



Home Office

Family Returns: Reforming Asylum Support and Enforcing Family Returns Government Consultation

About This Consultation

This consultation is on the UK Government's approach to family returns. It seeks views on:

- the commencement of provisions in the Immigration Act 2016 that would enable the withdrawal of support from families who do not have a genuine barrier to leaving the UK; and
- the process for enforcing the removal of families, including proposals relating to the circumstances in which physical interventions may be used in the course of an enforced return.

It will be open for 12 weeks from 5 March 2026 to 28 May 2026.

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Introduction and Context

Introduction

1. This Government continues its work to reform the asylum and immigration system, deterring arrivals, speeding up the removals of those with no legal right to be in the UK and robustly enforcing the rules to ensure a fairer, more effective system.
2. Proposals to restore order and control to the asylum and returns system were set out in the [Restoring Order and Control: A statement on the government's asylum and returns policy](#) on 17 November 2025. One of the core foundations of the work to build an asylum system fit for the world as it is today, is the removal of those with no legal right to be in the UK.
3. Those who require protection and those with a valid reason to remain are given legal status. But where someone has failed in their protection claim or reached the end of their permission to remain, they are not only expected to leave, but they are also liable to removal. This requirement applies to everyone without legal status, including families.
4. The Government will promote sustainable and dignified family returns within a fair and properly functioning immigration and asylum system. The preference remains that families take the steps they need to depart the UK independently, availing of Government support when needed.
5. But where families fail to leave, the Government needs to be able to ensure enforced returns can take place. People leaving at the end of the process is vital to maintain the integrity of and order within the system, and to restore public confidence in it.
6. Family returns are, by their nature, different to returning a single adult. They require a different approach, with specific statutory safeguarding responsibilities, family dynamics, limitations on the physical handling of children and detention adding complexities. But that does not alter the legal requirement to leave. Nor does it mean that family returns cannot be carried out safely and humanely.
7. Between 1 January 2023 and 31 December 2025, a total of 2,437 family group returns were recorded (including both enforced and voluntary returns), which totalled 7,575 people.

Return Type	2023		2024		2025	
	Family Groups	Total Family Group Size	Family Groups	Total Family Group Size	Family Groups	Total Family Group Size
Enforced	1	2	9	28	17	54

Family Returns: Reforming Asylum Support and Enforcing Family Returns

Voluntary (with or without support)	390	1,200	823	2,559	1,123	3,509
Other Verified (departed without informing the Home Office and then subsequently registered by the Home Office via data matching)	28	83	27	83	19	57
Total	419	1,285	859	2,670	1,159	3,620

8. This consultation document sets out the Government's approach to families who are required to leave the UK and asks for your views and evidence to shape a safe, fair and effective process. Views are sought on the Government's proposals to reform asylum support for families who have no legal right to remain and proposals to change the policy on the physical handling of children during enforced family returns.

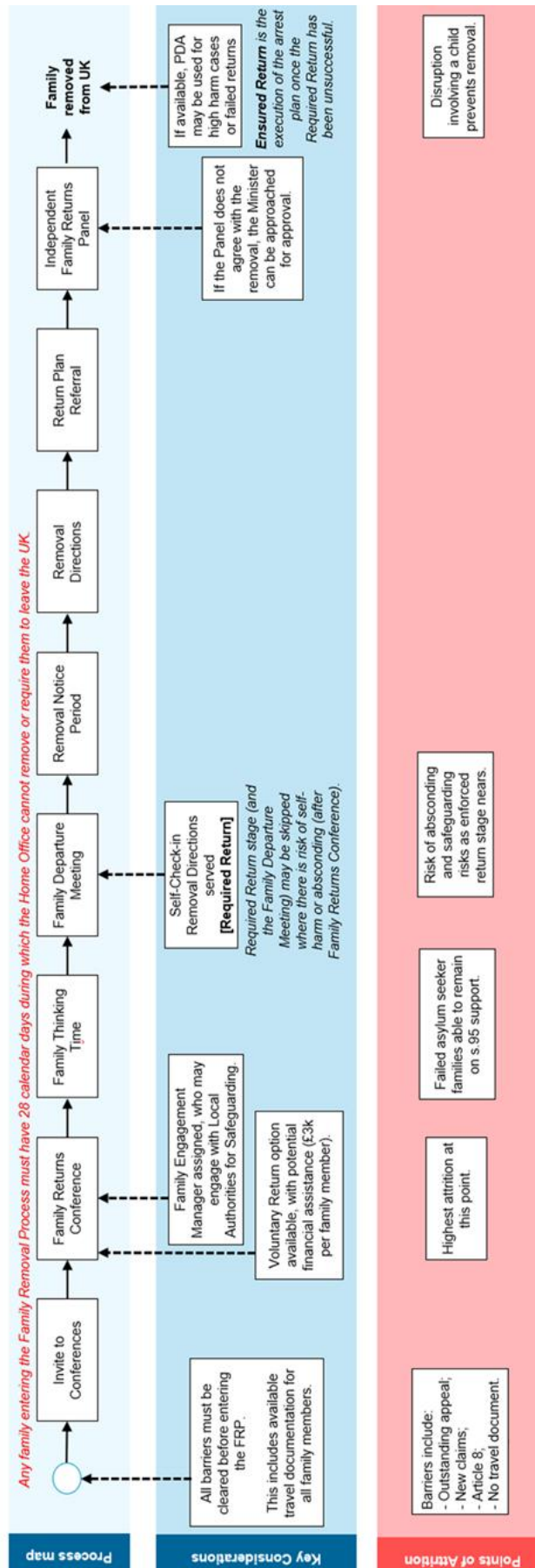
The Family Returns Process

9. The current approach places strong emphasis on encouraging and supporting families to take responsibility for their departure. It is shaped by a commitment given in 2010 to end the detention of children for immigration purposes, and the legal duties to have regard to the need to safeguard and promote a child's welfare (s.55 of the Borders, Citizenship and Immigration Act 2009) and to protect a child's best interests (United Nations Convention on the Rights of the Child).
10. A family – a group of family members liable to be removed with one or more dependent children under 18 - enter the [Family Returns Process](#) once applications for leave have been concluded, all avenues of appeal have been exhausted and the family has no legal right to remain in the UK. Any outstanding processes, for example securing travel documentation, can be resolved whilst wider removal plans are made.
11. The Family Returns Process encourages families who do not have a legal right to remain in the UK to return to their country of origin voluntarily. A significantly greater proportion of families choose this route, noting it provides the most effective way of ensuring the welfare and safeguarding needs of the children. In 2025, **c.97%** of family returns were voluntary (with or without support).
12. Where families choose not to return voluntarily, they may be given the opportunity to take responsibility for their own self-check-in arrangements at the airport. They remain in the community but are given two weeks' notice to board their flight home, allowing self-check-in and without the use of enforcement action.
13. Families who make the choice not to depart in this way are subject to an enforced return. This is the last resort for families who have refused to leave the UK. This means

that the family members are liable for arrest and subject to escorted travel arrangements.

14. The three stages of the Family Returns process – assisted return, required return and ensured return - are set out in **Figure 1**.

Figure 1: Family Returns Process Map¹



¹ Acronym Key: FRP – Family Returns Process. PDA – Pre-Departure Accommodation.

