



Home Office

**UK Border Agency**

# **PROGRAMMES AND STRATEGIES IN THE UK FOSTERING ASSISTED RETURN TO AND REINTEGRATION IN THIRD COUNTRIES**

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## Executive summary

- This UK national report describes programmes and strategies fostering assisted return to and reintegration in third countries, as at November 2009.
- Assisted voluntary return (AVR) refers to a range of schemes that are available to those that no longer have a legal right to remain in the UK and wish to return home permanently to their (non-European Economic Area (EEA)) country of origin (AVR policy). This includes asylum seekers who are in the asylum system and have temporary status.
- In the UK, AVR is principally delivered through two programmes, both operated by the International Organization for Migration (IOM): The Voluntary Assisted Return and Reintegration Programme (VARRP) and the Assisted Voluntary Return for Irregular Migrants (AVRIM) programme.
- VARRP caters for those in the asylum system and those with related temporary status in the UK who wish to return voluntarily and permanently to their country of origin or to a third country to which they are admissible. The AVRIM programme caters for those who are in the UK illegally and wish to return to their home country or to a third country to which they are admissible.
- In addition, the UK operates a Facilitated Return Scheme (FRS) for non-EEA foreign national prisoners
- In 2008, 4,295 people left the UK under AVR programmes (three per cent higher than in 2007), accounting for six per cent of all returns (i.e. total of removals and voluntary departures).
- The legal basis for voluntary return is Section 58 of the Nationality, Immigration and Asylum Act 2002, which permits the Secretary of State for the Home Department to make arrangements to assist ‘voluntary leavers’, including making payments relating to their travel and reintegration into a new place of residence. Section 59 of the Act further permits the Secretary of State to participate in international projects, including those aimed at assisting or ensuring the return of migrants.
- VARRP is the UK’s largest AVR programme, which has existed since 1999. Asylum seekers returning under VARRP can be assisted at every stage of the returns process, including obtaining the necessary travel documentation, arranging and paying for the flight home, providing airport assistance, meeting returnees at the departure airport, helping them through transit if requested, and helping them get from the airport to their final destination. VARRP also includes reintegration assistance.
- Reintegration assistance under VARRP is tailored to meet the needs of the individual and the country of return. In conjunction with the applicant, IOM draws up an Individual Return Plan (IOM, 2009), which specifies the most appropriate form of reintegration support for both individuals and individual family members (e.g. job placement support, training, education or assistance with starting up a small business).
- AVRIM was launched as a pilot in 2004 and became a permanent programme in April 2005.
- The return assistance under AVRIM is broadly the same as that offered under VARRP, with the key difference that AVRIM does not generally provide reintegration assistance, except for particularly vulnerable groups on a case-by-case basis.

- Beginning as a pilot project, the FRS was introduced in October 2006 as an extension to the UK's current AVR programmes, adapted to apply to foreign prisoners.
- The scheme, administered by IOM, is designed to help non-EEA foreign national prisoners return home voluntarily either at their Early Removal Scheme date, during the Early Removal Scheme period or after their sentence has finished. Reintegration assistance is provided 'in kind', for help with setting up businesses, undertaking training and further education, finding accommodation and employment and accessing medical provisions.
- The FRS was taken up by more than 30 per cent of the 5,400 foreign national offenders who were removed in 2008.
- For the UK Government, the main motivations for operating AVR schemes are: cost-effectiveness, compared to removal; dignity and sustainability of return for the returnee; and the possibility of return to countries in which enforced removal is challenging. A valuable by-product of AVR schemes is improved diplomatic relations with countries of origin.
- Key obstacles to AVR for the UK Government include: political, social and/or economic conditions in a particular country of return; non-existence of viable routes to some parts of the world; lack of passport or other proof of identity; rumours of amnesties; and negative public and press opinion.
- The main obstacles from the point of view of the returnee are: poor political, social and/or economic security in the country of origin; long period of stay in and integration into the host country; shame of return; and distrust of AVR programmes and/or country of origin information.
- Key ways in which such barriers are overcome include: co-operation with the country of origin, including the setting up of Memoranda of Understanding on return; involvement of migrant communities in the planning and implementation of AVR programmes; and tailoring reintegration assistance to the needs of the individual and the region of return.
- A key learning for the UK Government was the long-term ineffectiveness of offering time-limited, fixed-value schemes, as was the practice in 2006/07. Since October 2007, reintegration assistance has been tailored to meet the individual's needs. In the future, the VARRP package is likely to become more tailored and flexible, to better meet the different needs of individual nationalities and demographic groups.

## 1. Introduction

This UK national report describes programmes and strategies fostering assisted return to and reintegration in third countries, as at November 2009.<sup>1</sup>

The report was produced by the UK National Contact Point (NCP) for the European Migration Network (EMN) as a contribution to the EMN study on *Programmes and Strategies in the EU Member States Fostering Assisted Return to and Reintegration in Third Countries*.

The aim of the study is to share current knowledge across the Member States and thus assist with the development of policy and programmes to facilitate the assisted return of, *inter alia*, asylum applicants whose claims have failed or migrants with other status who have decided to return home. Specifically this study will include:

- a comprehensive overview of programmes and strategies for assisted return in EU Member States;
- analysis of how assisted return is promoted and how barriers to return are overcome in EU Member States;
- analysis of incentives and motivations to participate in these programmes;
- a review of evaluation of assisted return programmes and their effectiveness/sustainability.

For the methodology, please see Appendix One.

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<sup>1</sup> This study details policy and statistics as at November 2009 and uses provisional data for 2008. However, provisional data for 2009 were published on 25 February 2010. Please see: <http://www.homeoffice.gov.uk/rds/pdfs10/immiq409.pdf>

## 2. Definitions, categories of returnees and available data

### 2.1 Definitions of Assisted Return

In UK legislation, voluntary return is termed **voluntary departure**. A **voluntary leaver** is defined in Section 58 of the Nationality Immigration and Asylum Act 2002 (OPSI, 2002) as follows.

- (1) A person is a ‘voluntary leaver’ for the purposes of this section if:
  - (a) he is not a British citizen or an EEA national;
  - (b) he leaves the United Kingdom for a place where he hopes to take up permanent residence (his ‘new place of residence’); and
  - (c) the Secretary of State thinks that it is in the person’s interest to leave the United Kingdom and that the person wishes to leave.

Essentially, for the purposes of UK law and policy-making, assisted return is (i) voluntary; (ii) aided by the State (under the direction of The Secretary of State for the Home Department); and (iii) applicable to third country (non-British and non-EEA) nationals only. In the UK, assisted return is usually called assisted voluntary return (often abbreviated to AVR). Policy officials in the UK Border Agency define AVR as a range of schemes that are available to those that no longer have a legal right to remain in the UK<sup>2</sup> and wish to return home permanently to their (non-EEA) country of origin or to a third country to which they are admissible (AVR policy).

**Forced return**, in which return is enforced by physical transportation out of the Member State (EMN Glossary) is outside the scope of this study. However, the boundary between voluntary and forced return is not always clear-cut (EMN, 2007). Several authors have pointed out that there are differing degrees of ‘voluntariness’, in that the returning individual may have a ‘clear and open choice’ whether to stay permanently or return (Black and Gent, 2004, p.7), or a more compromised choice between returning voluntarily when asked to do so, or staying and so risking forcible return at a later date (Black and Gent, 2004; Black, Koser *et al.*, 2004).

### 2.2 Categorisation of returning migrants

The list of offenders that can be removed and deported from the UK under various immigration powers is given in Appendix Two.

For the purposes of the UK’s statistics, returning migrants are divided into asylum cases and non-asylum cases<sup>3</sup> (Home Office, 2009a). Within **asylum cases**, returnees are classified as follows:

- **Enforced removals and notified voluntary departures:** individuals who have been removed from the country following enforcement procedures<sup>4</sup> (in which case they are *ineligible* for assistance through the VARRP);<sup>5</sup> persons who leave voluntarily after notifying the UK Border Agency (UKBA) of their intention to leave prior to their departure.
- **Assisted voluntary returns:** persons leaving under the VARRP programme.<sup>6</sup>

<sup>2</sup> This includes asylum seekers who are in the asylum system and have temporary status.

<sup>3</sup> Person who had sought asylum at some stage.

<sup>4</sup> Includes a small number of asylum removals which have been performed by Enforcement Officers using port powers of removal and a small number of cases dealt with at juxtaposed controls.

<sup>5</sup> Eligible applicants can take up VARRP and AVRIM until removal directions are set, which means that arrangements for enforced removal have been made.

<sup>6</sup> This group may also include a small number of cases leaving under AVRIM and some cases in which enforcement action has been initiated.

- **Other voluntary departures:** persons who it has been established left the country without informing the immigration authorities.

Within **non-asylum cases:**

- **Enforced removals and notified voluntary departures:** non-asylum cases who have been removed from the country following enforcement procedures, in which case they are ineligible for assistance through the AVRIM; persons who leave voluntarily after notifying the UK Border Agency of their intention to leave prior to their departure; and, since 2006, individuals leaving under the Facilitated Return Scheme (see Section Four).
- **Assisted voluntary return:** non-asylum cases leaving voluntarily under the AVRIM Programme.<sup>7</sup>
- **Other voluntary departures:** non-asylum cases who, it has been established, left the country without informing the immigration authorities.
- **Non-asylum cases refused entry at port and subsequently removed:** non-asylum cases departing voluntarily following enforcement action; cases dealt with at juxtaposed controls; removals performed at ports using enforcement powers; and, since 2005, a small number of cases who, it has been established left the country without informing the immigration authorities.

**VARRP** is open to all asylum applicants, those whose applications have been refused, and those who have applied for asylum and been given permission to stay temporarily (time-limited Discretionary Leave),<sup>8</sup> plus dependants of these groups. Thus asylum seekers can apply to VARRP at any stage in the process, from having an application pending to having exhausted the appeals process. There are, however, some exceptions. For example, if the applicant is involved in ongoing matters pertaining to the criminal justice system he or she will not be eligible.<sup>9</sup>

The following key groups of non-EEA nationals (and their dependants) are eligible for **AVRIM**: victims of trafficking; people who have entered the UK illegally, having been smuggled from abroad; people who have otherwise entered the UK illegally; and people who have been granted conditional leave to enter or to remain, but have breached one or more conditions of that leave (e.g. visa overstayers). As per VARRP, there are some exceptions within these groups.<sup>10</sup>

At present, the UK does not publish statistics on European Union (EU) returns, including Dublin Transfers. However, management information is collected on this group. Likewise, the UK counts the number of foreign national prisoners who return, either voluntarily, (under the Facilitated Return Scheme) or under enforcement. Based on management information, 1,330 foreign national prisoners were removed in Q3 2009 compared with 1,330 in Q1 2009 and 1,230 in Q2 2009 (Home Office, 2009b).<sup>11</sup> The UK Border Agency's target for 2009 was to remove 5,800 foreign national prisoners and the target for 2009/10 is to remove 6,000 foreign national prisoners.

