

# Between a rock and a hard place

AVR 2.0: the case for rebooting Assisted Voluntary Return in the UK's immigration control regime

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**SMF**

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## FOREWORD BY JAMES KIRKUP, SMF DIRECTOR

Britain's approach to immigration sometimes calls to mind a remark by the film director Stanley Kubrik: 'I do not always know what I want, but I do know what I don't want'.

As a nation, we have generally resolved that people who do not have legal permission to be in the UK should not be in the UK. This, as previous SMF work has argued, is likely to become a more significant issue following a British exit from the European Union and an end to freedom of movement. Yet what sort of system do we want governments to operate to ensure that people who do not have permission to be here actually leave the country?

The public and political reactions to the Windrush scandal and the "hostile environment" that led to it demonstrate that new approaches are needed. That is the starting point for this assessment of the merits of a rebooted Assisted Voluntary Return programme.

On the face of it, a policy that boils down to paying irregular migrants to leave the UK seems, politically speaking, the worst of all worlds. Those on the immigration-sceptic side of the debate who demand more rigorous enforcement might ask: why should we pay people to adhere to the law? Meanwhile those on the immigration-positive side have often appeared to resist any form of enforcement and removal regime. Both sides also sometimes give the impression that they assume all migrants must want to stay in the UK indefinitely. For such reasons, the UK's AVR programmes have been neglected in recent years.

It is often the role of the SMF to promote compromises between entrenched arguments, something we do by confronting policymakers and others with awkward facts and hard choices. The facts of immigration removals are that, absent a policy of completely open borders, some sort of removals regime is necessary. Yet that regime must command public confidence, make good use of public money, and actually achieve the central objective of moving people not permitted to be in the UK out of the UK. Current approaches that focus on enforced removals fail to meet all of those criteria.

As Jonathan Thomas argues here, AVR should, and can, meet all of those criteria. A reconsidered, reconstituted and rebooted AVR program could use the formidable array of practical knowledge and experience available in the UK in this area to achieve increased returns, increased migrant welfare and increased public confidence.

This Report is the SMF's contribution to that process; considering the lessons from the past, analysing the program's current state and challenges, and making practical recommendations for the future vision and operation of a pragmatic programme that delivers results.

Yet as Jonathan observes, the merits of AVR relative to both forced return and non-return are not just financial and operational. AVR requires the actors in migration policy to behave in a different way. AVR also deserves more support because of the cooperation and partnerships it drives, indeed demands, within and across government departments and civil society.

It can also help bring about better, more nuanced understanding of the migrant's perspective; of migration choices, decisions and patterns, and the different drivers of

migration and return. An AVR program can confound preconceptions, and challenge prevailing immigration control assumptions, harnessing, instead of cutting across, the potential energy of migratory flows to work with the grain of some migrants' motivations and aspirations to return.

To realise its full potential, the current incarnation of AVR needs significant reform. Trust needs to be rebuilt and partnerships rekindled. And above all, participants in a debate that is too often polarised between groups who share little should acknowledge that immigration control and the best interests of the migrant are not always necessarily in conflict.

## INTRODUCTION

### A glossary: what is assisted voluntary return?

#### **Assisted voluntary return ('AVR'):**

A number of countries, mainly European states<sup>1</sup>, operate AVR programmes as part of their immigration control regime. These programmes are designed to incentivise irregular migrants to leave and return to their home country by providing financial and other assistance to them to do so.

#### **Assisted Voluntary Return and Reintegration ('AVRR'):**

AVRR is when that assistance is extended to providing migrants with help to reintegrate into, and rebuild their lives in, their home country. Nevertheless 'AVR' and Assisted Voluntary Return are generally used as shorthand for these programmes even when the added 'R' is also involved, and this Report adopts this same approach.

#### **Irregular migrants:**

This Report uses the term 'irregular migrant' to refer to those immigrants who enter, stay and/or work in the country without the lawful permission to do so. The terms 'unauthorised', 'illegal' and 'undocumented' may be used by others to refer to such migrants, and where this is the case these terms may also be used in this Report.

### Why is assisted voluntary return a particular focus for the Social Market Foundation?

The UK's AVR programmes have gone through a number of incarnations from their emergence twenty years ago. They sit between a rock and a hard place, in the middle of a spectrum of policy responses to the difficult challenge of addressing the situation of in-country irregular migrants. At one end of the spectrum are approaches seeking to more aggressively enforce the return of such migrants. At the other end are approaches resigned to not returning them at all.

The Social Market Foundation is supportive of more open immigration policies in the UK. But we believe that to sustain political will and public support for such policies, voters must be confident that the state can exercise a certain amount of control over immigration and ensure that the law is upheld: a sense that the rules are not being followed is corrosive of public trust, and without such trust, no policy regime can endure.

A key element of this is the thorny topic of what to do about migrants who are in the UK but who do not, or did but no longer, have the lawful permission to be here. This is not an easy question. But we are concerned that those on both sides of the immigration debate are failing to meaningfully engage with it at all. We believe that Assisted Voluntary Return is not only worthy of rebooting as a policy in its own right, but provides a key entry point through which both sides can engage in a much more realistic debate about what immigration control in the UK could, and should, look like.

## CHAPTER 1: THE CASE AGAINST AVR: A GLASS HALF EMPTY

*On a number of levels, AVR appears to face insuperable challenges, an ugly duckling policy that neither states, nor migrants, nor communities seem to put much faith in.*

### From the host state's perspective

Voluntary returns have proved difficult to achieve on any scale<sup>2</sup>. And the impact of AVR programmes have been questioned<sup>3</sup>. Would those returning through voluntary returns programmes have returned anyway? And, if so, what purpose is served by AVR programmes other than fuelling public disquiet over 'pay-to-go schemes' that are perceived as rewarding irregular migrants for breaking immigration control regulations?

Evidence suggesting that "once migrants have been in the UK for several years, it becomes increasingly likely that they will stay permanently"<sup>4</sup> fuels the perception of a losing race against time, of a very small window shortly after they arrive in which it is realistically possible to get migrants to return, after which no amount of incentives can loosen their tenacious grip on this country<sup>5</sup>.