Our Comprehensive Approach

15. This Government is building a coherent plan to promote sustainable, dignified family returns and compliance with the law. This work does not start when the family enters the Family Returns Process. Rather, it is about meeting the specific welfare needs of the children and the family unit as a whole throughout their immigration journey with clarity on what each stage entails and what choices the family has.

16. Our approach has at its heart the following principles:

- **Clarity and Certainty:** A clear policy, set out in guidance, that explains the process and provides certainty on the outcomes expected, and a clear understanding of the family and their needs at every stage.
- **Fairness:** Fair for the families who comply, fair for the public who fund the system and fair for the children who are caught up in the process.
- **Consistency:** An approach that looks across the system, end-to-end, to ensure consistent messaging and outcomes at each stage.
- **Family Unity:** Maintaining the family as a unit, whenever safe and practical to do so, moving through the system together via a streamlined process.
- **Wraparound Support:** Building on the range of support and services within the existing system – Family Engagement Managers, the Independent Family Returns Panel, charities and legal representatives – using opportunities throughout the process to interact with families to build rapport and trust, and to ensure clear and consistent messaging on the options available.
- **Efficiency:** The value of timely consideration and progression through the system is recognised.

Family Cases Within the Asylum and Immigration System

17. This work has to be embedded within every stage of the immigration and asylum process. We will strengthen internal processes to ensure better identification of families at the asylum screening stage and better tracking of these families throughout the end-to-end system. We will also improve how data is recorded and used, supporting more strategic and informed decisions that enables the system to function effectively.

18. Importantly, this is not about speed at the expense of quality. Throughout the process, families will continue to have access to legal advice and recourse to judicial oversight. Staff will also continue to receive mandatory safeguarding training alongside a structured mentoring scheme and the ability to draw on the expert advice from the Independent Family Returns Panel.

Engaging with the Prospect of a Return

19. From the point at which a family receives an initial decision, it is important that they understand what the decision means and what their choices are. That might be about the next steps if the family is being granted status in the UK. But it might mean being clear about the potential for the end outcome of an application to be a refusal of permission to remain.
20. Parents may be motivated by, for example, providing their children with a UK education and NHS healthcare, which they would consider is above the standard in their home country. Others may regard returning as a 'failure'. There are also logistical concerns about how a family would be able to return and reintegrate (find jobs, schools, education) to a country where they may have cut ties.
21. European partners promote and encourage voluntary returns, including via formal return and reintegration programmes, once claims have failed and applications for leave have been refused. This is about providing a holistic and rounded discussion about the different options available, empowering families to take responsibility and make informed decisions on how best to return to their country of origin. But as with the UK, where a family does not leave voluntarily, the return will be enforced.
22. Whilst we mention voluntary returns at the point of a refusal decision, we introduce voluntary return options in discussion with the family 28 days after they have exhausted all appeal rights. We will therefore explore bringing forward more considered discussion of return options for families earlier in the process to break misconceptions about the prospects of a return to their home country. This will enable a better understanding of the returns options available and what remaining in the UK with no lawful status means in practice, and what might be in the children's best interests.

Independent Voices

23. The [Independent Family Returns Panel](#) provides an independent voice to the Home Office on return plans to ensure the welfare of the child is taken properly into account. Options will include a form of limited notice removal, the use of open accommodation and - as a last resort where families resolutely fail to comply – bespoke family Pre-Departure Accommodation.
24. We will work with the Independent Family Returns Panel to explore an enhanced role for them in the Family Returns Process, ensuring family returns are delivered quickly and safely, with the best interests of the child as a primary consideration throughout.

Decision and Appeals

25. Quick asylum decisions are essential for families with children, helping those granted leave to achieve stability and integration sooner, and enabling unsuccessful families to acknowledge the need to plan a supported return to their country of origin without

delay. The latest year saw the highest total number of initial decisions in over 20 years. Ongoing reforms, including different evidence-gathering processes and routes for different types of asylum claims, enhanced review processes to ensure decisions are right first time, exploring the adoption of AI and other system efficiencies, will further accelerate outcomes, complemented by a strengthened returns and enforcement programme that will support those families with no right to remain to depart.

26. As part of the reform of the asylum and immigration system, we are creating a new appeals body to avoid delays, minimise late claims and support better decisions. Cases involving children or vulnerable appellants are prioritised within the current guidance for the First Tier Tribunal Immigration and Appeals Chamber. But that guidance notes that prioritisation does not mean such cases are necessarily dealt with more quickly than other cases.
27. In the new independent appeals body, we will accelerate appeals including those who are detained and readily removable, and those appeals in the public interest. We will ensure family cases are capable of moving swiftly through this system, providing clarity and certainty for the family on their status and choices in the shortest timeframe possible while maintaining fairness, independence and quality decision-making.

Voluntary Returns

28. On entering the Family Returns Process, family conferences are used to discuss the family's return home, welfare and medical concerns, as well as the availability of [assisted voluntary return packages](#) to help families resettle upon their return. Families are always encouraged and offered the opportunity to return voluntarily, with financial and logistical support if required, including reintegration assistance.
29. Voluntary return is presented as the primary and most appropriate pathway for families, recognising that it allows parents to make informed decisions in the best interests of their children, while preserving family dignity and stability. Through the Voluntary Return Scheme, families can access practical and financial assistance to support travel, reintegration and resettlement, alongside tailored support to address welfare and medical needs. This enables families to return home in a dignified, supported and child centred way, making voluntary return the most suitable outcome for families wherever possible.
30. The Home Office Returns Reintegration Programme also offers a wide range of services across our priority countries, including the provision of immediate assistance following arrival at the airport alongside more comprehensive and longer-term reintegration support to ensure families can quickly resettle and become self-sufficient.
31. Not only is a voluntary departure with support better for the family than continued instability and subsequent enforcement action, but it is also quicker to deliver and more cost-effective for the Government. It also minimises disruption to children's wellbeing,

education and health, and enables families to leave the UK in a planned, supported and safeguarded way. Because of this, we will continue to incentivise voluntary returns and we are launching a targeted, time-limited pilot to increase the Voluntary Return Scheme offer for failed asylum seeker families living in hotels. We will review the outcomes of this pilot to shape the future returns and reintegration offer for families. This reflects our clear commitment to voluntary return as the most suitable and sustainable outcome for families wherever possible.

32. However, where families fail to depart voluntarily, the Government is justified in safely and effectively enforcing their removal. Enforced action remains a last resort, used only where engagement and opportunities for voluntary return have been exhausted.

Support

33. Ensuring that the UK's immigration and asylum system is fair, sustainable and effective requires us to look not only at how decisions are made, but at the support that is available after those decisions have been made. The current support framework has allowed families with no lawful basis to remain in the UK with continued access to publicly funded support, sometimes indefinitely. This has contributed to a system where the expectation to depart is often undermined, presenting unreasonable cost and complexities for both Government and local authorities to bear.

34. As of February 2026, around a third of all failed asylum seekers receiving support were part of a family group.² The reforms set out in this consultation document aim to bring consistency and clarity to this system and to incentivise families to engage with the returns process. The UK will continue to take its international obligations and statutory duties seriously which includes not pushing families without lawful status into hardship or destitution. It is right that those families who are destitute and face genuine barriers to leaving will continue to receive support while those who have no such barriers will be expected to actively engage with the returns process and take steps toward departure from the UK.