<sup>7</sup> This group may also include a small number of on-entry cases, and cases in which enforcement action has been initiated.

<sup>8</sup> Leave granted outside the Immigration Rules, and only in a number of very limited circumstances. For a more detailed definition, see Larson and Rudge, 2007.

<sup>9</sup> For a full description of eligible and ineligible groups, please see <http://www.ukba.homeoffice.gov.uk/aboutus/workingwithus/workingwithasylum/assistedvoluntaryreturn/varrp/>

<sup>10</sup> For a full description of eligible and ineligible groups, please see <http://www.ukba.homeoffice.gov.uk/aboutus/workingwithus/workingwithasylum/assistedvoluntaryreturn/avrim/>

<sup>11</sup> These figures are based on provisional management information, and as per all removals and voluntary departures figures are as at the dates on which the data extracts were taken. Figures may under or over record due to data cleansing and data matching exercises that take place after the extracts are taken and are therefore subject to change. They have not been quality assured under National Statistics protocols, and are not identified separately in the published statistics on removals and voluntary departures.

## 2.3 Data on Assisted Voluntary Return

### Assisted voluntary returns as a proportion of total removals and voluntary departures

**Table 1 Removals and voluntary departures by type, 2004-2008<sup>a,b</sup>**

Calendar year	2004	2005	2006	2007	2008 <sup>c</sup>
Total removals and voluntary departures	61,160	58,215	63,865	63,365	67,980
Of which:					
Enforced removals and notified voluntary departures	22,225	23,950	21,320	21,180	21,305
Assisted voluntary returns	2,715	3,655	6,200	4,155	4,295
Other voluntary departures <sup>d</sup>	:	805	4,450	6,885	10,010
Non-asylum cases refused entry at port and subsequently removed	36,165	29,805	31,895	31,145	32,365

Source: Home Office, 2009a.

- a In this and all subsequent tables in this chapter, figures are rounded to the nearest five and may not sum to the totals because of independent rounding.
- b In this and all subsequent tables in this chapter, figures include dependants.
- c Provisional figures.
- d Data have been collected since January 2005 only.

In 2008, 4,295 people left the UK under Assisted Voluntary Return (AVR) programmes (three per cent higher than in 2007), accounting for six per cent of all returns (i.e. total of removals and voluntary departures). This is compared to 32,365 non-asylum cases being initially refused entry at port and subsequently removed (four per cent higher than in 2007), 21,305 enforced removals and notified voluntary departures (one per cent higher than in 2007), and 10,010 other voluntary departures (45 per cent higher than in 2007). The steep rise in other voluntary departures could be accounted for by the reintroduction of limited embarkation duties (monitoring of departures) at major airports for specific flights and better data matching provided by e-borders.

**Table 2 Removals and voluntary departures: asylum versus non-asylum cases**

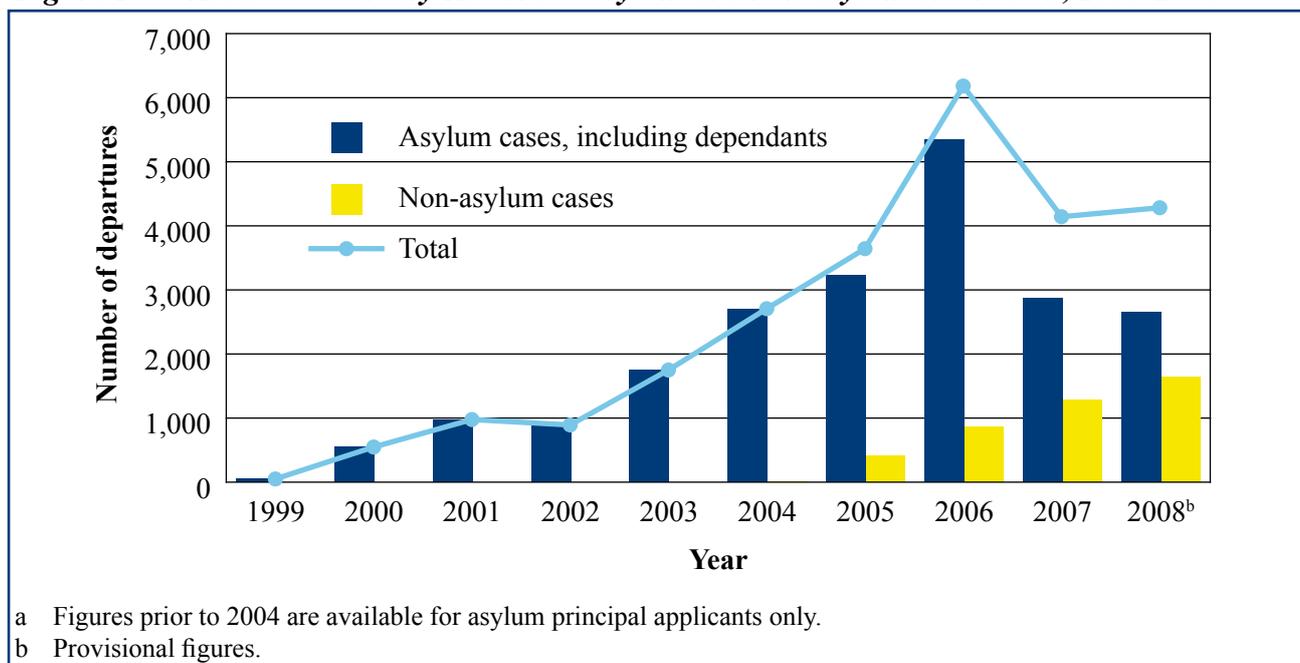
Calendar year	2004	2005	2006	2007	2008 <sup>a</sup>
Total removals and voluntary departures	61,160	58,215	63,865	63,365	67,980
Of which:					
Asylum	14,915	15,685	18,280	13,705	12,875
Non-asylum	46,245	42,530	45,585	49,660	55,105
Total AVRs	2,715	3,655	6,200	4,155	4,295
Of which:					
Asylum AVRs	2,705	3,235	5,340	2,865	2,660
Non-Asylum AVRs	10	420	860	1,290	1,640

Source: Home Office, 2009a.

- a Provisional figures.

As seen in Table 2, the proportion of returns that are assisted differs between asylum and non-asylum cases. In 2008, three per cent (1,640) of total non-asylum removals and voluntary departures departed under AVR programmes, compared to 21 per cent (2,660) of asylum cases.

**Figure 1 Assisted Voluntary Returns<sup>a</sup> – asylum and non-asylum breakdown, 1999-2008**



As illustrated in Figure 1, overall numbers of AVRs showed a sharp peak in 2006. IOM and UKBA report that the 2006 peak was probably attributable to two coincidental factors: firstly, there was an appreciable rise in the value of VARRP (discussed later) and secondly, throughout 2006 IOM were able to help a significant number of people to travel directly to Northern Iraq (where the previous difficult route had resulted in a backlog of applications for return). Management figures show assisted returns to Iraq increasing by 225 per cent from 2005 to 2006, then decreasing by 76 per cent from 2006 to 2007, whereas AVRs to other countries remained far more stable, supporting the hypothesis that the 2006 peak was partly attributable to pent-up demand for return to Iraq.

Setting aside 2006 as an anomalous year, the graph shows that asylum AVRs have shown a steady upward trend until 2006 and are now levelling off. Non-asylum AVRs have shown a large increase every year since 2004, although the numbers have grown from a very small base.

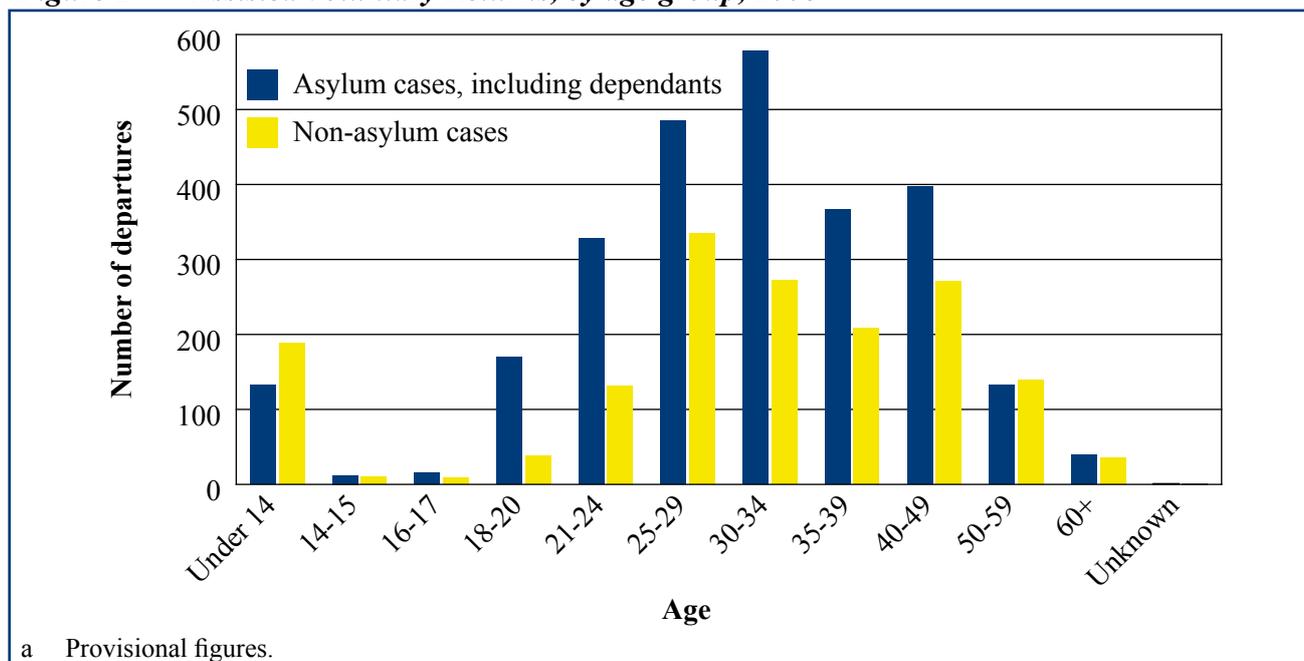
### Age of AVR returnees

In 2008, nine per cent (365) of persons leaving under AVR programmes were aged under 18,<sup>12</sup> 16 per cent (670) were aged between 18 and 24, 39 per cent (1,670) were aged between 25 and 34 and 29 per cent (1,245) were aged between 35 and 49, while the remaining eight per cent were aged over 50.

