

**UK report for the European Migration Network's  
Large Scale Study III on 'Return'**

**Information collected and presented by  
Christine Sylvest Larsen and Neil Rudge  
on behalf of the UK National Contact Point for the  
European Migration Network**

## **Acknowledgment**

The authors would like to thank all the people who contributed to this report including Ana Fonseca and Inger Schjerven Prizzi (International Organisation of Migration, London), Richard Black (University of Sussex), Brad Blitz (Oxford Brookes University), Rosemary Sales (University of Middlesex) and our colleagues across the Immigration and Nationality Directorate.

Our particular thanks go to the reviewers of the report. The report was reviewed internally by Chris Attwood, Mark McConaghy, Patrick Collier and Gary Raw.

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**Abbreviations:**

AVRIM: Assisted Voluntary Return and Irregular Migrants

AVR: Assisted voluntary Return

DCO: Detainee Custody Officer

DL: Discretionary Leave

DO: Deportation Order

ECHR: European Convention on Human Rights

ECtHR: European Court of Human Rights

EEA: European Economic Area

EMN: European Migration Network

ETD: Emergency Travel Document

EU: European Union

E&P: Explore and Prepare Programme

FCO: Foreign and Commonwealth Office

GLA: Gangmasters Licensing Authority

IAA: Immigration and Asylum Act

IATA: International Air Transport Association

IDD: International Delivery Directorate

IDI: Immigration Directorates' Instructions

IND: Immigration and Nationality Directorate

IOM: International Organization for Migration

IRSS: Immigration Research and Statistics Section

ISDU: Immigration Service Documentation Unit

LEO: Local Enforcement Office

MoU: Memoranda of Understanding

MP: Member of Parliament

NASS: National Asylum Support Services

NCP: National Contact Point

NGO: Non-Governmental Organisation

NIAA: Nationality, Immigration and Asylum Act

OEM: Operational Enforcement Manual

RAP: Return to Afghanistan Programme

SIAC: Special Immigration Appeals Commission

UASC: Unaccompanied Asylum Seeking Child

UKIS: United Kingdom Immigration Service

UNDESS: United Nations Department of Security and Safety

UNSECOORD: Office of the United Nations Security Coordinator

VARRP: Voluntary Assisted Return and Reintegration Programme



## **Abstract**

This report is the UK's contribution to the European Migration Network's Large Scale Study III on 'Return' and will contribute to a comparative *synthesis report* on return in 11 EU Member States. The report is based on the collection of existing information.

### Return policy

- The Immigration and Nationality Directorate (IND) of the UK Home Office is responsible for return of those not allowed to stay in the UK.
- All return procedures and standards in the UK have a legal basis.

### Assisted Voluntary Return

- The UK has three Assisted Voluntary Return (AVR) programmes and the Explore and Prepare Programme (Afghanistan).
- While research suggests that 'pull factors' in the country of origin are more likely than government policy to determine migrants' decision to return voluntarily, the number of AVR returnees has increased considerably since the UK's largest AVR programme began to offer reintegration assistance.

### Enforced return

- Three legal provisions exist for enforced return: removal of illegal entrants and those refused leave to enter; administrative removal; and deportation.
- Those subject to deportation are ineligible to apply under UK immigration entry rules to return to the UK until their deportation order is revoked.
- Those who are not allowed to stay in the UK can be detained in Removal Centres while awaiting removal. However, all alternatives must be considered before detention is authorised.

### Difficulties regarding return

- The most common issues with effecting removal are lack of documentation for returnee and/or lack of an available route. Bilateral and multilateral agreements with home governments assist with overcoming these issues.

### Key statistics

- In 2005, 58,215 individuals were removed from the UK. Of those, six per cent (3,655) left under AVR.
- In the same year, four out of the top five countries of nationality of non-AVR returnees were Commonwealth countries (Nigeria, Pakistan, India and Jamaica). In contrast, none of the top five countries of nationality of AVR returnees were from the Commonwealth countries. Instead these countries had had relatively recent conflicts (Iraq, Serbia & Montenegro<sup>1</sup>, Afghanistan, Sri Lanka and Iran).

### Research gaps

- There is a lack of research on enforced return.
- Also, there is a general need for better designed research studies on AVR and enforced return including studies using more robust sampling methods and combined quantitative and qualitative research methods.

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<sup>1</sup> On 3 June 2006 Montenegro made a formal declaration of independence and left the State Union with Serbia. The Serbian National Assembly, on 5 June, decreed that the Republic of Serbia is the continuing international personality of the State Union of Serbia and Montenegro. On 13 June, the UK formally recognised the Republic of Montenegro as an independent sovereign state.

## **Executive Summary**

This report is the UK's contribution to the European Migration Network's Large Scale Study III on 'Return'. It provides an overview of current UK policies and procedures for enforced return and assisted voluntary return (AVR) and an analysis of the characteristics of returnees. Along with country reports from ten other EU Member States, the report will form the basis for a comparative report on return in these eleven EU Member States.

Information for this report was primarily gathered from officials in IND, the Immigration and Nationality Directorate (located within the UK Home Office) and academic researchers from the UK and elsewhere. In addition, a comprehensive literature search for information published after 2000 was carried out. A number of limitations of the identified literature were found and hence some caution should be attached to the interpretation of the reported findings.

### **Key findings and facts**

#### **The Political and Legal Framework in the UK**

##### *UK framework*

- Policy regarding the return of those not allowed to stay in the UK is the responsibility of IND and policy exists at a national level only.
- All return procedures and standards in the UK have a legal basis.
- The legal basis for Assisted Voluntary Return is sections 58 & 59 of the Nationality, Immigration and Asylum Act 2002 (NIAA 2002).
- There are three different legal provisions for enforced return:
  - removal of illegal entrants and those refused leave to enter (Schedule 2 to the Immigration Act 1971);
  - administrative removal (Section 10 of the Immigration and Asylum Act 1999); and
  - deportation (Schedule 3 to the Immigration Act 1971).

### *European legislation and UK policy*

- The UK is a signatory to the European Convention on Human Rights.
- The UK has opted into the EU Directive 2001/40/EC on mutual recognition of decisions on the expulsion of third country nationals.
- The UK did *not* opt into the EU Council Directive 2003/110/EC on assistance in cases of transit for the purposes of removal by air, but takes part in some aspects of Council Decision 2004/573/EC on the organisation of joint flights for removal (and the UK has already participated in some joint flights).
- The UK has not instigated any projects under the European Commission's Return Preparatory Action programme, but has signed up as a partner with Germany, Netherlands and Belgium in their applications for projects, which will involve joint flights.
- The UK only participates in the judicial and police co-operation element of the 'Schengen' agreement but participates fully in the 'Dublin II' (EC No. 343/2003) and 'Eurodac' (EC No. 2725/2000) Regulations.
- The combined effect of the 'Dublin II' and 'Eurodac' Regulations has resulted in an increase in numbers of safe third country asylum applicant removals from the UK.

### **Return Actions**

#### *Assisted Voluntary Return (AVR)<sup>2</sup>*

- AVRs are considered preferable to enforced return as they provide a humane and dignified way to return those who are not allowed to stay in the UK and provisional management information for the financial year 2003/04 indicates that they incur 10-15%<sup>3</sup> of the cost of an enforced removal.
- The UK has three types of AVR programme:
  - Voluntary Assisted Return and Reintegration Programme (VARRP);

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<sup>2</sup> Please note that none of the UK AVR and E&P programmes are open to those who have been convicted of a serious immigration offence, have a deportation order against them or where arrangements for the person's enforced return are already in place.

- Assisted Voluntary Return for Irregular Migrants (AVRIM); and
- Return to Afghanistan Programme (RAP).
- The UK also has an 'Explore and Prepare Programme' (E&P).

#### VARRP

- VARRP is the UK's generic and largest AVR programme and has existed since 1999 (originally known as VARP).
- The programme is open to anyone who:
  - has an asylum application pending; or
  - has been refused asylum and is appealing against that decision; or
  - has been refused asylum and has exhausted the appeals process; or
  - is in the asylum process and is in long term immigration detention; or
  - is subject to the Immigration Act and is in prison serving a sentence of less than 12 months; or is detained by the Immigration Service and is detained solely in relation to Immigration offences, except where the applicant has been assessed by Detention Services as violent and/or disruptive; or
  - has been granted time-limited exceptional leave to enter/remain, or Humanitarian Protection (HP) or Discretionary Leave (DL).
- It has offered reintegration assistance (i.e. small business set-up, vocational training and/or education schemes) in the country of return since 2002. Up to £3,000 worth of reintegration assistance is available under a new pilot enhanced package implemented in January 2006. This pilot will end on 31<sup>st</sup> December 2006.
- Since its inception, the number of VARRP returnees has increased (provisional management information shows that 3,188<sup>4</sup> returned in 2005).
- The programme is co-funded by the European Refugee Fund and the Home Office.

#### AVRIM

- AVRIM was originally launched as a pilot in November 2004 but became a permanent programme in April 2005.

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<sup>3</sup> The figures provided do not constitute part of National Statistics as they are based on management information. This information has not been quality assured under National Statistics protocols and should be treated as provisional.

- The programme is open to irregular migrants living in the UK including those who:
  - entered the UK illegally, having been trafficked or smuggled from abroad;
  - have otherwise entered the UK illegally; or
  - were granted conditional leave to enter or remain but have breached one or more of the conditions of that leave.
- The programme offers help with obtaining travel documents, paying for flight tickets, onward travel, etc.
- It generally does not provide reintegration assistance, except for some 'vulnerable' individuals, who are provided with up to £1,000 worth of reintegration assistance.
- Between November 2004 and the end of December 2005, 430<sup>5</sup> irregular migrants returned under AVRIM.

#### RAP

- RAP has existed since August 2002 and is open to Afghans only (who, on or before 20 August 2002, applied for asylum and are awaiting a decision; have been refused asylum but are appealing; or have been granted time-limited exceptional leave to remain/enter, HP or DL).
- In addition to assistance with flights and domestic travel, RAP offers cash resettlement grants (£600 per person or up to £2,500 per family).
- Between August 2002 and the end of 2005, 197<sup>6</sup> Afghans returned under this programme.

#### E&P

- The E&P programme for Afghanistan has existed since October 2003.
- The programme is open to Afghans who have indefinite or limited leave to enter/remain as a refugee, exceptional leave to enter/remain, DL or HP. However, only one member of a household can register.
- It allows the person to remain in Afghanistan for up to one year, depending on their status in the UK, to assess the situation and explore the possibility of making a permanent return for themselves and their family.

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<sup>4</sup> See Footnote 3.

<sup>5</sup> See Footnote 3.

<sup>6</sup> See Footnote 3.

- Between October 2003 and the end of 2005, 17<sup>7</sup> Afghans took up this opportunity of a temporary return.

#### Administration and operation of AVR programmes

- International Organization for Migration (IOM) London is contracted to undertake the marketing, counselling and operation of the UK AVR and E&P programmes on behalf of IND.
- The IOM implementing partners in the UK (currently Refugee Action; North of England Refugee Service; YMCA Glasgow; Safe Haven Yorkshire; and Wolverhampton Asylum and Refugee Services) assist IOM in providing information to those who want to return under one of the AVR programmes.
- These partner organisations refer the potential returnee to IOM London which handles the formal process of application in consultation with the AVR team in IND.
- The IOM overseas missions in the countries of return provide reintegration assistance for returnees under VARRP, RAP and AVRIM<sup>8</sup>, and assistance with border control, customs formalities and luggage clearance for returnees under AVRIM and E&P.

#### Marketing of AVR and E&P programmes

- IND, through its AVR Operations Team, works closely with IOM London to raise the profile of the AVR and E&P programmes among migrant communities.
- IOM is responsible for all external information campaigns and has produced three posters (all in English), information leaflets in English (and since 2004 also in a range of other languages) and a booklet of 'Stories of Return' for VARRP.
- IOM London has also produced a separate booklet for RAP and the E&P programme, incorporating English, Dari and Pashto in each one.
- Publicity information is distributed widely, including to a variety community and refugee support groups.

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<sup>7</sup> See Footnote 3.

<sup>8</sup> For AVRIM, reintegration assistance is only offered to 'vulnerable' returnees.

- The AVR Operations Team has ensured that information about AVR is integrated at different points at which asylum applicants interact with IND. For example, posters are displayed and leaflets available at:
  - Induction Centres;
  - Asylum Screening Units;
  - Removal Centres;
  - Reporting Centres; and
  - Public Enquiry Offices.
- Marketing of AVR programmes is achieved by IOM London and its implementing partners through outreach work. Also, the AVR Operations Team promotes the programmes through establishing links with other government authorities such as the Gangmasters Licencing Authority.

#### *Enforced Return*

- Once asylum applicants receive a negative decision (including at the appeal stage if applicable), they will be expected to leave the UK. If they fail to do so, they are liable to have their return enforced and may be detained prior to return. The process of removal depends on the legal provision under which the individual is removed.

#### Removal of illegal entrants and administrative removal

- The process of removal of illegal entrants and administrative removal has three distinct stages.
  1. The person is identified as someone who is liable for removal and is notified as such (Notification).
  2. A decision is taken as to whether to remove the individual (Decision to Remove).
  3. The practical removal arrangements are decided (Removal Directions).
- The Decision to Remove does not give a specific deadline for removal and, unless there is a risk of absconding, the individual is usually provided with time to depart voluntarily (how much time depends on the individual).

- Those subject to removal as illegal entrants or administrative removal are not barred from re-entering the UK but must still comply with entry immigration rules.

### Deportation

- In cases where an individual is being deported, there are also three distinct stages.
  1. Notice of intention to deport (Notification).
  2. Making of a Deportation Order (Making of DO).
  3. Issuing of removal directions (Removal Directions).
- Deportation is considered on a case-by-case basis according to the particular circumstances of the individual concerned.
- The individual subject to deportation has a right of appeal against the decision to make a deportation order. The deportation order cannot be signed by the Secretary of State until appeal rights are exhausted, except in cases where the person is being deported on grounds of national security<sup>9</sup>.
- Deportation may be recommended by the Sentencing Court. However, in all cases, the decision whether or not to deport is a matter for the Secretary of State.
- A deportation order prohibits an individual from returning to the UK whilst it is in force. Deportation orders may be revoked upon application by the individual. Individuals must still comply with UK entry immigration rules.

### Detention

- The reason to detain an individual is taken by administrative authorities and is most commonly used for the following reasons:
  - to establish a person's identity or basis of asylum claim;
  - where there is reason to believe that the individual will fail to comply with any conditions attached to the grant of temporary admission or release;
  - to effect removal; or
  - as part of the fast track asylum process.

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<sup>9</sup> In national security cases, the in-country right of appeal is limited to challenging the assessment that removal will not breach the UK's obligations under the European Convention on Human Rights.



- In all cases there is a presumption in favour of temporary release and all alternatives (e.g. residence at a particular address, regular reporting to the authorities) must be considered before detention is authorised.
- Individuals are detained in special removal centres unless they are considered unsuitable for detention in these centres as they may pose a risk to other detainees<sup>10</sup>. In these cases, individuals are detained in prisons but only in areas where they are separate from convicted criminals.
- In removal centres, single females are kept separate from males and families are kept separate from other detainees.
- Unaccompanied Asylum Seeking Children (UASCs) are detained only in exceptional circumstances for their safety and only ever overnight until the relevant Social Services authorities are contacted<sup>11</sup>.
- No time limit for detention exists. In 2003, the Minister for Her Majesty's Inspector of Prisons considered it impractical to impose a time limit for detained families.
- Detainees can apply for judicial review or *habeas corpus* to challenge the lawfulness of their detention and effect release. They may also apply for bail after a short period in detention.

#### Problems encountered with enforced return

- The main issues preventing enforced return usually relate to the lack of documentation or an available route, or to locating individuals who have not kept in contact with IND.
- Other problems with the removal process include the returnee submitting last minute applications for judicial review or becoming disruptive at removal, resulting in the removal being postponed.
- On average, provisional management information indicates that force<sup>12</sup> is used in a quarter<sup>13</sup> of escorted removals due to disruptive behaviour.
- Removal or deportation must be compatible with the European Convention on Human Rights (ECHR). For example, removal may not proceed where

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<sup>10</sup> In these cases, individuals are detained in prisons and in the same area of the prison as convicted prisoners.

<sup>11</sup> Social Services authorities act as legal guardians to UASCs and hence are responsible for the accommodation of these individuals.

<sup>12</sup> Force refers to approved control and restraint processes. This could involve handcuffing and wrist locks.

there are substantial grounds for believing that there is a real risk of a breach of Article 3 in the receiving country. However, case law has confirmed that the threshold is high for individuals who appeal to stay in the UK for Article 3 medical reasons and hence most appeals have been unsuccessful.

#### Transport and removal measures

- The UK operates charter flights and uses scheduled service airlines to enforce removals. The UK has also run eight joint charters with other EU Member States.
- The physical operation of return is carried out by a private contractor on behalf of the Home Office. The contractor is required to provide sufficient staff provision to cover any staff absences and to provide adequate training including legal framework and documentation, race relations and cultural awareness, suicide and self-harm awareness and prevention, health and safety, etc.
- There is no additional legal basis or contractual arrangements for the passenger carriers, however liaison meetings are held between IND and the main carriers.
- The UK complies with the IATA guidelines with regard to escorted removals, with the exception of 3.4(b), where a verbal – rather than the required written – risk assessment is provided.

#### *Identification and acquisition of travel documents*

- Personal and, if relevant, asylum application data and biometric details (e.g. fingerprints)<sup>14</sup> relating to enforced returns are stored on electronic databases.
- Evidence of nationality and identity is ascertained at a documentation interview following first negative decision and evidence gathered at other stages of the asylum process (for asylum applicants only), and travel documents are arranged.

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<sup>13</sup> See Footnote 3.

