different area and where that accommodation is. This notification to the family will happen 7 days in advance of the move to the new accommodation and will include advice that their baggage allowance will be equivalent to that which they can take on board their flight home and that they should make any final healthcare arrangements required. The accommodation provider will also issue a notice of discontinuation of accommodation to the family 7 days in advance of the move to open accommodation.
19. Similarly the LIT will inform the Local Authorities of the family's move and that the family will continue to be supported by UKBA, just in a different area and in different accommodation. This is to pre-empt any request by a family to the local authority for emergency local authority accommodation on the basis that they are homeless and enable the local authority to refuse any request for support.
20. The LIT will also book the services of an Immigration Officer to visit the family's house to oversee the move of the family and help ensure that they are on the transport to the new accommodation. The Immigration Officer will also serve new temporary admission papers (IS96 papers) to the family with details of their new address. Residence at the new address will be a condition of their Temporary Admission. If the family do not wish to travel they will not be compelled to do so – the Immigration Officer will be there to provide help and support the family – they will not have an enforcement role. If the family is not ready to depart on time the provider of our transportation will not be able to wait for them, as they are likely to have other bookings. But we will seek to be flexible about this, and if the family wish to move later that day or on another day we will re-book transportation for them. The family can contact the LIT responsible for their case to ask for transportation to be re-booked.
21. Transfer to the non detained accommodation will be on a voluntary basis. UKBA will not compel the family to move. However, where families refuse to voluntarily transfer to open accommodation, the family will be informed that they will lose their accommodation and be evicted. Eviction of the family will happen on the day of the move to open accommodation, that is, 7 days after they received notification from UKBA of the move.

22. It may be the case that some families will argue that termination of their existing accommodation support will leave them destitute. However, we are not proposing denying access to support. Accommodation support remains available – but only within an open accommodation facility.
23. On arrival at the new accommodation the family will receive a welcome pack prepared by us with details of local amenities and services available in the new area that they may require during their stay. They will be served with removal directions by an Immigration Officer from the local London region.
24. The LIT will continue to manage the family case whilst it is in open accommodation. LIT responsibility for the case will include: booking the family into the accommodation, cancelling the booking when the family leaves, dealing with failure to travel issues, absconding or other behavioural issues, moves back to original “regional” accommodation if a removal cannot be effected quickly, representations from voluntary sector or NHS wraparound service providers and any associated correspondence relating to the case.
25. The initial length of stay for the family in open accommodation will be 72 hours. If their removal from the accommodation fails, their case will be referred back to the Family Returns Panel for further consideration while the family remain in residence in the open accommodation. However, the overall length of stay at the accommodation will be capped at 28 days after which families who have not been removed will be transferred back to section 95/section 4 accommodation. We will seek to avoid moving the family for a second time, and will do all we can to ensure that the family is removed directly from open accommodation. This may include expedition of any judicial reviews which are lodged. However, there may be circumstances where the family seek to prevent their removal and the resulting delay pushes their case over the 28 days which we consider it reasonable for them to be in open accommodation for. This may be beyond our control.

MANAGING FAMILY WELFARE AND SAFEGUARDING

Role of Family Returns Panel in the open accommodation process

26. The Family Returns Panel will retain an active role in managing family cases in open accommodation. Referrals back to the panel will be made in cases where a family removal has failed and a decision needs to be made as to whether the family should be returned back to the accommodation until such time that removal can be rescheduled and where intervention is necessary to manage self harm or other welfare issues.

What security will be in place in open accommodation?

27. It may be the case that families cause disruption at the open accommodation. However, existing initial accommodation is manned by 24 hour staff that are trained in conflict management and child safety issues. In addition, if a security incident in that accommodation was to escalate, the police would be called to intervene. Staff at the accommodation would similarly intervene as

appropriate/ escalate to the police where third parties (for example, family associates or campaigning parties) interested in a particular family's case gained access to the accommodation and caused disruption.

How will a child's wellbeing be safeguarded in accommodation?

28. We remain committed to our Section 55 child safeguarding duties. Staff working in Initial Accommodation are all fully CRB checked, have had disability training and food safety training where appropriate and have received training in conflict management. There are also staff who are trained first aiders always on site.

Will you provide education for children in non detained accommodation?

29. As families will be in non detained accommodation for as little as 72 hours, there will need to be some flexibility around education provision. We will identify purposeful activities to occupy the children. This is likely to be in the form of age related work packs. We will also ensure that necessary local authority referrals are made in terms of temporary placement for children at local schools where their stay in non detained accommodation looks like it will be longer.

Will there be onsite health provision in non detained accommodation?

30. The Thornton Heath accommodation facility does have an on-site health facility which families will be able to use as necessary. This is staffed by nurses and a GP is on-site two days a week. The clinic is open during normal working hours from Monday to Friday, and the family may make an appointment through Migrant Helpline, who are also available on-site. Out of hours care is provided by the NHS walk-in centre, or the local hospital.

What if a family absconds from non detained accommodation?

31. If a family absconds from open accommodation we will attempt to track them down in the same way we treat any people who abscond. If we are able to track the family down, then we would refer their case back to the Family Returns Panel for further planning in managing their removal.

LEGAL CHALLENGES/ ACCESS TO LEGAL ADVICE

32. Families may submit legal challenges to moving to another region or, for those in receipt of accommodation and cash support to less favourable support provisions. In the event of such challenges, we will seek to expedite the cases concerned.
33. Access to legal advice will still be available for families. Families' legal representatives will be able to visit the family in the open accommodation. Families will also have access to a telephone.