And will there ever be a meaningful take-up of voluntary return, unless backed up by a real threat of removal<sup>6</sup>? As the carrot seems so small, must not the stick be really big? The example often cited is of the quarter of a million Bosnians voluntarily returning from Germany from 1996-1998. A number of factors played into this large movement, but "the withdrawal of their temporary protection status in Germany and the rapid establishment of a credible forced returns programme" was viewed as crucial<sup>7</sup>.

### From the migrant's perspective

The carrot of AVR can seem so overshadowed by the threatening sticks sitting behind it that many migrants and the NGOs supporting them have shunned the AVR offer entirely, arguing that calling such returns 'voluntary' is misleading<sup>8</sup>. From this perspective, rather than reflecting any positive choice on the part of the migrant, such returns may be better termed as 'compelled'<sup>9</sup>, migrants' only 'choice' and 'agency' being to cooperate in their own expulsion<sup>10</sup>.

It is hardly surprising that many migrants lack trust in both their home state that they left behind and the host state which is seeking to exercise immigration controls against them<sup>11</sup>. This is compounded by the trans-national nature of the return process. Even if the promise of reintegration assistance is genuine, the migrant may understandably have little faith that, once they have been returned, the returning state will be overly concerned about whether its promises to the migrant are made good back in the home state<sup>12</sup>.

But even if the promise is kept, how does the migrant realistically perceive their situation and prospects on return? Even the most generous packages cannot help returnees to overcome social stigma<sup>13</sup> or systemic economic challenges<sup>14</sup> or unsafe personal security situations<sup>15</sup>. In the more significant migrant-producing countries, there is often a culture of migration, with those staying at home considered a failure<sup>16</sup>. But for those who migrate, where investment in the migration was made at the household level - which would most commonly be the case - any migrant who returns without realising the expectations placed on them of financial returns and increased status arising from their migration, may

suffer worse, experiencing not only little sympathy for their situation, but suffering stigmatisation, rejection and ostracization from their family group<sup>17</sup>.

Indeed, there can be a double whammy on return, as it “spells the end of remittances, both a substantial contribution to the household economy and a source of social pride, and turns returnees into economic burdens instead of breadwinners”<sup>18</sup>. Even with the required personal and family support, economic reintegration is a huge challenge. Reintegration assistance by AVR programmes has tended to obsessively focus on the figure of the migrant as entrepreneur, seemingly viewing success in establishing a business as necessarily being at the heart of reintegration. But for many migrants this simply builds in unrealistic expectations, locking them into a losing struggle from the outset<sup>19</sup>.

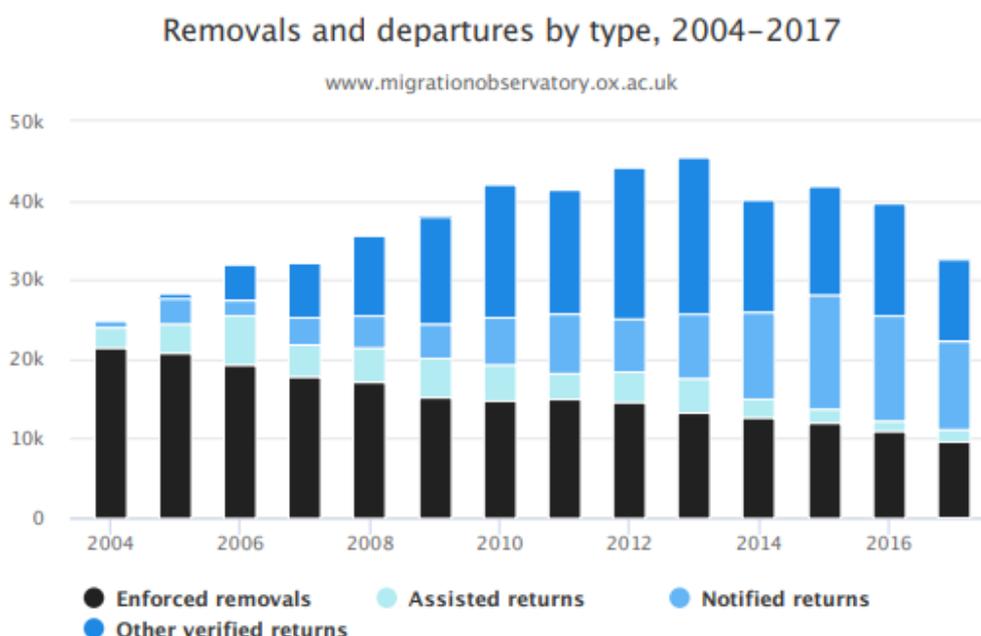
## CHAPTER 2: AVR IN THE UK: LEAVE TO WITHER ON THE VINE, OR TIME FOR A REBOOT?

*Against the political backdrop of a more aggressive immigration control approach, the UK’s experience seems to bear out the case against the effectiveness of AVR policies; the assisted voluntary return route increasingly unloved, unheralded, underutilised and underinvested in. But set against this, there are significant reasons for reassessing the potential of AVR programmes for the UK. Present needs and historical experience arguably present uniquely fertile ground on which to launch a rebooted form of AVR.*

AVR risks pleasing no-one. Those in favour of stronger immigration controls might see AVR as too liberal. Those who favour a more liberal approach on immigration might view the merest suggestion of voluntary return as thinly-veiled coercion they want no part of.

With such political focus over the past decade on reducing immigration numbers, it is perhaps unsurprising that the Government should have had dwindling interest in an approach that appeared to offer no quick, easy answers, and to have limited potential to rapidly and significantly affect net migration figures. Particularly when combined with a fear of the public reaction to AVR, which some have suggested has caused “the UK Government to publicly fixate on enforcing removal to avoid political backlash over what can be construed by some as ‘bribing’ irregular migrants to return home”<sup>20</sup>.

This political backdrop helps to explain the evolution of the AVR programme in the UK over the past decade. AVR, once a more holistic programme that achieved some prominence and higher numbers of returns, has become a more constrained programme, hidden away as if in embarrassment, framed and operated as a limited adjunct to immigration enforcement. Assisted return’s contribution to departures in the UK now looks increasingly slim; the policy given very limited public attention.



Source: Home Office Immigration Statistics table rt\_01.

Source: *The Migration Observatory analysis of Home Office returns statistics*<sup>21</sup>

So, should the UK's AVR programme just be allowed to wither on the vine?

