

# Report from the Positive Futures Roundtable Event held on 17 July 2014

Held at: Institute of Materials, Minerals & Mining  
1 Carlton Terrace, London, SW1Y 5DB

*Note: this report is a note of the discussions held at this event. It is not a verbatim report and some points have been amalgamated to provide coherence to the main issues raised. Apart from the named speakers already on the agenda we have not attributed comments.*

**Attendees** (see separate sheet) Apologies from Lucy Williams University of Kent

**Agenda** (see separate sheet)

## Context and Aims of the meeting

The meeting brought together over 30 people from the statutory and voluntary sectors that have an interest in young separated asylum-seekers. The participants discussed the findings of the evaluation of the Positive Futures pilot, a project designed to develop and test a model to assist Appeal Rights Exhausted (ARE) Care Leavers to consider Assisted Voluntary Return (AVR). From these discussions the meeting aimed to address the following questions:

- What can be done to create a more effective package of support to encourage young people who are ARE to return voluntarily to their country of origin?
- How can we work more collaboratively to create support for ARE care leavers. Who needs to be involved and who is responsible for what?

## Introduction

Roy Millard and Mark Napier introduced the meeting, describing the history and context of the Positive Futures project along with the aims for the day (see above). They thanked the Home Office and the FCO for their support for the project. Setting the tone for the day they acknowledged the importance of working in partnership and thanked the organisations and individuals who had been involved, including Kent County Council, local politicians, communities, social workers and the refugees themselves. Further elaborating on the main questions for the day they asked the meeting to consider:

- How can support to the young people apply to both pre-departure from the UK and once they have returned?
- What is the best that we can do with the resources and access that we have?
- How can we work with young people to even consider AVR when they have so much going on in their lives and in their heads?

There was a recognition that by one measure the Positive Futures Project had not been successful in that no one returned to Afghanistan. However it has provided a body of evidence and experience that much can be learnt from and used to inform our work and that of others with this vulnerable client group.

#### Questions, discussion and comments raised in response to the introduction

**Education** - it was noted that many of the young people had come with low-level language and literacy skills not only in English but also in their own language. The latter had been apparent when interpreters were involved. However in this context the following points were made:

- Most of the young people were very intelligent, entrepreneurial and quick to pick things up.
- There was generally an appetite for education and training amongst the young people
- It is important to provide education in both English and mother tongue (for example Dari). This would be of a benefit whether the person returns or not.
- The lack of literacy skills created barriers to getting on to practical courses or training such as mechanics
- There was a range of educational level across the group, making it harder to plan for the support as different individuals had differing needs. In this context a correct age assessment is of even more importance
- Once the ARE stage is reached mainstream education is no longer accessible making the provision of other education and training even more relevant at this stage
- It was acknowledged that access to higher education is a politically charged issue and it would be difficult to achieve more access for ARE people at this moment.
- There is an importance to identifying transferable skills that can be used both here and in the country of origin. Labour market intelligence (of the country of origin) can be used to inform this.

**Enforcement** - there was some discussion about the suspension of 'enforcement' while the young people were attending the project. This was seen to be helpful although there was recognition that it is not possible to completely ignore the person's immigration status and what may be the consequences of this. For example young people still had reporting requirements. The Home Office approach had been to agree to step back as they wanted young people to engage in the project and did not want to put anyone off.

The Enforcement teams were involved but often had not known where the young people were as addresses provided often related to different young people. The Home Office had agreed that while someone was involved in the project they could be issued with a letter from the supporting organisation confirming their participation in the pilot. However The Home Office would not issue a letter from themselves, they felt that the information on the database was sufficient for officers to know the individual was on the pilot. The HO also had concerns that the letter could be 'passed around' or copied by others not on the pilot. They also stipulated that the young people could be picked up if they were found to be undertaking criminal activity or were absent from the college without authorisation. Any letter from a supporting organisation was more one of comfort for the individuals.

The Home Office acknowledged that this was something of a new way of working for the Home Office, an approach they are keen to learn from.

**Funding** - at the moment AVR is funded 100% by the Home Office. There was discussion about the possibility of accessing European funding in the future as the criteria of the Asylum and Integration fund are changing. There will be challenges of scale and the need to provide 25% matched funding but it may well be a source of support for future AVR projects. If we could grow this project it would make us more able to access European Funding as the new EU funds will only fund very large projects (economies of scale) and those that preferably will have a transnational aspect.

**Sustainability of return** - there was discussion and consensus about the importance of making return sustainable. It was acknowledged that many young people were still very fearful to return and that there was a need to have a way to monitor what happens to those who do return and support them if appropriate once they have done so. There is some contact maintained with people who have been forcibly removed, for example that being undertaken by the Refugee Support Network.

