

# UNITY

## New Family Returns Procedure Important news for families with children



Since March the UKBA has been running a new system for dealing with families with children.

★ **PLEASE NOTE THE INFORMATION HERE IS FOR FAMILIES WITH CHILDREN.** Single people or couples without children will be treated differently and you should **talk to UNITY about what to do.**

The new system is complicated. Called the '**Family Returns Process**' it is supposed to *"treat families with children humanely and with compassion."* It's also meant to ensure that the UKBA fulfills its duties under Section 55 of the Borders, Citizenship and Immigration Act 2009, where the UKBA **must** safeguard and promote the welfare of children in the UK. Under the new system the UKBA will put a lot of pressure on you to return voluntarily to your country of origin. They may even make you move to another house and will change your reporting times so you have to come more often to report.

It is really important that if you've been selected for the new Family Returns Procedure that you talk with your lawyer to see what they can do. Under the new system you'll not be given much time to sort out fresh submissions and there is a danger that you and your children may be detained.

Families on the **Family Returns Process** will be given several opportunities to return voluntarily to their countries of origin at meetings with UKBA officials.

★ **The UKBA are clear that *all* families will be asked to go to these meetings before they are arrested. Families who have not been asked to come to these meetings with the UKBA will not be in any danger of being arrested.**

### FAMILY RETURNS CONFERENCE

The first meeting is called a '**Family Returns Conference**'. You will be asked to bring all your children and you can bring a friend or someone from your community.

★ **YOU WILL NOT BE ARRESTED AT THIS MEETING, it will be safe to go to.**

★ **If you do not go to it you could get into a lot of trouble. Make sure the UKBA know if anyone in your family is ill and cannot attend this meeting or if they have any other reason (like school exams, medical appointments, etc) for not attending.**

At the Family Returns Conference you'll be told that you and your family have had your asylum case refused and you are not allowed in the UK any more. You'll be asked why you can't go back voluntarily to your country. The UKBA will also want to know what new thing your lawyer is planning to do for your case. You might be waiting on fresh evidence for a fresh claim or you might be waiting to see if you can do a judicial review in the High Court in Edinburgh.

If you submit a fresh claim or get permission to apply for a judicial review then you will be taken off the Family Returns Process.

The Family Returns Process is not supposed to be upsetting to you and your family. The Immigration officials at the meeting must make a record of how you behave at the meeting to decide whether you are going to co-operate with the process or not.

★ **IT'S VERY IMPORTANT THAT YOU OR ANYONE ELSE IN YOUR FAMILY DO NOT SAY THEY WILL HURT THEMSELVES OR YOUR CHILDREN** because if the UKBA think you are going to hurt yourself or your children **they can arrest you without any warning and take you directly to the airport.**

★ **Be careful at any meeting you have with the UKBA because they will be looking for anything that shows you are not going to co-operate with them and they will make life harder for you if they think you are not going to go back voluntarily.** (See below about the Family Welfare Form)

The Family Returns Conference will be followed by a 'Family Departures Meeting' two weeks later. These meetings are intended to help families to leave the UK voluntarily as part of an initial '**Assisted Returns**' stage of the procedure.

### 'REQUIRED RETURN' STAGE

Families who don't make arrangements to return voluntarily to their countries of origin after these meetings will be then given a time and date to collect tickets from the airport to return to their country of origin (called a 'Required Return' using self-check removal directions.) Under this the family is given two weeks before they have to go to the airport.

Your lawyer will be given at least 72 hours to do something to stop you from going to the airport such as submitting a fresh claim or applying for a judicial review.

★ **The UKBA rules\* say that almost every family will be given the opportunity to go to the airport voluntarily to self-check in before they are in danger of being arrested.**

### 'ENSURED RETURN' STAGE

★ **If families fail to go to the airport voluntarily then the UKBA will decide to arrest them and forcibly remove the family from the UK under the 'Ensured Return' stage of the process.**

They will detain families either in their home or when they are reporting at the UKBA offices at Festival Court on Brand Street.



**This is the van the UKBA use to come to your house to arrest you. It is dark blue with blacked out windows. Phone 0141 427 7992 if you see it.**

★ **If you are arrested you will be taken directly to the airport.** This could be an airport in Scotland like Glasgow Airport or Prestwick Airport or they may drive you all the way from Glasgow to Heathrow or Gatwick near London. You will not be taken to a detention centre.

If you are arrested they will take your phones off you. It is really important that you try to phone a friend or UNITY to let them know you are being arrested.

★ **If the police and UKBA come to your door, they must have a warrant from the court before they are allowed to break your door to get into your house. Don't open the door to the police!**

They cannot use this warrant to search another house if you are there instead.

★ **Call 'Unity' immediately if the UKBA & the police come to your house  
Tel: 0141 427 7992**

If there are delays in putting the family on a plane the UKBA are now allowed to hold the family in the 'Pre-Departure Accommodation' (See box). UKBA instructions are clear that almost all families will be given the option of going back to their country of origin voluntarily by self check in under the 'Required Return' stage before they arrest a family.

### **FAMILY RETURNS PANEL**

Before a family can be arrested the UKBA will consult a supposedly independent Family Returns Panel made up of senior social workers and child welfare professionals. The Panel will assess whether arresting the children and detaining them will adversely affect the welfare of the children.

The Family Panel is not really independent. The UKBA decides who sits on it, and all the information about a family considered by the panel is solely from the UKBA without any input from the family's lawyer to ensure its accuracy or to challenge its conclusions. The panel cannot go against UKBA policy and in the end the UKBA can ignore the decisions of the panel as it only has an advisory role.

### **FAMILY WELFARE FORM**

Another feature that the UKBA believe will ensure the welfare of children is at the forefront of decision making by immigration officials is the Family Welfare Form. On this family welfare issues will be recorded as well as any observations about the family's behaviour and their reaction to the idea of voluntary return.

Caseowners will be expected to record if family members show 'negative' reactions to 'voluntarily' returning to their country of origin such as:

1. Becoming depressed or withdrawn;
2. Expressing anger and/or hostility;
3. Showing sudden changes in behaviour or mood;
4. Talking about wanting to die or feelings of hopelessness;
5. Making threats against self, other family members and/or UKBA staff.

The Family Welfare Form makes up a significant part of the submission to the Family Returns Panel if enforcement action is being considered. Only the UKBA will have sight of this before it goes to the Family Returns Panel, and once again the family and their lawyer are not able to correct inaccuracies.



### **NEW FAMILY DETENTION CENTRE**

The new system is meant to stop the UKBA from detaining families for children but they have set up a place called 'Cedars' in the village of Pease Pottage near Crawley in the south of England and turned it into what they are calling 'pre-departure accommodation'. If a family has been arrested and cannot be put on a plane immediately they will be kept here before the UKBA try to remove them from the UK.

There is a 2.5m fence around the old children's home and families will only be allowed out for trips under guard. It will have space for 9 families at any one time. The centre is being run jointly by security firm G4S and children's charity Barnardo's.

★ **The UKBA say families will only be there 'as a last resort' for between 72 hours and a maximum of 1 week at a time.**

This information is only a brief summary of the new Family Returns Policy. Your lawyer should be able to advise you on what to do. You can read the new policy in Chapter 45 of the UKBA Enforcement Instructions and Guidance manual on line at <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/enforcement/oemsectionone/chapter45?view=Binary>

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