Enforced Returns

35. The aim is always to enable families to leave the UK in a dignified and controlled manner, ensuring that they are treated in accordance with the UK's international obligations and statutory child safety and welfare duties. However, when a family reaches the end of the Family Returns Process, if they have refused to cooperate with the assisted and required return options, there must be a means to ensure compliance with the law. It cannot be right that the outcome for someone whose claim has failed is in all but name the same as the outcome for someone who is in the UK legally.

36. Our discussions with international partners indicate that if enforcement is required, it is usually a graduated process: structured case management, clear reporting

² Analysis of internal Home Office data. Proportion based on Failed Asylum Claims (main applicants).

requirements, welfare and risk assessments and, if needed, escorted travel. Some countries use purpose-built, family-appropriate accommodation or reporting arrangements as alternatives to detention, and some empower officers/escorts to use light, proportionate physical interventions in defined scenarios to tackle non-compliance and resistance. Critically, the emphasis remains on avoiding escalation, documenting decisions and maintaining family unity wherever safe.

37. Ensuring that the welfare and needs of the family are considered and met runs at the heart of our processes. There is a statutory referral to the Independent Family Returns Panel for their review, and no action is taken until advice has been received from the Panel. There are also clear timelines to ensure clarity on process. An ensured notice of departure is served on the family. If a previous removal failed for reasons outside the Home Office's control, a family can be removed within 21 days without a further notice. Otherwise, a family will receive at least five working days' notice before removal.
38. A family will be arrested and may be placed in dedicated Pre-Departure Accommodation. This can accommodate one family of up to five people at a time for a stay of 72 hours, with a maximum extension of up to seven days with ministerial authorisation. Pre-Departure Accommodation is used infrequently and only as a last resort at the final stage of an enforced return.
39. Importantly, we seek to keep families together during the removals process. However, in accordance with our [Family Separation Guidance](#), temporary separation of family members is allowed where there is potential for an enforced return to fail as a result of disruptive behaviour by the family, and it is considered in the best interests of the children to be temporarily separated from their parent(s) to safely enable the family's return. However, children cannot be separated from both parents for immigration purposes, nor can the child be separated from one adult in the case of single-parent families if as a consequence of that separation the child is taken into care.
40. Unfortunately, within these processes, our staff encounter behaviours for which a solution is required. Since 2016, over half of enforced returns which fail at the point of or after arrest are due to the family absconding, with almost half of the remaining failed enforced returns due to disruption involving a family, with the majority of this disruption involving a child:
 - A parent refusing to board and holding on to one of her children. After being accommodated in Pre-Departure Accommodation ahead of a contingency flight, this non-compliance was repeated, resulting in release of the remaining family members. To enable the eventual return of the family, the family was separated with the male adult being removed from the UK and the rest of the family following thereafter.
 - A child refused to disembark the coach for an internal flight. A coach transported the family to the Pre-Departure Accommodation where the child then refused to leave to board the coach to the airport. The return had to be stood down.

- A parent encouraged his child to refuse to leave the Pre-Departure Accommodation, resulting in the return being stood down.

41. The families in each of the above examples were offered multiple opportunities to depart the UK voluntarily, including on self-check-in removal directions. In a couple of cases, multiple further immigration applications were submitted, all of which were ultimately refused. Once their legal options were exhausted, the families were no longer entitled to remain in the UK. However, the use of non-compliance in each case meant that an entirely legitimate removal could not take place, resulting in those family members who remained in the UK again receiving support.

42. This is especially problematic given the inherently complex, resource intensive and costly nature of family returns. Family returns require coordination across multiple stakeholders, including the Family Returns Unit, Immigration Compliance and Enforcement teams, overseas escorts and, where appropriate, social services.

43. A typical family visit requires at least eight Immigration Officers, before the escorting contingent is added. Escort ratios are significant, two escorts per adult and three per child, with additional escorts required to facilitate rest breaks and welfare considerations throughout the journey. There is also a medic appointed to every family return for the duration of the return.

44. This means that when returns fail as a result of a child's non-compliance, there are considerable financial costs, as well as human costs for family members. Based on 24/25 data, an enforced return for a family of three is estimated to cost **c.£96,000** (please see "Annex: Failed Asylum-Seeking Family Returns Costs"). As a matter of fairness, we need to prevent enforced returns failing – officers must be able to use physical interventions in a safe and effective manner if absolutely necessary.

45. Consequently, we will strengthen our approach to enforced family returns, ensuring fewer such returns fail by enabling officers to, as a last resort, use physical interventions to safely and effectively address non-compliance involving a child.

The Proposals

Part 1: Reforming Support for Families and Adult Care Leavers Without Immigration Status

Our Approach

Schedules 11 and 12 to the Immigration Act 2016 (the 2016 Act) reform the arrangements for Home Office and local authority support to failed asylum-seekers and other migrants without immigration status in the UK.

In the Asylum Policy Statement published 17 November 2025 the Government committed to consulting with local authority partners and stakeholders on implementing these provisions to remove support from families who have no genuine obstacle to leaving the country. Implementation will require new regulations relating to both Home Office and local authority support, operational guidance for staff operating the changes, as well as new ways of working.

Part 1 is made up of two sections that provide an overview of the proposed changes under Schedules 11 and 12 to the 2016 Act and of the proposed content of the draft regulations that we intend to lay before Parliament, subject to responses to this consultation. A number of questions are set out in this document on the key matters we consider need to be resolved before the regulations are settled and accompanying guidance prepared for the Home Office and local authority staff responsible for administering the reformed support arrangements.

The responses to this consultation will help determine how we operationalise the provisions and how we can best work with our partners in local government and elsewhere to deliver an improved system of support for asylum-seekers while they establish a lawful basis to remain in the UK or prior to their departure from the UK.

A previous consultation on the proposals for these reforms was undertaken in 2015 and can be found with the Government response here: <https://www.gov.uk/government/consultations/reform-of-support-for-failed-asylum-seekers-and-other-illegal-migrants>

General Questions

Question 1: How would you rate your understanding of the UK's immigration system?

- I understand it fully
- I understand most of it
- I understand some of it

- I do not understand it at all

Question 2: Are you aware that families remain in the UK without any lawful immigration status?

- Yes, fully aware
- Partly aware
- Not aware at all

Question 3: Are you aware of the support offered to families without lawful status to depart voluntarily?

- Yes, fully aware
- Partly aware
- Not aware at all

Question 4: How would you rate your understanding of the current policy regarding support provided by the Home Office to failed asylum-seeker families that have children under 18 years of age??

- I understand it fully
- I understand most of it
- I understand some of it
- I do not understand it at all

Question 5: How would you rate your understanding of the current policy regarding support provided by local authorities in England to:

a) failed asylum-seeker families that have children under 18 years of age, and

- I understand it fully
- I understand most of it
- I understand some of it
- I do not understand it at all

b) adult care leavers who are failed asylum-seekers?

- I understand it fully
- I understand most of it
- I understand some of it
- I do not understand it at all

Question 6: Have you or your organisation been involved in providing advice or support to failed asylum-seeking families or adult care leavers?