Amongst asylum cases leaving under AVR programmes in 2008, the age group with the highest returns was 30-34, whereas for non-asylum AVR cases it was younger, at 25-29. The age group with the highest number of asylum *applicants* (excluding dependants) in 2008 was 25-29, and the second highest was 21-24, so asylum AVR cases are slightly skewed towards an older age group, compared to the age breakdown of asylum applicants. Asylum AVR cases also appear to be younger on average than non-asylum cases (see Figure 2).

<sup>12</sup> Note that all data include dependants.

**Figure 2 Assisted Voluntary Returns, by age group, 2008<sup>a</sup>**



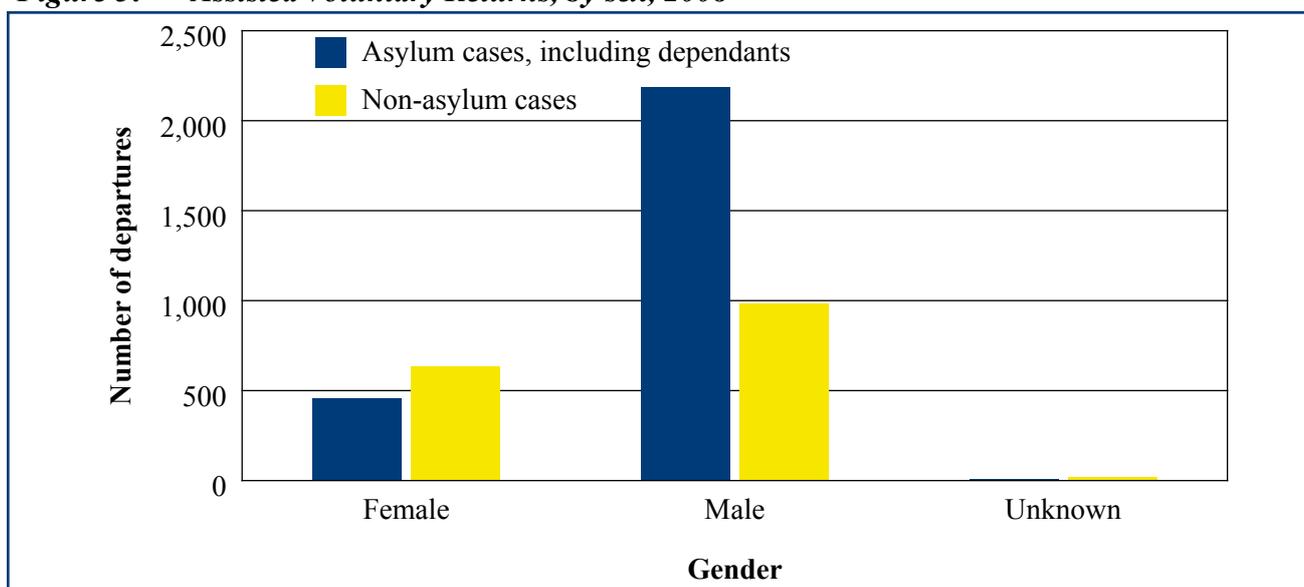
### Sex of AVR returnees

Twenty-six per cent of people departing under AVR programmes in 2008 were female (1,095), while 74 per cent (3,170) were male. The sex of the applicant was not reported in one per cent (30) of cases.<sup>13</sup>

The breakdown differs between asylum and non-asylum cases, with a higher proportion of women amongst non-asylum cases. In 2008, 39 per cent of non-asylum cases were female, and 60 per cent were male. The comparable figures for asylum cases were 17 per cent female and 82 per male.

The heavy male bias in asylum AVRs mirrors the male bias in asylum applications: in 2008 (P), 71 per cent (18,525) of asylum applications were from males and 28 per cent (7,390) were from females, with less than one per cent (20) sex unknown.

**Figure 3: Assisted Voluntary Returns, by sex, 2008**



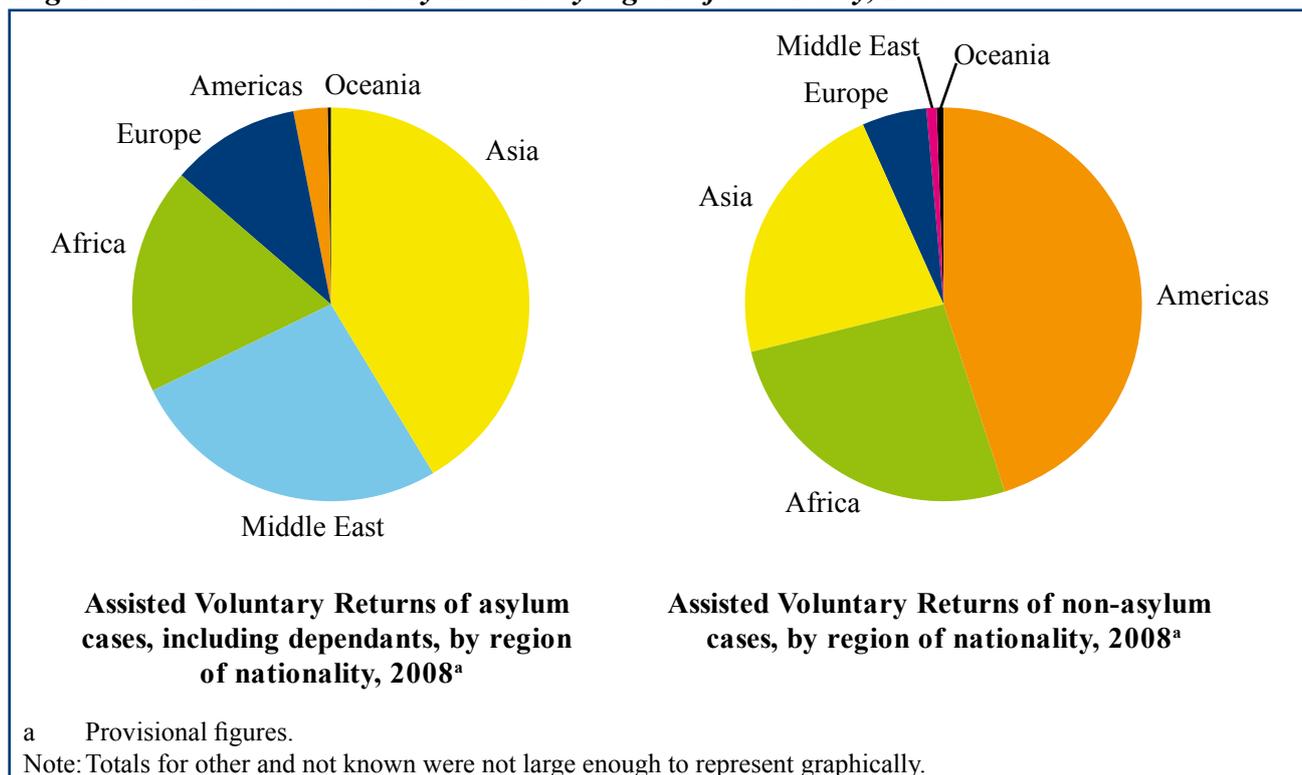
<sup>13</sup> The total exceeds 100 per cent due to rounding.

## Country of nationality of AVR returnees

In 2008, 34 per cent of people leaving under AVR programmes were nationals of countries in Asia (1,470), 21 per cent were nationals of countries in Africa (920), 19 per cent were nationals of countries in the Americas (including the Caribbean) (805) and 17 per cent were nationals of countries in the Middle East (720).

The breakdown differs between asylum and non-asylum cases. For non-asylum AVRs, the Americas accounted for 45 per cent of all cases (740), followed by Africa (26 per cent) and Asia (22 per cent). For asylum AVRs, Asia accounted for 41 per cent of all cases (1,110), followed by the Middle East (26%) and Africa (19%).

**Figure 4 Assisted Voluntary Returns by region of nationality, 2008<sup>a</sup>**



**Table 3 Top ten countries of nationality of persons departing under AVR programmes in 2008<sup>a</sup>**

Asylum cases, including dependants		Non-Asylum cases, including dependants	
Iraq	360	Brazil	480
Afghanistan	350	South Africa	100
Iran	290	India	95
Pakistan	250	Jamaica	80
China (Inc. Taiwan)	190	China (Inc. Taiwan)	70
Sri Lanka	125	Zimbabwe	70
Serbia & Montenegro	120	Bolivia	65
Zimbabwe	105	Nigeria	50
India	70	Pakistan	40
Bangladesh	60	Ghana	40

Source: Home Office, 2009a.

a Provisional figures.

The breakdown for the main regions and countries of destination mirrors the breakdown of the main regions and countries of nationality. Of the 4,295 people departing under AVR programmes in 2008, 93 per cent (3,985) travelled to their country of nationality, seven per cent (310) were returned elsewhere.

Iraq and Afghanistan have figured highly in the top ten destinations in recent years, reflecting the military action in these countries and the high numbers of asylum seekers from them. Travel to the UK is relatively easy for Brazilian nationals because no entry visa is required on departure from Brazil, and these returnees are likely to be primarily visitors who have overstayed (IOM London). IOM reports the increasing importance of China as a country of return. According to IOM's management figures, China entered the top ten countries of AVR departures in 2006, climbing to fifth place in 2008 and third place in 2009 (January to August). Anecdotally, IOM and UKBA attribute this to a combination of the economic downturn (which has disproportionately affected the catering and construction industries, in which many Chinese immigrants to the UK work) and the introduction of civil penalties and concomitant enforcement action within the catering trade. Also, both IOM and UKBA report that there is currently very effective outreach activity about AVR to the Chinese community.