A couple of caveats to such a gloomy prognosis immediately suggest themselves. First, the figures themselves, at least as they paint a picture of changes over time. Better data capture from different sources, plus the creation of new sub-categories of types of returns over time, added to the fact that that 'other verified returns' sub-category, by its nature tends to get revised as time elapses. This complicates the drawing of any firm conclusions on the evolution of the numbers and the split between different types of returns.

Second, the question of exactly what conclusions can be drawn from any changes in the returns figures anyway, even if the figures themselves could be relied upon? For instance, the Government's crackdown in the first half of the current decade on international students alleged to be in the UK under false pretences, led to a consequent one-off rise in numbers of those students returning 'voluntarily' to their home countries. Numbers of 'other verified returns' were therefore supported by an exogenous event, rather than necessarily indicating anything more fundamental about the success of, or any change to, the Government's approach to returns per se.

Much more fundamentally than this though, there are significant reasons for reassessing the potential of AVR programmes, especially in the UK's case. Irregular immigrant numbers in the UK are likely to rise in the medium-term. But the UK has a structural imbalance in its immigration control regime that hampers its ability to deal with this, its stronger border controls combined with much weaker in-country controls. At the same time the UK's recent experience with running AVR programmes under different frameworks provides it with a rich practical evidence base on which to build the most effective AVR programme.

Indeed, from the perspective of its particular situation, experience and needs, at this particular point in time the UK could be thought to present uniquely fertile ground in which to develop a more considered and coherent AVR programme. Set in this context there are therefore important reasons for concluding that AVR in the UK should not only not be allowed to wither away, but, on the contrary, that a rebooted form of AVR, could, and should, play a much more prominent role in immigration control in the UK. And that the time to start that rebooting is now.

## CHAPTER 3: THE POTENTIAL OF AVR: A GLASS HALF FULL

*Talking more about AVR, and the iterative process of developing a more attractive and effective AVR programme for the UK, is not only exactly the sort of honest, practical debate on, and approach to, immigration policy, that the UK needs, but there is also good evidence that AVR programmes can under certain conditions have a material, positive impact.*

“While return policy is not working at the moment, it is possible to envisage a situation in the future where it will.”<sup>22</sup> But it is not simply a question of hope over experience. Far from it. The research evidence already documents many cases in which, with the right ‘end-to-end’ support, irregular migrants have been willing to leave and re-settle in their home country in a way that has been positive for them and their community<sup>23</sup>.

It is also true that there is ample evidence of the myriad of problems that stand in the way of making assisted voluntary return a success. But in being evidence-based, it is important to properly consider the context of that evidence, and understand that some of it has come from the most challenging and precarious of situations, such as failed asylum seekers being returned to a deteriorating security situation in a country from which they have recently fled<sup>24</sup>. This evidence should not be ignored in terms of understanding the tensions, complexities and concerns particularly attendant on certain types of returns. But nor should it obscure the opportunities for arranging and assisting returns where the circumstances may be less fraught.

That few policymakers in the UK seem to want to talk about AVR provides a clue as to why it is important to do so. The UK is a country whose openness to visitors, students and many workers means that immigration cannot simply be controlled at the border. And those in the UK who have concerns about immigration control can find it hard to accept that they are living in a country which has no systematic way to identify those people who have come to the UK and then overstayed and thus have become ‘irregular’ – let alone address their situation. Even when irregular migrants do come to the attention of the UK authorities, there are often significant practical constraints on removing them. While, on the other side of the debate, some of those more relaxed about immigration find it hard to accept any suggestion that there may be some migrants for whom return to their home country may represent their best option. Meanwhile, others view any proposal that suggests this as attacking migrants’ full access to their rights in the UK.

**This report suggests though that the UK should seek to develop a more effective AVR programme.** That while not without significant challenges, which should be debated fully, through an iterative process of policy-development, AVR could be a key pillar of exactly the sort of honest, practical approach to immigration that the UK needs.

As a starting point, the evidence does show that for some migrants in the UK, voluntary return packages have had a positive real and meaningful impact on their decision to return, and have resulted in them returning to their home countries when they otherwise would not have done so<sup>25</sup>. It also shows that (subject to the terminological caveats around what is a ‘voluntary’ return), some countries have achieved considerable scale and/or significant proportions of returns through this channel<sup>26</sup>. The wider context of returns also suggests that AVR is worth pursuing, since – at least on the broader definition currently

used – voluntary returns now “make the bigger contribution to all returns, typically accounting for between 60% and 70% of the total”<sup>27</sup>.

## CHAPTER 4: THE COST AND OPERATIONAL BENEFITS OF VOLUNTARY RETURN

*Both financially and operationally, on a relative basis AVR seems an attractive option versus both forced return and non-return.*

Forcing someone to leave the country is expensive. Persuading them to do so is cheaper. The non-coercive nature of voluntary return means its per-return cost is significantly less, generally estimated at between five to fifteen times cheaper than forced removal<sup>28</sup>. Of the breakdown of return costs provided by the UK National Audit Office, the majority do not apply to voluntary returns, including the costs of detection, apprehension and detention, or only apply on a reduced basis<sup>29</sup>. And the annual costs of immigration detention alone are currently running at over £100 million in the UK<sup>30</sup>.

In the UK, transitioning forced returns away from using commercial flights, because of public concerns, to using charter flights has further widened the cost differential<sup>31</sup>, but also in turn engendered further resistance and disruption, resulting in further costs having to be incurred for increased security, grounded flights and court time<sup>32</sup>.

The opposite of forced returns is tolerating the migrant remaining in the country. The costs of this approach may be less obvious, but include pressure on services and infrastructure, such as the NHS, schools and transport which irregular migrants access, the broader impact of exploitative employer practices on compliance with labour laws, standards and minimum wage thresholds<sup>33</sup>, and significant local costs of supporting destitute migrants<sup>34</sup>. Formally regularising the immigration status of irregular migrants through amnesties may help address some of these costs, but may give rise to others, and the process itself can be costly<sup>35</sup>.