**Why the young people did not sign-up** - it was recognised that the young people perceived that signing-up to return was effectively them saying that they no longer needed or wanted protection. This is similar to the dynamic in adult AVR. However some participants felt that if the nationalities had been different that there may have been more people signing-up. Despite the final decision on their case it is likely that many simply could not accept the outcome and consideration needs to be given to addressing this.

To counter this though people cautioned against having a blanket approach to certain countries (a 'red flag' assigned to some countries) as every case can be different and needs to be looked at individually. There are adult examples of people choosing AVR to some countries where objectively return looked very difficult.

It was acknowledged that the decision to return is based not just on what is known of the conditions in the country of return but also on the state of mind of the young person who is here. We have to consider where that person is in his or her own 'journey', acknowledge this and work with it.

### **Presentation on the background to the project and the KCC interest**

Teresa Gallagher from KCC gave a presentation (Copy of presentation available or included with this report) on the project; highlighting aspects of the context, such as there being 103 ARE young people in the county. There was some discussion about where

### **Presentation on Assisted Voluntary Return - Drivers and Delivery**

Steve Hall from the Home Office gave a presentation on the context of AVR generally (Copy of presentation available or included with this report). He stressed that it is different from any other form of return and that the Home Office had always had a very open approach to AVR. They had adopted a flexible approach and sought different ways to make it effective hence their involvement and support for Positive Futures. He also stressed that it is about choice and if someone makes the choice not to take up AVR this should not be seen as a failure of the project. Steve was clear to point out that the voluntary nature of AVR could not be overstated and that there should be no misconception that there was any element of coercion, that would simply undermine the programme which has been running for the past 15 year.

The Home Office support for the Choices project had increased the numbers of people taking-up AVR year on year reaching a peak of 4,000 last year, although this may reduce in the future as Choices is now not being offered to people in detention.

### **Presentation What's Going to Happen Tomorrow? - Unaccompanied children refused asylum**

Adrian Matthews from the Office of the Children's Commissioner gave a presentation on unaccompanied children in the asylum system. (Copy of presentation available or included with this report). He stressed that there was a link between enforced removals and children going missing. He also highlighted that the legal aspects of cases are often very complicated with different legislation overlapping, such as immigration, child protection and human rights laws. Legal providers have different approaches and he acknowledged the challenge for workers in local authorities trying to understand these complexities.

Those having a duty of care to the young person echoed this challenge but finding that one piece of legislation can make enacting another very difficult. For example when a person becomes ARE they are barred from access to higher education, something that if they could access they would benefit from enormously.

The discussion that followed raised the importance of young people getting access to good legal advice early on in the asylum process. There was acknowledgement of the difficulty of explaining the legal complexities to the young people and the ambiguity about who has a role in this, the lawyer, social work, 'guardian', advisor etc. UASC leave

(formally granted as discretionary leave) means often all services see a 'breathing space' until 17.5 years of age but in reality the lack of action during this time when 'you have your visa' simply delays the pain. It was recommended that the appeals should take place earlier so better preparation can be made before the young person reaches 17.5

It was noted that there is European wide research being conducted into how young people access legal representation (the Refugee Council is involved in this). There was a call made for the system to be less arbitrary in the context of who is responsible for ensuring the legal provision is appropriate and explained properly to the young person. This was especially important in the context of some young people who on paper are of an adult age but clearly not adults in other ways.

## Breakout sessions

The participants split into two groups that were asked to address the two questions that were raised at the beginning of the meeting. The groups then brought back to the meeting some of the points raised in addressing these two questions:

### Question 1: What can be done to create a more effective package of support to encourage young people who are ARE to return voluntarily to their country of origin?

- Develop stronger relationships with the home country (country of origin)
- Be aware of the time frame within which we have a space to engage with and talk to young people and at what points in this timeframe discussions on return are relevant (see the timeline attached at the end of this document).
- Be sensitive about the moment at which the discussion with a young person about what 'might go wrong' is embarked upon. Doing this at the very beginning of the young persons claim might be counterproductive.
- It was suggested that as the legislative changes meaning that every child will have the right to appeal against a refusal of asylum should then be the key moment to have the substantive discussion about return with that child. That is when they are informed about their appeal rights.
- There was much discussion about whose responsibility it is to have the conversation with the young person about return, whenever that occurs. Is it the lawyer, the social worker, a 'guardian', someone from their community, the Home Office caseworker etc.? It was acknowledged that there is something of a shared responsibility but it needs to be coordinated and undertaken in a consistent way.
- Have a tool that social workers can use to check that legal aspects of advice have been given (something like a check list that they can go through with the lawyer and the young person to ensure that something has been done and understood).
- Provide support throughout the time frame but be aware that some aspects will change as the young person's status changes
- Make the support into a coherent package, not just something piecemeal, and adapt the package according to the stage the young person is in the time frame

