



Independent Family Returns

Independent Family Returns Panel (IFRP)

Interim Report 2023-24

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.

Currently, 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 received Royal Assent on 20 July 2023 and will change the way that the Home Office consults with the IFRP on the removal of families.

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 my second interim 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 2022 to 2023 was published in May 2024, there were no recommendations. The report is available to view online here: - [Independent Family Returns Panel: 2022 to 2023 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/independent-family-returns-panel-2022-to-2023)

Interim IFRP Work 2023 -2024

Panel activity re-commenced in August 2021, there were 3 statutory referrals to the panel in 2022-23 and there have been an additional 4 statutory referrals in this reporting year 2023-24. The limited panel activity is linked to the high volume of barriers within Family Returns' work in progress, resulting in a large proportion 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 regularise 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 are unable to comment on these figures further as the data pack provided to the panel no longer contains a full breakdown of the work in progress.

Between 1 April 2023 and 31 March 2024, 10 panels were held for 9 families - 1 family had a first referral and an emergency panel. Five of the 9 families seen at panel progressed to arrest with 1 family being returned.

There was a further family who were arrested in 2023-24 but the panel was held in 2022-23.

The 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. This position has continued this year. And of course, once a time scale is achieved, they are granted leave to remain.

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. 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. We have requested that Clear Springs attend the IFRP quarterly meeting to highlight their work and processes.

The Panel continue to carry out visits to premises to observe the stages in the returns process. In this year Panel members have carried out the following visits.

- The family holding room at Luton Airport in Bedfordshire
- Dover, to observe reception facilities for those arriving by 'small boat'.
- Kent Intake Unit and Manston
- Immigration Tribunal hearings in Bradford

As a result of the visit to the Kent Intake Unit, it was discovered that there was data collected in respect of children in families arriving by small boats, including the length of time that they are detained at the Intake unit which clearly falls within the IFRP's non statutory role of monitoring data of children detained at ports. The Chair has requested that this data be obtained through Illegal Migration Intake Unit (IMIU) produced quarterly for review. The Chair is now working with IMIU representatives to identify a suitable data pack which will be presented quarterly in order that the Panel can continue to fulfil their non statutory role in respect of these arrivals.

The Panel Chair met with the then Illegal Migration Minister Michael Tomlinson KC MP in March 2024 and discussed with him the current challenges faced by the IFRP, highlighting that in 2019, 41 families were

referred to the IFRP for advice and 59 families removed, of which 5 were ensured returns. In comparison, the data for 1 April 2023 -31 March 2024 was: 10 panels (including 1 emergency panel), and 1 ensured return. Back in 2019-20, the voluntary returns made were part of the conclusion figures which is why the returns figure is larger, however there still remain a disparity in numbers entering the system and subsequently being removed.

A discussion took place at what the potential current blockages are in bringing families before the panel and reminding him that the IFRP do not make decisions on removal but provide independent advice on the removal arrangements of families who are no longer entitled to be here. To expect that the Home Office provide appropriate or independent advice is self-regulation and lacks accountability.

Panel Impact

In our 2022-2023 update report we identified our 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. We raised this issue with the National Police Chiefs Council (NPCC) lead for missing Persons and was invited to their national conference. The Chair shared this work with Border Force colleagues who reviewed their processes, focusing, on children aged 16-18, who are free to make some choices of their own. We were concerned at how the assessment of who was missing was made and how are enquiries discharged. And do all agencies with corresponding responsibilities apply sufficiently similar processes for safe outcomes?

The National Police Chiefs Council presented to an IFRP meeting in April 2023. The Panel was pleased to note a comprehensive national policing position from which individual forces derive their own force policies and operational responses. The Panel was also pleased to hear subsequently that Border Force applies an adaptation of the NPCC process which the NPCC endorses. We were informed that Border Force had been looking at its policy and our April 2023 Panel had provided the catalyst for formal convergence. Border Force now has in place an NPCC-endorsed '5-step test'

for making the ‘absconder or missing person?’ assessment. The ‘5-step test’ is available on a Border Force operational IT platform, with a department-wide reach to some 24,000+ Home Office personnel.

Panel Members

In this reporting period, we saw the departure of two panel members Joma Wellings-Longmore and Orla O’Hagan to pursue other career aspirations. We are grateful for their support and contribution over the 3 years that they sat as panel members and wish them all the very best.

A new recruitment process was conducted in 2023, where there were three candidates who met the required standard to appoint. These Panel members have been recruited and are currently being inducted into the role. This will mean that the panel will be running with one less panel member until such time a new recruitment process has been agreed.

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

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 2023 received Royal Assent on 20 July 2023 (c. 37). and inserts new subsections (3A) and (3B) into section 54A of the 2009 Act which disapply the duty on the Secretary of State to consult the IFRP under section 54A(2)(a) and (b) in cases where the proposed removal and detention of families with children is under the powers conferred by section 2 or 4, new paragraph 16(2C) of Schedule 2 to the 1971 Act, or section 62(2A) of the 2002 Act.

Families who arrived in the UK and entered the family returns process prior to the enactment of the Illegal Migration act will still need to legally be referred to the IFRP. Those families who enter the process after the enactment will not automatically be referred to the IFRP.

Whilst the Illegal Migration Act 2023 disapplies the legal requirement to consult with the IFRP, it does not prevent any consultation.

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.

We are now working with the Home Office Policy team to review how best the Panel can continue to provide independent safeguarding advice to the Home Office in respect of all family removals and to understand what the change in Government may mean for the strategic direction of immigration, specifically the removals of families who have no right to remain in the United Kingdom.

Recommendations from previous reports

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 considers 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 have been several visits to ports including a visit to the Kent Intake Unit (KIU) by the Chair of the IFRP. At the conclusion of those visits and follow up reports I am satisfied that the safeguarding arrangements and facilities at Ports are fit for purpose and as such have agreed to conclude this recommendation. It was clear that there is a data set produced at KIU regarding those children detained there, given the non-statutory role of the IFRP in monitoring the time children are detained at ports.