<sup>14</sup> All biometric data are retained for 10 years. After this period, the data will be destroyed unless the person demonstrates at an earlier time that's/he is a British Citizen or a Commonwealth citizen with a right of abode, at which point the fingerprint records are destroyed as soon as reasonably practicable.

- The UK does not rely on the issuance of foreign passports but relies on an Emergency Travel Document (ETD) issued by the Embassies/High Commissions of the country of origin which is valid for a single journey. Also, EU Letters and Chicago Convention Documents, which are issued by IND, are used for removals.
- The ability to obtain travel documents depends on a number of factors, including the compliance of the individual, the availability of good supporting evidence (e.g. expired passport, birth certificate) and the co-operation of Embassies/High Commissions.
- Special arrangements are in place with some Embassies to establish evidence of nationality and identity and thereby help to speed the removal process.
- Most agreements to obtain ETDs are informal. Formal agreements such as Memoranda of Understanding are less common.
- The type and extent of the evidence required to establish identity and nationality of the individual varies between countries.

### **Bilateral and Multilateral Co-operation**

- The UK has negotiated return arrangements with Afghanistan, India, Sri Lanka, Turkey, China, Albania, Vietnam and the Somaliland authorities, among others.
- Bilateral readmission agreements are concluded between the UK and Albania, Bulgaria and Romania. It is expected that readmission agreements will soon be concluded with Switzerland and Serbia and Montenegro.
- The UK has to date opted into all negotiated mandates for European Commission Readmission Updates.

### **Research findings**

#### *Monitoring/evaluations of VARRP*

- IOM carries out a self-evaluation to assess the effectiveness and efficiency of the Reintegration Fund as a key component of VARRP. The Home Office contracts research consultants to carry out an independent monitoring exercise of VARRP.

- The IOM self-evaluation for 2004 reported that *small business set-up* was the most popular form of reintegration assistance.
- The same report highlights that reintegration assistance was sometimes hindered by:
  - returnees' lack of knowledge of the different types of reintegration assistance offered;
  - IOM's loss of/incorrectly held contact details of returnees; and
  - lack of employment opportunities in the country of return.
- The current Home Office 2004 VARRP monitoring exercise involved quantitative data analysis of management information and analysis of interviews carried out with returnees in Sri Lanka and stakeholder organisations. This exercise will further help to identify how VARRP can be improved in the future.

#### *AVR research findings*

- The literature review found that 'pull factors' in the country of origin rather than government policies in the country of arrival determined whether migrants decide to return voluntarily (Black et al, 2004). Thus, there appeared to be three main motives for voluntary return (AVR and 'independent' return):
  - the wish to be reunited with close family in the country of origin;
  - improved safety in the country of origin; and
  - improving employment opportunities in the country of origin.
- The findings from this literature review appear at first sight to conflict with the finding that, since VARRP began to offer tailor-made reintegration assistance to returnees, the number of VARRP returnees has increased considerably. However, as VARRP provides the means for returnees to set up their own business or benefit from pre-employment training in the country of origin, this may improve their employment opportunities and hence attract a larger number of VARRP applicants as the extent of the reintegration assistance increases. It is yet unclear whether this increase in VARRP returnees is due to the reintegration offered, raised awareness of VARRP or other factors.

- Little is known as to whether voluntary and enforced return is sustainable or whether returnees are more likely to remigrate.
- The most successful return programmes appear to be those that are small scale, and are tailor-made for the specific circumstances of particular returnees and countries of origin. However, note that under half (44%<sup>15</sup>) of VARRP returnees took up the reintegration assistance under VARRP 2004.

### *Key statistics*

- In 2005, 58,215 individuals were removed from the UK. Of those, 94 per cent (54,560) were non-AVR removals, including persons refused entry at port and subsequently removed, those removed as a result of enforcement action, and those departing 'voluntarily' after enforcement action had been initiated against them. Six per cent (3,655)<sup>16</sup> left under AVR.
- Also, in 2005, the largest proportions of all returns (non-AVR<sup>17</sup> and AVR) were of persons aged between 25 and 34 (41% and 47%, respectively). Approximately four-fifths of returnees (AVR and non-AVR) were aged between 18 and 44 years. This may reflect the typical age distribution among asylum applicants.
- Although overall non-AVR removals accounted for the majority of all returnees, proportionally, more males than females returned under AVR than as non-AVR removals<sup>18</sup> in 2005. Reasons for this may be that AVR programmes (and the reintegration assistance) may appeal more to single males than to females because of safety concerns in the country of return, or females' relative lack of experience in the labour market in many countries of origin. It could also be that most females arrive in the UK as part of a family and hence also tend to leave as part of a family. Families are likely to have stronger links to the UK (e.g. children attending local schools) and may be disinclined to return voluntarily for fear that they will

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<sup>15</sup> See Footnote 3.

<sup>16</sup> Persons (including dependants) leaving under Assisted Voluntary Return Programmes run by IOM. May include some on-entry cases and some cases where enforcement action has been initiated.

<sup>17</sup> Includes persons refused entry at port and subsequently removed, those removed as a result of enforcement action, and those departing 'voluntarily' after enforcement action had been initiated against them.

<sup>18</sup> See Footnote 17.

not be able to support themselves and their children in the country of return. These are only hypotheses and cannot be verified on current evidence.

- In 2005, the largest proportion of non-AVR removals<sup>19</sup> were of nationals of countries in the Americas (27%), whereas the smallest proportion of AVR returnees were nationals of countries from this continent (9%).
- In the same year, four out of the top five countries of nationality of non-AVR<sup>20</sup> returnees were Commonwealth countries (Nigeria, Pakistan, India and Jamaica). In contrast, none of the top five countries of nationality of AVR returnees were from the Commonwealth countries. Instead these countries had had relatively recent conflicts (Iraq, Serbia & Montenegro, Afghanistan, Sri Lanka and Iran).
- The relatively large number of non-AVR<sup>21</sup> returnees from Commonwealth countries may be a result of better agreements between the UK and these countries. It could also be that these nationalities are disinclined to return voluntarily to their country of origin because they belong to a more established minority ethnic community in the UK which can provide them with the necessary support for them to better integrate into UK society. The reasons behind the top five countries of nationality of AVR returnees are less clear. It may be that returnees from these post-conflict countries have tended to be among the pool of migrants who were intending to return to their country of origin in any case once the conflict in the country of origin had calmed down and, through the AVR programmes, they were provided with the means to do so in a sustainable way.
- In 2005, most non-AVR<sup>22</sup> returnees and AVR returnees returned to their country of nationality (62% and 85%, respectively).

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<sup>19</sup> See Footnote 17.

<sup>20</sup> See Footnote 17.

<sup>21</sup> See Footnote 17.

<sup>22</sup> See Footnote 17.

### **Discussion and research gaps**

- Overall, in recent years, both non-AVR<sup>23</sup> and AVR removals have increased. This may be partly due to improved cooperation with EU Member States and third countries.
- The literature search identified a general need for better designed and more objective research studies on enforced return and AVR. Future studies should use more robust sampling methods and a combination of quantitative and qualitative research methods.
- There is a need for more research on AVR and, in particular, enforced return. Specifically, more information is needed on the sustainability and motives of return.
- In addition, there is a need for further research to explore the apparent differences in characteristics of non-AVR and AVR returnees.

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<sup>23</sup> See Footnote 17.

## **1. Introduction**

This report presents an overview of characteristics of returnees, current UK policies and procedures and key findings from UK literature published after 2000 on the return of third country nationals. The report is the UK's contribution to the European Migration Network's (EMN) Large Scale Study III on 'Return'. The EMN scientific coordinator will produce a "synthesis report", which will bring together the findings from the UK and the ten other EU Member States that provided study contributions.

The concept of return has a wide scope as it embraces the return of any migrant who is travelling back to his/her country of origin. For the purpose of limiting the scope of this study, 'return' is here defined as migrants who return under one of the UK Government's Assisted Voluntary Return (AVR) programmes or who are returned as a result of enforcement action carried out by the UK authorities. Individuals who may return as a result of these actions include, for example, failed asylum applicants, people who have been protected under temporary schemes, refugees following the termination of their refugee status or Leave to Remain period, irregular labour migrants, migrants with a temporary work permit that has expired, and irregular transit migrants. Migrants who return by their own accord ('independent return') are not discussed in this report.

As dictated by the study specifications produced collectively by the National Contact Points (NCPs), the European Commission and the EMN scientific coordinator, the main objectives of the study are to:

- reach a better informed understanding of the different state approaches towards dealing with return in the UK and in the European Union at large;
- develop comparable and reliable data on return measures and programmes;
- provide policy and decision makers with more detailed and up-to-date knowledge about return policies especially in view of the European



Directive on common standards and procedures in Member States for returning illegally residing third country nationals (COM(2005)391);

- identify research gaps where further research is necessary.

The report firstly provides a brief description of the methodology employed (Chapter 2) followed by the political and legal framework of Assisted Voluntary Return (AVR) and enforced return in the UK including the interaction between UK and EU law (Chapter 3).

This is followed by a chapter on return actions in the UK including sections on the demographic characteristics of returnees, AVR programmes, enforced return, return assistance/counselling and identification and acquisition of travel documents (Chapter 4). Chapter 5 provides an outline on the UK's co-operation with other countries and Chapter 6 presents conclusions and identifies research gaps.

## **2. Methodology, Definitions and Return Categories**

### **2.1 Methodology**

As a result of the specific policy focus of this study, information for this report was primarily gathered from policy officials in the UK Home Office Immigration and Nationality Directorate (IND). The Immigration Research and Statistics Service (IRSS) set up a meeting with a key policy official from IND using the EMN study specification as a guide for the discussion. During the meeting, several IND teams responsible for enforcement and AVR were identified. Officials in the identified teams were contacted and provided responses to various sections of the specification.

IND's website, particularly the Operational Enforcement Manual (OEM) and the Immigration Directorates' Instructions (IDI), also provided useful documentary evidence on current procedures of AVR and enforced return.

IRSS provided statistical data and other information for the report.

In addition, the UK NCP set up a meeting with the International Organization for Migration (IOM) London to gather information and clarify its role in AVR operations in the UK.

A literature search of social science electronic databases was undertaken (see Appendix D for a full list of search terms used). In addition, six leading academic researchers were asked to identify relevant literature. Of these six, Brad Blitz, Rosemary Sales and Richard Black responded.

A number of limitations were identified with the literature found during the literature search. Specifically, the literature tended to focus on different 'categories' of migrants, limiting comparability across studies, and the sampling methods employed (e.g. opportunistic and/or 'snowballing' sampling) in the majority of studies may have produced a sample which was not representative of returnees/potential returnees. Given these identified caveats, the literature findings should, therefore, be treated with some caution.

For a full description of the methodology, please see Appendix A.

## **2.2 Clarification of Concepts and Definitions**

Please see Appendix B for clarification of concepts and definitions.

## **2.3 Categorisation of Returnees**

Please see Chapter 6 for 2004 and 2005 statistical data describing the demographic characteristics of returnees.

### **3. The Political and Legal Framework**

#### **3.1 Regional, Federal and National Legal and Political Frameworks**

**Please discuss the political discourses about and definitions of political principles of return policies in your country.<sup>24</sup>**

Policy regarding the return of irregular migrants is the responsibility of IND. The policy framework exists only on a national level and hence there are no separate arrangements or policies at a regional level.

UK return policy is based on the principle that the UK migration system, border integrity and asylum process cannot operate effectively if there is no effective policy of removal of those who are in the UK illegally, whether as a failed asylum seeker who has exhausted legal rights of appeal, or as an illegal migrant of any category.

**What are the legal bases for return (forced and voluntary) and return assistance?**

#### ***Enforced return***

Different legal provisions exist for the return of different types of irregular migrants. These provisions are outlined below.

##### **1. Removal of illegal entrants and persons refused leave to enter**

An illegal entrant, as defined by section 33(1) of the UK Immigration Act 1971 ("the 1971 Act"), is a person:

- unlawfully entering or seeking to enter in breach of a deportation order or of the immigration laws; or

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<sup>24</sup> Please note, the agreed study specification sets out a number of questions under each chapter which have been used as headings in this report.

- entering or seeking to enter by means which include deception by another person.

The powers to remove illegal entrants and persons refused leave to enter are found in paragraphs 8 to 10A of schedule 2 to the 1971 Act. These powers enable an Immigration Officer to give directions for the removal of illegal entrants and persons refused leave to enter by ship/aircraft/via the Channel Tunnel to a country or territory:

- of which they are a national or citizen;
- in which they have obtained a passport or ID document;
- from which they embarked for the UK; or
- to which there is reason to believe that they will be admitted.

## 2. Administrative Removal

The following people are subject to administrative removal under Section 10 of the Immigration and Asylum Act 1999 (IAA 1999):

- people who have entered the country legally but who have remained beyond the time limited by their leave (for example, work permit holders who stay longer than is allowed by their work permit);
- people who have permission to stay in the UK but who have violated those terms (for example students who are working illegally);
- people who use deception in seeking or obtaining permission to remain in the UK;
- spouses, civil partners and dependent children of the above categories;
- people whose indefinite leave to remain was revoked as they ceased to be refugees.

The Immigration (Removal Directions) Regulations 2000 make further provision about removal under these provisions. The Regulations permit removal under section 10 (IAA 1999) by ship/aircraft/via the Channel Tunnel to a country or territory:

- of which they are a national or citizen; or
- to which there is reason to believe they will be admitted.

Under section 10(8) removal directions automatically invalidate any leave to remain that the person has.

### 3. Deportation

The following people are liable to deportation under the 1971 Act:

- people whose deportation is deemed conducive to the public good (section 3(5)(a));
- spouses, civil partners and children under 18 of someone who was ordered to be deported (section 3(6)(b));
- people over the age of 17 who were convicted of an offence punishable with imprisonment and on conviction were recommended for deportation by a Sentencing Court (section 3(6)).

Interim criteria have been introduced in 2006 so that (a) all non-EEA nationals sentenced to 12 months' imprisonment or more, either in one sentence or in two or three sentences during a period of five years; and (b) all EEA nationals sentenced to 24 months or more, should be considered for deportation. The Immigration Rules were changed at midnight on 19 July 2006 to include a presumption that all such prisoners should be deported. Only rarely will factors other than international obligations weigh against deportation.

It is intended to change the law to make the link between criminality and deportation stronger and more straightforward. The legislative proposals are being worked on and will be included in the forthcoming immigration and asylum bill, for introduction in March 2007.

Section 5 of the 1971 Act provides the power for the Secretary of State to make or revoke a deportation order. A deportation order requires a person to leave the UK and prohibits them from re-entering the UK unless it is revoked. Any leave to enter or remain which a person was given is invalidated whilst the deportation order is in force against them. There is no expiry date to a deportation order. A person who enters the UK in breach of a deportation order is an *illegal entrant* (see above) and may be removed as such.

In addition, schedule 3 to the 1971 Act provides for the detention and removal of a person subject to a deportation order.

### ***Assisted voluntary return***

The legal basis for AVR is sections 58 and 59 of the Nationality, Immigration and Asylum Act 2002 (NIAA 2002). The main section, section 58, permits the Secretary of State to make arrangements to assist 'voluntary leavers'. A person qualifies for assistance as a 'voluntary leaver' if, amongst other things, s/he leaves the UK for a place where s/he hopes to take up permanent residence and the Secretary of State thinks it is in the person's interest to leave the UK and that person wishes to do so.

**Are there other provisions and standards in the area of return policies without a legal basis?**

All procedures and standards in the UK have a legal basis (there are *no* provisions and standards in return policies without a legal basis). The full policy may not always be spelt out in law (for example the eligibility for UK AVR programmes is policy rather than legislation), however, it is based in law.

**What are the policy variations inside the Member State with regard to return policies, for example, with regard to regions and provinces?**

Return policy exists only on a national level and hence there are no regional variations in the UK.

**What are the experiences with regard to protest and solidarity movements with regard to returnees?**

In common with other EU Member States, the UK does encounter a low level of protest against the return of asylum applicants. This is usually directed at

return to specific countries of return. There are sometimes local small-scale campaigns in support of individuals who are to be returned.

### **3.2 Influence of European Legislation**

<b>What is the current stand on adopted European legal standards and/or EU Directives?</b>
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The UK Government has opted into a number of EU measures on asylum and combating illegal immigration.

The UK has opted into the Directive 2001/40/EC on mutual recognition of decisions on the expulsion of third country nationals.

The UK also takes part in some aspects of the Council decision 2004/573/EC of 29 April 2004 on the organisation of joint flights for removal.

The UK did not opt into Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air.

In addition, the UK is a signatory to the European Convention on Human Rights (ECHR).

<b>What are the effects of the European framework for national policies?</b>
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The decision to opt into the Directive 2001/40/EC on mutual recognition of decisions on the expulsion of third country nationals did not require any changes to domestic legislation in order to implement the directive. The UK's current primary and secondary legislation is sufficiently flexible to implement the provisions contained within the Directive. Where there is evidence of a previously rejected asylum claim in another Member State the UK will seek to transfer the applicant under the terms of the Dublin II Regulation.

ECHR has had a very significant effect on UK legislation, especially since the introduction of the Human Rights Act 1998 which came into force on 2<sup>nd</sup> October 2000, as it covers most aspects of national policies. As a result,



ECHR's impact on UK law has been pervasive since its introduction over 50 years ago.

The Council decision 2004/573/EC of 29 April 2004 on the organisation of joint flights for removal is not a Directive but a Decision so is a 'soft law'. Therefore the UK does not have to opt in, but does take part in the adoption and application of this Decision.

**How are Schengen and Dublin affecting return policies in the country concerned?**

Schengen

The UK participates only in the judicial and police co-operation element of the 'Schengen *acquis*'<sup>25</sup> except the provision for 'hot pursuit'<sup>26</sup>. The UK does not participate in the visa, border control and legal migration elements.