During ERF II VARRP<sup>14</sup> (covering the period 1 August 2007 to 31 July 2008), the top ten countries of return were Iraq, Afghanistan, Pakistan, Iran, China, Albania, Sri Lanka, Zimbabwe, India and Kosovo, which together accounted for 66 per cent of all VARRP returnees.<sup>15</sup> Seven of these countries were in the top ten asylum intake countries for 2008, with Albania, Kosovo and India excluded.

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14 Until July 2008, VARRP was funded by the European Refugee Fund (ERF II).

15 From the unpublished quantitative evaluation of the VARRP 2007 programme year.

### 3. The political and legal framework

All procedures and policies in the UK have a legal basis (there are no provisions and standards in return policies without a legal basis).

The legal basis for voluntary return (or voluntary departure, as it is termed in this legislation) is Section 58 of the Nationality, Immigration and Asylum Act 2002.<sup>16</sup> This legislation permits the Secretary of State for the Home Department to make arrangements to assist ‘voluntary leavers’, including making payments relating to their travel and reintegration into a new place of residence. An individual qualifies for assistance as a voluntary leaver if, amongst other things, he/she wishes to leave, the Secretary of State considers it is in the person’s best interest for him/her to do so and he/she leaves the UK for a place where he/she hopes to take up permanent residence. Section 59 of the Act further permits the Secretary of State to participate in international projects, including those aimed at assisting or ensuring the return of migrants.

UK legislation on immigration, which has become complex and unwieldy in places, is currently undergoing a process of simplification. The forthcoming Immigration and Citizenship Bill, which has yet to go before Parliament, sets out powers to provide assistance to those leaving the UK voluntarily and to participate in international projects on migration. The main change from existing provision is that the ability to assist will be extended to EEA nationals who are victims of trafficking (UKBA, 2008a). The Bill will also introduce a single power of expulsion from the UK for those who have breached the immigration rules or whose presence is not conducive to the public good. It provides for voluntary assistance for this group, and introduces an automatic bar on re-entry to be attached, subject to a time period which will be shortened for those who leave voluntarily (UKBA, 2008a).

In the UK, public and political debate in recent years has focused on the removal of foreign national prisoners. In April 2006, the Home Office experienced a crisis in public confidence when it came to light that the Immigration and Nationality Directorate (now UK Border Agency) had failed to consider for deportation the cases of some foreign national prisoners convicted of serious crimes. Controversy centred on the cases of 1,013 such prisoners who were then identified as having been released from prison between February 1999 and March 2006 without being considered for deportation. In response, UKBA made strenuous efforts to address the situation and ensure the prompt removal of foreign national prisoners in the future. A new deportation strategy was set up, which included the introduction in October 2006 of the Facilitated Returns Scheme, a programme to assist foreign prisoners return voluntarily to their home countries (see Section 4). When the Chief Executive of the UK Border Agency wrote to the Home Affairs Committee in October 2009, she reported that 768 of the 1,013 cases had been concluded, of which 360 had been deported or removed.<sup>17</sup>

#### 3.1 The influence of European policy, legislation and funding

The UK Government **has opted into** a number of EU measures relating to return.

- Council Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third country nationals. The implementation of this directive did not require any changes to domestic legislation, because the UK’s current primary and secondary legislation is sufficiently flexible to implement the provisions contained within the Directive.
- The UK takes part in some aspects of Council Decision 2004/573/EC on the organisation of joint flights for removal.

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<sup>16</sup> Nationality, Immigration and Asylum Act 2002. See

[http://www.opsi.gov.uk/acts/acts2002/ukpga\\_20020041\\_en\\_5#pt3-l1g58](http://www.opsi.gov.uk/acts/acts2002/ukpga_20020041_en_5#pt3-l1g58)

<sup>17</sup> On 4 February 2010, in a further written update to the Home Affairs Committee, the Chief Executive of the UK Border Agency advised that 782 of the 1, 013 cases had been concluded, of which 371 had been deported or removed.

- Council Decision 2004/191/EC on the setting out of criteria and practical arrangements for the compensation of the financial imbalances resulting from application of Directive 2001/40/EC (also opted into) on the mutual recognition of decisions on the expulsion of third country nationals.

However, the UK **has not opted in to:**

- Council Directive 2003/110/EC on assistance in cases of transit for the purpose of removal by air.
- Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third country nationals.

### **Readmission Agreements**

The Council has so far authorised the Commission to negotiate European Community Readmission Agreements (ECRA) with 18 third countries. The UK has, to date, opted in to all mandates proposed, and has opted in to all 11 ECRA concluded to date.

### **The European Convention on Human Rights (ECHR)**

ECHR has had a very significant effect on UK legislation and migrants have a right to be treated in accordance with the ECHR. For example, in the context of return, asylum-seekers who do not qualify for Refugee Status but whose return would contravene certain articles of the ECHR and thus breach their human rights are usually granted Discretionary Leave to remain in the UK for a limited period.

### **The European Return Fund**

In 2008, the following project was selected for funding under the UK's national allocation from the European Return Fund. Subject to performance, it will run for three years.

The Voluntary Assisted Return and Reintegration Programme as discussed briefly in Section 2.2 and in more detail in Section 4 (prior to this, between 2000 and mid-2008, VARRP's EU funding came from the European Refugee Fund).

In 2009, the following additional projects were selected for funding. Subject to performance, each will run for two years.

The Assisted Return for Irregular Migrants programme (now funded in combination with VARRP).

The Facilitated Return Scheme (also known as the Voluntary Return and Reintegration for Detained Migrants (VRRDM) programme): a project aimed at facilitating the return of detained migrants, which mainly consists of post-departure reintegration assistance. The programme is administered by IOM within the country of origin, following a non-EEA foreign national prisoner's return to his/her home country.

### **The European Pact on Immigration and Asylum**

The UK's activities on implementing the commitments of the Pact are discussed in the Annual Policy Report for the UK, 2009 (Vadher, 2010).<sup>18</sup>

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<sup>18</sup> See the EMN website <http://emn.sarenet.es>

## 4. Overview of AVR measures

### Voluntary Assisted Return and Reintegration Programme

VARRP is the UK's largest AVR programme, which has existed since 1999 (originally known as 'VARP', prior to the introduction of reintegration support). The programme aims to facilitate and assist the return of asylum applicants who wish to go back to their country of origin, but do not have the necessary funds to do so.<sup>19</sup> VARRP is funded jointly by the European Return Fund and the UK Border Agency.

The programme is operated by the International Organization for Migration (IOM), an intergovernmental organisation working with refugees, migrants, displaced persons, governments, non-governmental organisations (NGOs) and other international organisations. IOM is assisted in this task by implementing partners, which counsel and provide information to interested migrants and undertake outreach work to promote awareness of VARRP. These are currently: Refugee Action; North of England Refugee Service; Safe Haven Yorkshire; and Refugee and Migrant Centre.

The process by which the programme is delivered is summarised in Figure 5.

Since October 2007, assistance under VARRP has been tailored to meet the needs of the individual and the country of return. In conjunction with the applicant, IOM draws up an Individual Return Plan (IOM, 2009) (see Appendix Three), which specifies the most appropriate form of reintegration support for both individuals and individual family members (e.g. job placement support, training, education or assistance with starting up a small business). The maximum value of assistance is up to £4,000 in benefits per person including the relocation cash grant of £500 per person (National Audit Office (NAO) 2009), p.26).

### Additional support under VARRP

As of 1 February 2009, for an 11-month period, additional humanitarian assistance was provided to people who wished to return to **Zimbabwe** under VARRP. The additional support was required because, "The socio-economic situation within the country presents major challenges to Zimbabwean returnees and hampers their ability to establish small businesses or engage in other suitable reintegration activities" (IOM website).<sup>20</sup> The enhanced package included an increase in the pre-departure relocation grant and an increase in in-kind business assistance. IOM staff in Zimbabwe also gave information and advice on the cholera outbreak. It is hoped that the additional resources meant that the VARRP made a more effective contribution to sustainable return in Zimbabwe during this period.

Under an additional component to VARRP entitled 'Return and Rebuild', asylum seekers applying to return voluntarily to **Afghanistan or Iraq** between 1 September 2008 and 31 August 2009 received up to £2,000 support (per single applicant or family unit) for building materials to assist in the reconstruction or repair of their family home. This assistance was additional to the standard tailored package provided by VARRP.

