



16 July 2015

James Brokenshire MP
Minister of State (Home Office) (Security and Immigration)
Home Office
2 Marsham Street
London
SW1P 4DF

Dear Mr Brokenshire

Re: Assisted Voluntary Return

We are writing to express our serious concern over current Home Office plans for the future of Assisted Voluntary Return (AVR). Up until now, the AVR programmes have been performing well with an average of 3,700 people per yearⁱ accessing the scheme, 98% of returnees receiving all of their reintegration assistance and 99% of returnees saying they are happy with the service they received. We understand the Home Office is currently planning to:

- Withdraw all funded independent impartial pre-decision advice from people who might consider return
- End eligibility to AVR for irregular migrants who do not meet a definition of vulnerability set by the Home Office
- Deliver AVR in-house within the Home Office from January 2016 onwards
- Change reintegration support with the changes currently unclear but potentially including cash only post return support with no reintegration assistance from an NGO, in-country – possibly for months but possibly indefinitely.

We urge you to reconsider these plans. They are unlikely to meet Home Office objectives or the needs of people considering or undertaking voluntary return. The planned changes would:

1. Lead to fewer overall people returning and in **particular fewer people choosing to voluntarily return** with assistance to support their reintegration
2. **Increase destitution** in the UK
3. **Increase costs** to the Home Office and other government departments
4. **Reduce the sustainability of returns**, increasing risks to people who return (and potentially threatening the use of AMIF funds which can cover 75% of the costs of AVR in the UK).

Fewer People Engaging with Voluntary Return

Rather than engaging people who are uncertain about return (as the Choices Service presently does), the Home Office has stated they will only focus on those who have already asked the Home Office to return. We were surprised to hear the Home Office state that withdrawing impartial, independent advice and delivery of AVR risks reducing the number of people who choose to return but that the Home Office is prepared to accept this risk. The planned changes will reduce

Refugee Action believes everyone seeking sanctuary in the UK should be able to live, not just survive.
So we make sure people can find the basic support they need and have the chance to rebuild their lives.

engagement with hard-to-reach people – ending a successful and non-coercive approach that empowers them to take control and move on in their lives.

Home Office commissioned research found that many asylum seekers and irregular migrants are suspicious of government funded returns programmesⁱⁱ. Feedback from returnees shows that many people will only apply for AVR if an independent organisation delivers the programmeⁱⁱⁱ. Prior to impartial advice about return becoming available, refugee and migrant community organisations reported that people were approaching them, requiring impartial advice about return but at that time there was no service for them to be referred to. Those who have been refused asylum are often distrustful of the Home Office because they have not been believed, because they feel they were wrongly refused or because they are now destitute as a result of the refusal. Regardless of whether or not the Home Office have determined that they meet the threshold for international protection, many have a genuine perception that they face risks upon return to their countries. Given the Home Office's stated policy of creating a 'hostile environment' for migrants, it is unrealistic to expect people in this position to approach the Home Office for voluntary return.

Independent impartial advice is a vital element of an AVR programme. Current data shows that over 75% of cases who receive impartial advice from Choices go on to apply for AVR^{iv}. Furthermore, the barriers to return that many face are often very complex, requiring a skillset and approach that is not compatible within the work of the Home Office and its stated policy of creating a hostile environment. Many cannot return without a range of assistance (for example those who have been trafficked, victims of domestic violence, children, families, those with physical or mental health needs). 60% of AVR applications in the first half of 2015 were made in cases assessed as 'complex' because of health issues, trafficking, domestic violence or other complexities. The most complex and vulnerable cases are made up of the people who the Home Office are least able to return and who are most likely to remain in the UK under current plans. Many will remain here in extremely difficult circumstances.

More Destitution in the UK

In 2014, just under 900 destitute or soon to be destitute people approached the Choices service across the UK. 60% went on to depart the UK through an AVR programme and received assistance to support their reintegration. Under section 17 of the Children's Act 1989, Local Authorities are compelled to provide accommodation and financial support to families containing children who have no recourse to public funds. The Centre on Migration, Policy and Society (COMPAS) at the University of Oxford believed there to be 3,391 families with No Recourse to Public Funds (NRPF) supported by Local Authorities in England and Wales in 2012/13^v. Local Authorities are also obliged to support those with additional needs (for example health needs that have resulted from years of destitution). Those who Local Authorities are not compelled to support often have no accommodation or income and are forced into risky, exploitative activities or rely on charities in order to subsist. Research from the Joseph Rowntree Charitable Trust shows that many voluntary, charity and faith groups have reached breaking point attempting to support destitute people.^{vi}

The Home Office plans will lead to an increase in people living in destitution in the UK, an increase in families that Local Authorities are compelled to support and an increase in people forced into risky and exploitative activities in order to get by.