As a result of not participating in the visas and borders element of the Schengen Agreement, the UK can maintain its own frontier controls. The UK Government considers this as the most effective way to manage its borders, especially in relation to irregular migration and cross-border organised crime.

However, as a consequence, the UK does not participate in particular areas of EU work, for example the issuance of Schengen visas. Furthermore, the UK is excluded from two EU Regulations (i.e. the EU Border Agency, and a Regulation requiring biometrics to be placed in passports), where the UK believes it has a legal right to participate. The UK is currently challenging its exclusion from these two EU measures before the European Court of Justice.

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<sup>25</sup> The 'Schengen *acquis*' is the set of rules adopted under the 'Schengen Convention', which includes: the convention itself and the 1985 agreement; the accession protocols with some EU Member States; and the decisions and declaration adopted by the 'Schengen' bodies.

<sup>26</sup> 'Hot pursuit' refers to a situation 'where police are pursuing a criminal who is on the run across EU borders' (an amendment of the 'Schengen' Convention).

## Dublin

The Dublin II Regulation (EC No. 343/2003)<sup>27</sup> provided the legal basis for establishing the criteria and mechanism for determining the EU Member State responsible for examining an asylum application by a third country national. Hence, this regulation allows the UK to request another 'Regulation state' to take charge of, or take back, an asylum application by a third country national in certain cases.

The Dublin II Regulation also tightened up the timescales for responding to requests from other EU Member States and for removing applicants, with clear sanctions if timescales are not met. This has delivered faster turnaround times for asylum cases.

In addition, the Eurodac fingerprint system (Regulation EC No. 2725/2000) delivers results within minutes, allowing the UK to make an early decision on the possible application of the Dublin II process. In 2005, 84 per cent of Dublin II removals were based on evidence provided by the Eurodac Central Unit. In comparison, the average removal rate for Dublin Convention cases identified pre-Eurodac (2002), using paper-based fingerprint exchanges, was five per cent.

In conclusion, the UK considers that the combined effects of the Regulations EC No. 343/2003 "Dublin II" and EC No. 2725/2000 "Eurodac" are beneficial in terms of the ability to secure the fast removal of individuals to the participating EU Member States properly responsible for examining their asylum claims. The UK is now able to determine the responsible EU Member State more quickly, with increased numbers of decisions made more promptly within the structure of national legislation. As a result, the numbers of safe third country asylum applicant removals from the UK since the Dublin II Regulation came into force have increased.

**To what degree has EU enlargement changed the policies of return?**

The enlargement of the EU did not change UK return policies. EU enlargement has ensured that more people have freedom of movement across the EU and hence many people who would previously have had to obtain visas to enter the UK now have the right to enter.

**What experiences have been gathered in cases concerning Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms?**

The UK was the signatory State involved in two of the major judgements which define the case-law relating to Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms as it applies to cases involving removal to another country (*Soering 1989* and *Chahal 1996*).

In 2003, the UK introduced a special category of immigration leave (permission to stay) called "Humanitarian Protection" (HP) for individuals who were at risk of treatment contrary to Article 3, but who do not meet the criteria for leave to remain as a refugee (as defined in the 1951 Convention relating to the Status of Refugees). It should be noted that HP is not granted to anyone who is excluded from the Refugee Convention by virtue of Article 1F<sup>28</sup>. The principal beneficiaries are therefore those who are at risk of ill-treatment for a non-Convention reason. The normal period of HP is five years.

Where the person cannot be removed because this would be contrary to the UK's obligations under Article 3, the person is granted shorter periods of Discretionary Leave (DL).

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<sup>27</sup> The Dublin II Regulation applies to the following countries: Austria, Belgium, France, Germany, Greece, Finland, Iceland, Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden and the UK.

<sup>28</sup> The clauses in Article 1F of the Refugee Convention are designed to exclude from protection persons who have committed very serious crimes outside the asylum state.

Article 3 has been interpreted by the European Court of Human Rights (ECtHR) to preclude return of a person to another country if there are substantial grounds for believing that the person will be subject to a real risk of treatment contrary to Article 3 on return. In such cases, the UK has, from time to time, sought assurances from the authorities in the receiving country about the way in which the intended deportee will be treated, if returned. These assurances were sought to provide a safeguard so that it could no longer be said that there were 'substantial grounds for believing there to be a real risk' of ill-treatment contrary to Article 3 was the deportee returned.

This procedure is applied to a small number of cases only, and the outcomes, in terms of the UK's ability to return individuals based on assurances from authorities in the receiving countries, are mixed. One of the earliest cases was "*Chahal*" itself, a security case where the UK Government obtained assurances<sup>29</sup> from the Indian authorities regarding Chahal's treatment on his return. While not questioning the Indian Government's good faith, the ECtHR concluded that, in practice, the undertakings were unlikely to be complied with at a local level. Two further national security deportation appeals were heard by the Special Immigration Appeals Commission (SIAC) in the late 1990s. Here too, the court (SIAC) concluded that the assurances (again from the Indian authorities) constituted an inadequate safeguard<sup>30</sup>. In other cases, including one involving four Egyptian nationals, also in the late 1990s, the country concerned declined to provide the assurances sought<sup>31</sup>.

Against that, more recently the UK has obtained assurances in non-security cases from the Libyan and Chinese authorities, which the UK's domestic courts have accepted as a sufficient safeguard to ensure that removal would not be contrary to the UK's obligations under the ECHR. The Libyans were returned to Libya in 2004 (*F v UK* (no36812-02) and *A v Secretary of State* to

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<sup>29</sup> These were not formal Memoranda of Understanding or readmission agreements.

<sup>30</sup> Case references are not publicly available.

<sup>31</sup> *Hani El Sayed Sabaei Youssef* and the *Home Office*, Case No: HQ03X03052, 2004 EWHC (QB), July 30, 2004 (Online) [http://www.hmcourts-service.gov.uk/judgmentsfiles/j2758/youssef-v-home\\_office.htm](http://www.hmcourts-service.gov.uk/judgmentsfiles/j2758/youssef-v-home_office.htm).

Home Department [2002] (UKAIT07355)). At the beginning of September 2006 the Chinese cases were still the subject of ongoing appeals<sup>32</sup>.

One of the concerns expressed by the court (SIAC) in the Indian cases was that the status of the assurances was unclear. Partly in order to address this concern, and to provide clarity on this point, the UK negotiated framework Memoranda of Understanding (MoU) with Jordan, Libya and Lebanon, which regulate the procedure for seeking assurances in deportation cases. The first appeal against the deportation decision where the UK is relying on assurances obtained under one of these MoU was heard in May 2006, a determination was still outstanding at the beginning of September 2006.

Also, more recently (August 2006), SIAC concluded that the deportation of an Algerian national known as 'Y' (for whom assurances had been obtained) was compatible with the UK's obligations under ECHR (including Article 3). This decision is likely to be the subject of a further appeal to a higher court.

<b>What information is available with respect to the implementation of the European Community's RETURN Preparatory Action programme?</b>
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IOM London made a successful bid for funds under the EC's Return Preparatory Action programme to fund VARRP. The UK is a co-funder of this AVR programme.

The UK has not instigated any project under the Preparatory Action. However, the UK signed up as a partner with other EU Member States (Germany, Netherlands, and Belgium) in their applications for projects, which will involve joint return flights.

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<sup>32</sup> Case reference is not publicly available.

**What are the experiences with first common flights following Council Decision 2004/573/EC?**

The UK has participated in some joint flights since the issue of the Council Decision 2004/573/EC. However, as the UK procedures were already in line with the provisions of the decision, the decision did not lead to any changes in how the UK implements removals by joint flights.

## 4. Return Actions

### 4.1 Overview

**What are the various defined return statuses, e.g. tolerated, awaiting decision, refused asylum application, appeal dismissed?**

#### ***Enforced return***

##### Asylum

Enforced return can only occur once an asylum application is deemed unfounded and any appeal rights are exhausted. An unfounded asylum application is one that subsequently results in an applicant having no status in the UK (e.g. refugee status, Humanitarian Protection (HP) or Discretionary Leave (DL)). It also includes any dependants of that person. The definition includes applicants (and their dependants) who:

- have withdrawn their application for asylum;
- are refused asylum and do not appeal against their refusal;
- are refused asylum and who have no in-country right of appeal against their refusal (Non-Suspensive Appeal cases and Third Country cases); or
- are refused asylum and submit an appeal and that appeal is not allowed and is not withdrawn by the Home Office<sup>33</sup>.

##### Non-asylum

An individual returning as a non-asylum applicant could have the following status:

- leave to remain / enter refused;
- appeal lodged;
- no appeal lodged;
- appeal dismissed; or

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<sup>33</sup> Where the appeal determination is recorded as 'withdrawn by Home Office', it is assumed that the case has been conceded by the Home Office.

- appeal rights exhausted.

### ***Assisted voluntary return***

#### Asylum

An individual returning under AVR could have the following asylum status<sup>34</sup>:

- asylum pending;
- asylum refused;
- Humanitarian Protection;
- Discretionary Leave;
- Exceptional Leave to Remain;
- appeal pending;
- appeal refused; or
- asylum withdrawn.

#### Non-Asylum

An individual returning as a non-asylum applicant could have the following status:

- leave to remain / enter refused;
- appeal lodged;
- no appeal lodged;
- appeal dismissed;
- appeal rights exhausted;
- illegal entrant; or
- overstayer.

The specific migrant groups liable to enforced return and eligible to apply for Assisted Voluntary Return (AVR) are outlined below in the relevant sections.

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<sup>34</sup> Please note that different AVR programmes are open to asylum and non-asylum applicants.



**What types of return actions are carried out? Elaborate in detail on the differences between 'Forced' and 'Voluntary Return'.**

***Enforced return***

There are three types of enforced return depending on the immigration status and possible criminal behaviour of the individual:

- removal of illegal entrants and those refused leave to enter;
- administrative removal under section 10 of the IAA 1999; and
- deportation.

These three types of enforced return are described in more detail in Chapter 3 (section 3.1).

***Assisted voluntary return***

The UK has three types of AVR programmes and one Explore and Prepare programme (E&P)<sup>35</sup>.

1. Voluntary Assisted Return and Reintegration Programme (VARRP)

VARRP is the UK's generic and largest AVR programme and has existed since 1999 (originally known as 'VARP' before reintegration support was introduced). The purpose of the programme is to facilitate and assist the voluntary return of asylum applicants in the UK, who decide they wish to return to their country of origin but do not have the means to do so. VARRP is open to any asylum applicant who:

- has an asylum application pending; or
- has been refused asylum and is appealing against that decision; or
- has been refused asylum and has exhausted the appeals process; or
- is in the asylum process and is in long term immigration detention; or
- is subject to the Immigration Act and is in prison serving a sentence of less than 12 months; or is detained by the Immigration Service and is detained

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<sup>35</sup> Please note that none of the UK AVR and E&P programmes are open to those who have been convicted of a serious immigration offence, have a deportation order against them or where arrangements for the person's enforced return are already in place.

solely in relation to Immigration offences, except where the applicant has been assessed by Detention Services as violent and/or disruptive<sup>36</sup>; or

- has been granted time-limited exceptional leave to enter/remain, or Humanitarian Protection (HP) or Discretionary Leave (DL).

The programme is not open to those who have been granted indefinite leave to remain or refugee status in the UK.

In addition to assistance with flights and onward transportation, since March 2002, the programme has incorporated up to £500 of 'in-kind' (i.e. not cash) reintegration assistance, which is directed at helping returnees to resettle in their country of origin. In 2005, the amount set aside for reintegration assistance was raised to £1,000 (provided as 'in-kind' only).

Under a new pilot enhanced package<sup>37</sup> implemented in January 2006, returnees under the VARRP programme are eligible for an additional £2,000, £500 payable in cash on departure from the UK and a further £1,500 which may be taken in the form of either additional reintegration assistance or cash grants which will be phased over a year following their departure from the UK. This means that the total reintegration package is worth £3,000 per returnee.

The reintegration assistance includes:

- small business development;
- vocational training; and/or
- education schemes for children and adults.

The programme is co-funded by the European Refugee Fund<sup>38</sup> and the Enforcement and Removals Directorate in IND.

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<sup>36</sup>Applies to asylum applicants or failed asylum applicants only.

<sup>37</sup> Extended packages are available for applications lodged before 31 October 2006.

<sup>38</sup>This fund is available to EU member states for co-financing projects, one of which is to assist those asylum applicants who wish to return home voluntarily.

Table 1: Management information figures of those who returned under VARRP from 2000 to 2005<sup>39</sup>

<i>Calendar year</i>	2000	2001	2002	2003	2004	2005
<i>Number returned</i>	548	1,207	1,175	2,392	2,654	3,188

## 2. Assisted Voluntary Return for Irregular Migrants (AVRIM)

AVRIM was launched as a pilot in November 2004 and became a permanent programme in April 2005. The programme facilitates the voluntary return of irregular migrants<sup>40</sup> living in the UK. It is open to all those who have entered the UK unlawfully including those who:

- entered the UK illegally, having been trafficked or smuggled from abroad;
- have otherwise entered the UK illegally; or
- were granted limited leave to enter or remain but have overstayed or breached one or more of the conditions of that leave.

It offers help with obtaining relevant travel documents, arranging and paying for the flight home, confidential help and advice on AVR and help at both the departure and arrival airports, including onward domestic travel. The programme generally does not offer reintegration assistance except since April 2006, some 'vulnerable' individuals (i.e. medical cases and victims of human trafficking) are given £1,000 worth of reintegration assistance in addition to the above-mentioned help. The programme is wholly funded by the UK Immigration Service (UKIS). Between November 2004 and the end of 2005, 430 people returned under AVRIM.

## 3. Return to Afghanistan Programme (RAP)

RAP has existed since August 2002. The programme is open to Afghan nationals only and restricted to those who, on or before 20 August 2002:

- have made an asylum claim and are awaiting a decision;

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<sup>39</sup> The figures provided do not constitute part of National Statistics as they are based on management information. This information has not been quality assured under National Statistics protocols and should be treated as provisional for the years 2004 and 2005.

- have been refused asylum but are appealing; or
- have been granted time-limited exceptional leave to remain/enter, HP or DL.

In addition to assistance with flights and domestic travel, RAP offers resettlement cash grants as an incentive to return. The grants available are £600 per person and up to £2500 for a family, which the returnees receive on arrival in Kabul.

The programme is wholly funded by the International Delivery Directorate (IDD) in IND.

Table 2: Management information figures of those who returned under RAP between 2002 and 2005<sup>41</sup>

<i>Year</i>	2002 <sup>42</sup>	2003	2004	2005
<i>Number returned</i>	21	69	59	48

#### 4. Explore and Prepare Programme (Afghanistan)

The Explore and Prepare Programme (E&P) for Afghanistan was launched on 28 October 2003. The programme is open to any Afghan who has indefinite or limited leave to enter/remain as a refugee, exceptional leave to enter/remain, DL or HP. It is available to both men and women but only one member of the household can register. It is not open to people who:

- have made an asylum claim and are awaiting a decision; or
- have been refused and are appealing; or
- have exhausted their avenues of appeal; or
- have already returned to Afghanistan.

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<sup>40</sup> Irregular migrants under AVRIM can include visa overstayers, victims of human trafficking or people smuggling and people who entered the UK of their own accord without the required legal documents.

<sup>41</sup> The figures provided do not constitute part of National Statistics as they are based on management information. This information has not been quality assured under National Statistics protocols and should be treated as provisional for the years 2004 and 2005.

This programme provides a return flight and allows the person to remain in Afghanistan for up to one year<sup>43</sup> to assess the situation and explore the possibility of making a permanent return. Returning temporarily to Afghanistan under this scheme does not affect the person's immigration status in the UK.

The programme is funded by IDD in IND.

As the programme is a 'look and see' initiative rather than a permanent return programme, returns are not counted as removals. Between October 2003 and the end of 2005, 17<sup>44</sup> people returned temporarily under the Explore and Prepare programme<sup>45</sup>.

**Describe, in general terms, the actions, including operational and administrative aspects.**

### ***Enforced return***

#### **Removal of illegal entrants and administrative removal**

When a person is identified as an illegal entrant or is refused Leave to Enter or is a person to whom section 10 of the IAA 1999 applies (administrative removal), there are three distinct stages in the removal process.

1. The person is identified as someone who is liable for removal and is notified as such (Notification).
2. A decision is taken that the person liable for removal should be removed (Decision to Remove).
3. With no outstanding barriers to removal (pending appeals, representations, applications or practical issues), the practical removal arrangements are put in place (Removal Directions).

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<sup>42</sup> The programme did not commence until August 2002, therefore the number of returnees only refers to returnees returning during the last five calendar months in 2002.

<sup>43</sup> The maximum length of stay is partly determined by the type of leave they were granted in the UK. For example, if the person's time-limited leave to remain is less than 1 year, the person would be required to return to the UK before the expiry of the leave.

<sup>44</sup> See Footnote 3.

<sup>45</sup> Please note, only one person returned in 2003 as the programme did not start until October 2003.

The first two stages can happen concurrently. There may be a delay between service of the notice to a person liable for removal (Notification) and service of the notice of Decision to Remove (pending further consideration by the UK authorities). The Decision to Remove does not give a specific deadline by which the individual must depart the UK. Unless a risk of absconding is identified, the individual is usually given a reasonable period of time by which to depart voluntarily (how long time depends on the individual). Provided there are no outstanding representations or other factors that may prevent the person's imminent removal (including an asylum or human rights claim), arrangements will be put in place for the person's removal. The person will be served with a notice of Removal Directions, detailing the destination country and the date, time, flight, etc. Those subject to removal as illegal entrants or administrative removal are not barred from re-entering the UK in the future but must comply with entry immigration rules.

### Deportation

When a person is being deported, there are three distinct stages.

1. Notice of intention to deport (Notification).
2. The making of a deportation order (Making of Deportation Order).
3. Giving of removal directions (Removal Directions).