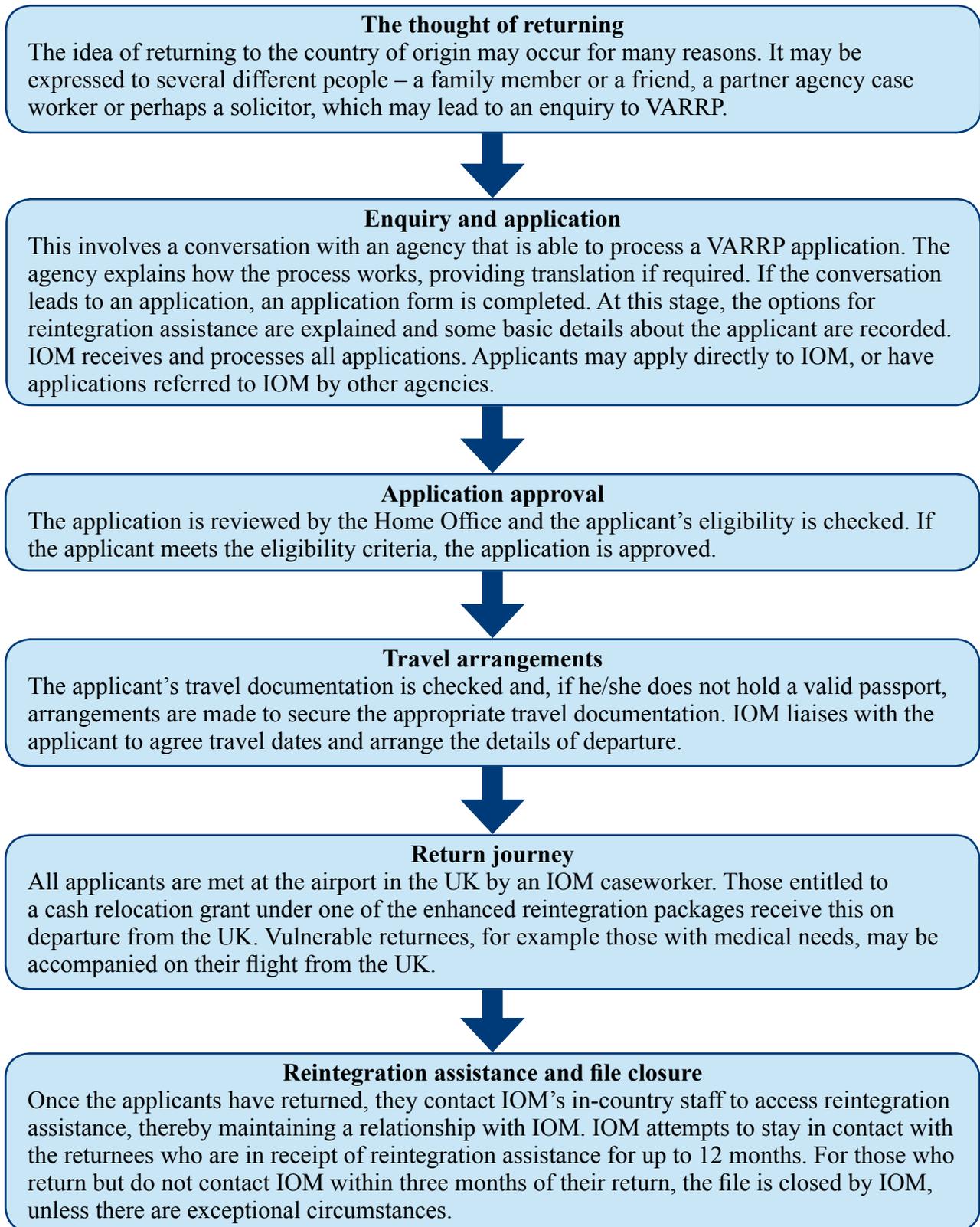
Both of these additional packages of assistance were funded by the Returns and Reintegration Fund (RRF), a cross-government fund (Foreign & Commonwealth Office, UK Border Agency, Department for International Development and Ministry of Justice) that finances programmes and projects aimed at facilitating a greater number of returns (of individuals to their countries of origin) in a sustainable manner.

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<sup>19</sup> Although this is not tested.

<sup>20</sup> <http://www.iomlondon.org/news.htm>

**Figure 5: VARRP process from the perspective of the VARRP applicant**



## Evaluation of VARRP

VARRP has been independently evaluated from 2002<sup>21</sup> onwards. For each funding year since 2004 there has been an analysis of IOM management data for the programme year, plus qualitative research with returnees and stakeholders. The quantitative analyses have been submitted to the EU to fulfil European Refugee Fund II funding requirements. The most recent, published evaluations are for funding years 2002, 2003 and 2004 and these are referred to in the next sections of this study. The most recent unpublished evaluation was conducted in 2009 and covered the ERF II 2007 funding year for VARRP, which ran from 1 August 2007 to 31 July 2008.<sup>22</sup> This is also referred to later in the study.

## Assisted Voluntary Return for Irregular Migrants

AVRIM was launched as a pilot in 2004 and became a permanent programme in April 2005. As per VARRP, the programme is administered by IOM and currently funded jointly by the European Return Fund and the UK Border Agency. As discussed earlier, the programme facilitates the return of those who are in the UK illegally and wish to return to their home country, and their dependants.

Under AVRIM, returnees can be assisted at every stage of the returns process. This includes obtaining the necessary travel documentation, arranging and paying for the flight home, providing airport assistance, meeting returnees at the departure airport, helping them through transit if requested, and helping them get from the airport to their final destination. The programme does not generally provide reintegration assistance, except for particularly vulnerable groups on a case-by-case basis, e.g. unaccompanied minors and victims of trafficking.

## The Facilitated Return Scheme (also known as the Voluntary Return and Reintegration for Detained Migrants programme)

The UK has two mechanisms to enable the removal of foreign national prisoners (FNPs):<sup>23</sup> the **Early Removal Scheme (ERS)** and the **Prisoner Transfer Agreements (PTA)**. The ERS allows for the early release of foreign prisoners for the purpose of removal from the UK (with the decision to release early being made by the Prison Governor). The PTA enables the repatriation of foreign prisoners to serve the remainder of their sentence in their home country.

Whilst the two mechanisms described above may provide enough incentive to encourage the voluntary return of the foreign national prisoner, the **Facilitated Return Scheme** provides an additional incentive for non-EEA nationals.

Beginning as a pilot project, the FRS was introduced in October 2006 as an extension to the UK's current AVR programmes, adapted to apply to foreign prisoners. The scheme, administered by IOM (in the home country), is designed to help non-EEA foreign national prisoners return home voluntarily either at their Early Removal Scheme date or after their sentence has finished. Foreign national prisoners who agree to go on the FRS are provided with a package of reintegration assistance, which, at the moment, consists of £5,000 for prisoners who apply whilst they are still serving a sentence and £3,000 for those who apply after they have completed their sentence. The assistance is provided 'in kind', for help with setting up businesses, undertaking training and further education, finding accommodation and employment and accessing medical provisions. In October 2009, a small cash element was introduced as *part* of the scheme

21 The Voluntary Assisted Returns Programme: an evaluation 2002, Home Office (2002)

<http://www.homeoffice.gov.uk/rds/pdfs2/r175.pdf>

The Voluntary Return and Reintegration Programme (VARRP) 2003: an evaluation, Home Office (2005)

<http://rds.homeoffice.gov.uk/rds/pdfs05/r264.pdf>

22 See Home Office, 2009c.

23 ERS is a mandatory scheme for all FNPs who are liable to deportation or administrative removal. However a number of FNPs are ineligible for ERS. These are: those with an indeterminate sentence; those on remand or detained under immigration powers; those subject to further custodial requirements or outstanding criminal charges. The Prison Governor may still refuse ERS if there are 'exceptional or compelling' reasons to do so.

which already includes the standard £46 discharge grant, with £454 provided through a pre-paid cash card for use when the FNP returns to the home country. The FRS was taken up by more than 30 per cent of the 5,400 foreign national offenders who were removed in 2008.

#### **4.1 Motives for (and Perceptions of) Assisted Voluntary Return**

##### **The UK Government's motives for AVR**

From the point of view of the **UK Government**, there are both moral and political reasons for promoting assisted voluntary return.

In 2002, the independent evaluation of the VARRP, which included a survey of 38 users of IOM and 27 users of Refugee Action, concluded that returning asylum seekers and failed asylum seekers through the VARRP compared favourably to enforced return on both financial and non-financial grounds. In particular, "VARRP involved the returnee at the decision-making level and provided a more dignified departure and arrival in the home country" (Home Office, 2002). The evaluation also concluded that returnees were better informed about the process of return and the situation in their home country and had greater choice over the timing of return.

The findings point to clear potential benefits to the returnee and a moral case for promoting AVR programmes as a better alternative to enforced removal.

In line with this, IOM reports anecdotally that AVR packages are crucial in allowing certain types of migrant, who have often risked everything to come to the UK but failed to make a viable life here, to return with some dignity. IOM reports that even the smallest amount of financial assistance, and an unescorted journey out of the UK, can make all the difference between returning shamefaced or with dignity.

The key political justification for AVR is the low cost of voluntary return relative to enforced removal. Published figures consistently agree that voluntary removal is cheaper than enforced removal, although the size of the cost saving and the reasons given seem to vary according to which costs are taken into account.

For example, for 2003/04, the National Audit Office calculated a unit cost of £1,100 per assisted voluntary return, compared to a unit cost of £11,000 per enforced return (NAO, 2005, p.44).<sup>24</sup> The additional costs of enforced returns included the detection, arrest and detention of failed asylum applicants. In 2008/09, the NAO calculated that return of failed asylum-seekers under the VARRP cost less than enforced removals by £100-£3,400 for a single adult and by £1,400-£14,600 for a family, despite taking longer (the time taken to complete an AVR was estimated as 50 days longer than for an enforced return) and perhaps incurring higher support costs because of this (NAO, 2009, p.26).

In addition to the cost and humanitarian motivations outlined above, the UK Border Agency also reports that for some of the key countries for voluntary return, enforced removal is challenging, making voluntary return a more viable option. This is currently the case for Sri Lanka, Zimbabwe, parts of Iraq and Afghanistan.

The UK Border Agency also reports that better diplomatic relations with the countries of return is a valuable and important by-product of AVR. Anecdotally it is reported that countries are often positive about the fact that the UK is assisting return because reintegration assistance has a developmental impact on the local economy. Additionally, countries of return can be more co-operative over enforced removal when AVR exists as an option, because this signals that removal is a last resort and voluntary return is the UK's preferred solution.

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<sup>24</sup> For a detailed breakdown of these costings, see the UK report for the European Migration Network's Large Scale Study III on 'Return', p.43. Available at: <http://emn.sarenet.es/Downloads/prepareShowFiles.do;jsessionid=BD96BA2D7FDA4AACD8AFD81A43D1EB29?directoryID=97>

## Promotion of the UK's AVR programmes

### *Promotion of VARRP and AVRIM*

IOM publicise AVR through many different routes and media, including posters and leaflets in 35 languages, DVDs, the IOM website and through broadcast media. e.g. radio stations serving minority ethnic communities. IOM undertake regular mapping exercises to understand the composition and location of main diasporas in the UK and carry out extensive outreach work within these diasporas. This includes speaking to community leaders and having stands at community events.

IOM consider the testimonies of returnees to be one of the most powerful marketing tools for AVR and regularly publish these in *Stories of Return*<sup>25</sup> to key regions (e.g. Africa, Europe, Asia and the Middle East) and countries (e.g. Zimbabwe and Jamaica). Increasingly, IOM is also harnessing the power of word of mouth by using video conferencing to link up communities in the UK to people who have returned home. In IOM's words, at such events, "we stand aside, literally and metaphorically, and let the community talk to itself" (Head of Communications, IOM London). For example, IOM recently hosted a small-scale event in a Kurdish café in Sheffield in which 50-60 attendees were linked up, via a Skype connection, to returnees in Erbil, one of whom had coincidentally returned from Sheffield. The group were able to ask many questions and to allay their concerns with regard to return.