- Yes
- No

Section A: Reforms to the support provided by the Home Office under Schedule 11 to the Immigration Act 2016 (the 2016 Act)

Current support for failed asylum-seekers

1. People seeking asylum, or dependents of asylum-seekers, are considered destitute if they have nowhere to live or no money to support themselves and can access support until their asylum claim has received a decision.³ This is called section 95 support, and it is usually provided in the form of accommodation (with utility bills and council tax paid) and a weekly cash allowance to cover other essential living needs, including food, clothing and toiletries. They are also able to access NHS services and schooling for children.
2. To be eligible for section 95 support, an “asylum -seeker” is defined as someone who is:
 - 18 or over, and
 - has made a protection claim that has been officially recorded but not yet decided by the Home Office.
3. A failed asylum-seeker will no longer be able to access section 95 support:
 - 21 days after they are told their asylum claim has been refused, or
 - if they appeal, 21 days after the final refusal of their appeal.
4. Failed asylum-seekers, including families with children over the age of 18 or born after their claim was finally refused, may then receive section 4 support if they would otherwise be destitute **and** meet one of the following conditions:⁴
 - they are taking reasonable steps to leave the UK, such as trying to get travel documents.
 - they cannot leave the UK because of a physical or medical problem.
 - they cannot leave the UK because there is currently no safe or workable return route, according to the Home Office.
 - they have applied for judicial review of a decision about their asylum claim (and in England, Wales or Northern Ireland have been granted permission to proceed).
 - providing accommodation is necessary to prevent a breach of their human rights under the Human Rights Act 1998.
5. However, if a failed asylum -seeker has a dependent child under 18 in their household at the time that the claim for asylum is finally refused, section 95 support continues.

Changes to support for failed asylum-seekers

6. The reforms under Schedule 11 to the 2016 Act are intended to ensure that support from the Home Office is only made available to failed asylum-seekers who are destitute and genuinely unable to leave the UK.
7. Currently, failed asylum-seeker families continue to receive section 95 support if they have a child under 18 years of age in their household. Under the new system, this support will no longer continue indefinitely. Asylum-seekers who would otherwise be destitute will still be able to receive section 95 support for as long as their asylum claim or appeal is still being considered.

³ 1 Section 95, Immigration and Asylum Act 1999

⁴ Immigration and Asylum (Provision of Accommodation to Failed Asylum-Seekers) Regulations 2005

8. We intend to introduce legislation to enable this new system to be applied to failed asylum seekers already in the system.
9. Schedule 11 to the 2016 Act will widen the definition of asylum-seekers who are eligible for section 95 support to include:
 - those who are 18 years of age and older and who have submitted further qualifying submissions⁵ (new information to show that leaving the UK would be a risk to their safety and human rights) that the Home Office has received but not decided within a set time.
 - those whose further qualifying submissions are rejected (and not treated as a fresh asylum claim) but who are given permission to apply for judicial review of that decision.
10. We will also introduce section 95A regulations to provide a new form of support for eligible failed asylum-seekers. To make this change, Schedule 11 repeals section 4 support and sets out transitional arrangements for those who, when the changes come into force, meet the following criteria:
 - are currently getting section 4 support,
 - have an ongoing section 4 application,
 - have appealed a refusal or termination of section 4 support and the appeal isn't decided yet, or
 - are dependants of someone in any of the above situations.
11. Families with children under 18 years of age, families with no children and single adults will be able to receive section 95 support for a "grace period" after their appeal rights have been exhausted (set out in paragraph 15). The purpose of this is to give these individuals the time to make arrangements to leave the UK or to make an application for section 95A support. Once the grace period ends, failed asylum-seekers will no longer be eligible for support.
12. The new section 95A support will be available to all failed asylum-seekers (including families with children), and failed asylum-seekers leaving local authority care as adults, if they would otherwise be destitute and face a 'genuine obstacle' to leaving the UK. Examples of what we propose to be a 'genuine obstacle' is set out later in paragraph 14.
13. Unlike section 4 support, there will be no statutory right of appeal against a decision to refuse section 95A support (or to stop support for transitional cases).⁶ The Home Office may also provide support on an interim basis to failed asylum-seekers waiting for a decision on their application for section 95A support.

⁵ A person makes 'further qualifying submissions' if the person makes submissions to the Secretary of State that the person's removal from the United Kingdom would breach any of the obligations mentioned in section 82(2)(a)(i) or (ii) of the Nationality, Immigration and Asylum Act 2002 (protection claims), and the submissions fall to be considered by the Secretary of State under paragraph 353 of the immigration rules.

⁶ Under sections 80A and 80B of the Nationality, Immigration and Asylum Act 2002, an asylum claim may be deemed inadmissible if the claimant has a connection to a safe third country. A decision of inadmissibility is not a refusal of the asylum claim and does not provide a right of appeal.

Questions for Paragraphs 1-13

Question 7: To help manage the transition for those currently receiving section 4 support and failed asylum-seeker families currently receiving section 95 support, how can the Home Office best communicate the changes to those affected?

- Guidance on GOV.UK
- Fact sheets and FAQs for organisations who support those affected
- Email updates to organisations who support those affected
- Other communication channels (please specify)

Question 8: Are there any other measures the Home Office should consider to help manage the transition for these cases?

- Yes (please specify)
- No (please specify)

Section 95A Regulations

14. We intend for the regulations relating to the provision of section 95A support, as well as the terms and conditions attached to it, to be similar to the existing regulations on section 95 support. This includes the current approach of assessing destitution, the assets taken into account when deciding the level of support that can be provided and the grounds for suspending or discontinuing support.⁷

15. For example, pregnant women and those with newborns or young children who are eligible for section 95A support will be able to access the same level of maternity grants and additional payments that are currently available with section 95 support.

16. Under the regulations, we propose that the “grace period” to remain on section 95 support will be:

- Extended to 90 days for a family with a dependent child under the age of 18, from the day they are notified that their appeal rights have been exhausted,
- Remain 21 days for all other failed asylum-seekers, from the day they are notified that their appeal rights have been exhausted

17. The extended 90 day “grace period” is intended to allow families additional time to make arrangements to leave the UK or seek section 95A support from the Home Office before their asylum support is withdrawn. During this time, we plan to work with failed asylum-seeker families to help them understand their options and identify any obstacle preventing their departure from the UK. If the Home Office has evidence that a family is unable to leave the UK within the 90 day “grace period” because of a genuine obstacle, they will be placed on section 95A support.

Questions for Paragraphs 14-17

Question 9: Do you agree with the proposed length of the grace period being set at 90 days for families with children in their household?

⁷ Asylum Support Regulations 2000

- Yes (please specify)
- No (please specify)

Question 10: If late applications (outside of the grace period) for section 95A support were to be considered, what circumstances should be taken into account?

(Select all that apply)

- None – late applications should not be considered
- Health reasons e.g. hospitalisation or documented illness preventing an application
- Being detained by the police or other law enforcement agencies
- Evidence that the individual had not been notified about applying for section 95A support
- Other (please specify)

Question 11: If an asylum caseworker is satisfied that there is already evidence that a family on section 95 support meets the eligibility criteria for section 95A support, do you agree that the family should be automatically transitioned to section 95A support (i.e. once the regulations come into force, the family will not need to make a new application for section 95A support themselves)?

- Yes (please specify)
- No (please specify)

Question 12: Do you agree that an application process for section 95A support should be implemented for all new cases not currently in receipt of asylum support?⁸

- Yes (please specify)
- No (please specify)

Question 13: What actions do you agree that caseworkers should take to ensure children's welfare when considering discontinuation of support for failed asylum-seeker families? (Select all that apply)

- Referral to children's services
- Safeguarding assessment
- Provision of information on alternative support
- Continued provision of information on family voluntary returns and assistance available
- Other (please specify)

Question 14: Do you agree with the proposal to transition failed asylum-seeker families, who have remained on section 95 support, onto section 95A support?