**Inter-state complexities:** As forced returns operate at the state-to-state level, they are not only costly to put in place, but also organisationally and diplomatically intensive and challenging to achieve and practically implement, requiring inter-state relations and negotiations that often take years to come to fruition in formal readmission agreements. Even then many countries can, and do, put up significant practical barriers to accepting back irregular migrants. And, even where they do agree, they may extract a high price as a quid pro quo, indeed one that may itself undermine the very efficacy of such an agreement in the first place, such as visa-free access for their citizens to the UK.<sup>36</sup>

This is not to say that successful AVR programmes do not have their own operational challenges. They do. To be most effective they require significant amounts of collaboration on multiple levels. But arguably it is this very challenge that provides AVR with its greatest potential in terms of managing migration.

## CHAPTER 5: THE COLLABORATIVE POTENTIAL OF AVR

*Much of AVR's potential as a key tool in migration management lies in its contribution to better understanding the different drivers of migration and return, and the iterative, multi-layered cooperative organisational web needed to support AVR programmes. This takes a number of different forms, and has a number of potentially beneficial interrelated consequences for Government, for civil society and for migrants themselves.*

First: an AVR programme creates the potential for – and indeed for its most effective implementation *requires* – the cooperation and collaboration of “a complex structure of organisations and individuals, sometimes with conflicting priorities and aims”<sup>37</sup>. This includes co-operation between different Government departments. Importantly, AVR programmes that provide reintegration assistance with business start-up, training and education have the potential to have a development impact that goes beyond just the narrow canvas of UK immigration control<sup>38</sup>, and have the potential to align Home Office and Department For International Development goals. Cooperation is also needed between the Government and different civil society organisations, both within the UK and in the country of return, and between those organisations and the migrants themselves.

Second: having an element of the UK's immigration control approach that seeks to engage and work with the interests of the migrant – as opposed to merely viewing the migrant as the passive object of enforcement action – provides the opportunity to draw in a number of important actors. Some of those may be opposed to many aspects of the UK's existing immigration enforcement approach, but they may also acknowledge the need to be able to “humanely remove those migrants who are not entitled to here”<sup>39</sup> and to find “a fairer approach to immigration enforcement”<sup>40</sup>.

Third: in putting the experience of the migrant at the heart of the programme, AVR does not just allow the development of a more holistic, and potentially more effective, returns regime. It also creates the conditions for a process of iterative adaptation; the potential for the continued development, improvement and refinement of the programme based on the learnings from within. While that may also be true of other parts of the immigration control regime, the difference with AVR is that it allows real insight into the experiences, motivations and decisions of the migrant themselves. This not only allows the UK the chance to fine-tune the programme for optimum effect, but to gain important information about, and understanding of, the migration process: what drives migration, what could better manage it, what matters most to migrants, what matters less so, why and when they might want to return and what can influence that? The answers may be surprising<sup>41</sup>.

## CHAPTER 6: A BRIEF HISTORY OF TIME: THINKING LESS LINEARLY, MORE LATERALLY

*Surely AVR programmes doomed to failure if return is not achieved swiftly after arrival? And don't they conflict with migrants' desire to stay in the UK forever? In fact, AVR programmes can confound preconceptions and challenge the prevailing immigration control assumptions, harnessing the potential energy of migratory flows to work with the grain of some migrants' motivations and aspirations to return, and help to achieve more sustainable return over different time periods.*

Critics of AVR programmes tend to view them as doomed to fail<sup>42</sup>. animated by the belief that AVR is inevitably at odds with the motivations of the migrant, and their tenacious desire to cling to their position in the UK indefinitely by any means possible. This perspective spans both sides of the immigration policy spectrum; both the Home Office and the immigration enforcement regime, on the one side, and migrant supporting civil society on the other, seem trapped in this same mindset, assuming that every migrant who comes to the UK must have the ambition to stay here indefinitely.

Yet much evidence questions this assumption. Some migrants *want* to return. In the words of one study: "Encouraging migrants to return is not necessarily working against the grain of migration patterns. Migration is often circular."<sup>43</sup> The irregular migrants who participated in Pennington and Balaram's research all stated their intention to stay only temporarily, but found themselves 'stuck' for different reasons.

The Home Office itself recognises the potential benefits of developing a better understanding of migration flows, so as to target more effective, positive interventions. And information collected as an integral part of a thoughtfully constructed AVR programme which seeks to understand and work with the experience, concerns and aspirations of migrants holds out the possibility of better understanding the drivers of migratory flows, both in and out of the country, and importantly how those interact with other immigration control strategies. In doing so it could help to harness the potential energy of migratory flows in the cause of immigration control, as opposed to against it, working with the grain of migration rather than cutting across it.

In terms of how AVR may interact with other features of the immigration control framework:

**AVR and the hostile environment:** To both its supporters and detractors, AVR can seem symbiotic with hostile environment policies. If the hostile environment is designed to incentivise irregular migrants to leave by seeking to make life more difficult in the UK, AVR can be viewed as incentivising the same by seeking to make life easier outside of the UK. But the reality of the interaction of AVR with hostile environment policies is not straightforward. And how different migrants experience the pull of AVR and the push of the hostile environment can be quite different.

Evidence shows that unsurprisingly some migrants' return decisions are influenced by the challenges of living undocumented<sup>44</sup>. In the UK the ratcheting up of the hostile environment has certainly incentivised some departures<sup>45</sup>. But different categories of migrants seem to react quite differently to these challenges, let alone the differences

one finds at the individual level. And the evidence is inconclusive as to the extent that overall the hostile environment in the UK has featured prominently in irregular migrants' voluntary return decisions. And given migrants' increasing levels of distrust in the Government that the hostile environment has cemented, how likely are they then to reach out to a Government-run voluntary returns programme?<sup>46</sup>

For some, the effects of the hostile environment may even prolong their stay, postponing their planned return as the hurdles they experience in their attempts to integrate into, and make a living in, the host state result in them accumulating resources for their return more slowly than they had anticipated.<sup>47</sup>

**AVR and regularisation:** Another policy lever which may be back on the agenda in the UK – that of regularisation/amnesty – also has a potentially interesting interaction with AVR programmes. Not surprisingly, any suggestion that an amnesty may be about to be announced may provide a material disincentive to irregular migrants taking up the AVR option<sup>48</sup>. Perhaps more surprisingly, if actually granted an amnesty may then counterintuitively increase return migration, as, once status has been secured, re-admission in the future no longer becomes a concern, and therefore returning no longer represents such a one-way risk<sup>49</sup>.