Increased costs

AVR costs on average £3,500 per return^{vii} in comparison to an average £15,000^{viii} per enforced removal. Removing independent impartial pre-decision advice and delivering AVR in-house directly by the Home Office will reduce the number of people returning. These people will either remain destitute in the UK with diminishing health, increasing costs to the NHS, or fall to Local Authorities to be supported. The Home Office estimate that each person living in the UK without leave to remain costs up to a further £4,250 per year in public services^{ix}. It is highly likely that the Home Office would find its own budget increasing. Over time it may be forced to grant status to people who have remained destitute in the UK for several years. Some of those who would have otherwise taken AVR will go on to be detained and some will be removed. If 20% of the average 3,700 people per year who would have departed via AVR were to go on to be forcibly removed instead, this will cost the

Home Office and taxpayer a **further £8.5 million** per year over the term of the current government.^x In reality, many more are likely to be removed – further increasing these additional costs, while the costs to other government departments are harder to quantify but likely to increase the overall additional cost to the taxpayer even further.

Less Sustainable Returns

The sustainability of voluntary returns is, according to established research^{xi}, measured by indicators such as whether returnees fear persecution and other security threats and whether returnees have adequate opportunities to generate an income and access sufficient housing, subsistence, health and education. In order for people to have the best chances of rebuilding their lives, AVR has to have a focus on delivering sustainable outcomes. Without this focus, people may be at risk after returning and they are much more likely to become internally displaced or need to remigrate – regardless of any deterrence that a re-entry ban might provide. The need for AVRs to have an emphasis on sustainability is set out in the objectives of the Asylum, Migration and Integration Fund (AMIF)^{xii}. There is a significant risk that the lack of focus on sustainability in the Home Office plans will not only leave returnees in unsustainable positions but could also leave the department ineligible for the 75% of funding it is relying on from the AMIF. This risk is heightened if the Home Office did not conduct a consultation on its priorities for AMIF funding prior to agreeing its budget with the Commission. Without AMIF funding, the cost of AVR to the Home Office would increase by a further 300%.

Withdrawing independent, impartial advice, ending eligibility for irregular migrants who do not meet the definition of vulnerable, attempting delivery by the Home Office - which does not have a skills base in, and is not well positioned to manage vulnerabilities and reducing reintegration assistance will all negatively impact on the sustainability of returns. We are concerned that the Home Office plans for the future of AVR will not provide people with opportunities to achieve meaningfully sustainable outcomes.

We trust that this is a useful input to ongoing discussions about the future of AVR in the UK, and would be happy to meet you or to provide any further information that might be useful.

Yours sincerely

Jonathan Ellis, Head of Policy, Research and Advocacy, British Red Cross
Laura Parker, Chief Executive Officer, Children and Families Across Borders (CFAB)
Maurice Wren, Chief Executive, Refugee Council
Sally Daghlian OBE, Chief Executive, Praxis Community Projects
Stephen Hale OBE, Chief Executive, Refugee Action

ⁱ Based on Choices return numbers 2011-2014

ⁱⁱ Factors affecting participation in assisted voluntary return programmes and successful reintegration: a review of the evidence - Thiel, D., & Gillian, K, 2010

ⁱⁱⁱ From July to September 2013 over half of detained AVR applicants applying for AVR cited, as a significant factor in their decision, the fact that the AVR programme was administered independently of the Home Office. This figure increased significantly with certain nationalities for whom protection concerns and detention at the receiving airport are important, for example Pakistan and Sri Lanka.

^{iv} In Q1 2015, 423 cases had at least one options advice session with Choices. By July 330 had gone on to submit applications for AVR.

^v Local Authority Responses to Families with 'no recourse to public funds' P57 - COMPASS, June 2015
https://www.compas.ox.ac.uk/fileadmin/files/Publications/Reports/PR-2015-No_Recourse_Public_Funds_LAs.pdf

^{vi} Still Destitute, page 5- Joseph Rowntree Charitable Trust, 2009
<http://www.jrct.org.uk/userfiles/documents/Still%20destitute%20%282009%20full%20research%20report%29.pdf>

^{vii} Based on the Choices years 1, 2 and 3 total returns numbers (11,222) and total expenditure for Choices (£40,160,924)

^{ix} Based on Home Office estimates published in the Impact Assessment of the Immigration Bill 2013 as highlighted in the Operation Vaken Evaluation Report, October 2014. Page 4.

^x Based on 740 people being removed costing £15,000 rather than taking AVR costing £3,500

^{xi} Understanding Voluntary Return - Black, Koser, Munk, Atfield, D'Onofrio, & Tiemoko – 2004
<http://webarchive.nationalarchives.gov.uk/20110220105210/rds.homeoffice.gov.uk/rds/pdfs04/rdsolr5004.pdf>

^{xii} Asylum, Migration and Integration Fund (AMIF) Objectives
http://ec.europa.eu/dgs/home-affairs/financing/fundings/migration-asylum-borders/asylum-migration-integration-fund/index_en.htm