- Yes (please specify)
- No (please specify)

Definition of 'genuine obstacle'

18. To remain eligible for support, all destitute failed asylum-seekers will be required to demonstrate that there is a 'genuine obstacle' that temporarily

⁸ We are also exploring whether this could be retrospective.

prevents their departure from the UK. Under the proposed section 95A Regulations, this requirement will be the same for adult families, families with children under 18 years of age and single adults.

19. There are three main proposals for what the Regulations will consider to be a 'genuine obstacle' and what conditions need to be met for failed asylum-seekers to continue receiving section 95A support until there is evidence to show that the obstacle no longer prevents departure from the UK.

20. First, we propose that the Regulations define a genuine obstacle to leaving the UK as existing where an individual is:

- unable to leave the UK by reason of a physical impediment to travel or for some other medical reason (which must be supported by such medical evidence as is reasonably required);
- unable to obtain a travel document to facilitate departure from the UK despite having taken all reasonable steps to do so;
- unable to leave the UK because, in the opinion of the Secretary of State, there is currently no viable route of return available; or,
- unable to leave the UK for some other reason which, in the opinion of the Secretary of State, means the person should be allowed exceptionally to remain for the time being in the UK.

21. Second, we propose that the Regulations will set out that the following factors do not automatically amount to a genuine obstacle to leaving the UK:

- The fact that the individual may be receiving ongoing medical treatment in the UK;
- The unavailability, or possible unavailability, of medical treatment in the country to which the person is to return;
- The undesirability or inadvisability of leaving the UK for medical reasons.

22. Third, we propose that the Regulations provide that the continued provision of section 95A support to an individual will be subject to the following conditions:

- That they are taking all reasonable steps to leave the UK or place themselves in a position where they are able to leave the UK - this may include complying with attempts to obtain a travel document to facilitate their departure.

Questions for Paragraphs 18-22

Question 15: In addition to the examples proposed at paragraph 19, is there anything else that could be considered a genuine obstacle that might temporarily prevent a family from leaving the UK?

- Yes (please specify)
- No (please specify)

Question 16: What evidence should be required from applicants to demonstrate a 'genuine obstacle'? (select all that apply)

- Medical reports

- Police reports
- Documentation of ongoing legal proceedings
- Evidence which demonstrates they are trying to obtain travel documentation
- Other (please specify)

Question 17: Are there any other conditions that you think should be required for the continued provision of section 95A support?

- Yes (please specify)
- No (please specify)

Section B: Reforms to the support provided by Local Authorities under Schedule 12 to the Immigration Act 2016 (the 2016 Act)

Current support for failed asylum-seekers

23. Currently, the law states that those who remain in the UK unlawfully cannot access a range of local authority support and assistance.⁹ However, following what can be a complex assessment, a local authority may decide that the provision of such support is necessary, for example to avoid a breach of human rights.¹⁰

24. Two of the groups that may be affected by these laws include:

- Families with dependent children under 18 years of age who, as a result of having no legal status, cannot work or receive mainstream welfare benefits and housing assistance, but who have not made an asylum claim. This can include families awaiting a Home Office decision or the outcome of an appeal in an immigration (non-asylum) case, or who have exhausted their appeal rights against a refusal in such a case.
- Former unaccompanied children who have turned 18 and are leaving local authority care with no legal status and have exhausted their appeal rights.

Changes to the provision of support for failed asylum-seeker families

25. The reforms to local authority support under Schedule 12 to the 2016 Act are primarily focussed on families and adult care leavers without lawful status in England. The intention is not to remove all forms of support, but to introduce a new and simplified form of support that may be made available by local authorities in England to certain migrants who have no legal status, including families, for the purposes of meeting their needs. The changes do not apply to local authorities in Wales, Scotland and Northern Ireland.

⁹ Schedule 3 to the Nationality, Immigration and Asylum Act 2002

¹⁰ Schedule 3 to the Nationality, Immigration and Asylum Act 2002

26. Local authorities will still be required to provide services to children in need and their families under existing laws to meet needs arising for reasons other than destitution e.g. disability.¹¹

27. Under the new system, the Secretary of State may make regulations for local authorities in England to provide support to families without status where they would otherwise be destitute, have with them a child dependant and are not eligible for section 95A support.¹² Local authorities in England will be able to provide accommodation and/or subsistence support to this category of migrant if one of the following five conditions is met:

- **Condition A:** An individual has made a non-asylum application for leave to enter or remain in the UK of a kind specified in regulations which has not been withdrawn or determined.
- **Condition B:** An individual could bring an appeal against refusal of such an application that is not one which must be continued from outside the UK.
- **Condition C:** An individual has brought an appeal against a refusal of such an application which is pending and is not one which must be continued from outside the UK.
- **Condition D:** An individual's appeal rights are exhausted and they have not failed to cooperate with arrangements that would enable them to leave the UK.
- **Condition E:** The provision of support is necessary to safeguard and promote the welfare of a dependent child.

28. **For condition A to be satisfied**, we propose that the regulations state: the application must be for leave to remain based on Article 8 ECHR¹³ and must not, in the opinion of the Secretary of State, be made on a vexatious basis or be wholly without merit.

29. **For condition E to be satisfied**, we propose that the regulations state: the relevant local authority needs to determine if condition E is met, and

- must take into account:
 - the fact that there is no general obligation on a local authority to provide accommodation for individuals without immigration status who intentionally make themselves destitute by refusing to leave the UK when there is no obstacle to their departure; and
 - whether, in the opinion of the Secretary of State, there is a genuine obstacle to leaving the UK (in line with the examples set out in paragraph 15).
- must not take into account:

¹¹ Local authorities currently have obligations to provide services to children and their families with certain needs under the Children Act 1989 and paragraph 3, NIAA02

¹² paragraph 10A, Schedule 3, NIAA02

¹³ The basis of an Article 8 application is that departure from the UK would infringe upon the applicant's right to family life and/or their right to private life.

- whether a child would be in need¹⁴ in the country they are returning to, if a family has no genuine obstacle to leaving the UK;
- the receipt of ongoing medical treatment in the UK;
- the unavailability, or possibly unavailability, of medical treatment in the country to which the person is required to return; and,
- the undesirability or inadvisability of leaving the UK for medical reasons.

30. The proposed regulations will provide that a local authority must also take into account guidance issued by the Secretary of State and comply with a direction of the Secretary of State.

31. Finally, the proposed regulations will also provide that local authorities may provide support¹⁵ to migrants without status on an interim basis while awaiting a decision on whether they qualify to receive that support.

Questions for Paragraphs 23-31

Question 18: For failed asylum-seeker families, do you agree that an application for leave to remain in the UK must be on the basis of Article 8 ECHR as set out in paragraphs 26-27?

- Yes (please specify)
- No (please specify)

Question 19: For failed asylum-seeker families, do you agree with the proposed factors that the local authority must and must not take into account when considering if condition E is satisfied as set out in paragraphs 26 and 28?