The UK Border Agency provides information about assisted return at various stages of the asylum process. The aim is to present information at every opportunity, so, for example, DVDs explaining AVR are played to asylum seekers waiting in Reporting Centres.<sup>26</sup> AVR is raised as an option at the First Reporting Event<sup>27</sup> and is also included in information given to the applicant in later stages of the process. In particular, when asylum applicants are given notification that their application has been refused, they are informed about VARRP via a general information sheet containing IOM's contact details.

Detailed information on both VARRP and AVRIM is also provided on the UK Border Agency website, along with IOM's contact details.<sup>28</sup> The information is particularly targeted towards failed asylum seekers, being sited under 'unsuccessful outcomes' in the pages on asylum.<sup>29</sup>

Recently, the NAO (2009) stated that asylum case owners had reported that if failed asylum applicants take up the VARRP the case owner does not get credit for their return, so disincentivising promotion of the VARRP. In response, the UK Border Agency has changed its performance management regime: the agency's operational regions now have AVR targets and are credited for returns from their area.

### *Promotion of the FRS*

UK Border Agency staff work closely with Prison Officers to market and promote the benefits of the FRS scheme through surgeries and one-to-one interviews in prisons<sup>30</sup> and Immigration Removal Centres (IRCs). Leaflets are available in prisons, Immigration Removal Centres and Reporting Centres, and are regularly given out by Immigration Officers attending prisons and Prison Service staff. A telephone hotline within UKBA is available between the hours of 9am to 5pm (Monday to Friday) for foreign national prisoners and Prison Service staff to obtain further details of the scheme, check the progress of cases and it also provides the opportunity for FNPs to make applications.

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25 Available from IOM's website and in leaflet form.

26 These are UK Border Agency centres to which asylum seekers may be required to report during the asylum process.

27 One of the earliest interviews in the asylum process.

28 See <http://www.ukba.homeoffice.gov.uk/asylum/outcomes/unsuccessfulapplications/voluntaryreturn/>

29 See <http://www.ukba.homeoffice.gov.uk/aboutus/workingwithus/workingwithasylum/assistedvoluntaryreturn/>

30 UKBA staff are now based at nine prisons where they hold inductions for FNPs, and one-to-one interviews to promote FRS, conduct ETD interviews and provide casework updates. In the rest of the country, UKBA staff continue to visit other prisons and IRCs to promote the scheme and usually liaise with the Foreign National Co-ordinators (Prison Officers) to set these up.

## The returnee's motives for assisted voluntary return

There is a limited amount of published research on motivations for and perceptions of voluntary return. A review of the literature on AVR carried out in 2006 revealed only 21 research papers of relevance (Home Office, 2010b), of which only four investigated AVR participants specifically.

It should also be noted that much of the research on return is qualitative. Where quantitative studies exist, sample sizes are often small. For these reasons, caution must be exercised in generalising from these studies. However, studies in this area consistently find that certain factors are important in the decision to return. These factors are supported by the testimonies of those involved in AVR, i.e. IOM and the UK Border Agency.

The literature review discussed above (Home Office, 2010b) identified nine factors encouraging return under AVR programmes:

- family (desire to reunite with families in the country of origin);
- improved political, economic and social conditions in the country of origin;
- effective enforcement systems in the host country;
- tailored programmes (e.g. specific to the country of origin and/or individual);
- involvement of community groups to provide country of origin information; and /or organise AVR programmes;
- desire to reclaim property in the country of origin;
- poor conditions and/or limited options in the host country;
- a political commitment or a desire to help rebuild the country of origin; and
- provision of reintegration assistance.

The review noted that family concerns emerged as a fundamental factor in migrants' decision-making, potentially overriding all other concerns. This finding has been underscored more recent studies (e.g. Altai, 2009; Finch, Latorre, Pollard and Rutter, 2009; Thomas-Hope *et al.*, 2009) and discussion with IOM for this report confirmed that the pull of close family is often the prime motivator in the AVR decision.

A second important pull factor is improved conditions in the home country. A UK study into voluntary return by Black *et al.* (2004) included focus groups and interviews with asylum seekers and refugees (including Tamils, Somalis, Kurds, Afghans, Iranians and Kosovans). Peace and security in the home countries emerged as the most important criterion, followed by family factors. Economic conditions and policy incentives were less frequently mentioned.

Anecdotally, IOM also report that the less tangible pull of 'home', with its close community and very different lifestyle to the UK, is often very strong for migrants. IOM report that if a troubled country is transformed for the better (e.g. per Kosovo, after the war), the vast majority of migrants will wish to return because home is now safe and they no longer need to be displaced.

A recent study of return migration to Afghanistan (Altai, 2009) included quantitative interviews with 50 Afghan migrants who had left the UK with the assistance of IOM. The sample ranked the push-pull factors in the decision to return as follows: lack of legal status and work permit in the UK (88 per cent); family responsibilities in Afghanistan (72 per cent); financial difficulties in the UK (20 per cent); lack of integration/unable to cope with life in the UK (20 per cent); faced with the threat of deportation (six per cent) and assistance opportunity (two per cent). The majority in this sample were failed asylum applicants, hence the importance of 'lack of legal status' as a push factor. Only a few interviewees left before the end of the asylum process and in these cases, family responsibilities were the main determining factor of return.

Whilst the role of family, conditions in the the country of origin and lack of legal status in the UK seem to be consistently influential in the decision to return, the role assistance and financial incentives appears less clear-cut. The literature review discussed above (Home Office, 2010b) found the provision of reintegration assistance to be a contributing factor in the decision to return. However, it also stated that its pull was overridden by more important factors including family situation and political and economic factors in the country of return. The Altai study (2009) found that the availability of assistance played only a minor role in the return decision of Afghan returnees (most of whom did not have legal status in the UK). In Black *et al.*'s (2004) study it was noted: "While assistance programmes were therefore not considered central in making a decision whether or not to return, most respondents did feel that if they decided to return assistance would help" (p.20). The two most frequently mentioned types of help were 'money', followed by 'assistance with employment'.

The 2009 NAO report linked take-up of the VARRP to a marked increase in the value of benefits which took place at the beginning of 2006. In January 2006 the value of the package rose from £1,000 to £3,000, and returns under the VARRP peaked in that same year (NAO, 2009). A series of time-limited schemes were then offered in 2006 and early 2007. However, voluntary returns then fell in 2007 and the NAO reports that the UKBA have concluded that each subsequent incentive period has had less of an impact as applicants wait for a different package (NAO, 2009). In discussions for this report, both IOM and UKBA supported this interpretation. IOM and the agency believe that return and reintegration assistance, provided that it is reasonably substantial and given in a targeted manner, builds the returnee's confidence in returning and so facilitates the return process.

## **4.2 Obstacles to Assisted Voluntary Return**

### **Obstacles facing the UK Government**

Political, social and/or economic conditions in a particular country of origin can be a barrier to return, even when asylum applications from that country have been refused. For example, in January 2005 there were temporary restrictions in place for the return of failed asylum applicants from areas affected by the Indian Ocean tsunami (NAO, 2005). Non-existence of viable routes to some areas of specific countries can also be a barrier. For example, IOM are currently unable to return people to Darfur.

Many potential returnees have no passport or other proof of identity, in which case IOM may have to obtain Emergency Travel Documents (EDTs)<sup>31</sup> from their embassies. This can be time consuming and difficult, so slowing down return (NAO, 2005). Having Memoranda of Understanding (MoU)<sup>32</sup> in place (see below) usually facilitates obtaining documentation. Also, IOM reports (at interview) that they are able to minimise some of the difficulties of obtaining documentation from embassies and consulates by developing a better understanding of how individual embassies and nationalities operate.

Anecdotally, UKBA also reports that a more intangible difficulty with AVR arises with rumours of amnesties, which circulate periodically within migrant communities in the UK. The stimuli for these rumours include calls for amnesties from NGOs and sectors of the press. It is reported that messages of hope are far more readily received than more pessimistic messages and people will cling to the remotest hope of an amnesty. This, in turn, may dilute their interest in AVR because people do not want to risk going home if there is a chance of staying under an amnesty.

Another intangible difficulty for the UK Government is the negative opinion of certain sectors of the UK press and public who misperceive AVR as paying migrants to go home, rewarding illegality and even incentivising opportunistic entry into the UK. The UK Government and IOM counter this

31 The UK does not rely on the issuance of foreign passports prior to return, but instead requests an Emergency Travel Document from the High Commission or Embassy, which is valid for a single journey. Also, many countries accept the return of their nationals on an EU letter, which is issued by Local Enforcement Offices.

32 Memoranda of Understanding reflect agreements negotiated between UKBA and/or FCO and countries of origin which specify procedures involved in administering return, particularly procedures for obtaining travel documents, and methods of return.

argument by reiterating that AVR packages facilitate, rather than incentivise, return and that AVR is the cost-effective and humane alternative to removal for those who do not have a legal right to be here. Anecdotally, IOM reports that if the the full cost of getting to the UK for most illegal entrants and asylum seekers (in terms of privations endured, risks taken and large sums of money often released to agents) was understood, there would be realisation that the current packages are unlikely to pull people to the UK in order to apply for AVR schemes.

### **Obstacles from the point of view of the returnee**

The literature review discussed above (Home Office, 2010b) identified four obstacles to voluntary return for the returnee:

- poor political, social and/or economic security in the country of origin;
- long period of stay in the host country;
- shame of return;
- distrust of AVR programmes and/or country of origin information.

The first factor, poor security, is the corollary to a positive shift in conditions within the country of origin. Just as improvements in the political and economic situation can encourage return to the country of origin, so too can the continuance of a poor political and economic situation discourage return (e.g. Black *et al.*, 2004; European Council on Refugees and Exiles (ECRE), 2005; Refugee Council, 2004). The literature review also noted that poor social conditions, including poor education and housing provision in the country of origin, deters return. For example, failed asylum seekers may not wish to return to their country of origin because they do not want their children to be removed from formal education in the West (D’Onofrio, 2004).

Evidence shows that the longer asylum seekers remain in the host country and become integrated into that society, the less likely they are to desire return (Home Office, 2010b). Studies have found that this is particularly the case for women, who become used to high levels of equality, and children, who become accustomed to the educational institutions and lifestyles of the West (Home Office, 2010b).