In addition, those recommended for deportation by the Sentencing Court<sup>46</sup> will be served with a notice of liability for deportation at least seven days in advance of sentencing.

While each case is considered on its merits, where a person is liable to deportation, the presumption is that the public interest requires deportation. All relevant factors will be taken into account in considering whether this presumption is outweighed in any particular case. Except where deportation is based on considerations of national security, there is a right of appeal against

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<sup>46</sup> Recommendations for deportation by the Sentencing Court are usually only made for persons convicted of serious offences.

the decision to make a deportation order in both court-recommended and conducive deportation<sup>47</sup> cases before any deportation order can be signed.

Once any appeal rights are exhausted, a Ministerial submission is prepared, which requests the Secretary of State to sign a deportation order.

A deportation order prohibits an individual from returning to the UK whilst it is in force and remains in force until revoked upon application by the individual concerned. Revocation of a deportation order does not permit a person to enter the UK but renders them eligible to apply for entry clearance under the immigration rules.

### ***Assisted voluntary return***

The AVR Operations Team within IND receives applications from IOM London. These applications are reviewed and the eligibility of the applicant is checked. If the applicant meets the eligibility criteria, then the application is approved. Where the potential returnee is an unaccompanied minor, thorough checks are made with agencies both in the UK and in the country of return to ensure the safety and security of the minor. See Appendix C for a flow chart of the VARRP process.

<b>Which authorities are responsible for carrying out which actions?</b>
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### **Enforced return**

IND has overall responsibility for the returnees throughout the removal process. For enforced returns, police assistance may be called upon when the individuals concerned are being removed from the community. Those being removed may be placed in removal centres prior to removal. These removal centres are operated by private contractors on behalf of the Secretary of State. Escorts for returnees, including medical escorts, may also be required and these are supplied through private contracts negotiated by IND.

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<sup>47</sup> That is, deportation that is appropriate to the public good.

### **Assisted voluntary return**

IND also has overall responsibility for AVRs. However, the operation of AVR programmes is contracted to IOM on behalf of IND. IOM:

- provides advice to potential returnees on the options available;
- assists them with their application;
- arranges and pays for their flight to the country of return;
- assists with obtaining documentation;
- meets returnees at the airport and helps with their departure; and
- assists with the VARRP reintegration process.

The IOM implementing partners<sup>48</sup> in the UK (currently Refugee Action; North of England Refugee Service; YMCA Glasgow; Safe Haven Yorkshire; and Wolverhampton Asylum and Refugee Services) also provide information to those who want to return under one of the AVR programmes. These partner organisations refer the potential returnee to IOM London which handles the formal process of application in consultation with the AVR team in IND (see Appendix C).

The IOM overseas missions in the country of return provide reintegration assistance for returnees under VARRP, RAP and AVRIM (for 'vulnerable' returnees only), and assistance with border control, customs formalities and luggage clearance for returnees under AVRIM and E&P.

**What are the costs to the Member State government of the actions and, if applicable, how do the costs of Voluntary Return relate to the costs of Forced Return?**

- The total cost of VARRP 2004 (1 March 2004 to 31 July 2005) was £8,768,000.<sup>49</sup>
- The total cost of AVRIM 2005 (April 2005 to March 2006) was £555,000.
- The total cost of RAP (April 2005 to March 2006) was £193,000.
- The total cost of E&P (April 2005 to March 2006) was just over £1,000<sup>50</sup>.

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<sup>48</sup> These implementing partners are sub-contracted by IOM.



Overall, AVRs are more cost effective than enforced removals. Provisional management information for the financial year 2003/04 indicates that AVRs are approximately 10 – 15 per cent<sup>51</sup> of the cost of an enforced removal (see Table 3). This difference in cost is largely due to savings in terms of staff resources, the speed of the removal process and the early cessation of support provided by the authorities.

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<sup>49</sup> Please note, total cost for VARRP 2005 was not available at time of writing.

<sup>50</sup> Between October 2003 and December 2005, 17 persons returned temporarily under E&P.

<sup>51</sup> See Footnote 3.

Table 3: Unit and total cost of AVR and enforced return for financial year 2003/04<sup>52</sup>

<u>Return action</u>	<u>Unit costs per removal</u>	<u>Total cost 2003/04</u> Million
Assisted Voluntary Returns (total)	£1,100	£3.1
Enforced Returns (total)	£11,000	£296.6
Detection and arrest of failed asylum applicants	£2,800	£75.3
Detention of failed asylum applicants	£5,800	£155.6
Obtaining emergency travel documents & dealing with further representations	£1,500	£40.5
Arranging removal	£900	£25.2

Source: National Audit Office (2005) *Returning Failed Asylum Applicants* (NAO. ISBN: 0 10 2933405)

**Are there assessments/evaluations of the Return action(s) and, if so, on what basis is the analysis done and are “best practice(s)” identified for your Country, for the Destination Country and/or for the migrant?**

IOM and external research contractors commissioned by the Home Office carry out monitoring of VARRP.

IOM conducts a self-monitoring exercise to assess both the effectiveness and efficiency of the Reintegration Fund as a key component of VARRP, whereas external research contractors undertake an independent monitoring of VARRP.

### IOM monitoring

IOM's monitoring of VARRP is based on three sources of data.

<sup>52</sup> At the time of writing, 2003/04 financial information was the most recent information available. However, please note that the cost of AVR is likely to be higher in 2005/06 than in 2003/04 due to the increase in reintegration support offered by AVR programmes and higher take-up.

- Questionnaires completed by returnees in participating countries throughout the programme's implementation. Data are captured at three key stages:
  - post arrival;
  - post training; and
  - long term.
- Interviews conducted with key staff at participating IOM and partner offices.
- Interviews conducted with a limited number of returnees.

Best practices are identified for the UK, the destination country and the migrant. For example, a recent IOM report highlighted a need for increased knowledge and information about the situation in return countries available to returnees (IOM, 2004). The same report also recommended that IOM should set up a list of nationals who have returned under VARRP, who were willing to provide information and advice to their fellow nationals still in the UK, considering AVR.

#### Independent monitoring of VARRP

Independent monitoring of VARRP is carried out every year by externally contracted researchers on behalf of the Home Office.

VARRP 2004<sup>53</sup> is currently being monitored. The main objectives of the monitoring exercise are to:

- assess the effectiveness and efficiency of the processes involved in VARRP;
- assess the extent and nature of the programme's impact; and
- identify ways to maximise the effectiveness and efficiency of VARRP.

The current monitoring exercise for VARRP 2004 differs from those conducted in previous years. This exercise is designed as the first stage of a broader three-year pilot exercise. In addition to quantitative data analysis of the IOM management information, each year, of the three-year pilot project, in-depth qualitative case studies of different countries will take place. For VARRP 2004,

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<sup>53</sup> VARRP 2004 covered the period 1<sup>st</sup> March 2004 to 31<sup>st</sup> July 2005.

the in-depth qualitative case study is Sri Lanka and fieldwork was recently completed. The case study consists of interviews with VARRP 2004 returnees and stakeholder organisations.

It is anticipated that two different countries of return will each year be chosen as case studies for the remaining two years of the three-year pilot.

These in-depth case studies will ensure that specific policy questions can be explored and will provide specific detailed information relating to the top five countries of return. This information will help to better identify how VARRP can be improved in the future.

**Similarly, what (e.g. from relevant studies, publications, national network members point-of-view) are considered as positive aspects of Return?**

What is seen as a positive aspect of return depends upon one's position in relation to return. For example, governments of countries of reception are likely to possess a different view to the governments of countries of origin, which may be different again from the views of the migrants themselves and NGOs.

*For the UK Government*, the prompt departure or removal of applicants refused permission to stay in the UK plays an important part in maintaining the integrity of the immigration and asylum process. Prompt departure reduces the cost of supporting failed asylum applicants and may potentially reduce the incentive for those without a valid claim to come to the UK in the first instance.

By returning under an AVR programme rather than being removed as a result of enforcement action, individuals can gain greater control over how and when they leave the UK. Also, AVR provides a more dignified and humane way of returning individuals who are not allowed to stay in the UK.

## 4.2 Assisted Voluntary Return

**What are the main motives or reasons of the migrants themselves to want to return voluntarily?**

The available literature suggests that there appear to be three main motives or reasons for making a voluntary return (AVR and 'independent' return) (Black et al, 2004):

- the wish to be reunited with close family in the country of origin;
- improving security in the country of origin; and
- improving employment opportunities in the country of origin.

Black and Gent (2004) argue that many migrants want to go 'home' but that this desire is often an idealised construct (see Anwar, 1979; Blitz et al, 2005). Black et al. (2004) found that 'pull factors' in the country of origin – particularly security, employment and family (in that order) were the strongest motives for return, and that potential returnees' decisions were unrelated to government policy. In this respect, they argue that excluding asylum applicants from working does not encourage them to return, and that returnees opt for AVR assistance only after they have already decided to return. Attwood (in preparation) reports that Iraqi returnees had similar motivations; Iraqis' willingness to return was based predominately upon 'pull factors' including:

- a desire to help rebuild Iraq;
- family ties and possessions remaining in Iraq; and
- small lengths of time spent in the UK (i.e. those resident in UK for longer periods of time were less likely to want to return to Iraq).

Blitz et al. (2005) also found that a desire to rebuild their country was the major motivating factor that informed Afghans' desire to return. Blitz et al. point out, however, that desire to return is often based on nostalgic images, and is not necessarily translated into actual return.

Although the available literature suggests that the wish to return voluntarily to the country of origin is largely due to pull factors in the country of origin, the

number of returnees under UK AVR programmes, VARRP in particular, has increased substantially in recent years. However, as VARRP provides the means for returnees to set up their own business or benefit from pre-employment training in the country of origin, this may improve their employment opportunities and hence attract a larger number of VARRP applicants as the extent of the reintegration assistance increases. It is yet unclear whether the increase of VARRP returnees is directly due to an increase in reintegration assistance offered or an increased awareness of the availability of AVR programmes among target communities (due to more effective promotion of the AVR programmes) or any other factors. The current VARRP 2004 monitoring exercise will help to explore this research question in more detail.

<b>What are considered to be the obstacles to Voluntary Return?</b>
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The factors that constitute an obstacle to voluntary return are not always clear-cut. Some people may decide to return at a time of unrest in their country of origin in order to help improve conditions whereas this may act as an obstacle to return for others (Attwood, in preparation). However, anecdotal evidence suggests that the major obstacles to return are related to the conditions of the countries of origin, such as poor economic conditions, high levels of unemployment and, in some countries, war, unrest and a lack of safety in general.

For some nationalities, the correct documentation is not always available. As a result, the obstacle to return, preventing them from returning to their country of origin, lies with the difficulty in obtaining the appropriate documentation.

**Are there established procedures (including legal) for Voluntary Return? If so, provide more details, including of the agencies involved, the status of the migrants (e.g. persons whose right of residence has expired, legal migrants returning to their home country for retirement?)**

Please see Appendix C for a full flow chart of AVR procedures and Chapter 4 (section 4.1 Overview) for details of the agencies involved and the status of migrants eligible for AVR.

**What is the sustainability of voluntary return?**

Koser (2001) argues that for return to be sustainable, returning countries must secure the cooperation of countries of origin, and there must be good levels of coordination between the government ministries and NGOs. Yet

*'There is no clear evidence that return migration prevents either the returnees themselves or others in their community from migrating – indeed some literature suggests just the opposite effect' (Koser, 2001: 25).*

In conclusion, Koser argues that

*'An overwhelming message from this report is that the most successful return programmes are those that operate on a small scale, and are tailor-made for the particular circumstances of particular returnees and countries of origin' (2001: 44).*

In response to such research findings, VARRP and RAP provide a tailor-made package to the individual returnee.

The three-year monitoring pilot for VARRP 2004 aims to look in more details at what works in AVR to specific countries of return (i.e. Sri Lanka for the VARRP 2004 monitoring exercise) to gain a better and more in-depth understanding of specific countries of return.

Furthermore, Black and Gent (2004) question the concept of 'home', arguing that return could simply be the beginning of a new migration cycle (see also Black et al. 2004). They also argue that the money injected into the local economies by returnees could act to impoverish the existing population. For example, the reintegration grant provided to a returnee could pay for a more sophisticated business than those already in existence and hence provide the returnee with an economic advantage over others which may result in other villagers going out of business.

Nevertheless, with the type of tailored reintegration assistance offered under VARRP in particular, this programme aims to assist individuals with their first steps in becoming self-sufficient after their arrival in the country of origin.

The key indicators that IOM uses to assess the extent to which a programme contributes towards the sustainability of return are:

- self-sufficiency (if returnees are able to support themselves and their families) after return; and
- the length of stay in the country of origin after return (if returnees still live in their country a year after their return).

IOM's research suggests that VARRP reintegration assistance may be able to develop local communities for example through the expansion of VARRP returnees' business offering employment to the local population.

However, generally research in this area is of poor quality with a lack of clearly described research methodology and over-dependence on anecdotal evidence. Hence, it is not possible to draw definite conclusions regarding the sustainability of AVR.



#### **4.2.1 Information Campaigns**

**What kind of information campaigns are conducted with regard to voluntary return and how are these addressed to migrant and refugee communities? For example, is it provided in languages other than the official one of your country? Do these exist for both legal and illegal immigrants? If so, in your description highlight also any differences in the approaches taken.**

The AVR Operations Team in IND and IOM London work closely on communication initiatives to raise the profile of AVR programmes within the Home Office and in the wider community.

All external information campaigns for UK AVR programmes are conducted by IOM. Prior to 2002, information and outreach work took place on a mostly ad hoc basis. However, an IOM information department was formed in 2003, and since then, information materials have been produced. The main resources produced were a poster promoting VARRP and VARRP information leaflets in English. Since early 2004, IOM has produced leaflets in a variety of languages and in 2005, IOM redesigned the literature available to the public ensuring it was generic to both the VARRP and AVRIM programmes. An AVR leaflet giving basic information about AVRs in general and the assistance provided is now available in 19 languages including English. There are now also three poster designs and a booklet of Stories of Return, although currently only available in English. A separate booklet outlining the Return to Afghanistan Programme and a leaflet for the Explore and Prepare for Return to Afghanistan Programme are also available. These documents incorporate English, Dari and Pashto in each one. To ensure that the information is disseminated widely and reaches the audience for which it is intended, IOM sends out large quantities of literature to a wide variety of community groups, refugee support groups, etc.

IOM advertises in the ethnic media, including television, radio and print. Adverts are usually placed in the language of the potential audience.

In November 2005, IOM ran a bus advertising campaign in seven UK cities with information adverts in English.

IOM and its contracted partner agencies regularly conduct outreach meetings with community groups, refugee organisations and advice agencies across the UK. IOM also meets with local authorities, consulates and embassies.

Further publicity information about AVR programmes is available on IOM's website [www.iomlondon.org](http://www.iomlondon.org).

In addition to the above IOM publicity initiatives, IND works to promote AVR programmes through the integration of information on AVR at different points at which asylum applicants interact with IND. This includes displaying posters and leaflets at:

- Induction Centres;
- Asylum Screening Units;
- Removal Centres;
- Reporting Centres; and
- Public Enquiry Offices.

Information is also included in asylum refusal letters, National Asylum Support Service (NASS)<sup>54</sup> letters and through Members of Parliament (MPs) correspondence. NASS also discusses the AVR programmes on visits to failed asylum applicants and at NASS consortia meetings<sup>55</sup>. In addition, IND funds two posts in the Refugee Council dedicated to promotion of AVRs to Afghan and Iraqi nationals.

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<sup>54</sup> At the time of writing, this information was correct. With the introduction of the New Asylum Model, the procedures may change.

<sup>55</sup> NASS consortia meetings take place with a cross-section of those involved with asylum applicants, e.g. social services, local councils etc.

The AVR Operations Team has built links with the police as part of its remit to promote AVRs within the Home Office as a whole. Also, through the Immigration Service liaison, contact was established with the Gangmasters Licensing Authority (GLA)<sup>56</sup>. GLA inspectors are likely to come across potential AVR applicants and thus have the opportunity to promote AVR programmes. Links are also being established with the Prison Service and Probation Service.

The promotion of AVR through IND is mainly aimed at asylum applicants and failed asylum applicants. However, promotion of AVR to illegal and irregular migrants is increasing, partly through non-IND routes such as public enquiry offices and the police, who are more likely to come into contact with them.

IND's external website contains policy and general information about the AVR programmes and has links to the IOM London website.

#### **4.2.2 Incentives to Assisted Voluntary Return**

**What incentives are offered to encourage people to return voluntarily to their home country, e.g. occupational training, investment support for returnees, family help, assistance in finding employment, portability of pension, opportunities for circular migration, etc.?**

Incentives are offered to potential voluntary returnees by way of reintegration assistance in the VARRP and RAP programmes and to 'vulnerable groups' returning under AVRIM. The type of reintegration assistance is outlined in Chapter 4 (section 4.1 Overview).

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<sup>56</sup> The GLA was set up in April 2005 to safeguard the welfare and interests of workers whilst ensuring labour providers operate within the law.

**What are the outcomes of these incentives; e.g. are they considered effective?**

Following the introduction of reintegration assistance, the numbers of returns have risen steadily from 1,175 in 2002 to 3,188 in 2005<sup>57</sup>.

Black et al. (2004) suggest in their report that the decisions of individuals to return home could not significantly be influenced by policy interventions from the State, as the main factors influencing a return home were conditions surrounding their country of origin, for example peace and family. As a result, reintegration assistance was not considered a fundamental factor in the decision whether to return. This may be true at least for some VARRP returnees as not all returnees currently apply for and take up reintegration assistance. This could suggest that some returnees have already decided to return, for example for family reasons, and hence are only interested in receiving help with the flight home and then stop all contact with the UK authorities and IOM. There could also be other factors such as a lack of knowledge among returnees regarding the different reintegration assistance options available under VARRP, as highlighted by IOM in its self-evaluation report (IOM, 2004). The future 2005 VARRP monitoring exercise may help to explore this hypothesis in more detail as the amount set aside for reintegration support was substantially increased during VARRP 2005.