- Yes (please specify)
- No (please specify)

Changes to the provision of support for adult care leavers

32. Under the new system, we propose that the Secretary of State may make regulations for local authorities in England to provide support for certain adult care leavers who are not asylum seekers and require leave to remain in the UK and do not have it.¹⁶ The regulations seek to align the approach for providing support to adult care leavers with the approach taken for families. This support will be available where one of the following conditions is met:

- **Condition A:** An individual is destitute and has made an application of a kind specified in regulations for leave to enter or remain in the UK which has not been withdrawn or determined.
- **Condition B:** An individual is destitute and could bring an (non-asylum) appeal that is not one which must be continued from outside of the UK.

¹⁴ within the meaning of section 17 of the Children Act 1989

¹⁵ pursuant to Paragraph 10A

¹⁶ Under Paragraph 10B in Schedule 3 to the 2002 Act

- **Condition C:** An individual is destitute and has brought an (non-asylum) appeal which is pending and is not one which must be continued from outside of the UK.
- **Condition D:** An individual's appeal rights are exhausted and the relevant local authority is satisfied that support needs to be provided.

33. We propose that the regulations provide that:

- **For condition A to be satisfied:** the application must be for leave to remain based on Article 8 ECHR and must not, in the opinion of the Secretary of State, be made on a vexatious basis or be wholly without merit.
- **For Condition D to be satisfied:** the local authority must have regard to, or not have regard to, the same factors set out in paragraph 28 - excluding the factor relating to whether a child would be in need.

34. Where an adult care leaver without immigration status is provided with support by the Home Office or a local authority¹⁷, or where there are reasonable grounds to believe that support will be provided under those provisions, a local authority may not provide further support under:

- **Sections 23C, 23CA, 24A, 24B and regulations made under section 23D of the Children Act 1989:** these require the local authority to make arrangements for the care leaver including the provision of a personal adviser, the ongoing review of a pathway plan, and for support for education and training, including the payment of university tuition fees.
- **Section 23CZA of the Children Act 1989:** the 'staying put' duty under which an adult care leaver can remain with their foster parents.

35. However, support to adult care leavers without immigration status will remain available under those same sections of the Children Act 1989 if all the following conditions are satisfied:

- **Condition A:** An individual has made an application for leave to remain based on Article 8 ECHR¹⁸ and the application must not, in the opinion of the Secretary of State, be made on a vexatious basis or be wholly without merit.
- **Condition B:** That application is the first application of that kind for leave to enter or remain in the UK that the person has made.
- **Condition C:** The application has not been determined or withdrawn.
- **Condition D:** The application has been refused and the individual could bring an appeal that is not one which must be continued from outside the UK.
- **Condition E:** The application has been refused; the individual has brought an appeal which is pending and is not one which must be continued from outside the UK.

36. Satisfying these conditions means that an adult care leaver who has made an Article 8 application that is the first of its kind will continue to be eligible for support

¹⁷ Under Paragraph 10B or section 95A

¹⁸ The basis of an Article 8 application is that departure from the UK would infringe upon the applicant's right to family life and/or their right to private life.

under the main care leaver provisions after they reach 18 years of age until their application and any appeal is decided.¹⁹

37. The proposed regulations relating to support for adult care leavers will require the local authority to make arrangements in accordance with the following principles²⁰:

- the local authority must be satisfied that the arrangements are needed to support the individual through to their departure from the UK;
- the arrangements must recognise the value of the local authority keeping in contact with the individual through to their departure from the UK and continuity of contact; and,
- the arrangements must take account of arrangements made by or on behalf of the Secretary of State or the local authority for the individual's departure from the UK.

38. The proposed regulations will set out that a local authority must also take into account guidance issued by the Secretary of State and comply with a direction of the Secretary of State. The regulations will also set out that local authorities may provide support to migrants without status on an interim basis while awaiting a decision on whether they qualify to receive that support.²¹

39. Finally, Schedule 12 makes changes to some of the support currently available to adult care leavers who have limited leave to enter or remain, or have an outstanding application for leave to enter or remain, or have status as an asylum seeker. Under the new system, these categories of adult care leavers will no longer be included in a local authority's duty to provide care leavers with grants to meet the costs of tuition fees for higher education courses.²²

Questions for Paragraphs 32-39

Question 20: For adult care leavers with no legal status, do you agree with the proposed factors that the local authority must and must not take into account when considering if condition D is satisfied as set out in paragraphs 31-32?

- Yes (please specify)
- No (please specify)

Question 21: For adult care leavers with no legal status, do you agree with the proposed proposals set out in paragraphs 33-35?

- Yes (please specify)
- No (please specify)

Question 22: Do you agree with the proposed principles that local authorities must follow when making arrangements for adult care leavers with no legal status, as set out in paragraph 36?

¹⁹ provided that the appeal must not be pursued outside the UK

²⁰ under Paragraph 10B

²¹ pursuant to Paragraph 10A

²² Paragraph 1A of Schedule 12

- Yes (please specify)
- No (please specify)

Question 23: Are there other principles that should be considered?

- Yes (please specify)
- No (please specify)

Question 24: Do you agree with the proposals set out in paragraph 37?

- Yes (please specify)
- No (please specify)

Question 25: Do you agree with the proposed changes to the availability of higher education tuition grants for the categories of adult care leavers set out in paragraph 38?

- Yes (please specify)
- No (please specify)

Additional Questions on Impact Assessments

40. The Home Office will take into account the responses to this consultation when fulfilling the Home Secretary's public sector equality duty. The views of key stakeholders will be invited to shape the necessary impact assessments prior to the implementation of any of the proposed changes outlined in this paper.

Question 26: Is there anything else you would like to add regarding the proposed reforms to asylum support?

Question 27: Are there any comments you would like to add concerning the impacts on protected characteristics under the Equality Act 2010 or on children and/or vulnerable people as a result of the proposed support changes?

-End of Part 1-

Part 2: Changes to the Use of Force Policy

1. One aspect of an enforced return is how a child is physically handled during the process. At present, the Government's [Use of Force Policy](#) prohibits the use of physical handling of children (those under the age of 18), except where it is necessary to prevent harm to the child or another person: "The control and restraint of children and young people must be limited to circumstances where it is necessary for an officer to use physical intervention to prevent harm to the child or any individual present. Physical intervention must not be used to force children to comply with a requirement to leave the UK." The guidance is clear that in the vast majority of cases there will be no need for officers to exercise physical control or restraint of minors.²³
2. The Government is considering:
 - a) changing the Use of Force policy to permit Immigration Officers and Detainee Custody Officers (also both referred to as "officers") to, as a last resort, physically intervene where an accompanied child (i.e. a person under the age of 18 within a family group) does not comply with a requirement to leave the UK, for the purposes of effecting their removal; and
 - b) for the purpose of (a), limiting the physical techniques that may be used in relation to accompanied children, and introducing additional safeguarding, planning and reporting requirements, such that the policy would not apply to children in the same way as to adults.
3. The Government is not considering changing the current Use of Force Policy for instances where a child presents a risk of harm to themselves or others, or the wider policy.
4. Critically, these changes are being considered because it is unfair that families who have had their applications and claims fairly considered, been provided with financial support and accommodation whilst in the UK as well as afforded financial support to depart voluntarily, can frustrate a legitimate enforced return. The Government is clear that such actions are the responsibility of the family and that the State has the right to lawfully and safely remove such families from UK. This means that the physical handling of a child as a last resort to overcome non-compliance is an unfortunate but necessary and justified intervention.