Anecdotally, IOM report that length of time in the country is a particular barrier when children are involved. For such children, born or brought up in the UK from an early age, the ‘home’ country (in the sense that their parents may understand it) may not be a meaningful concept at all.

Return is highly stigmatised amongst many groups of asylum seekers (Home Office, 2010b). Shame can relate to economic considerations, for example, where friends or relations have paid towards the cost of emigration or where there is an expectation that the returnee will have accrued demonstrable wealth in the West. Return without any signs of success may be interpreted as a failure and may lead to economic hardship for the migrant and his/her kin. The provision of reintegration assistance may help in this respect, since it allows the individual to return with ‘a visible sign of advancement’ (Home Office, 2010b, p.10). IOM concurs with the view that shame is a particular psychological barrier for many asylum seekers and illegal migrants who have often spent considerable sums getting here and hence feel that they cannot go back with nothing. IOM advice suggests that sometimes relatively small sums of additional support can sometimes help returnees overcome this psychological reluctance to consider returning home.

Migrants tend to distrust the host country’s political operations and policy, and this, in turn, is likely to colour their perceptions of AVR (Home Office, 2010b). Moreover, for a failed asylum seeker, “any pre-existing distrust of officialdom would be likely to be compounded by being refused asylum, and would contribute to their suspicion of AVR programmes” (Home Office, 2010b, p.8). A recent study of Afghan returnees (Altai, 2009) similarly observed that a lack of trust in the system undermined the appeal of assistance, insofar as returnees “did not believe the veracity of the information that was given to them regarding IOM assistance” (p.27). However, a number of studies have suggested

that involving minority ethnic communities or diasporas (within the host country) in administering and providing information on AVR programmes can help to improve the level of trust in these programmes (Black *et al.*, 2004; Clery *et al.*, 2005; Koser, 2001).

### **Overcoming barriers to return**

A multi-country study of the return and reintegration of rejected asylum seekers and irregular migrants (Koser, 2001) examined six European-assisted return programmes and found a number of common success factors within these programmes. Importantly, it found that co-operation with the country of origin was “an essential pre-requisite for implementing assisted return programmes” (p.21). This point is reinforced by other literature, which states that data on the number of removals and AVRs to various countries of origin with or without Memoranda of Understanding and Readmission Agreements suggest that these agreements are important to successful implementation of both enforced removal and assisted return (Home Office, 2010b). Indeed, the UK has MoUs with the majority of the countries in the top ten countries for AVR departures in 2008.

Anecdotally, IOM report that when Memoranda of Understanding or Readmission Agreements come into effect, removals to that country increase and so concomitantly do returns. IOM states that news and rumours travel fast amongst the UK’s ethnic communities and so when enforcement action begins, news spreads quickly and interest in assisted returns increases. As discussed earlier, the corollary to this is that when there are rumours of amnesties within particular groups, interest dips.

Allied to this, Koser (2001) also noted that in explaining the relative success of French AVR programmes, particular emphasis was placed on involving migrants in planning and implementation. Efforts were made to consult representatives from relevant migrant organisations in France, and efforts were made to include local NGOs in the implementation of these programmes in countries of origin. This also underscores the observation made above that community involvement can militate against distrust.

Both IOM and UKBA believe that for reintegration assistance to be as successful as possible, it should be tailored to the individual and appropriate to the specific regional situation. IOM states that it is important that returnees firstly know that reintegration assistance is available, and secondly that they take a proactive role in finding out the best activity for them (IOM *Stories of Return*, 2005). The tailoring of packages and the delivery of reintegration assistance is discussed in more detail in the final chapter.

### **4.3 Organisation of Assisted Return measures**

Potential returnees receive advice on AVR from many different sources, including IOM’s partners (e.g. Refugee Action), community organisations, community leaders and legal advisers. At this stage, advice and information on AVR is provided in conjunction with immigration advice, so that by the time a returnee is referred to IOM, he or she will have made the decision to return.

IOM caseworkers are then responsible for providing pre-departure advice. Most returnees see their caseworker in the UK two or three times pre-departure.

Pre-departure assistance may include travel to the airport and assistance with check in. An appropriately trained escort may accompany some returnees on the flight (e.g. for some unaccompanied minors or returnees with particular medical needs).

Returnees are usually met at the airport and taken home. Arrival needs are targeted as part of the reintegration assistance. For example, return plans may include up to three months temporary accommodation and childcare assistance for up to a year.

## 5. Reintegration and sustainability of return

### Counselling and assistance given after the return has taken place

As discussed previously, the provision of reintegration assistance under VARRP is agreed between the IOM caseworker in London and the returnee, as set out in the Individual Return Plan.

The IOM office in the country of return can facilitate reintegration by:

- providing more detailed information on conditions in the country of return.;
- providing advice to those returnees who are not sure which reintegration activity would best suit their needs;
- giving financial assistance in the areas below.

The assistance provided depends on what is available in the country of origin, but broadly it includes setting up in a small business, job placement, vocational training and education. The most popular category of assistance is setting up a business, although IOM report that the pattern of take-up varies by country and region. For example, IOM report that job placements are popular in Northern Iraq because the economy is growing quite fast due to international investment, and so there is a high demand for employees who speak English.

IOM have developed business plan formats and IOM staff will assist applicants to develop their business ideas.<sup>33</sup> Returnees can choose to establish a new business, invest in an existing business or go into partnership with friends or relations. IOM can purchase equipment, tools and stock. Returnees can also be assisted through training initiatives in skills such as Information Technology (IT), languages and accounting. Reintegration assistance can also focus on education. In particular, returnee families with children often lack the financial means to send their children to school, so the funds can be used to help pay school fees for children at government and state schools and to help pay for uniforms, equipment and books. Likewise, adults can be given financial assistance for education at colleges and universities.

All returnees are required to contact the local IOM office within three months of returning. The only other condition to reintegration support is that all elements of the package should be used within twelve months of the date of return. Assistance is provided in-kind, meaning the returnee supplies IOM with invoices, which IOM pay.

Returnees are usually seen by their IOM representative on a regular basis. The IOM representative will have been in contact with his/her counterpart in the UK, so the returnee is provided with continuity of care. As well as organising the practical assistance, the IOM representative provides advice and a degree of emotional support to the returnee. IOM believe that building up a returnee's confidence and providing continuity of support for a twelve-month period is highly important to a successful return.

Under AVRIM, only vulnerable returnees (i.e. victims of trafficking, unaccompanied children, single parents and ill persons) are entitled to reintegration assistance. Psychological counselling is not routinely offered. However, in some countries and in some cases IOM can act as a referral agent and reintegration allowances may be spent on counselling. This may, for example, be seen as appropriate for victims of sex trafficking returned under the AVRIM.

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<sup>33</sup> <http://www.iomlondon.org/doc/reintegration/VARRP%20Evaluation%20report.pdf>

## Monitoring of the reintegration process

The UK Border Agency's annual evaluations of VARRP management data examine the take-up of reintegration assistance. For example, the unpublished quantitative evaluation of the VARRP 2007 programme year (which ran from 1 August 2007 to 31 July 2008) found that 99 per cent of returnees during that year received the cash relocation grant of £500, and 68 per cent took up reintegration assistance (Home Office, 2009c). Ninety-three per cent of those receiving reintegration assistance during this period chose the business start-up. The evaluation concluded that VARRP is meeting its objective of supporting the reintegration of returnees by contributing to a sustainable return.

The 2004 evaluation (Home Office, 2010a) included interviews with 31 VARRP returnees to Sri Lanka, all of whom received assistance with a small business start-up. Twenty-eight respondents said that VARRP had helped them to start their own business or buy into an existing business. All 31 respondents felt that IOM Sri Lanka had understood their reintegration needs, and 26 regarded the reintegration support they received as 'suitable', with the remaining five wanting either a greater level of support or assistance provided through cash advances. Interestingly, also:

*"The question of what the returnees thought might have happened had they returned without VARRP support generated some of the most passionate response. Of the 31 returnees, 23 said their return would have been challenging without VARRP support."*

(Home Office, 2010a, p.15)

Also, IOM offices in countries of origin follow up and monitor returnees who have received reintegration assistance. For example, VARRP returnees who are assisted with business set-ups are monitored after six months of return when further in-kind assistance is available, and again after 12 months for a more in-depth evaluation that gives information on the impact of the assistance.

In addition, The Department for International Development (DfID) have recently published a report, which includes an evaluation of the IOM reintegration programme for Afghan returnees from the UK (Altai, 2009) (see section below).<sup>34</sup>

## Assessment of the sustainability of return

The issue of sustainability of return has received some attention in the UK, although few studies actually report data on this aspect of return. Those which have done report qualitative information only, which does not generalise beyond a small sample in a particular place and point in time. There appears to be relative agreement that sustainability could be examined using a longitudinal research design which tracks a sample of returnees over time, measuring, for example, desire to leave and re-migration (Black and Gent, 2004; Development Research Centre on Migration Globalisation and Poverty, July 2005; IOM, 2005). However, to date, no such studies appear to have been carried out by UK researchers.

The issue is made more complex when definitions of sustainable return are considered. Black and Gent (2004)<sup>35</sup> discussed what is meant by a return that is 'successful' and 'sustainable' and have identified the difficulty in determining whether measures of 'sustainability' relate to the outcome for individual returnees, or collective outcomes for people in the regions or countries of origin. They suggest: "it is possible to draw a distinction between narrow indicators of the 'sustainability' of return, such as whether returnees subsequently re-emigrate after their return, and wider definitions, which see 'sustainability' as including both the extent to which individual returnees are able to reintegrate in their home societies, and the wider impact of return on macro-economic and political indicators." (p.4)

<sup>34</sup> DfID and FCO (2009) Understanding the Return and Reintegration Process of Afghan returnees from the UK

<sup>35</sup> Black, R. and Gent S. (2004) *Working Paper T7 Defining, Measuring and Influencing Sustainable Return: The Case of the Balkans* Sussex Centre for Migration Research

[http://www.migrationdrc.org/publications/working\\_papers/WP-T7.pdf](http://www.migrationdrc.org/publications/working_papers/WP-T7.pdf)

Black *et al.*'s (2004) findings from in-depth interviews in both Bosnia and Kosovo (carried out from 2001 to 2003) suggested that return to these countries had not been sustainable, at least for individual returnees. The authors noted that although these interviewees did not constitute a representative sample, it was noteworthy that the majority held a firm desire to re-emigrate and high levels of unemployment and poverty were reported.