The UK's border controls can play an important part in a migrant's return decision, for the potential to be able to re-migrate, regardless of necessarily having any immediate plans to do so, seems key to their willingness to return to their home country<sup>50</sup>. Thus "policies aiming at limiting immigration discourage migrants to return and push them into a longer settlement in destination countries"<sup>51</sup>. The US experience, which represents the fullest evidence on the 'cause and effect' aspects of irregular migration, suggests a number of migrants who might otherwise choose to leave the US (either permanently or at least on an extended basis) do not do so because they fear strict immigration controls at the border mean they will never be allowed to re-enter should they leave<sup>52</sup>.

For returns, time can appear to be of the essence. But on closer investigation it is not so clear exactly in what way. On the face of it the answer seems quite linear. The current data shows most migrants who leave the UK do so within five years<sup>53</sup>. And it is easy to assume that the longer the time a migrant has spent in the UK, the more embedded they become, and the less likely to return. This may particularly be the case for women from certain countries who may appreciate the higher levels of gender equality in the UK, and those who have children brought up for any length of time in the UK may have a further important tie to stay<sup>54</sup>.

Some think it unfair to seek to return any migrant who has been in the UK for more than a short time. But in reality we know very little about the different motivations and trade-offs that lie behind migrants' decisions whether or not to return, and the significant degree of heterogeneity that seems increasingly apparent in this area. For some, economic considerations appear paramount to the timing of return: "Enough money to buy a good house. Enough money to start a business"<sup>55</sup>. For others the decision to return may be

linked more closely to family or lifestyle reasons, than to differential income opportunities<sup>56</sup>.

Existing AVR programmes though, including the UK's current version<sup>57</sup>, tend to focus their energies on the most recently arrived migrants, and most particularly those who have gone through the legal process and failed to establish their legal right to stay, usually failed asylum seekers. But targeting migrant 'failure' and 'vulnerability' as the core of a returns programme can be double-edged, not only in whether it results in return, but, even if it does, how sustainable is that return.

One study found that:

“migrants are more likely to return when their household in Europe had sufficient resources for basic needs during the past year, which seems more consistent with the idea of returnees who have achieved their (savings) goals rather than with the idea of failure and vulnerability”<sup>58</sup>.

And another that:

“the less time a migrant spends abroad, the less time they have to accomplish the goals which were their reasons for risking leaving home in the first place ... migrants who were able to stay in their country of destination for only a short period of time (usually because of forced removal) were more likely to express dissatisfaction with their return, doubts about reintegrating, and a desire to re-migrate”.<sup>59</sup>

Indeed much evidence suggests that many migrants do intend

“to leave eventually, when they have achieved targets for accumulating money or reaching personal goals”<sup>60</sup>,

and

“that returnees having a complete migration cycle, whereby they had access to opportunities and resources allowing them to prepare for return, are more likely to optimally reintegrate back home as opposed to those whose migration cycle was complete or interrupted”<sup>61</sup>.

Some studies suggest that for many migrants, return may be more likely to occur in the 3-to-10 year period, as then they are more likely to have earned sufficient money to use productively back home. But there is also an inherent tension for the return decision created by a migrant's economic success. On the one hand the evidence suggests that regular employment and integration in the host country correlates with greater ability for the migrant to successfully reintegrate and sustain a return in their home country. But on the other hand it may give rise to a standard of living hard to match on return to the home country, and therefore might disincentivise return<sup>62</sup>.

**Two important stakeholders** may be central to an irregular migrant's experience and impact the timing of their return decision.

The first is the smuggler/facilitator, if any, involved in the irregular migrant's original transit. In this case a period of productive employment may be required in order to repay the debt owed before return can be considered<sup>63</sup>. This may be less common in the UK's case, where irregular migrants are more likely to have entered legally and then overstayed, but nevertheless illegal entry clearly does still occur<sup>64</sup>.

The second stakeholder, the migrant's extended family, almost inevitably will be a factor. Family connections, and the degree of their reliance on the migrant, can have fundamental consequences; "remittances are likely to lengthen the trip for two reasons: first of all, the larger the share of income that is sent [home], the longer it will take to achieve the pre-established amount of savings to be able to return; and secondly, it may create a form of dependency from demanding relatives that pressurises the migrant to remain and keep remitting"<sup>65</sup>.

Other evidence suggests that migrants may be more likely to want to return home even later still:

"As migrants grew older the excitement of adventure, new challenges and the promise of wealth gave way to the attraction of social gatherings with family and friends, of opportunities for marriage and of increased social status. Many migrants spoke about their desire to make themselves 'socially relevant' in Nigeria. While the money and success that they accrued through living in Europe may have helped them to achieve this, ultimately this goal could not be achieved while living in Europe."<sup>66</sup>

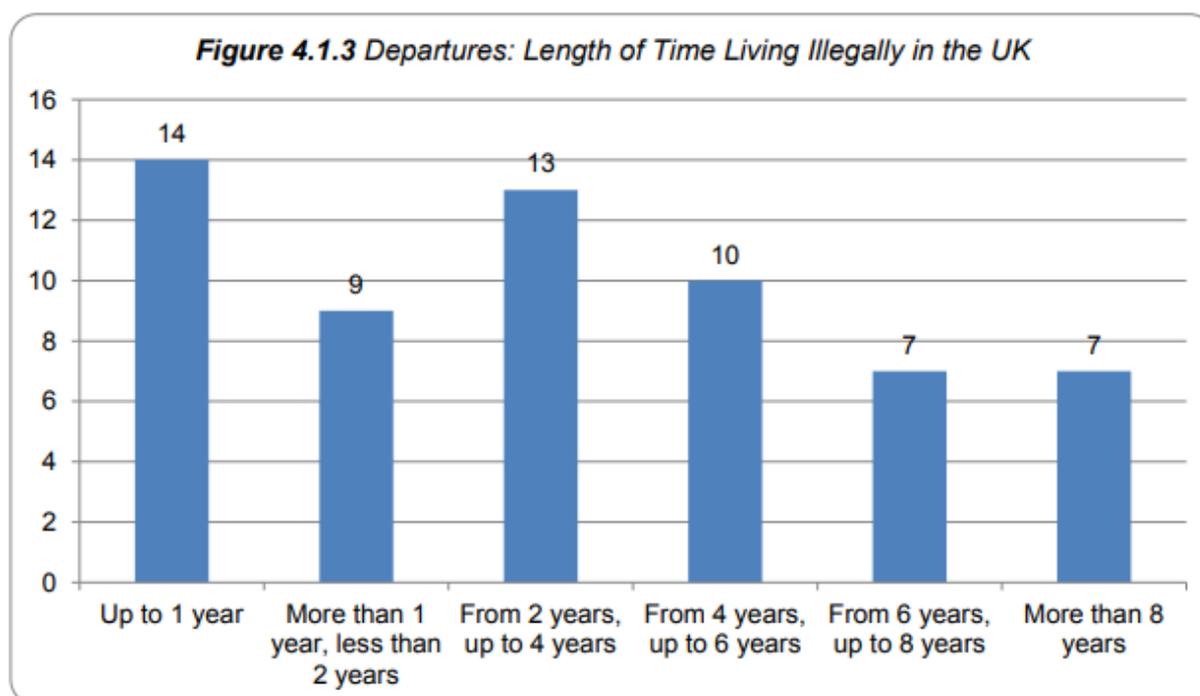
And indeed if they do return at this stage, this type of return may more likely result in successful reintegration and less likely in re-migration:

"optimal reintegration occurs when two preconditions are met: a sufficiently long experience of migration abroad and favourable motivations to return ... the completeness of the migration cycle strongly fosters returnees' social and occupational reintegration"<sup>67</sup>.

**Visits back home:** A complicating factor in the analysis is that frequent visits back to the home country have been shown to be a key ingredient assisting the reintegration process upon return<sup>68</sup>. But this can clearly present a challenge for irregular migrants due to the risk of not being able to re-enter the UK if they visit their home country. And at the same time "keeping alive and active the ties with the left-behind relatives through remittances and short visits to the country of origin while being abroad tend to delay the return decision instead of accelerating it"<sup>69</sup>.

Overall the picture is therefore unclear, mixed, decidedly heterogeneous, depending on age of the migrant, immigration status, route into the country, country of origin, etc.<sup>70</sup> but

also a number of very personal characteristics and circumstances. While just a relatively small snapshot, evidence gained from the Home Office's Operation Vaken project bears this out; in fact less than 25% of those choosing to voluntarily depart were newly arrived.



Source: *Operation Vaken Evaluation Report* (n28).

Such evidence certainly challenges the assumption that voluntary return must necessarily be a swift return. And also the assumption, by both sides, that immigration control necessarily cuts across every migrant's intentions and ambitions, which must inevitably be to make their permanent life here. This is self-evidently not always the case. And the whole point of AVR is to identify those situations where immigration control can in effect work with, rather than against, the grain of a migrant's motivations. And to make sure that immigration controls are not actively barring the way of those who may want to return.

That means being evidence-based, but also open minded, thinking less linearly, and more laterally – like a migrant rather than an enforcement official – to constructively challenge the culture of immigration control by assumption. AVR's importance lies in it being both an output of, but also a key input into, important evidence to be collected. "Return migration remains the least studied part of international migration"<sup>71</sup> and currently so much of the opportunity for learning in this area is being wasted, even the most basic information about migrants being removed from the UK lying uncollected and unknown; including information on their immigration status and history, the reason for their removal, how long they had been in the UK, and how long their immigration status had been irregular.<sup>72</sup>

## CHAPTER 7: THE UK'S CURRENT SITUATION + PAST EXPERIENCE = UNIQUE POTENTIAL FOR AVR

### Current Situation: why does the UK need a fully functioning AVR programme now more than ever?

*Over the medium term the challenges of irregular migration in the UK will likely increase, and assume a higher profile. It is widely assumed that AVR suffers from a public perception problem. But in the context of the alternatives for addressing the challenges of migrant irregularity in the UK, AVR can be presented as not only a more practical and realistic middle-ground approach to immigration control, relatively low profile and light touch, but also one that may be more aligned with the public's conflicted response to the realities of immigration enforcement.*

The UK's open application of EU freedom of movement rules has in effect masked the UK's weak in-country immigration controls, and dampened its level of irregular migration<sup>73</sup>. But for several reasons, over the medium term the UK will likely face more significant pressure to deal with irregular migration:

1. Freedom of movement into the UK is now likely to end
2. Significant numbers of EU citizens in the UK may fail to successfully complete the EU Settlement Scheme<sup>74</sup>,
3. A proposed reliance on short-term labour routes for lower skilled work immigration going forward<sup>75</sup>,
4. Growing demographic pressures from outside the EU.

At the same time the Pew Research Center's new estimate of the numbers of unauthorised immigrants in the UK may be just the start<sup>76</sup>, with Prime Minister Boris Johnson's apparent openness to some form of 'earned' regularisation for those irregular migrants who have lived and worked in the UK over a longer period<sup>77</sup>, and the Office for National Statistics' consideration of data that can better be used to quantify 'illegal migration' in the UK<sup>78</sup>, potentially bringing this issue into increasing focus.

This would be quite a wake-up call. Recent political and policy debate around immigration control in the UK has overwhelmingly focused on control of immigration at the border, and which immigrants to allow into the UK and on what terms. But the UK allows in many visitors, students and workers each year, and without a more joined-up approach to in-country immigration control; how to identify, track and address the situation of those immigrants in the UK who do not, or no longer, have permission to be in the UK, doing what they are doing, the sort of immigration control the majority of the UK public seem to say they want is simply not achievable.

Indeed, increasingly stringent border controls may incentivise irregular migrants to stay put in the UK, knowing their chances of re-entry are increasingly slim if they have been in breach of their original immigration permission while here. And the UK evidence certainly suggests that those whose immigration status becomes irregular become less likely to leave the slimmer they think their chances of re-entry are<sup>79</sup>. This may become even more so now that the UK is effecting exit checks that may provide information about overstaying and/or immigration infractions that can then be applied to re-entry decisions.

If attention does turn to the significant practical challenges in the UK of achieving a realistic and scalable in-country response to irregular migration, which of the difficult choices between a selection of unappetising options for responding to these challenges might be most palatable? A ratcheting up of enforced returns? An even more hostile environment? A local area registration regime? A population-wide ID card scheme? Periodic ‘earned regularisations’ of status? And in which combinations?