²³ Legal Powers: Section 146(1) of the Immigration and Asylum Act 1999 permits Immigration Officers to use reasonable force where necessary in the exercise of any power conferred by the Immigration Acts. Paragraph 2(4) of Schedule 11 and paragraph 2(5) of Schedule 13 to the Immigration and Asylum Act 1999 permit Detainee Custody Officers to use reasonable force in the exercise of certain custodial functions and escort duties.

Proposals

5. Under these proposals, Immigration Officers and Detainee Custody Officers will be able to, as a last resort, use necessary, reasonable and proportionate physical interventions to overcome an accompanied child's (i.e. a person under the age of 18 within a family group) non-compliance to effect a removal, either as a result of their own actions or those of an accompanying adult.²⁴ This will apply to cases in which a child is directly involved, such as a child wilfully and aggressively refusing to board a plane or not leaving a vehicle at a parent's request, as well as cases in which a child is indirectly involved, such as a parent refusing to release a child's hand.
6. **Continuum of Interventions:** The emphasis would be on officers, as far as possible, not acting in isolation and only using the minimum level of physical contact required. Pain-inducing techniques, pressure-point techniques and techniques that might compromise breathing or circulation (including positions that elevate asphyxia risk) would be prohibited.
 - **Level 0 – Non-physical Measures (default):** De-escalation, time/space, engaging the parent/carer, simplified choices and clear communications. Required before any physical handling unless plainly futile in the moment.
 - **Level 1 – Minimal Contact:** Hand-holding or gentle guidance to prompt movement where the Level 0 measures fail.
 - **Level 2 – Assisted Movement:** Subject to a dynamic risk assessment, an officer(s) may lift/carry for the shortest possible duration, used when Level 1 is insufficient and a safe move is necessary.
 - **Level 3 – Handcuffs:** May be used where necessary to achieve safe movement/effect removal and only while the justification persists, subject to continuous review.
7. Officers must use professional judgement when physically intervening. Any decision of this nature must be documented and a very clear rationale provided (especially given this is about overcoming non-compliance, not just preventing harm).
8. If at any stage the child's resistance risks harm to themselves or another person, officers may apply the necessary, reasonable and proportionate form of physical handling to prevent such harm (this is the position under the current Use of Force Policy and does not represent a proposed change) and proceed with the removal if safe to do so.
9. **Prior to any enforcement action**, within the "Return Plan" (in the Family Returns Process), there would be an additional section which focuses on assessing the

²⁴ Noting that "child" encompasses a very wide and varied group (e.g. size, developmental stage), physical interventions will always be directed by a risk assessment.

physical handling considerations specific to the family, including the following non-exhaustive factors:

- **Child-specific Factors:** Age, size/strength, developmental stage, disability/neurodiversity, mental/physical health, current emotional state and triggers and pregnancy (parent and child, i.e. teenage pregnancy).
- **Family Factors:** Size of family, previous failed attempts to remove the family, likelihood of obstruction and whether they have absconded before.
- **Situational Factors:** Location and time of enforcement action.
- **Alternative Options:** Feasibility of family separation.

10. **During any enforcement action**, a dynamic risk assessment must be conducted prior to any physical handling of a child, based on the following non-exhaustive factors:

- **Risk and Context:** Immediacy and nature of non-compliance and/or risk of harm (to the child/others), environment (e.g. vehicle, stairway, airside), presence/role of parent/carer and feasibility of their support, crowd dynamics/optics and availability of safe alternatives.
- **Child-specific Factors:** Age, size/strength, developmental stage, disability/neurodiversity, mental/physical health, current emotional state and triggers, and pregnancy (i.e. teenage pregnancy).
- **Family Factors:** Size of family, previous failed attempts to remove the family, likelihood of obstruction and whether they have absconded before.
- **Operational Safeguards:** Officer competence and training relevant to children, ability to use the least-restrictive option, and capacity for continuous monitoring and to cease at the earliest point.

11. **Reporting Requirements:** The current requirements (as set out in the current Use of Force Policy – pp.19-21) would be enhanced in respect of any physical handling of a child, so that more detailed information about the dynamic risk assessment, the type of physical intervention and the period for which it was used are captured, as well as how the child's best interests were weighed, whether temporary distancing from a parent/carer was necessary for safety, and how the child's views (where practicable) were considered.

12. **Safeguarding Measures:** The Home Office must always fulfil its [Section 55 of the Borders, Citizenship and Immigration Act 2009](#) to carry out its existing functions in a way that takes into account the need to safeguard and promote the welfare of children in the UK.

13. In addition, subsection (1)(b) requires the Secretary of State to make similar arrangements to ensure that other persons who carry out those functions also have regard to the need to safeguard and promote the welfare of children. Section 55(3) also requires that a person exercising immigration functions must have regard to any guidance (primarily the [Every Child Matters Statutory Guidance](#)) given by the Secretary of State for the purposes of discharging her duty under section 55(1).
14. [The United Nations Convention on the Rights of the Child \(UNCRC\)](#) also places various obligations on the UK, including that in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
15. These “children’s duties” mean that the Home Office must have regard for a child’s welfare, and a child’s best interests must be a primary consideration in any of its actions concerning children (although not necessarily the only consideration). Therefore, in addition to the various other measures set out above, further safeguarding measures would be put in place. Examples might include:
- Providing additional training to Immigration Officers and Detainee Custody Officers to achieve non-physical interventions as the first intervention approach and safely use physical handling techniques across different age groups.
 - Using body-worn video cameras (noting this may not be possible once on an aircraft as use is at the pilot’s discretion).
16. **Review Mechanisms:** The Home Office already reviews all reports resulting from a use of force in detention and escorting to identify trends, ensure that techniques are used proportionally, are justified, and are only used for the minimum period required, and that staff act within their lawful boundaries. This practice would continue and, additionally, an independent annual audit of any physical handling incident (to address non-compliance or risk of harm) involving a child would be mandated.
17. **Communication with Children and Families:** Communication with children and families is essential at all stages of the family returns process. This is the approach proposed for communicating before, during and post any physical handling:
- **Upon Entering the Family Returns Process:** Once families enter the Family Returns Process, it would be made clear to the family (if needed, through a translator) that the objective is for families to depart voluntarily and with the necessary support, whilst emphasising that as a last resort a return can be enforced and that physical handling is permitted in the face of non-compliance involving a child.
 - **Pre-Physical Handling:** Prior to any physical handling to tackle a child’s non-compliance, officers would need to clearly state, in an age-appropriate way (and

if needed, through a translator), what it is they will be doing and why they will be doing it. If present, this would also need to be explained to the parents.

- **During Physical Handling:** An officer would be required to continue to engage with the child, in an age-appropriate way (and if needed, through a translator), throughout the duration of the physical handling to reassure the child and minimise distress.
- **Post-Physical Handling:** Immediately following the physical handling incident, the officer would have to explain, in an age-appropriate way (and if needed, through a translator), what happens next (e.g. getting in a vehicle to drive the family/child to destination).

18. Common to other areas, such as schools, as well as the equivalent bodies of international counterparts, the proposals in this consultation require physical interventions to be reasonable and proportionate, following, as far as is practicable, a graduated process of escalation, with decisions documented and reviewed.