**Is there a “period of departure” for Voluntary Return of illegal immigrants and, if so, how long is this?**

Once a potential returnee has applied for an AVR, s/he has a three-month period in which to depart. If travel does not take place within this period, the application is cancelled by the AVR Operations Team. The timeframe can, however, be extended if this is deemed to be appropriate (e.g. because of problems with travel documents or medical issues).

### 4.3 Enforced Return

**Identify the agencies involved throughout the period from the removal decision to the actual physical departure.**

Please see Chapter 4 (section 4.1 Overview) for a full description of agencies involved in enforced return.

**In general, what are the main problems/issues encountered with Forced Return?**

The main issues encountered with enforced return are lack of documentation for returnees and problems with locating individuals who have failed to remain in contact with IND. In addition, individuals sometimes seek to frustrate the removal process by submitting last minute applications for Judicial Review and becoming disruptive at the point of removal with the result that the airline captain refuses to carry them and the removal is postponed. Lack of an available route (e.g. no access to the country of return) may also be a factor as it means that detention cannot be authorised/maintained<sup>58</sup> and the individual has the opportunity to abscond.

**How are immigrants deterred from evading return? What sanctions are there for failing to comply with a removal order, for example, welfare benefit reductions, financial cuts in other transfers, division of families, transfer into detention camps, etc.?**

Returnees can be detained pending removal. However, in all cases there is a presumption in favour of temporary admission to the UK (without being granted leave to enter) or temporary release on bail<sup>59</sup> and all reasonable alternatives to detention must be considered before detention is authorised. Decisions are

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<sup>57</sup> See Footnote 3.

<sup>58</sup> That is, when there is no longer a reasonable prospect of removal in a reasonable time frame.

<sup>59</sup> Please note, these individuals will be subject to reporting and/or place of residence requirements and do not hold a status in the UK and hence remain liable to detention and removal from the UK.

taken by IND on individual cases following an assessment of the risk that the individual will abscond. Alternative measures to detention may include remaining in contact with IND through reporting restrictions or having residence at a particular address. Individuals who fail to comply with the conditions of their temporary admission or release can be prosecuted, as can those who fail to comply with the documentation process. Individuals will be informed that they are expected to return to their country of origin when they receive a decision on their application and/or the outcome of any appeal. Those who fail to return voluntarily will have their return enforced and may be arrested and detained for that purpose. Occasionally, a decision may be taken to detain the head of household<sup>60</sup> for a short period and issue the rest of the family with instructions to check in at the airport. The decision will be based on an assessment of the risk of the person absconding.

**What are the outcomes of these policies of deterrence?**

Detention is considered successful as the outcomes are that IND can better:

- effect removal;
- establish a person's identity and claim;
- restrict the possibility of absconding; or
- ensure the application is considered quickly.

**What are the reasons for lack of enforcement of deportation orders?**

The reasons why some people, with a deportation order against them, are not removed include documentation issues, last-minute legal representations and disruptive behaviour. However, these are reasons that affect the timing of removal rather than the actual outcome. As mentioned previously, the lack of an available route may also be a factor, especially if it means that detention can no longer be maintained and the individual has the opportunity to abscond.

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<sup>60</sup> E.g. the head of the household of a failed asylum seeking family.

**How long do deportation orders remain in force?**

Deportation orders remain in force until revoked upon application by the individual concerned. The length of time before revocation will be considered is usually a minimum of three years. As mentioned previously, revocation of a deportation order does not permit a person to enter the UK but renders them eligible to apply for entry clearance under the immigration rules.

**4.3.1 Procedures of Enforced Return: Ending Illegal Stay and Removal Order**

**Are there any standardised procedures of forced return (a flow diagram illustrating this would be useful)? Is the Removal Order issued in the form of a self-standing Act or Decision? Or is it issued together with the Return Decision, i.e. can a Return Decision and Removal Order be given at the same time?**

Please see Chapter 4 (section 4.1 Overview) for an answer to these questions.

**Which procedures exist in your country in the field of the illegal stay and the obligation to leave the territory?**

Individuals will be informed that they are expected to return home when they receive a decision on their application and/or the outcome of any appeal. Those who fail to do so will have their return enforced and may be arrested and detained for that purpose. Also, support for asylum applicants (apart from families) is terminated once appeal rights are exhausted, in order to encourage voluntary departure.

**Which mandatory information does a return decision/removal order contain in your country?**

Please see Chapter 4 (section 4.1 Overview).

**Does the return decision/removal order fix a point in time at which the removal will be enforced and does it specify the country of return?**

Please see Chapter 4 (section 4.1 Overview).

**Is a translation of the main elements of the removal act/decision in a language the third-country national may reasonably be expected to understand provided?**

In all enforced removal cases, the person serving the decision to the third country national is required to explain the contents of the decision notice to the third country national. Where the third country national does not understand English, this is done with the aid of an interpreter.

**Are the return decisions/removal orders subject to a suspension period (or postponement), e.g. in order to allow the migrant to return voluntarily? If so, what are the effects of this suspension period (or postponement) in terms of additional work for the judicial authority?**

The decision does not give a specific deadline by which the individual must return. Unless a risk of absconding has been identified, the individual will usually be given a reasonable period of time by which to depart voluntarily. How long time an individual or family is given to return depends on the circumstances such as ease of travel and health matters. However, the individual or family need to convince IND that they are genuinely intending to go, for example by having purchased tickets or applied for AVR.



**In the case that the return decision/removal order is postponed, is the third country national provided with a specific document, a written confirmation of the fact that the obligation to leave has been postponed for a specified period?**

An individual would be notified by IND if Removal Directions were being deferred (e.g. due to a last minute legal challenge). However, no specific documents are issued confirming the postponement.

**Are there some reasons for not issuing removal orders?**

Removal orders are issued unless this goes against the UK's obligations under ECHR or there are other compassionate reasons, as set out in the immigration rules (see also Chapter 3, section 3.2).

#### **4.3.2 Detention**

**What is the current practice with respect to the detention of aliens<sup>61</sup>?**

Government policy states that detention is most usually appropriate in the following circumstances:

- initially to establish a person's identity or the basis of his/her claim;
- where there is reason to believe that the person will fail to comply with any conditions attached to the grant of temporary admission to the UK or release on bail;
- to effect removal; or
- as part of a fast track asylum process.

In all cases there is a presumption in favour of temporary admission to the UK (without being granted leave to enter) or temporary release on bail and all

reasonable alternatives to detention must be considered before detention is authorised. In the majority of cases, people who are detained are at the end of the process and have no basis of stay in the UK.

Failed asylum applicants and others who have no basis of stay are expected to leave the UK. If they do not do so, they may be detained and removed. Thus removal centres play a central role in the UK's efforts to improve the rate of removals of failed asylum applicants and others refused immigration.

Unaccompanied minors (UASCs) are only ever detained in exceptional circumstances for their safety and then only overnight until the relevant Social Services authorities are contacted<sup>62</sup>

<b>Are women, Families, Children, minors etc. treated differently in detention and if so, how?</b>
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For security and safety reasons, single females are held in separate accommodation from males in removal centres which hold a mixed population. Families with children are also held separately from the main detention population in all three removal centres that cater for families.

According to Cole (2003), families and children at removal centres are very unlikely to abscond. As a result, there is widespread opposition to detaining families and children, from church leaders, NGOs and children's charities. A further contentious issue is that under current regulations, families are detained under the same detention criteria as single males and females and as a result there is no time limit on the number of days families can be detained. In 2003, partly in response to these criticisms, the Minister for Her Majesty's Inspector of Prisons considered whether it was practical to impose a time limit for families in detention. However, this was deemed impractical by the Minister (Schuster and Bloch, 2005) and consequently these regulations are still in

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<sup>61</sup> The term 'Alien' is no longer used as a definition in the UK. In this section, 'Alien' is defined as 'Irregular'.

<sup>62</sup> Social Services authorities, rather than IND, act as legal guardians to UASCs and hence are responsible for the accommodation of these individuals.

place. In practise, relatively few minors are detained and the majority of these are detained for seven days or less. No minors who left detention in 2005 were detained for longer than six months (Home Office, 2006).

**Are there less coercive measures than detention, such as regular reporting to the authorities, deposit of a financial guarantee, handing over of documents or obligation to stay at a certain place, in order to prevent absconding?**

As mentioned above, there is a presumption in favour of temporary admission or temporary release and all reasonable alternatives to detention must be considered before detention is authorised. Such alternative measures may include:

- residence at a particular address;
- temporary admission;
- temporary release from detention;
- electronic tagging; and/or
- remaining in contact by regular reporting to the authorities at specified locations.

**Are the third country nationals waiting for their removals placed in specialised detention facilities? May they be placed in prisons normally used for convicted criminals? Are there rules to ensure that detainees are separated from ordinary prisoners?**

Individuals awaiting removal are detained in immigration service detention facilities called removal centres. Any immigration detainee may, however, be housed in a prison establishment if it is considered that they are unsuitable for these removal centres; for example, if they pose a risk to other detainees<sup>63</sup>.

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<sup>63</sup> In these cases, individuals are detained in prisons and in the same area of the prison as convicted prisoners.

**What is the maximum period of detention in the Member State?**

There is no maximum period of detention. During 2005, just over half (14,000) of the persons who left detention were detained for seven days or less. Only 0.3 per cent of adults (i.e. over 18 years old), who left detention under Immigration Act powers in 2005, were detained for one year or more (Home Office, 2006).

**Are the orders to detention taken by administrative authorities? By judicial authorities?**

Orders to detention are taken by administrative authorities only, *not* judicial but please see next question.

**Would a judicial authority be needed to confirm and review regularly a detention order taken by an administrative authority?**

A judicial authority would *not* be needed to confirm and review a detention order taken by an administrative authority. However, detainees can apply for judicial review or *habeas corpus* to challenge the lawfulness of their detention and effect release. Detainees can also apply to be released on bail (and as often as they wish) as bail decisions are not concerned with the lawfulness of detention.

### 4.3.3 Transport and Removal Measures

#### **What methods are used for forced removals?**

The UK uses both charter flights and scheduled service airlines for transportation of returnees out of the UK. Normally individuals are removed from a removal centre. Local Enforcement Offices (LEOs) will make the arrangements for individuals to be removed by scheduled service or a charter (if available)<sup>64</sup>.

The UK has taken part in eight joint charters operations wither run by the UK or another EU Member State to destinations around the world.

#### **Why are these methods used?**

The UK Immigration Service makes full use of any charter out of the UK in order to maximise the number of people that can be returned.

#### **What is the success of these methods? Is success measured in terms of numbers deported?**

Charters are considered successful because they allow for the removal of a relatively large number of individuals. Another success criteria is the cost of removals. This is however, dependant on what route is available and the number of removals required.

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<sup>64</sup> If a special charter such as Medivac (an aircraft equipped with medical provisions to assist the person on their return) is required to remove a person, this needs to be justified in a business case and approved by the IND Charter Board.

**What experiences does the Member State have with respect to resistance against forced return during the transport? Sanctions? Are there experiences with collective resistance of returnees against deportation?**

Detainees frequently aim to disrupt removal and, therefore, reasonable force, which may include handcuffing, is sometimes used to secure compliance. On average, force<sup>65</sup> is used in about one quarter<sup>66</sup> of escorted removals due to such behaviour. There are no specific sanctions available unless the detainee assaults a Detainee Custody Officer (DCO). In these circumstances, the detainee may be charged with a criminal offence.

**Are staff specially trained to work in the physical operation of return?**

The contractor, carrying out the physical operation of enforced returns, is required by the terms of the contract with the Home Office to train sufficient staff of the necessary competence, and physical and psychological fitness. They must also have sufficient staff provision to cover absence for training, child care, annual leave, sick leave and emergencies. The training programme for staff responsible for the safety and security of detainees and dependent children must cover, as a minimum, the requirements set out below:

- the legal framework including documentation;
- interpersonal skills;
- race relations and cultural awareness;
- suicide and self harm awareness and prevention;
- First Aid to Red Cross/St John's Ambulance standard;
- managing the anxieties and stress of detention including vulnerable detainees;
- security procedures and practice;
- health and safety;

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<sup>65</sup> Force refers to approved control and restraint processes. This could involve handcuffing and wrist locks.

- use of restraints and basic level control and restraint training;
- escorting procedures including airside driving where appropriate; and report writing.

The contractor must ensure that all DCOs are trained in control and restraint techniques, and that at least one in ten are adequately trained in the use of physical care and control.

The contractor must submit a code of discipline and behaviour for their employees for approval by the Home Office, and must ensure that all staff adhere to the code throughout the term of the contract. In the course of their work, contract staff must abide by regulations and by-laws in force at the port and follow any instructions given by the Home Office, the relevant port authority and/or representatives of the carrier.

**Are there common training courses of such staff with other Member States?**

There are no common training courses of staff with other EU Member States as, unlike the UK, other Member States generally use the police as opposed to private sector contractors for escorts.

**To what extent are medical conditions considered in the context of forced removal and transport?**

If a person's medical condition is presented as a reason for delaying or discontinuing removal, the following procedures are followed:

- full details of the condition are ascertained;
- if necessary, consent is sought from the person for access to his/her medical records;
- a medical certificate is obtained;

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<sup>66</sup> See Footnote 3.

- a doctor's or hospital's letter outlining the condition is obtained;
- a doctor is asked to ascertain whether the person is or will be fit to travel;
- the presence of anyone in the person's home country to provide any necessary care is established;
- the likelihood of treatment being available in the person's country of origin is checked with the relevant country officer in the Country of Origin Information Service or alternatively with a representative from the Foreign and Commonwealth Office based in the country of return; and
- the person is referred to the relevant casework section in IND.

An assessment of any diminution of life expectancy if removal takes place is also considered.

Where a family member of the person to be removed suffers from a medical condition and this is used as a reason for delaying or discontinuing with the individual's removal, the same information is ascertained.

#### *AIDS/HIV positive cases*

Removing individuals with AIDS or those who are HIV positive is particularly sensitive. However, according to UK removals procedures, the fact that an individual has AIDS or is HIV positive is not, in itself, a bar to removal. These individuals are dealt with in the same way as those with any other medical condition, and enforcement action may be pursued unless medical evidence available is sufficient to satisfy IND that the individual is not fit to travel.

If an individual who has AIDS or is HIV positive is detected, they are asked to provide a letter to IND from a consultant confirming:

- he/she has AIDS or is HIV positive;
- his/her life expectancy;
- the nature and location of the treatment being received; and
- his/her fitness to travel if required to leave the country.



**How are relations with passenger carriers regulated?**

There is no legal basis governing the relationship with passenger carriers. However, regular liaison meetings attended by IND, and IND's ticketing contractor in most cases, are held with the principal carriers.

**Other than for common flights, which are addressed in Section 3.2, what are the experiences with flight transports and with the IATA's guidelines on "Deportation and Escort"?**

The UK complies with the IATA guidelines with regard to escorted removals, with the exception of 3.4 (b)<sup>67</sup>, where a verbal risk assessment is provided instead.

#### **4.3.4 Sustainability of Enforced Return**

**How are deported migrants registered and recorded?**

Those subject to administrative removal are free to apply for entry clearance to re-enter the UK on a legal basis. Those who are deported have their details recorded on an immigration database to ensure that they do not re-enter the UK whilst their deportation order is in force.

**What are the experiences with re-entry bans?**

A deportation order prohibits a person from re-entering the UK whilst it is in force. A person who enters the UK in breach of a deportation order is an illegal entrant and subject to an enforced removal. In 2005, 12 persons were

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<sup>67</sup> This section of the IATA guidelines states a requirement by the deporting State to provide the operator with a risk assessment in writing.

proceeded against, of whom eight were found guilty, for entry in breach of a deportation order (Home Office, 2006). However, the number of people who enter the UK in breach of their deportation order may be larger as some may gain entry on false documentation or by evading immigration control when entering the UK illegally.

**What are the conditions for re-entry?**

A person cannot re-enter the UK until the deportation order has been revoked. Once a deportation order is revoked a person is then eligible to apply for admission to the UK under the Immigration Rules.

**Might a re-entry ban be shortened or prolonged for any reason?**

There is no expiry date to a deportation order prohibiting re-entry to the UK. The length of time before a deportation order can be revoked is usually a minimum of three years, except in the most exceptional circumstances. The criteria, and time period which elapses before a deportation order can be revoked, are generally linked to the seriousness of the crime committed.

## **4.4 Return Assistance – Return Counselling**

### **4.4.1. Assisted Voluntary Return**

**What advice is given to returnees?**

IOM is the main contact point for returnees in relation to return assistance. However, IOM is not a legal advisor but provides information and advice for the AVR programmes (i.e. VARRP, AVRIM, and RAP) in the UK.

The information for both VARRP and AVRIM is provided in three key stages.

### 1. Pre-departure

IOM has produced a considerable amount of publicity literature to help returnees make an informed decision about their return. The nature of this information is discussed in great detail in Chapter 4 (section 4.2.1).

Specifically the VAARP information booklet 'Stories of Return', produced for each geographical region (e.g. Europe, South America, Africa), is a crucial information source in aiding returnees to identify how they could most effectively use the reintegration assistance. This booklet comprises a set of real case studies illustrating the opportunities available to returnees through the reintegration assistance.

At this stage, IOM also provides a service that allows returnees to ask specific questions about their country of return. The IOM office in the returnee's country of origin will reply to these questions, and the questions and answers are stored on an online database which is publicly available to returnees. This database helps to inform returnees' decision as to whether or not to apply under one of the AVR programmes.