Quite aside from the practical challenges of these responses, how would they be viewed by the public?<sup>80</sup> It is important to remember that this is the context in which AVR sits, and it is in comparison and contrast with these other choices that the case for AVR 2.0 should be evaluated. So when one hears criticism of AVR in terms of its potential public perception, one should interrogate the public perception of those alternatives set out in the preceding paragraph.

AVR may look to be caught between a rock and a hard place. But rather than being its weakness that could be its strength. The fact that on the immigration control spectrum AVR lies between more aggressive enforcement and more liberal regularisation means it can be positioned as a sensible middle-ground approach. And while not shying away from the challenges, AVR seeks to approach them from a more practical, realistic perspective.

And even while satisfying public demand for immigration control, properly designed and implemented AVR schemes can have the capacity at the same time to be supportive of the concerns, rights and dignity of the migrant. As such AVR thus has the potential to occupy a more collaborative and productive centre ground in seeking a mutually acceptable solution to the difficult situation of those irregular migrants no longer wanting to remain in the UK.

**The UK public and immigration enforcement: a deeply conflicted relationship** The UK public seem deeply conflicted about immigration enforcement against irregular migrants. On the one hand a perceived low level of action against irregular migrants, and low number of returns, is said to erode public trust that immigration is under control. But “on the other hand, people who know migrants who face forced return are often appalled by perceived abuses against their neighbours and colleagues”<sup>81</sup>.

Indeed, as the reaction to the Windrush generation revelations show, the discomfort runs significantly deeper than just squeamishness at action against actual neighbours and colleagues. The Chief Inspector of Borders and Immigration has recently noted that Windrush:

“had affected staff recruitment and collaboration with other government departments and others, who were perceived to be less willing to be associated with Immigration Enforcement (IE) and with compliant environment measures. Even before Windrush, Immigration Compliance and Enforcement (ICE) teams in some locations had seen a rise in attempts to disrupt ICE deployments through acts of violence against IE property or ICE officers, threatening behaviour, verbal abuse and protests, some of which appeared to have been coordinated using social media. Some public reactions to ICE teams appeared spontaneous and relatively petty. Some were more serious and had raised concerns about the

safety of ICE teams in the field and about their ability to carry out their duties effectively.”<sup>82</sup>

If the UK public are so conflicted about tackling the issue of irregular migrants, “willing the ends but often too squeamish about the means”<sup>83</sup>, might the voluntary nature of AVR be the answer? If properly presented, this approach to the immigration enforcement paradox may be much more aligned with the concerns of, and therefore palatable to, large sections of the public<sup>84</sup> than has thus far been generally thought.

The relatively low-profile, light-touch approach of the AVR regime may be its greatest advantage. Less likely to attract the headlines of, and resistance generated by, the hostile environment or more draconian immigration enforcement. But nor requiring controversial political debate and systemic reform to operate effectively, in the way that responses to irregularity such as the introduction ID cards or the granting of amnesties do.

### Past experience: why does the UK have a unique opportunity to build a better AVR programme?

*The broad spectrum of different approaches used by the UK to operate its AVR programme over the past two decades have in effect constituted a unique practical experience and tangible evidence base from which the most optimal AVR programme can be assembled.*

**A short history of AVR in the UK; an ideal laboratory experiment:** The Home office has been funding AVR programmes in the UK since 1999. The UK’s assisted return approach was initially focused exclusively on asylum seekers and this has remained the core target base throughout. Reintegration assistance was added, initially on an optional basis, in 2002. The UK also developed separate assisted return programmes targeted at irregular migrants, at returns of foreign prisoners whose sentences fell within certain parameters<sup>85</sup>, and at families with children<sup>86</sup>. The availability and terms of these different schemes has fluctuated over the period.

The UK’s AVR journey over the past two decades arguably represents an ideal laboratory experiment, a unique opportunity to learn from experience to now construct the most effective AVR regime. This is because this journey has seen the UK move through three distinct approaches in how it has sought to manage its core AVR programme:

- Firstly utilising the expertise of the International Organization of Migration (IOM) to deliver the programme until 2011.
  - Then transferring responsibility for the programme to UK based NGO, Refugee Action, until the end of 2015.
- Before bringing responsibility for delivery of the programme entirely back within the Home Office itself, where it currently sits within the Home Office’s Voluntary Returns Service.<sup>87</sup>

The UK’s different approaches to operating its AVR programme have resulted in practical exposure to AVR from many different angles, and a broad range of different experiences of the benefits to be gained and challenges to be faced. The UK therefore has both

practical experience and tangible evidence from a broad spectrum of approaches from which the most optimal AVR programme can be assembled.

Most particularly the UK has direct experience of the importance of the integral involvement of migrant supporting NGOs that can build trust amongst migrant groups that the programme is truly voluntary, and which can encourage genuine engagement with, and take-up of, the programme. But also the experience of trying to manage the difficult tensions to which this can give rise. And also of the importance of building the required network of supporting organisations back in the countries of return, which are crucial for providing the necessary connection and assistance to help migrants (re)build their life back in those countries.

## CHAPTER 8: THE AVR PROGRAMME: KEY FEATURES, KEY CONSIDERATIONS

## A) INSTITUTIONAL INFRASTRUCTURE

*Irregular migrants are more likely to engage with AVR programmes operated by organisations which they trust, not directly by the state itself. Further, the challenges of running an AVR programme cannot best be addressed by a single organisation, but require cooperation and collaboration of a number of parties whose relative strengths in different key areas can be best leveraged in combination. While this may create tensions and trade-offs both within, and between, these parties, these can be negotiated and managed if it is acknowledged that immigration control and the best interests of the migrant are not always necessarily in conflict. And within the Government itself it is important to foster awareness and connectivity across departments on AVR, particularly in the context of the potential link with DFID's work, as well as assessing the UK's AVR approach in the context of that of other countries.*

“Governments should acknowledge that many irregular migrants are unlikely and unwilling to approach agents of the state, or those they perceive to be government agents, even when support is available. Governments should ensure that AVR is offered by agents of independent organisations working under government tender.”<sup>88</sup>

“Minimizing interactions between states over matters as delicate as the transfer of populations in favour of a more disinterested, internationally recognized agency, such as the International Organization for Migration is arguably a further factor in smoothing the progress of noncoercive returns.”<sup>89</sup>

**IOM's role in AVR:** IOM is uniquely well placed to operate AVR programmes, having been implementing such programmes worldwide since 1979. While no longer involved in the UK's AVR programme, IOM is the global point organisation on AVR<sup>90</sup> (save for refugees where the UN High Commissioner for Refugees takes the lead), in effect providing a ready-made, built-in transnational pooling of knowledge, with the potential for governments not only to learn from their own AVR programme but also from each others<sup>91</sup>, and representing a drive for best practice standardisation of principles and objectives in return and reintegration programming<sup>92</sup>.