19. The Department for Education's Restrictive interventions, including use of reasonable force, in schools: Guidance for schools in England (April 2026) states that staff can use reasonable force to prevent pupils causing injury to themselves or others, committing a criminal offence, damaging property or causing disorder (though not for enforcing school rules in general), and should use the least amount of force necessary for the least amount of time. Any use of force should be necessary and proportionate to reduce relevant risks. It requires recording as soon as practicable after the event and places a strong emphasis on de-escalation, dignified communication and a focus on Special Educational Needs and Disabilities.

General Questions

Q1. Are you responding as an individual or on behalf of an organisation?

- Individual
- Organisation

Q1b. Please provide your name or the name of the organisation. You can also write 'N/A' if you do not wish to disclose this information.

Q2. Prior to reading this consultation document, how would you rate your understanding of the Family Returns Process?

- I understand it fully
- I understand most of it
- I understand some of it
- I do not understand it at all

Q3. Prior to reading this consultation document, how would you rate your understanding of the Section 55 Duty of the Borders, Citizenship and Immigration Act 2009?

- I understand it fully
- I understand most of it
- I understand some of it
- I do not understand it at all

Q4. Prior to reading this consultation document, were you aware that families remain in the UK without any legal right to do so?

- Yes
- No

Q5. Prior to reading this consultation document, were you aware of the financial support offered to families without any legal right to remain to depart voluntarily?

- Yes, fully aware
- Partly aware
- Not aware at all

Q6. Prior to reading this consultation document, how would you rate your understanding of the current policy regarding physical handling of children during family returns?

- I understand it fully
- I understand most of it
- I understand some of it
- I do not understand it at all

Q7. Have you or your organisation been involved in an enforced return of a family in any capacity where a child(ren) was non-compliant (e.g. refused to move or board transport)?

- Yes
- No
- Unsure

Q7b. If you answered 'Yes' to Q7, please describe the nature of that involvement.

Policy Proposal Questions

Q8. Do you support or oppose the broad proposal to enable officers to physically handle a child for the purposes of lawfully removing them from the UK?

- I strongly support
- I somewhat support
- Undecided
- I somewhat oppose
- I strongly oppose

Q8b. Please explain your answer to Q8.

Q9. Do you think that the physical interventions listed in paragraphs 6 – 8 strike the right balance between ensuring the effective functioning of the immigration system and meeting the particular needs of children?

- Yes
- No
- Somewhat

Q9b. Please explain your answer to Q9., especially if you think this balance could be improved.

Q10. Do you think that the physical interventions listed in paragraphs 6 – 8 are appropriate for responding to a situation in which non-compliance is occurring because a parent is firmly holding onto their child (under the age of 10) and refusing to move?

- Yes
- No
- Somewhat

Q10b. Please explain your answer to Q10.

Q11. Prior to enforcement action, the factors we think officers should consider when determining whether, and if so how, physical handling should be used for the purpose of removing an accompanied child are set out in paragraph 9. We welcome views on this list, including whether any additional factors should be included.

Q12. During enforcement action, the factors we think officers should consider as part of the dynamic risk assessment prior to any physical handling for the purpose of removing an accompanied child are set out in paragraph 10. We welcome views on this list, including whether any additional factors should be included.

Q13. Do you think there is a risk of unintended consequences arising due to families being made aware that an officer may physically handle their child in order to counter non-compliance?

- Yes
- No
- Maybe

Q13b. Please explain your answer to Q13.

Q14. Are there any reporting requirements that you think should be put in place in addition to those set out in paragraph 11 which should be considered following a physical handling incident involving a child?

Q15. Are there any safeguards in addition that you think should be put in place to those set out in paragraphs 12 – 15 if the physical handling of children by officers is permitted to overcome non-compliance?

Q16. What alternatives should be prioritised before resorting to physical handling to overcome non-compliance involving a child?

Q17. In light of potential cultural and language barriers, how should officers assess and interpret whether a physical intervention is causing a child considerable discomfort, and how should they respond?

Q18. In relation to the proposed independent annual audit of all physical handling incidents involving a child [paragraph 16], what should the audit focus on, how should it be conducted, and by whom should it be carried out?

Q19. Do you have views on the approach set out in paragraph 17 for communicating with children and families before, during and after any physical handling incident?

Additional Questions

Q20. Are there any comments you would like to add concerning the impacts on protected characteristics under the Equality Act 2010 or on children and/or vulnerable people?

Q21. Is there anything else you would like to add regarding the proposed changes to the policy or the handling of children during an enforced family return?

Annex: Failed Asylum-Seeking Family Returns Costs

The estimated average cost for a successful family return is based on the relevant costs associated with an enforced and voluntary return of a single adult. These costs are scaled where they can be for a family of three (two adults and one child).

Return costs are calculated using Immigration Enforcement financial actuals from each service area and dividing by the total number of returns over the financial year 2024/25.

It is not possible to isolate service area costs for successful returns only, therefore the average presented here will include some costs associated with failed returns as well. A return could include an individual frustrating their removal, which incurs additional cost such as flight tickets having to be rebooked.

Below explains how the relevant costs are scaled from a single adult to a family.

Flight Tickets: It is assumed every individual will require their own ticket. Flight tickets are multiplied by the number of people in a family.

Escorting: The number of escorts will increase proportionally with the number of people being returned. This may be an overestimate as very young children would not require an additional escort, however, it may be an underestimate where medical escorts are required for families. There are no recorded instances of escorted family voluntary returns and so voluntary escorts costs are not included.

Case Working and Logistics: There may be some efficiencies when case working a family unit compared to three individual single adults, however, some elements of the process will require more resource. Therefore overall, case working costs are assumed to scale with the number of people being returned.

Voluntary Returns Service Payments: Voluntary return payments are assumed to be paid on an individual basis and therefore scale with the additional number of individuals. These are not applied to an enforced return.

The average cost to successfully enforce a removal of a family of three is estimated to be £96,000. The average cost of a voluntary return of a family of three is estimated to be £14,000.

Elements of a family return such as Pre-Departure Accommodation and requiring sign off from the Independent Family Returns Panel as well as any arrest activity are not included due to a lack of cost data.

These estimates provide the average cost for two distinct types of return. Some returns will be more complex and not fit exclusively into either of these two categories. For example, where enforcement action is taken and somebody subsequently decides to voluntarily leave the UK.

Table 1:

Estimated costs relating to returns by Immigration Enforcement broken down by service area and cost type. These are based on analysis of internal management data.

Cost Type	Per Person Cost		Family of 3 Cost	
	Enforced	Voluntary	Enforced	Voluntary
Case Working & Returns Logistics	£3,300	£1,000	£9,700	£3,300
Voluntary Returns Service Payments	-	£2,400	-	£7,200
Escorting	£26,000	-	£77,900	-
Tickets	£2,700	£1,200	£8,000	£3,500

**Figures are rounded and so may not sum.*

***The per person cost figures do not represent all the costs of a single enforced return. Only the cost areas relevant to family returns have been included.*

How to Respond

You can respond to one or both parts of the consultation by Thursday 28 May. This can be done by:

- Following this link for the **Part 1: Reforming Support for Families and Adult Care Leavers Without Immigration Status** component of the consultation:
<https://www.homeofficesurveys.homeoffice.gov.uk/s/ConsultationPart1/>
- Following this link for the **Part 2: Changes to the Use of Force Policy** component of the consultation:
<https://www.homeofficesurveys.homeoffice.gov.uk/s/ConsultationPart2/>
- Or responding in writing to: HO-Consultation-ChildrenandFamilies@homeoffice.gov.uk

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