Those who make a decision to return may approach IOM to seek assistance in returning permanently to their country of return. At this point, IOM provides the returnee with an application form for the appropriate AVR programme; this includes sections on the reasons for return, and, for those returning under VARRP, information relevant to the tailoring of reintegration assistance (e.g. their relevant skills and long-term plans). Returnees for all AVR programmes also have to sign a declaration for voluntary return.

Once the application is completed, IOM sends these details to IND, and informs IND of the returnee's intention to apply under one of the AVR programmes. The AVR Operations team will then update the immigration database (CID) so it is clear that the individual has made an application for

AVR. This ensures that enforcement action is not considered for the individual, if appropriate, as long as the application for AVR remains valid.<sup>68</sup>

IND considers the application from every individual applying for return under AVR programmes in the UK.

## 2. Departure

If the individual is accepted for one of the AVR programmes, IOM Operations makes contact and liaises with the returnee.

The first priority is to ensure that returnees hold a valid travel document issued by their country of origin. If they do not have such documents, IOM will assist in obtaining the necessary documentation to facilitate their return journey. Once travel documents are in place, IOM will arrange and book the departure flight. On the day of travel, IOM meets returnees at the airport and takes them through to the departure gate. Returnees can change their mind as to whether to leave or stay in the UK at any stage until boarding. At the airport, returnees are also provided with reintegration information, including a letter confirming that they have applied for reintegration assistance at IOM London. Also prior to departure, all returnees are handed a pre-paid postcard where they can give feedback about IOM's service and a letter with details of the IOM contact in their country of return to allow them to maintain contact with IOM. If they do not want to maintain contact, IOM will have no further contact with these individuals unless they have applied for reintegration assistance. Once the returnee has boarded the flight, IOM sends notification to IND to update CID accordingly.

## 3. Post-departure

When returnees arrive at the airport in their country of return, IOM will provide onward transportation assistance, if requested. Shortly after arrival, returnees are expected to contact the IOM office in their country of return to discuss their reintegration assistance. Temporary housing for two or three months may be

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<sup>68</sup> Please note that an individual is no longer eligible to apply for AVR once Removal Directions have been served on the individual.

provided, but only in the most vulnerable cases and only under exceptional circumstances.

**What institutions are responsible for return assistance and counselling?**

IOM is responsible for providing the return assistance for asylum applicants and irregular migrants who want to return under one of the UK AVR programmes. Also, the IOM implementing partners in the UK provide key services and assistance in terms of information about the AVR programmes. Other institutions, outside of IOM's responsibility, such as legal advisors, solicitors and churches also provide guidance to potential returnees.

**Who has overall responsibility?**

Although the Home Office has overall responsibility for AVR programmes, operation of the programmes on a day-to-day basis is contracted to IOM. The IOM offices in countries of return are responsible for providing detailed information and guidance about reintegration services in their country. IOM monitors those who have received assistance and assesses the work of IOM partners to ensure that they are all working towards the same objectives.

**When do counselling services begin?**

IOM will provide information for returnees from the first instance they approach IOM. For asylum applicants, IOM aims to provide information to returnees as early as possible in the asylum process to ensure that the potential returnees can properly consider their return, and for VARRP applicants, their possible reintegration assistance.

**Is the counselling standardised?**

IOM London, IOM Overseas, and IOM's partner agencies aim to provide consistent and reliable information which is accurate and up-to date. However,

each case is different and the information and guidance needs to reflect this. It is beyond IOM's responsibility and capacity to standardise the information that is provided by non-partners (e.g. solicitors, refugee community organisations, legal advisors, etc.).

**Is mobile counselling available or is counselling only available at certain fixed locations?**

IOM case workers in the UK provide information and guidance at fixed locations. However, the outreach team at IOM is mobile around the country, disseminating information about the AVR programmes. In occasional situations, such as when an asylum applicant is detained, an IOM case worker will visit and interview individuals after their application for VARRP is made.

Information provided by IOM in the country of return is normally provided at a fixed location. However, if in certain countries the returnees live a long distance from the IOM office, staff will, if possible, visit the returnees in their home to provide information and guidance.

However, all IOM staff and activities are guided by the United Nations Department of Security and Safety (UNDSS – formerly known as UNSECOORD) which gives restrictions on staff travel, etc. UNDSS has various security grading levels and it might happen that IOM is unable to visit a reintegration beneficiary in a country that is assessed by UNDSS as a high risk.<sup>69</sup>

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<sup>69</sup> This is not a “black and white” rule. Thus IOM may have a presence in a country but have restrictions on travel (e.g. outside the capital or between certain times). However, in southern Iraq for example, IOM has no presence.

### **What are the experiences with post arrival assistance?**

The most successful<sup>70</sup> assistance in most countries of return is the establishment of *small businesses*. Business schemes are very important in allowing the returnees to settle in their new surroundings, whilst allowing them to generate an income and become self-sufficient. IOM's self-evaluation reports that as businesses expanded, many returnees were able to employ local citizens from their community. Hence, businesses are creating an income for many different individuals within a local community and thereby helping the process for making local communities sustainable (IOM 2004).

Assistance is also provided in the form of *vocational training*. This sort of training is regarded as crucial in providing and enhancing the necessary skills the returnees will need to find a job in their country of return. According to IOM (2004), returnees who received assistance in the form of training indicated that the training was very relevant in terms of professional skills. Even though training schemes did not always lead to immediate employment, it was felt that they improved employment potential in the future.

Another form of assistance is *education schemes*. This assistance helps provide families with the financial capability to send their children to school. It also allows parents to take up employment while their children are at school. Adults have also benefited from help with education at universities and colleges. According to research carried out by IOM, this has made returnees significantly more employable (IOM 2004).

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<sup>70</sup> IOM measures success in relation to how well the VARRP programme achieves its objectives, that is: *'...facilitating over a 12-month period the orderly and voluntary return and reintegration of returnees in their first steps towards their reintegration in their country of origin and therefore contributing towards their sustainable return. It aims to help individuals to obtain the adequate tools to rebuild their life back in their country of origin and promote their self-sufficiency via training or employment'*.

However, the reintegration self-evaluation report by IOM did identify certain constraints with the current post-arrival assistance (IOM, 2004). These are outlined below.

### 1. Information and outreach of reintegration assistance

Some returnees had been away from their country of return for a long time and hence, had difficulty in identifying what reintegration assistance would best suit their needs. As a result, they felt that additional information was needed to clarify what assistance is available and how to access this assistance.

### 2. Contact details of returnees

The report also identified that some returnees had problems in contacting their respective IOM mission upon return, while others provided incorrect contact details to IOM, causing delays in IOM missions' ability to provide assistance to returnees in their country of return.

### 3. High unemployment rates

4. Also, some of the visited countries<sup>71</sup> had high unemployment rates. This prevented some returnees from turning the skills they had acquired from various reintegration training schemes into an income-generating activity.

Other problems with providing reintegration assistance exist in countries where there are security concerns.

**What specific programmes exist, e.g. as short term assistance (money and social insurance grants or as grants to pay for accommodation, pocket money, etc); or as long term assistance (job placements, vocational training, general training courses, microcredit or macrocredit for enterprises, social, psychological and medical support, etc.)?**

VARRP and RAP intend to provide long term assistance rather than short term assistance. The main aim of the reintegration component of these programmes



is to assist returnees in becoming self-sufficient when they return to their country of return. This is the reason why the programmes do not generally include pocket money (unless it is to pay toward the returnee's transportation to his/her final destination in the country of return) or short-term accommodation (apart from in exceptional circumstances). Information on assistance provided under VARRP and RAP is covered in Section 4.1 Overview.

AVRIM provides more short-term assistance. Under the AVRIM programme, IOM can help returnees to obtain the necessary travel documents, pay for their journey and assist each returnee at the airport on departure and on arrival. Reintegration assistance is also offered under AVRIM but only to 'vulnerable' individuals.

#### **4.4.2. Enforced Return**

##### **What advice is given to returnees?**

The UK Immigration Service (UKIS) is tasked with removing all those without valid leave to remain in the UK. It is the responsibility of returnees to seek out any assistance they feel they may need before and after their return.

##### **What institutions are responsible for return assistance and counselling?**

There are many asylum, community and immigration groups, some country-specific, who offer help and assistance to returnees.

##### **Who has overall responsibility?**

NGOs have overall responsibility for return assistance and counselling for those returning under enforced return.

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<sup>71</sup> Countries visited were: Ecuador, Sri Lanka, Iran, Colombia, Zimbabwe, Albania and South Africa.

**When do counselling services begin?**

Counselling services can be accessed when the returnee independently decides to access this resource.

**Is the counselling standardised?**

Counselling for enforced returnees is unlikely to be standardised as it is provided by many different asylum, community and immigration groups and organisations.

**Is mobile counselling available or is counselling only available at certain fixed locations?**

Counselling is widely available from NGOs across the UK including for those individuals held in removal centres.

**What are the experiences with post arrival assistance?**

No specific records are maintained on enforced returnees' post-arrival assistance.

**What specific programmes exist, e.g. as short term assistance (money and social insurance grants or as grants to pay for accommodation, pocket money, etc); or as long term assistance (job placements, vocational training, general training courses, microcredit or macrocredit for enterprises, social, psychological and medical support, etc.)?**

UKIS does not provide short or long term assistance for those returned as a result of enforcement action in their country of origin. If UKIS provided benefits to those who have illegally entered or remained in the UK this could be perceived as a 'pull factor' for potential economic migrants wanting to

circumvent immigration rules. Limited assistance, in terms of arranged travel and a paid flight ticket (and reintegration assistance for 'vulnerable' individuals only), is provided for irregular migrants under AVRIM to assist them in returning to their country of origin under AVR. However, the travel assistance provided under AVRIM is unlikely to act as a 'pull factor' for economic migrants.

#### **4.5. Identification and Acquisition of Travel Documents**

**How is the nationality and identity of candidates for return determined especially with respect to language (provide analysis of languages spoken)?**

Evidence of nationality and identity are ascertained at a documentation interview. However, further information and supporting evidence such as the language and dialect spoken by the applicant may be available from the asylum screening interview held prior to this interview, or at any subsequent stage. The documentation interview follows the first negative decision. Interpreters are present at interviews if necessary.

**Is any assistance provided for the acquisition of relevant travel documents (visas, passports) and financial assistance schemes to cover travel costs?**

The fees charged by the Embassies/High Commissions for the production of emergency travel documents are paid by IND. There is no scheme solely to cover travel costs for enforced returnees, however some returnees are given a cash payment when reaching their country of return to help pay for onward travel. For Vietnam, for example, this cash payment is US\$100. IND, through IOM, meets the travel costs under AVR schemes.

**Describe any problems of identification and acquisition of travel documents in your country and how these are being addressed.**

The level of success in obtaining the appropriate travel documentation is subject to numerous factors, including the compliance of the individual within the process, the availability of good supporting evidence and the co-operation and willingness of the Embassy/High Commission to agree the documentation request.

Procedures exist with various Embassies for interviews, both by telephone and face-to-face. For those in detention, interviews in person may be conducted at the Embassy or at a removal centre depending on local arrangements and the Embassy's preference. Voluntary interview schemes also exist, relying on individual's co-operation in attending the Embassy of their country of origin.

The main problem is generally the absence of good supporting evidence, such as an expired passport or birth certificate to confirm nationality/identity. Guidelines for the requirement of evidence of identity and nationality vary between countries and are subject to ongoing negotiation between IDD on behalf of the Immigration Service and Embassies in the UK. IDD staff also travel to the return countries to address these issues with the home governments.

**What are the possibilities and are there actual agreements for European and/or international co-operation with respect to identification and document gathering?**

There are existing agreements for the use of EU Letters and Chicago Convention Documents for removals.

**What are the difficulties with and the requirements for the issuance of passports? Are these the same for all countries of destination?**

The UK does not rely on the issue of passports, but requests the issue of an Emergency Travel Document (ETD), which is valid for a single journey. Currently 58 countries require an ETD in the absence of a valid passport. Agreement to issue ETDs varies widely from country to country (see above for question on problems of identification and acquisition). Also, many countries accept the return of their nationals on an EU Letter which is issued by Local Enforcement Offices.

**Are there informal procedures for acquiring documents and, if so, how do these work?**

Most of the agreements to obtain ETDs are informal in that there are very few formal Memoranda of Understanding between the UK and other countries. The individual arrangements are negotiated directly with the Embassies concerned but in some circumstances they are negotiated with the home governments. Some arrangements, such as the Nigerian detained interview scheme, have a very good success rate. Others are dependent on limited co-operation from the embassies and uncertain liaison between embassies and their home governments. This can make the process lengthy, bureaucratic and ineffective.

**Are there possibilities to return people based on their nationality despite uncertainty of their identity?**

The possibility to return people based on their nationality varies, but to issue ETDs, most countries insist on confirming identity. A few, Nigeria for example, are content with confirming nationality. The removal process involving an EU Letter is less rigorous in confirming identity as it carries a guarantee that the UK will accept the individual back if the receiving government will not admit them.

**To what extent is the establishment of a biometrically-based (fingerprinting being the most obvious and cheapest technique) database on illegal, detained and physically removed individuals developed?**

The IND database, CID, does provide an electronic database of removed individuals. However, this database is not a biometric record. Biometric details, such as fingerprints, are held on a separate electronic database.<sup>72</sup> All biometric data are retained for ten years. After this period, the data will be destroyed unless the person demonstrates at an earlier time that s/he is a British citizen or a Commonwealth citizen with a right of abode, at which point the fingerprints are destroyed as soon as reasonably practicable.

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<sup>72</sup> CID and the separate electronic database with biometric data only hold information on individuals who are known to IND. Hence, the databases only hold information on irregular migrants known to IND such as those who have returned under AVRIM.

## **5. Bilateral and Multilateral Co-operation**

**Give an overview of return-related bilateral treaties, Memoranda of Understanding and agreements with countries of origin.**

In recent years, the UK has successfully negotiated informal arrangements with Afghanistan, India, Sri Lanka, Turkey, China, Albania, Algeria, Vietnam and the Somaliland authorities. The details of some of these are confidential. In addition, the UK has good longstanding arrangements with many other countries and is in negotiation with further countries.

**For any Re-admission Agreements, detail which countries these are with and how they are applied (e.g. are these for Voluntary Return migrants only)?**

European Commission Readmission Agreements have been concluded with Hong Kong, Macau, Sri Lanka and Albania, and are in force. Negotiations with Russia are completed but the agreement is not yet in force. The European Commission is also mandated to seek agreements with Morocco, Pakistan, Ukraine, Turkey, Algeria, China and Macedonia. There are also proposals for mandates with Bosnia Herzegovina and Serbia and Montenegro. These agreements apply to persons who do not, or no longer, fulfil the conditions for entry to, presence in, or residence in an EU Member State.

Separately, the UK has concluded bilateral readmission agreements with Albania, Switzerland, Bulgaria and Romania and these are in force. The UK has signed an agreement with Algeria but this has not yet been ratified. Negotiations with Serbia and Montenegro were recently concluded in 2006.

The Agreements with Romania and Bulgaria will now only be in partial effect (for third country national and other related clauses) following those countries' accession to the EU.

**Present the state of bilateral and multilateral co-operation with transit countries.**

The UK supports the European Commission's implementation of the Global Approach to Africa (as approved by the December 2005 European Council) and has bilateral and multilateral co-operation with transit countries to tackle illegal immigration through these countries. However, the UK does not have any bilateral or multilateral co-operation with transit countries regarding the return of migrants.

**What are the experiences with regard to co-operation with return countries?**

Some countries have a good record in providing documentation and accepting returnees, where the UK has good supporting evidence of identity and/or nationality. However, these countries may be less helpful in those cases where there is little supporting evidence. In addition, some countries are co-operative to a degree, but are not as co-operative as the UK might wish them to be.

**What experiences does your country have in co-operating with Embassies and Consulates of the destination country with respect to the issuance of visas and identification documents (e.g. do formal agreements exist, are there previous collaborations in this respect)?**

Immigration Service Documentation Unit (ISDU) in IND has built close working relationships with IDD and the Foreign and Commonwealth Office (FCO) to strengthen and develop co-operation with embassies and High Commissions. Currently, ISDU deals with 58 countries in order to obtain ETDs.

*Formal agreements* exist with a small number of countries. These agreements set out clear guidelines for the embassies/High Commissions on the processing of applications and issue of ETDs. They also allow for the close monitoring of the terms and conditions to assess the effectiveness of the agreements. Under these agreements, emphasis is placed on general levels of



understanding and developing documentation options for individuals who are not co-operative or have no supporting documentary evidence to support their nationality claim.

Far more common are *informal arrangements* developed between ISDU and the embassies/High Commissions. These are largely undocumented agreements which were developed at ground level to meet the need to obtain ETDs.

Experiences in dealing with countries of return vary but as an example, for Jamaica, a range of procedures exist to deal with applications. These may range from the straightforward cases, with good supporting evidence, to the more complicated ones where only limited biometric data are available, which may require a telephone interview with the Jamaican High Commission. Other countries have agreed to interview their subjects in person, either at a removal centre or at the embassy/High Commission. Some countries insist on referring all applications back to their home governments to consider. In these cases, it is most difficult to retain any control over the timing of the process as progress reviews are largely ineffective. The general response in these cases will be that the embassy is awaiting the outcome of their enquiries.

Co-operation is generally good, but often ISDU's requirement for ETDs may not be an embassy priority and hence may not be properly resourced at the embassy. This can lead to unrealistic expectations from UKIS on volumes and timescales for agreeing documents and subsequent delays in removals.

<b>If possible, please discuss pilot projects in co-operation with countries of origin and transit?</b>
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The UK is working closely with the Vietnamese Government to develop an AVR programme specifically for unaccompanied asylum seeking children who have no further basis to remain in the UK. This programme is still in the planning stage.

Currently, the UK has a pilot programme with Bangladesh with the purpose to try to obtain documents on those returnees for whom the UK has little supporting evidence of nationality. This programme is due to run for three months and will then be reviewed to assess whether it should continue.

