



Home Office

Home Office response to the Independent Family Returns Panel Report 2019-20

In its 2019-20 report, the Independent Family Returns Panel (IFRP) made 7 recommendations to the Home Office in relation to managing family returns. These recommendations, along with the Home Office response, are set out below.

1. **Regulation of solicitors:** It is recommended that the Home Office work with the Ministry of Justice, the Solicitors Regulation Authority (SRA) and the Law Society to ensure that solicitors and legal advisors are better regulated. This will ensure that unethical practice or breach of their professional code is minimised. Advice by some legal advisors, in some cases, promoting last minute claims to families where there are unrealistic prospects of successful appeal have long term negative effects on the well - being of children and their families.
 - 1.1 **Home Office response:** Accepted in principle.
 - 1.2 Whilst the Home Office only work with regulated solicitors, it is the right of the individual to make legal representations throughout the Immigration process, as circumstances change. However, the Home Office reserves the right to report any unethical practice.
2. **Arrangements with EU Member States:** It is recommended that the Government urgently agrees arrangements with EU Member States, following the end of the transition period, in relation to the Dublin Convention. In considering the welfare and safeguarding of children in families who would have been placed in the returns process under the Dublin Convention, to have their asylum applications appropriately considered.
 - 2.1 **Home Office response:** Rejected.
 - 2.2 We note the references to the Dublin Convention: as a general point of clarification the *Dublin Convention* was replaced by the Dublin Regulation 343/2003 ("Dublin II") in that year, which in turn was replaced by the Dublin Regulation 604/2013 ("Dublin III") from 1 January 2014. The provisions of Dublin Regulation 604/2013 no longer apply to removals from the UK.

The United Kingdom and the European Union agreed a joint political declaration on asylum and returns. The declaration stated that while the Trade and Cooperation Agreement between the European Union and the United Kingdom does not include provisions on asylum, returns, family reunion for unaccompanied minors, or illegal migration, the Parties note the importance of good management of migratory flows, and recognise the special circumstances arising from the juxtaposed control arrangements, roll-on roll-off ferry services, the Channel Fixed Link and the Common Travel Area. To this end, the Parties take note of the United Kingdom's intention to engage in bilateral discussions with the most concerned Member States to discuss suitable practical arrangements on asylum, family reunion for unaccompanied minors or illegal migration, in accordance with the parties' respective laws and regulations.

We are pursuing bilateral negotiations on post-transition migration issues, including returns processes, with key countries with whom we have a mutual interest.

3. **Dublin return replacement:** The Panel recommends specific activity be carried out through the Home Office and the newly formed Foreign, Commonwealth and Development office (formerly the Foreign and Commonwealth Office (sic) and Department for International Development) to provide assurance as to the reception and ongoing support for those families entering other Countries from the UK, as part of a Dublin or replacement Dublin return.
 - 3.1 **Home Office response:** Accepted in principle.
 - 3.2 When making transfers under the Dublin Regulation the Home Office acted in accordance with the relevant national jurisprudence and any relevant international rulings e.g. from the European Court of Human Rights. We will continue to act in accordance with our national and international obligations when making returns, including for families.
4. **Safeguarding training for third-party contractors:** The Panel recommends that where there are third-party contracts with companies whose employees have direct contact with families during the returns process, that there is appropriate safeguarding training and for the HO to assure itself that this training is relevant, appropriate and tests out assumptions and bias.
 - 4.1 **Home Office response:** Accepted in principle.
 - 4.2 The Home Office has satisfied itself that appropriate safeguarding training is in place for employees of third-party contractors/companies who have direct contact with families during the returns process. The Family Returns Unit have confirmed that currently the third-party contractors this applies to are Hibiscus and Mitie Custody and Care.

In respect of the small number of families placed in pre-departure accommodation as part of the return process, safeguarding is reviewed internally on a monthly basis. An external safeguarding group typically meets on a quarterly basis. This group includes representatives from West Sussex local authority, the Office of the Children's Champion, and the police. Both meetings are monitored by the Independent Monitoring Board for Gatwick Pre-departure Accommodation.

5. **Returns Support Provisions:** The Panel recommends that the Home Office review the arrangements regarding returns support, specifically seeking assurance regarding the various agencies and charities that families are signposted to, and the efficacy of those arrangements, with particular attention paid to the plans for families identified as vulnerable e.g. single mothers, and children with special educational needs, who will need targeted support, and what that may look like.
 - 5.1 **Home Office response:** Accepted in principle.
 - 5.2 The Home Office (specifically the Family Returns Unit) have recently reviewed the returns support provision and family specific / country information for 19 key nationalities. This is now readily available. Country officers have been assigned, and a monthly review of information held is to be carried out.

6. **Interpreters:** The Panel recommends the presence of an interpreter at family welfare conferences and the arrests / onward transport of families where English is not the first or second language of a parent/carer in the family.

6.1 **Home Office response:** Accepted in principle.

6.2 The Home Office confirms that this is already in place, where possible. If for any reason it is not possible for an interpreter to be present, this would be highlighted to IFRP members in the family welfare form.

7. **Visual teleconferencing:** The Panel recommends that the Home Office invest in conference spider-phones in modern communications technology, such as visual teleconferencing to allow better communication in what are difficult conversations in family conferences and family departure meetings.

7.1 **Home Office response:** Rejected.

7.2 Having taken GDPR advice on this recommendation, there is a risk of covert recording and this information being leaked into the public domain which could put both the family and Home Office staff at risk.

The Home Office acknowledges the complexity of conversations being held during all stages of the Family Returns Process and aim to meet families in a face to face setting, where possible, in order to build a rapport with the family and observe how they interact with each other. It would not be possible to fully observe these important family interactions virtually.