The Home Office evaluation of VARRP 2003 (Home Office, 2005) reported in-depth qualitative interviews with 21 users of reintegration support in Albania, Sierra Leone and Nigeria. With reference to sustainability, the report notes only that returnees recognised the importance of reintegration assistance in, "enabling them to settle initially and lay the foundations for their and their families' long term futures".

The 2009 Altai report assessed the sustainability of the return assistance provided by IOM in Afghanistan. From their survey (which sampled 100 returnees to Afghanistan, both forced and voluntary) 74 per cent stated their willingness to leave Afghanistan again. More encouragingly, however, 63.8 per cent of businesses which had been started with reintegration support were still operational (approximately one to one and a half years later).<sup>36</sup>

### **Measures to prevent the re-entry of a migrant who has previously benefited from Assisted Return**

The Government introduced changes to the Immigration Rules in February 2008 and these took full effect in October 2008. Prior to these changes, AVR returnees were not banned from re-entry into the UK. However, under the new rules, applications for entry clearance to the UK are automatically refused for a set period of time following return. The length of the ban depends on how the individual leaves the UK. Those who leave voluntarily but at the public expense are refused entry clearance to come to the UK for five years. This includes individuals returning on any AVR scheme.

IOM have concerns about the five-year re-entry ban for AVR returnees. IOM firmly believes that very few people who leave on an AVR scheme ever return to the UK. However, they believe that the ban on re-entry is a psychological barrier for some returnees because, "people want to be able to *think* that they can come back, but they don't actually *want* to" (Head of Communications, IOM London). It should be noted that AVRs are intended to provide for a permanent return.

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<sup>36</sup> The interviews were carried out in Afghanistan in December 2008. Those interviewed had returned between April 2007 and November 2008.

## 6. Best practice and lessons learnt

Aside from an anomalous year in 2006, the total number of people (asylum and non-asylum cases) leaving under the UK's AVR schemes has tended to rise since the inception of the VARP in 1999. The UK Government hopes to continue this trend because of AVR's cost-effectiveness and humanitarian nature.

In 2007, it was judged that the time-limited return and reintegration packages which were being offered under the VARRP in 2006/2007 caused short-term peaks in uptake which were matched by slumps when the packages ceased. The UK Border Agency judged that the changing package values and deadlines were confusing for both staff and applicants and inadvertently encouraged potential returnees to wait (for the next package) rather than apply immediately. Also, rumours circulated amongst migrant communities that the packages were being increased in advance of amnesty.

VARRP reintegration assistance at that time was also of a standard value (of in-kind benefits), delivered on return. However, based on both formal evaluation and informal learnings, IOM and UKBA in consultation agreed that reintegration assistance should be individually tailored to meet each person's (and any dependants') needs, and should be delivered in a more phased manner. The Individual Return Plans or IRPs (see Appendix Three) were therefore introduced in October 2007.

As discussed earlier, the authors currently have limited information on the effectiveness of reintegration assistance on the sustainability of return. However, anecdotally, IOM and UKBA report that this method of delivery means that returnees receive more comprehensive and suitable assistance. For example, returnees are more likely to use more elements of the package, drawing upon particular types of assistance when needed. Payment for the business start-up is now made in two stages: initially financial support of £1,500 in kind, followed by a further £500 in kind following a six-month review of the business to ensure it is still operational. IOM reports that this works better for businesses than a one-off delivery of the full sum in kind.

UK Border Agency reports that an incidental benefit of the Individual Return Plans is that cost savings can be made because returnees are not given a standard, lump-sum value. Rather, benefits are selected from a range of options and the total cost of the package is often less than the £4,000 upper limit.

IOM also considers that the prolonged involvement with the IOM representative in the country of return is important to building the returnee's confidence and helping him or her to succeed. In particular, the IOM representative acts as "a friendly face from your country who understands what you've been going through because they speak to returnees every day and they know the challenges that returnees face when coming back home" (Deputy Head of Reintegration, IOM London).

Future activity in the UK may focus on: reducing drop-out rates (28 per cent of principal applicants dropped out, prior to return, in the VARRP 2007 programme year);<sup>37</sup> targeting families; and generating more confidence and knowledge in the AVR process while applicants are in the UK. One strategy which IOM and the UK Border Agency are considering extending is a mentoring scheme, in which new applicants have ongoing contact with a previous returnee. IOM is also in the process of developing leaflets which cover the basic principles of starting up a business using return funding. The agency also reports that, in the future, assistance under the VARRP is likely to become more tailored to the needs of individual nationalities and demographic groups. Given the difficulty of returning families and a recent drop in their applications,<sup>38</sup> families may be a particular target for this type of tailoring. For example, within the additional assistance offered to Zimbabwe during this year, a basket of food supplies was delivered to families for two months following return. This proved very popular in the context of Zimbabwe's soaring inflation, which has rendered goods prohibitively expensive. In the future, this type of assistance may be available within the main package.

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37 See Home Office, 2009c.

38 See Home Office, 2009c.

Finally, a cross-cutting governmental objective is to link migration with development. Although AVR is primarily concerned with the individual returnee, it is widely accepted that AVR can help to achieve developmental aims in the country of return. Whilst this effect is hard to measure, IOM believe that reintegration assistance often benefits not only the individual, but his or her wider family and also the wider community. Examples in IOM's stories of return include setting up a mini-bus service within a community where transport links are poor, and shops (e.g. grocery stores and pharmacies) in villages in which such shops were previously a long distance away (Stories of Return, 2009). Future activities may therefore include addressing the evidence gap on the wider effectiveness of reintegration assistance and introducing capacity-building projects in countries of origin.

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## **Appendix One: Methodology**

This report is primarily based on desk research and no primary research was undertaken. Much of the information included in this report was obtained from the UK Border Agency's public website and from the Home Office intranet.

A wide-ranging literature search was carried out, and additional information was obtained from a range of other websites and publications, as listed in the bibliography.

In addition to written sources, policy and operational colleagues from across the UK Border Agency provided information and clarification on policies and procedures. In particular, the AVR policy team supplied both written and verbal information. Likewise, staff members of IOM London were interviewed to provide additional information on the administration and evaluation of the UK's AVR schemes. Statistical data were provided by colleagues in the Migration Statistics unit of the UK Border Agency. The authors gratefully acknowledge the help of all these parties.

## **Appendix Two: Categories of illegal entry to the UK**

- entry without leave (e.g. clandestine entry, absconders, unwitting evasion of the control)
- verbal deception
- documentary deception
- no evidence of lawful entry (NELE)
- entry in breach of a deportation order
- illegal entry from the Republic of Ireland
- illegal entry from the Channel Islands and the Isle of Man
- seaman deserters (although not strictly speaking ‘illegal entrants’, the procedures are so similar as to place them within this section).

### **Persons liable to administrative removal under section 10**

Section 10(1) of the 1999 Act states that a person who is not a British citizen may be removed from the United Kingdom, in accordance with directions given by an immigration officer (IO), if

- a) having only a limited leave to enter or remain, he/she does not observe a condition attached to the leave or remains beyond the time limited by the leave
- b) he uses deception in seeking (whether successfully or not) leave to remain.
- c) he belongs to the family of a person to whom directions have been given for administrative removal under section 10.

### **Categories of people liable to deportation**

- Those whose deportation is deemed conducive to the public good (Section 3(5)(a)).
- Those over the age of 17 who have been convicted of an offence punishable with imprisonment and on conviction have been recommended for deportation by a court (section 3(6)).
- Those who were notified before 2 October 2000 that the Secretary of State had decided to make a deportation order against them (i.e. cases where a form APP104 has been served).
- Overstayers who applied for leave to remain under section 9 of the 1999 Act (Regularisation Scheme for Overstayers) and whose application has been refused.
- Spouse of a person liable to deportation.
- Dependent children aged under 18 of a person liable to deportation.
- Those subject to Sections [32-39 of the UK Borders Act 2007](#) – a non-British citizen who has been convicted in the UK of an offence and sentenced to a period of imprisonment of at least 12 months.

There is also provision in the act for a particularly serious offence which is specified by order made under section 72(4)(a) of the Nationality, Immigration and Asylum Act 2002.

### **Criminal Casework: Criteria for Foreign National Offenders**

Foreign national offenders are liable to deportation consideration if they satisfy one or more of the following criteria.

- A court recommendation.
- For non-EEA nationals -- a custodial sentence of 12 months or more either in one sentence, or as an aggregate of two or three sentences over a period of five years<sup>39</sup> or a custodial sentence of any length for a drug offence listed below (an offence other than possession only).
- For EEA nationals:<sup>40</sup> a custodial sentence of 12 months or more where the conviction was for a drugs, sex or violent offence or in other cases where the sentence received was for 24 months or more.

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<sup>39</sup> The five years counts backwards from the date of the last conviction and the most significant sentences should be taken into account.

<sup>40</sup> And their third country family members.

## Appendix Three: The Individual Return Plan

<b>IOM Individual Return Plan</b>				
Each returnee will be treated as an individual with individual needs. When they discuss their Individual Return Plan with an IOM member of staff they will select which of the four ‘strands’ of assistance (colour coded below) will suit them best. It will not be possible to transfer assistance from one ‘strand’ to another. Assistance will be tailored as far as possible to the needs of each member of a family. It is quite possible that a family of four could each receive assistance from a different ‘strand’.				
<b>Type of Reintegration</b>	<b>Small Business</b>	<b>Education</b>	<b>Vocational Training</b>	<b>Job Placements</b>
<b>Resettlement needs</b>				
Relocation grant at pre-departure (GBP 500) per family member baggage allowance				
<b>Temporary housing</b>				
Three months’ accommodation				
<b>Education</b>				
Schooling fees (primary and secondary or university) state or private - if needed				
Childcare fees for infants				
<b>Vocational training</b>				
Fees for up to two months of vocational training				
For every month of training a subsistence allowance				
<b>Business set up</b>				
Training for the ‘bread winners’ on business set up from two weeks to one month with a subsistence allowance				
Financial support for the purchase of identified equipment or supplies for the business (GBP 1,500)				
An additional GBP 500 financial support in kind after a six months’ review of the business				
<b>Job placements</b>				
Salary support for the initial three months of an agreed 12 months’ contract with an identified employer				