In addition, on an on-going basis, the UK runs a fast track scheme with the Democratic Republic of Congo. This scheme seeks to quickly obtain documentation for those returnees where there is some supporting evidence of nationality. This scheme is reasonably successful, despite the ongoing difficulties for those returnees where there is little evidence of nationality.

**Are the return programmes run in partnership with intergovernmental and non-government organisations (e.g. with IOM)?**

IOM runs the UK AVR and Explore and Prepare programmes on behalf of the Home Office.

Also, the UK uses a German NGO called 'AGEF' to provide a re-skill/reintegration service for enforced returnees to Afghanistan.<sup>73</sup>

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<sup>73</sup> 'AGEF' offer the option of skills based training, participation in a business start up programme or a job placement scheme.

## 6. Characteristics of Returnees<sup>74</sup>

**Describe as much as possible the demographic characteristics of returnees (gender, age, income, qualification, employed, job etc.)<sup>75</sup>**

The UK holds comprehensive and reliable data only on the sex and age of returnees and hence it was not possible to present data on other characteristics. Data on the employment status and income of returnees would, in any case, be of little value since the majority of returnees covered by this report are not allowed to work and rely on financial support from the UK authorities, friends and family and/or own funds.

Overall, in 2005, 58,215 individuals were removed from the UK. Of those, 94 per cent (54,560) were non-AVR removals (including persons refused entry at port and subsequently removed, those removed as a result of enforcement action, and those departing 'voluntarily' after enforcement action had been initiated against them), with six per cent (3,655)<sup>76</sup> leaving under AVR.

### 6.1 Age

In 2005, the largest proportion (41%) of non-AVR removals<sup>77</sup> were aged between 25 and 34. Also, 25 per cent (13,650) were aged between 18 and 24 and 18 per cent (9,790) between 35 and 44.

In 2005, almost half (47%) of persons leaving under AVR were aged between 25 and 34. Also, 18 per cent (675) were between 35 and 44 and 17 per cent (610) between 18 and 24 (see Table 4).

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<sup>74</sup> Unless stated otherwise, the figures presented in this chapter form part of the National Statistics. In line with National Statistics guidelines, the figures are all provisional for 12 months and are rounded to the nearest five.

<sup>75</sup> Please note, due to rounding errors, some of the numbers and percentages do not add up to the totals shown.

<sup>76</sup> Persons (including dependants) leaving under Assisted Voluntary Return Programmes run by IOM. May include some on-entry cases and some cases where enforcement action has been initiated.

<sup>77</sup> See Footnote 17.

Most non-AVR and AVR returnees were between 18 and 44 years old. This may partly reflect the relatively small proportion of principal asylum applicants in the younger and older age groups (Heath & Jeffries, 2005). This age distribution of returnees is similar for both male and female returnees across the top five countries of nationality.

Table 4: Non-AVR removals<sup>78</sup> and persons leaving under AVR by age in 2005

Age	Non-AVR		AVR	
	Numbers	Percentage (%)	Numbers	Percentage (%)
10 and under	2,170	4	220	6
11-17	2,400	4	75	2
18-24	13,650	25	610	17
25-34	22,115	41	1,725	47
35-44	9,790	18	675	18
45-54	3,295	6	230	6
55-64	800	1	80	2
65+	240	<0.5	30	1
Unknown	105	<0.5	10	<0.5

Source: Immigration Research and Statistics Service, Home Office.

## 6.2 Sex

Seventy per cent (38,420) of non-AVR removals<sup>79</sup> in 2005 were male, while 29 per cent (15,800) were female. Sex was not reported in one per cent (335) of cases.

Eighty-one per cent (2,970) of persons leaving under AVR in 2005 were male, while 17 per cent (630) were female. Sex was not reported in two per cent (55) of cases.

A larger proportion of males than females return under AVR than as a non-AVR removal<sup>80</sup>. A number of different factors might explain this difference. For example, UK AVR programmes (and the reintegration assistance provided under the Voluntary Assisted Return and Reintegration Programme and the

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<sup>78</sup> See Footnote 17.

<sup>79</sup> See Footnote 17.

<sup>80</sup> See Footnote 17.

Return to Afghanistan Programme) may appeal particularly to single males as the conditions in the country of origin such as safety concerns and, for some, a lack of experience in the labour market, may partly prevent single females from returning under AVR. It may also be that females tend to arrive and leave the UK as part of a family rather than alone. Families may have closer ties to the UK (e.g. children attending local schools), which would make them less likely to take up the offer of leaving under AVR. In addition, although some AVR programmes provide reintegration assistance aimed at making the person's return sustainable, some families may be concerned as to whether they will be able to support themselves in their country of return once the reintegration assistance finishes. Unfortunately, no published data are currently available on whether persons return as part of a family or on their own and thus, these hypotheses cannot be tested using existing data.

**Are there spatial, regional concentrations of returnees in the host country? Please present the reasons for these spatial concentrations.**

### ***Non-AVR removals***<sup>81</sup>

The UK does not collate statistics on the location of non-AVR removals<sup>52</sup>. However, some returnees will be detained prior to return to avoid absconding and hence would be held in one of the UK's removal centres.

### ***Assisted voluntary return***

For AVR returnees, only information on the location of returnees returning under the Voluntary Assisted Return and Reintegration Programme (VARRP)<sup>82</sup> is readily available.

During VARRP 2004<sup>83</sup>, 2,599 persons<sup>84</sup> returned<sup>85</sup>. Of those, the largest proportion (31%) was based in London, and 12 per cent in the South East.

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<sup>81</sup> See Footnote 17.

<sup>82</sup> Please see section 4.1 for a full description of VARRP.

<sup>83</sup> VARRP 2004 covered the period 1st March 2004 to 28th February 2005.

<sup>84</sup> This total includes all returnees including principal applicants and dependants.

<sup>85</sup> See Footnote 3.

Also, sizeable proportions of VARRP returnees were based in the large industrial cities/towns of the West Midlands (12%), Yorkshire and Humberside (10%) and the North West (8%) (see Table 5).

Table 5: Returns under VARRP by UK region during VARRP 2004

<b>Region</b>	<b>Number of returnees</b>	<b>Percentage (%)</b>
London	805	31
South East	317	12
West Midlands	303	12
Yorkshire and Humberside	254	10
North West	200	8
East Midlands	128	5
North East	88	3
Eastern	61	2
South West	59	2
Scotland	46	2
Wales	23	1
Northern Ireland	4	< 0.5
Not specified	311	12

The concentration of VARRP returnees in these areas is probably an effect of the localities already containing large proportions of migrant groups. Recent migrants and asylum applicants might, then, be attracted to these areas through existing social network linkages and the multicultural nature of the localities, which may foster feelings of security and safety. Also, London and the South East are likely to be areas of arrival for new migrants travelling through mainland Europe, and thus migrant groups remain in those localities until they return.

**What are the origin and nationality of returnees?**

The UK collects information only on the nationality – not the origin – of non-AVR removals<sup>86</sup> and those persons returning under AVR. This information is presented below.

***Non-AVR removals***<sup>87</sup>

In 2005, 27 per cent (14,715) of non-AVR removals<sup>88</sup> were nationals of countries in the Americas, whereas 25 per cent (13,620) and 23 per cent (12,370) were nationals from countries in Africa and Asia, respectively. Eighteen per cent (9,555) of persons were nationals of countries in Europe, and six per cent (3,525) were from countries in the Middle East. One per cent (775) were of other<sup>89</sup> or unknown nationality (see Figure 1).

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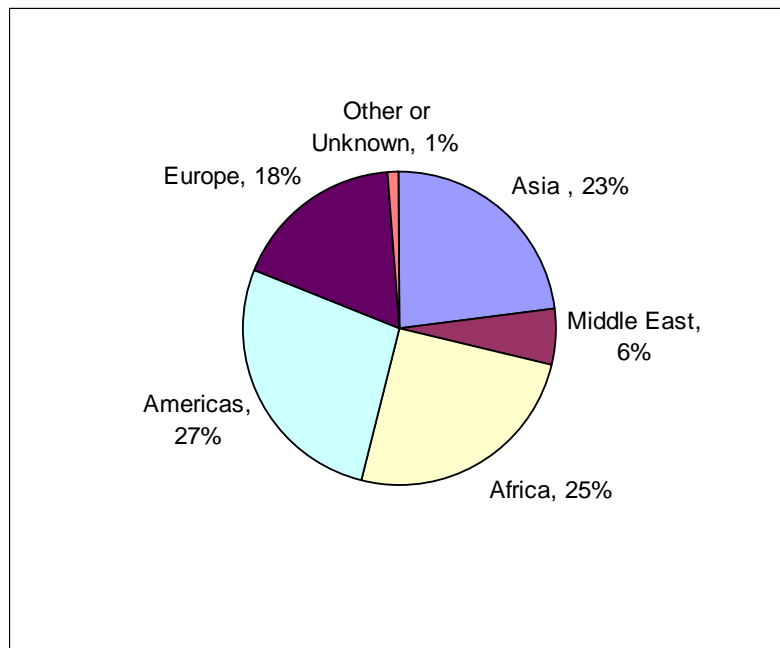
<sup>86</sup> See Footnote 17.

<sup>87</sup> See Footnote 17.

<sup>88</sup> See Footnote 17.

<sup>89</sup> Other or unknown nationality includes: British Citizen, British Dependant Territories Citizen - (Territory not known), British Overseas Citizen, British Protected Person, British Subject, Nationality Doubtful, Stateless defined in 1954 Convention, Stateless Refugee-defined 1951 Convention, Stateless Refugee Other, Unknown – Officially Designated, United Nations – Other, United Nations - Specialised agency, Unknown.

Figure 1: Proportion of non AVR removals<sup>90</sup> by region of nationality in 2005



Source: Immigration Research and Statistics Service, Home Office.

Specifically, Nigeria, Romania, Pakistan, India, Jamaica, Serbia and Montenegro, Ghana, Iraq, Turkey and Afghanistan were the top ten countries of nationality of persons removed as non-AVR removals<sup>91</sup> in 2005; comprising 35 per cent of all non-AVR returnees (see Table 6).

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<sup>90</sup> See Footnote 17.

<sup>91</sup> See Footnote 17.



Table 6: Top ten countries of nationality of non-AVR removals<sup>92</sup> in 2005

	<b>Nationality</b>	<b>Number of returnees</b>	<b>Percentage of total non-AVR returnees</b>
1	Nigeria	3,880	7
2	Romania	2,315	4
3	Pakistan	2,205	4
4	India	2,055	4
5	Jamaica	1,975	4
6	Serbia and Montenegro	1,555	3
7	Ghana	1,370	3
8	Iraq	1,245	2
9	Turkey	1,220	2
10	Afghanistan	1,030	2

Source: Immigration Research and Statistics Service, Home Office.

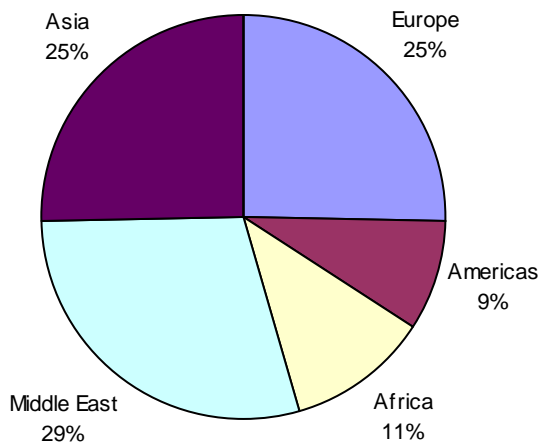
### ***Assisted voluntary return***

In 2005, the largest proportion of persons leaving under AVR was from countries in the Middle East, as these nationals accounted for 29 per cent (1,065) of all AVR returnees. Also, the proportions of AVR returnees who were nationals of countries in Asia and Europe both accounted for 25 per cent (925 and 920, respectively). Eleven per cent (420) of returnees was nationals of countries in Africa and nine per cent (325) from the Americas (see Figure 2).

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<sup>92</sup> See Footnote 17.

Figure 2: Persons leaving under AVR by region of nationality in 2005



Source: Immigration Research and Statistics Service, Home Office

In 2005, the top ten countries of nationality of persons leaving under AVR were Iraq, Serbia and Montenegro, Afghanistan, Sri Lanka, Iran, Albania, Zimbabwe, Pakistan, Columbia and China, comprising 75 per cent of all AVR returnees (see Table 7).

Table 7: Top ten countries of nationality of persons leaving under AVR in 2005

	<b>Nationality</b>	<b>Number of returnees</b>	<b>Percentage of total AVR returnees</b>
1	Iraq	760	21
2	Serbia and Montenegro	585	16
3	Afghanistan	430	12
4	Sri Lanka	275	8
5	Iran	240	7
6	Albania	125	3
7	Zimbabwe	120	3
8	Pakistan	90	2
9	Columbia	65	2
10	China	45	1

Source: Immigration Research and Statistics Service, Home Office.

### **Comparison of AVR and non-AVR returns**

As Table 6 and 7 show, the top ten nationalities of AVR returnees comprise 75 per cent of all AVR returnees, whereas the top ten nationalities of non-AVR returnees comprise only 35 per cent of all non AVR returnees.

The difference between non-AVR<sup>93</sup> and AVR returnees in terms of the top five countries of nationality may suggest that these returnees differ in some respect. The top five countries of nationality for AVR returnees are countries with a relatively recent conflict (with some continuing to be politically unstable), whereas for non-AVR returnees, the top five countries of nationality, apart from Romania, are Commonwealth countries. The relatively large number of non-AVR removals<sup>94</sup> with Commonwealth nationality may be due to better agreements between the UK and home governments aiding the acquisition of travel documents and other aspects of the removal process. It could also be that these nationalities are disinclined to return voluntarily to their country of origin because they belong to a more established minority ethnic community in the UK which can provide them with the necessary support for them to better integrate into UK society. The reasons behind the top five countries of nationality of AVR returnees are less obvious. It may be that returnees from these post-conflict countries have tended to be among the pool of migrants who were intending to return to their country of origin in any case once the conflict in the country of origin had calmed down. Through the AVR programmes, they were provided with the means to do so in a sustainable way and hence decided to return.

<b>To what states are the returnees sent?</b>
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Sixty-three per cent (36,720) of all returnees (non-AVR<sup>95</sup> and AVR) were sent to their country of nationality, 29 per cent (17,005) to an EU Member State (if

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<sup>93</sup> See Footnote 17.

<sup>94</sup> See Footnote 17.

<sup>95</sup> See Footnote 17.

different), and eight per cent (4,490) were returned elsewhere or to a destination that was not recorded.

### **Non-AVR removals<sup>96</sup>**

In 2005, out of the 54,560 non-AVR removals<sup>97</sup>, 62 per cent (33,600) were removed to their country of nationality, 31 per cent (17,005) to an EU Member State (if different), and seven per cent (3,955) were returned elsewhere or to a destination that was not recorded (see Table 6).

### **Assisted voluntary return**

Also in 2005, out of the 3,655 persons<sup>98</sup> leaving under AVR, 85 per cent (3,125) were returned to their country of nationality and 15 per cent (530) were returned elsewhere or to a destination that was not recorded. None was returned to an EU Member State (if different from country of nationality) (see Table 8).

Table 8: The destination of non-AVR removals<sup>99</sup> and those leaving under AVR in 2005

Destination	Non-AVR removals <sup>100</sup>		AVR	
	Number of returnees	Percentage	Number of returnees	Percentage
Country of nationality	33,600	62	3,125	85
EU Member State (if different)	17,005	31	0	0
Returned elsewhere or destination not recorded	3,955	7	530	15

Source: Immigration Research and Statistics Service, Home Office

Approximately ten per cent of all non-AVR<sup>101</sup> returnees (asylum and non-asylum) removed to another EU Member State were asylum applicants being removed in accordance with the Dublin Convention/Dublin II Regulation.

<sup>96</sup> See Footnote 17.

<sup>97</sup> See Footnote 17.

<sup>98</sup> Persons (including dependants) leaving under Assisted Voluntary Return Programmes run by IOM. May include some on-entry cases and some cases where enforcement action has been initiated.

<sup>99</sup> See Footnote 17.

<sup>100</sup> See Footnote 17.

**How many persons are registered with 'destination unknown' and what measures are taken to limit the number of 'destination unknown'?**

Destination was recorded as 'destination unknown' for two per cent and less than one per cent for non-AVR and AVR returnees, respectively.

A number of measures are in place, which ensures that IND continues to improve in the area of data quality. For example, IND runs training courses for CID users on data input and quality processes. Also, a data quality network, consisting of representatives from across IND, has been set up that monitors and reviews data quality on a monthly basis.

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<sup>101</sup> See Footnote 17.

## **7. Conclusion**

The number of removals has increased in recent years. In this sense, it can be concluded that UK removals have become increasingly effective. This trend may partly be due to improved cooperation with EU Member States and third countries. Furthermore, the number of asylum applicants and irregular migrants opting for AVR has increased year upon year. The UK Government hopes to continue this trend because of the cost-effectiveness, sustainability and humanitarian nature of AVR.

Critics have questioned the voluntariness of AVR programmes, given the financial and/or other incentives. However, in comparison to enforced return, the sustainability and humanitarian emphasis of these programmes arguably outweigh academic debates about what constitutes a voluntary action.

The literature search uncovered general problems of sampling biases in research into migrants' motives to return under AVR programmes. No firm conclusions can be drawn as to why some asylum applicants decide to return and others do not. While there is distrust among asylum applicants and irregular migrants of researchers' questions, especially if researchers are linked to government bodies, the problems of sampling bias will, it seems, remain. The solution to these problems could be ethnographic researchers' long-term immersion in migrant communities or for research to be carried out using different methodologies such as a combination of qualitative and quantitative research methods.