- However most aspects of support provided throughout the timeframe are relevant whatever the ultimate outcome of the young person's asylum claim, for example literacy skills.
- Harmonising the legislation for unaccompanied asylum-seekers with that of care leavers would be enormously helpful (that is extending the age to 21).
- Making sure there is a link between pre-departure (for return) and post departure, such as the IOM link with employers in Northern Iraq.
- Provide more up to date information about conditions in country of origin, especially information that is provided by people directly and is current (and authentic).
- Provide bi-cultural training to the young people.
- Provide financial incentives to prospective employers in country of origin,
- We should ensure that having inappropriate documentation does not single out any young people returning
- Manage expectations of young people throughout

**Question 2: How can we work more collaboratively to create support for ARE care leavers. Who needs to be involved and who is responsible for what?**

- There is a need to collaborate over who has the discussion with the young person about return and when (see above and references to time-frame)
- Have someone identified locally who is responsible for co-ordinating the partners
- Establish a steering group that comes together regularly
- Appoint a guardian for the young person for the whole of the time that they are in the process
- Have joint case conferences (including with the young person) at opportune times so that there is a co-ordinated and consistent approach (such as with safeguarding case conferences)
- Involve people from the community, especially in the bi-cultural aspects of the support provided, such as mother-tongue teaching. Some aspects of this may be possible using the Internet and smart technology (for example Skyping with someone in Afghanistan)
- Involve DfiD

**Conclusions and summing-up**

Roy Millard thanked everyone for their time and contributions to the discussions. He felt that we had set out to articulate what Positive Futures was and that we had achieved that. Furthermore we had contributed to the learning about this particular area of work with young people. He said a report of the project would be produced including the input from this meeting. However what was most important was to take the work forward into an activity or project.

Some final comments and contributions were made, including:

- It would be very good if we could adopt the learning from this project to work with different nationalities.
- Kings College London University have funding through the 'virtual heads network' for a small study looking at mother-tongue language provision. It may be worth contacting them to see if any collaboration is possible.

#### Copies of presentations:

- Mark Napier *PowerPoint* (TO BE ADDED)
- Assisted Voluntary Return - Drivers and Delivery (Steve Hall, Home Office) *PowerPoint*
- An Evaluation of the Positive Futures Project (Dr. Kim Robinson and Lucy Williams University of Kent) *PowerPoint*
- What's Going to Happen Tomorrow? - Unaccompanied children refused asylum (Adrian Matthews, Office of the Children's Commissioner) *PowerPoint*
- Positive Futures: rationale for having the project in Kent (Teresa Gallagher, Kent County Council) *PowerPoint*

#### Documents circulated for the meeting:

- Positive Futures Evaluation Report. (Dr. Kim Robinson and Lucy Williams University of Kent May 2014).
- "What's going to Happen Tomorrow?" - Unaccompanied children refused asylum (Adrian Matthews, Office of the Children's Commissioner April 2014)
- How children become 'failed asylum-seekers' - research report on the experiences of young unaccompanied asylum-seekers in Kent from 2006-2013 and how 'corrective remedies have failed them'. (Richard Warren and Sheona York, Kent Law Clinic, University of Kent, March 2014)

## Flipchart from afternoon break out group - suggested timeline for activities or course with young person who applies for asylum and whose claim subsequently fails

Time frame	Pre-arrival	Point of arrival, pre-asylum →	Asylum claim →	Stay period pending decision (e.g. 2-3 years) - adopt neutral approach →	Post decisions →	Positive decision	ARE
<b>Activity &amp; approach</b>	Info in original country?		Manage expectations	Provide: <ul style="list-style-type: none"> <li>• Support and care</li> <li>• Legal advice</li> <li>• Education</li> <li>• ESOL</li> <li>• Mother- tongue</li> <li>• Cultural awareness</li> <li>• Vocational qualifications</li> <li>• Individual action plan</li> <li>• Life-skills</li> <li>• Entrepreneurial skills</li> </ul>		Provide: <ul style="list-style-type: none"> <li>• Access to Higher education</li> <li>• Work trials</li> <li>• Support business start-ups</li> <li>• Recruit before leaving UK</li> </ul>	Work trials Support business start-ups Recruit before leaving UK
				Apply labour market intelligence in country of origin to inform above			
Mention return, but discretely				Discuss return in more detail after first negative decision.			