There is limited research in the area of removals and what happens to individuals once they have been removed. Some research does exist regarding those leaving under AVR programmes, but this literature is rather scant and often conducted by individuals or organisations with lobby interests. In addition, such research only follows up individuals after short periods of their return, partly because of the difficulties with remaining in contact with individuals once reintegration assistance has drawn to an end. This means

that little is known about the long-term sustainability of return under AVR programmes.

With regard to enforced removals, even less is known. It may be that returnees removed as a result of enforcement action simply attempt to re-migrate back to the returning country, or to other countries. Hence, more research is needed to establish the processes and sustainability of enforced return and AVR.

Specific research gaps were also identified while analysing the statistical data. For example, there is a need for research on whether returnees (AVR and enforced) return on their own or as part of a family. This could be partly explored in more detail if internal management information contained this along with other information on returnees.

Also, more research is needed to explore why the top five countries of nationality differ for enforced and AVR returnees and what the likely causes are. This research may help to explore AVR returnees' motives to return.

## **Appendix A: Methodology**

The report was carried out in a methodical manner using two main sources to find information: social science electronic databases; and a network of contacts made up of colleagues, non-governmental organisations (NGOs) and university academics.

### Literature Search

A number of literature searches using the electronic database search engines were carried out in order to uncover literature related to return of migrants. The following search words were used:

(Refugee\$ or asylum or migrant\$ or immigrant\$) AND (repatriat\$ or return\$ or removal\$ or deport\$) AND (volunt\$); (assisted return\$ or voluntary return\$ or volunt\$ repatriat\$) AND (immigrant\$ or refugee\$ or asylum or migrant\$); asylum removal\$; assisted voluntary return\$; facilitated return\$; force\$ AND return\$; enforcement AND immigrant\$ or refugee\$ or asylum or migrant\$.

Table A1 lists the databases used.

Table A:1 Data Bases

Forced Migration Online	Public access to a wide variety of online resources related to the situation of forced migrants worldwide.
Refugee Studies Centre Library	Public access to the largest collection of materials worldwide relating to the causes, experiences, consequences and implications of forced displacement. It currently comprises over 39,000 bibliographic records.
The British Library Inside	An indexing service containing article-level information from 20,000 key journals, 100,000 conference proceedings, and 1 million abstracts.
The British Library of Development Studies	Europe's largest research collection on economic and social change in developing countries.
Social Science Information Gateway	An online database of high quality internet resources containing over 250,000 Social Science Web pages.



Cambridge Scientific Abstracts	Access to more than 100 full-text and bibliographic databases published by CSA and its publishing partners.
Ingenta	On-line articles from 4,500 journals in all fields, and abstracts from 20,000 journals.
Swetswise	Links to 9,772 full text publications from 380 publishers.
LexisNexis	Access to 11,000 news publications and services.
Ovid	More than 1500 journals and books in the field of medical and life sciences, and arts and literature.

### Contact Network

Policy officials working in the Home Office were identified and asked to contribute to various sections of the report. In total 37 officials provided information for this report.

Academics known to have carried out research work related to return migration were selected from the list of national EMN contacts compiled by IRSS (mostly, but not solely, academics from UK universities). In total, six academics were contacted by email, telephone or in person. Responses were received from three academics. These individuals provided suggestions about relevant literature, websites and NGO publications. A full list of individuals who contributed is provided below.

#### *UK Home Office officials and their position at the time they were consulted*

Ms Angela Potter, Return and Readmission Policy Unit

Mr Ibeawuchi Nwokocha, Return and Readmission Policy Unit

Mr Andrew Fleming, Return and Readmission Policy Unit

Mr Andrew Jones, Return and Readmission Policy Unit

Ms Eileen Gough, Return and Readmission Policy Unit

Ms Sue Harling, Enforcement Policy Unit

Mr Garey Lennox, Enforcement Policy Unit

Ms Julia Dolby, Enforcement Policy Unit

Ms Ellie Guinan, Assisted Voluntary Returns Team

Ms Anne Scruton, Assisted Voluntary Returns Team  
Mr Simon Barrett, Detention Service Policy Unit  
Ms Carolyn Seaman, Detention Service Policy Unit  
Mr Ian Bennett, Detention Services: Escorts  
Ms Kerry Giles, European Asylum Policy Unit  
Ms Ivy Lau, Immigration Research and Statistics Service  
Mr Richard Cheeseman, Immigration Research and Statistics Service  
Dr Darren Thiel, Immigration Research and Statistics Service  
Ms Kate Massie, Removals Strategy and Co-ordination Unit  
Ms Karen McDonnell, Chartered Removals Team  
Mr Brian Finegan, Immigration Service Documentation Unit  
Mr David Edwards, Immigration Service Documentation Unit  
Mr Nigel Beaumont, Immigration Service Documentation Unit  
Ms Judi Pattinson, Detainee Escorting and Population Management Unit  
Ms Victoria Keron, Induction Centre Project Team  
Mr Andy Forbes, European Policy Directorate  
Mr Geoff Kemble, Special Operations  
Ms Helen Ford, Special Operations  
Mr Clive Wools, Special Operations  
Mr Barry Jeavons, Special Operations  
Mr David Watts, Country Action Plans  
Mr Richard Pickering, Country Action Plans  
Mr Lawrence Springall, Country Action Plans  
Ms Nichola Samuel, Legal Adviser's Branch  
Mr Ben Llewellyn-Jones, Third Country Relations  
Mr Aleck Thomson, Special Cases Directorate  
Mr Denis Grey, Special Cases Policy Unit  
Mr Paul Shepherd, Enforcement and Removals Secretariat

*Academics*

Richard Black, University of Sussex  
Brad Blitz, Oxford Brooks University  
Rosemary Sales, University of Middlesex.

### *Inter-Governmental Organisations*

Ms Ana Fonseca, International Organisation for Migration, London

Ms Inger Schjerven Prizzi, International Organisation for Migration, London

### Selection of relevant literature

Through the literature search and the contact network, a total of 1,630 articles and books were identified (a number of these were duplications and a further number turned out to be unrelated to the topic). The selection of appropriate literature from this huge number of articles and other literature found through electronic searches presented a problem given the time constraints of the project. Hence, 19 titles and abstracts were selected for initial review based on the following selection criteria.

- Reading of titles, and then abstracts, so as to ascertain the study's relevance to the review topic.
- Recommendations by experts in the field of return.
- Common citing of source in bibliographies.
- Entry in a number of search engines.
- Explicit study methodology.
- Generally perceived high quality study.

Despite all efforts to ascertain that all relevant literature was included, there may inadvertently be useful and high-quality literature that was excluded from the final review.

Some of the literature published by NGOs was included in the initial review because of its relevance to the study topic. However, upon reading, much of this literature was found to be very poorly constructed and not peer reviewed. Also, it did not describe methodological practices, and thus was excluded from the final report.

The literature tended to be varied in terms of its focus on different 'categories' of migrants. For example, the voluntary return literature focussed on the return of refugees, asylum applicants, and/or irregular migrants whereas the

deportation literature similarly focused on different categories of migrants. Thus, the literature was not totally comparable in all cases.

Also, the widely employed study methodology in this field may have an impact on the validity of empirical case studies. All of the empirical studies identified in the literature search were based on opportunistic and/or 'snowballing' sampling. It may be that individuals willing to engage in social research projects on these terms may be unrepresentative of the total population of asylum applicants and/or possible returnees in the UK.

Given these caveats, the literature findings should, therefore, be treated with some caution.

## **Appendix B: Concepts/terms used**

The below terms are not all formally defined in UK legislation. In some cases, the suggested definitions are indicative only of the meaning usually attached to these terms and should not be regarded as official definitions. These definitions were provided by policy officials in IND, unless specified otherwise.

Administrative Removal – Persons subject to Administrative Removal (section 10 of the Immigration & Asylum Act 1999 of the (as amended)) refer to those persons:

- who work or claim public funds in breach of their conditions of leave;
- who remain in the UK after their leave has expired;
- who use deception in seeking/obtaining leave to remain; and/or
- whose indefinite leave to remain has been revoked as someone who has ceased to be a refugee.

Assisted Voluntary Return (AVR) – Return having been given help to voluntarily return to a country or territory outside the UK.

Deportation - Removal pursuant to a deportation order which requires a person to leave and prohibits him/her from re-entering the UK.

Deportation Order - Invalidates any leave to enter or remain in the UK given to a person before the order is made or while it is in force. Persons who enter in breach of a deportation order are therefore illegal entrants, notwithstanding any purported grant of leave to enter or remain.

Detention - Confinement or restraint amounting to a deprivation of liberty.

Discretionary Leave (DL) - Leave granted outside the Immigration Rules, and only in a number of very limited circumstances, such as:

- cases where removal would breach Article 8 of the European Court of Human Rights (ECHR) in the UK;

- Article 3 cases where Humanitarian Protection is not granted (medical cases and certain other severe humanitarian cases);
- unaccompanied asylum seeking children for whom no adequate reception arrangements are in place;
- other cases where the individual circumstances are so compelling that it is considered appropriate to grant some form of leave; and/or
- people who are excluded from being granted Humanitarian Protection but where removal is not possible, usually because of Article 3 ECHR reasons.

(En)forced return - Compulsory return of a person who is liable to removal from the UK.

Enforced returnee - Someone who is liable to removal from the UK, whether s/he is compliant with removal or not. The enforced return involves the service of an appealable enforcement decision on the individual.<sup>102</sup> Following the exhaustion of any in-country rights of appeal, removal directions will be given to the owners/agents of ships/aircraft to remove the person from the UK to a country or territory specified. It may be necessary to apply for an emergency travel document (ETD) on the person's behalf, and if the person will not comply with removal, it may be necessary to detain him/her prior to removal and use escorts during the return flight.

Escort - Person/s responsible for the custody and movement of detained persons (including during return operations).

EU Letter – Sometimes referred to as the EU Standard Proforma Letter. This is a one way, single use document issued by the UK Immigration Service which serves as a quasi travel document for the purpose of returning an individual. The EU Letter is only used in cases where the person does not have a

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<sup>102</sup> Please note, some people who are refused entry do not have a right of appeal against the decision to refuse entry at all.

passport or other travel document, but the UK has strong grounds for believing the individual is of a particular nationality.

Exceptional Leave to Remain (ELR) - Before April 2003, ELR was granted to applicants who did not qualify for asylum under the terms of the 1951 UN Refugee Convention, but who demonstrated there were other compassionate or humanitarian reasons why they should be allowed to remain in the UK. ELR was replaced by two new forms of leave, Humanitarian Protection (HP) and Discretionary Leave (DL), on 1<sup>st</sup> April 2003.

Expulsion – The act of enforced removal.

Humanitarian Protection (HP) – Normally granted to a person who, if removed to the country of return, would face a serious risk to life or person arising from:

- the death penalty;
- unlawful killing; or
- torture or inhuman or degrading treatment or punishment.

Illegal entrant – Defined as a person who:

- enters without leave;
- enters by deception;
- has no evidence of lawful entry; and/or
- enters in breach of a deportation order.

Immigration and Nationality Directorate (IND) – A division of the Home Office (UK “Interior Ministry”) which manages immigration and nationality policy and operations for the UK.

Indefinite Leave to Remain - Permission to enter the UK permanently or permission to settle in the UK granted upon arrival in the UK.

Independent return – Voluntary departure, unprompted by the state or official agencies.

Irregular migrant – Someone who has no legal basis to stay in the UK. This includes the following.

- Persons refused Leave to Enter (section 3(1)(a) of the Immigration Act 1971).
- Illegal Entrants (section 33(1) of the Immigration Act 1971 (as amended)).
- Persons subject to Administrative Removal (section 10 of the Immigration & Asylum Act 1999 of the (as amended)).

Leave to Enter - Permission to enter the UK.

Leave to Remain - Permission to stay in the UK.

Non-admission – Refusal of entry to the UK.

Non-suspensive appeal – Refers to an appeal which does not suspend removal. This is used in cases where an asylum applicant is a national of a country on the UK's 'safe third country list'. This list includes countries that are considered safe to return to without the risk of persecution by the authorities.

Refoulement – Duty not to expel or return a refugee in circumstances prohibited by Article 33 of the Refugee Convention. Article 33 of the Refugee Convention states that no contracting state can expel or return a refugee in any manner whatsoever to the frontiers of territories where her/his life or freedom would be threatened on account of her/his race, religion, nationality, membership of a particular social group or political opinion. The benefit of this provision may not, however, be claimed by a refugee who there is reasonable grounds for regarding as a danger to the security of the country in which s/he is, or who, having been convicted by a final judge of a particular serious crime, constitutes a danger to the community of that country.

Return - The process of going back, whether voluntarily or by enforced means, to a country or territory outside the UK.



Return assistance - Help given to assist the return process.

Special Immigration Appeals Commission (SIAC) – A superior court of record which was created by the Special Immigration Appeals Commission Act 1997 and deals with appeals in cases where the Secretary of State for the Home Office exercises statutory powers to deport or to exclude someone from the UK on national security grounds or for other public interest reasons. SIAC also hears some appeals against decisions to deprive persons of citizenship status, under the British Nationality Act 1981 as amended.<sup>103</sup>

Third Country National – Refers in this report to a non-EU national.

Transit zone – An area in a port of arrival before border control checkpoints.

United Kingdom Immigration Service (UKIS) – The visible face of IND, which operates at the ports of entry and in-country enforcement locations.

Voluntary return – A catch-all phrase which covers both 'independent return' and 'assisted voluntary return'.

Voluntary returnee – This is someone who is not (yet) liable for removal and approaches the Immigration Service wishing to make a voluntary departure. This could be someone who has applied for leave to enter at a port of entry, but decides that they wish to leave the UK before a decision is made by the Immigration Officer. Equally, it could be an asylum applicant whose application is refused and is awaiting the outcome of an appeal, but decides to leave the UK before the outcome of the appeal is known.

The individual may produce his or her own ticket but, if they are unable to pay for a ticket, the costs may be met by the Secretary of State.

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<sup>103</sup> [www.hmcourts-service.gov.uk/cms/1646.htm](http://www.hmcourts-service.gov.uk/cms/1646.htm)

## Appendix C: The VARRP Process

### *Enquiry and application*

Potentially eligible Individuals contact IOM or one of their implementation partners to express their desire to return under VARRP. If the conversation leads to an application, they will complete an application form with IOM. At this stage, the concept of reintegration assistance is explained and some basic details established.



### *Application decision*

The application is sent to the AVR team in the Home Office. The AVR team will notify CID that an application for AVR has been made. CID will then be checked to establish whether an applicant has been given a removal order or have applied for AVR already. If necessary, the AVR team may request the case file from Asylum Casework Directorate. Police National Computer (PNC) checks are also made. If the applicant meets the eligibility criteria, then the application is approved.



### *Travel arrangements*

The applicant's travel documentation is checked and, if s/he does not hold a valid passport, arrangements are made to secure them the appropriate travel documentation. IOM liaises with the applicant to agree travel dates and arrange the details of departure.



### *Assistance at point of departure*

The applicant is met at the airport by an IOM Representative, to hand over the tickets, ensure a smooth check-in, and to get the applicant to sign a Home Office form, withdrawing his/her asylum application if one has been made.



### *Reintegration or file closure*

Once the applicant has returned, those who have asked for reintegration assistance are responsible for contacting IOM's in-country staff to access the assistance. IOM will maintain a relationship with returnees until they are set up and the reintegration assistance has been provided (usually, this assistance lasts one year). For those who return without reintegration assistance, the file is closed.

## **Appendix D: Bibliography**

Attwood, C. (In preparation); *Developing Iraqi-Focused Voluntary Return Programmes*; London: Home Office.

Black, R. and Gent, S. (2004); *Defining, Measuring and Influencing Sustainable Return: The Case of the Balkans*; Sussex: Development Research Centre on Migration, Globalisation and Poverty.

Black, R; Koser, K; Monk, K; Atfeild, G; D'Onofrio, L; Tiemoko, R. (2004); *Understanding Voluntary Return*; Home Office Online Report, 50/04: London: Home Office.

Blitz, B; Sales, R; Marzano, L. (2005); *Non-Voluntary Return? The Politics of Return to Afghanistan*; Political Studies: Vol.53, pp. 182-200.

Clery, E; Daniel, N; Tah, C. (2005); *The Voluntary Assisted Return and Reintegration Programme (VARRP) 2003: An Evaluation*; Home Office Findings 264 (2005); London: Home Office.

Cole, E. (2003); *A Few Families Too Many: The Detention of Asylum-Seeking Families in the UK*; London: Bail for Immigration Detainees.

Guiraudon, V. and Joppke, C. (2001); 'Controlling a New Migration World' in Guiraudon, V. and Joppke, C. (eds.); *Controlling a New Migration World*; London: Routledge.

Heath, T. and Jeffries, R. (2005); *Asylum Statistics in the United Kingdom 2004*; Home Office Statistical Bulletin, 13/05; London: Home Office.

Home Office (2006);. *Control of Immigration: Statistics United Kingdom 2005*; London: TSO.

Human Rights Watch (2005); *Still at Risk: Diplomatic Assurances No Safeguard Against Torture*; <http://hrw.org/reports/2005/eca0405/eca0405.pdf>.

International Organisation for Migration (2004); *Voluntary Assisted Return and Reintegration Programme (VARRP): Reintegration Self-Evaluation Results*; London: International Organization for Migration.

Koser, K. (2005); *The Return and Reintegration of Rejected Asylum Seekers and Irregular Migrants*; Geneva: International Organization for Migration.

Massey, D. (1998); 'March of Folly: US Immigration Policy After NAFTA' *The American Prospect* (March-April 1998).

National Audit Office (2005); *Returning Failed Asylum Applicants*; London: NAO.

Schuster, L. and Bloch, A. (2005); *At the Extremes of Exclusion: Deportation, Detention and Dispersal*; *Ethnic and Racial Studies* Vol. 28 No.3 May 2005 pp. 491-512.