This has helped to credentialise IOM as the internationally recognised expert agency in the field of AVR programmes, setting up a virtuous cycle of increasing numbers of states willing to allow IOM to operate their AVR programmes which then further credentialises IOM in this role. Evidence, including that collected when IOM was running the AVR programme in the UK, suggests that the perceived professionalism of IOM's approach to AVR programmes, and the quality of the information and advice it is seen as providing, has also helped to credentialise IOM's role with migrants themselves, helping to ensure they view IOM as an independent agency, sufficiently distinct from governments<sup>93</sup>. And in terms of reintegration support back in the home country, IOM has unparalleled coverage, having a presence in four hundred locations globally.

**Leveraging complementary strengths:** When in 2011 responsibility for delivery of the AVR programme in the UK was transferred from IOM to Refugee Action, Refugee Action had no such coverage outside the UK and therefore had to build connections in the main countries of return. For a UK NGO, responsibility for end-to-end delivery of an AVR programme was a challenge, but Refugee Action was able to invest to build up its own capacity and professionalism in this area<sup>94</sup>. But it could not realistically replicate IOM's presence in the countries of return. So to support reintegration it partnered with local organisations in those countries whom it viewed best placed to “contextualise opportunities and challenges that returnees may face, and knowledge of how best to tailor reintegration assistance within the local context to meet each returnee's needs”<sup>95</sup>. This included partnering with local IOM offices in some countries<sup>96</sup>.

At the same time though, Refugee Action was able to leverage its relative strength on the ground in a number of local communities in the UK. Whereas IOM did not have the roots in, and such accessible routes into, the host state migrant communities in order to be able to best source referrals, so partnered with a small number of NGOs, including Refugee Action<sup>97</sup>, to source those, but also with a broader suite of other organisations in order to promote the programme<sup>98</sup>. Once itself responsible for the programme, Refugee Action's local presence and network in the UK provided the foundation for its development of dedicated teams of outreach workers to promote and support the AVR programme.

The evidence seems clear, uncontroversial and unsurprising. The myriad challenges of return, and the complexity of the different situations of the migrants facing them, require multiple strands to be pulled together to run the most effective AVR programme transnationally. This is beyond a single organisation, requiring instead cooperation and collaboration of a number of parties whose relative strengths in different key areas can be best leveraged in combination. Both IOM and Refugee Action exercised their responsibility in running the AVR programme in the UK in a way that developed important elements of such a cooperative and collaborative structure<sup>99</sup>. But these forms of cooperation and collaboration have largely been left to wither on the vine now that the programme responsibility is back with the Home Office, whose mindset and skillset does not seem inclined to run the programme in this way<sup>100</sup>.

Of course, neither IOM nor Refugee Action were entirely free of criticism in their operation of the AVR programme though. And an AVR programme delivery structure that involves NGOs being given responsibility for delivering (aspects of) an immigration control programme on behalf of the Government, at the same time as also having an advocacy role which may bring them into conflict with Government policy, inevitably gives rise to certain tensions that need to be negotiated and managed.<sup>101</sup>

**A more expansive mindset:** There is a potential benefit in thinking more expansively about the range of actors with the potential to enhance outcomes at both ends of the return process. And how they might be more closely drawn in to assist.

In particular, churches and faith-based organisations, both more recently established and migrant-led, but also longer term and more traditional, often combine strong local roots and connections with migrant communities in the UK with transnational reach out to communities in migrants' home countries<sup>102</sup>. At the same time, they often command significant trust among both individual migrants and governments. Allied to this, their resources and mobilising capabilities give them significant potential in practically and operationally supporting some of the most difficult challenges of delivering AVR transnationally, and indeed a number of them have experience of performing roles, whether or not formally, at both ends of the returns infrastructure.

So there are multiple parties that are key to AVR programme success, but there are also tensions and trade-offs in terms of sole versus shared responsibility, and of formalising roles and responsibilities versus leaving their involvement and engagement more flexible and informal.

Having said that a number of aspects of AVR programmes work most effectively when states are kept out of them, ultimately of course states have authority over these programmes; in the UK the Home Office decides who delivers the AVR programme and how that is done. In this context the Home Office itself seems to acknowledge the drawbacks of the current AVR programme structure in the UK, and that insufficiently distinguishing the programme from immigration enforcement can adversely impact the take-up of the programme.

The optimal structure should be one which can help the Home Office on its own journey to pilot more community-led solutions, and to realise that more enforcement does not necessarily equal more effective immigration control. While at the same time helping migrant supporting NGOs and community led organisations acknowledge that immigration control and the best interests of the migrant are not always necessarily in conflict, and that any realistic immigration control regime must have return as a potential option.

**AVR communication within government:** It is also important that the Government remains sufficiently engaged with the AVR programme that the existence, availability and potential benefits of assisted voluntary return is clearly communicated and promoted across government departments. Relatively straightforward though this might seem, throughout the history of AVR programmes in the UK this has proven a continuous challenge<sup>103</sup>.

The Home Office's current guidance to its Immigration Enforcement staff stresses the importance of considering voluntary return options<sup>104</sup>, and it might be thought that one residual advantage of the current Home Office enforcement-led approach to AVR in the UK might be that, at least within the Home Office enforcement machinery itself, there would now be a more joined-up approach and greater awareness of the AVR option. But the evidence does not necessarily suggest that this is the case<sup>105</sup>.

If the state is too far removed from the operation of the AVR programme, it is all too easy for the host state to wash its hands of any responsibility for the outcome of the migrant's return. And there are important reasons for the host state to remain engaged with this, monitoring the sustainability of returns, including rates of re-migration, seeking to

understand and address issues arising from the performance of the programme. Particularly given the risk that poor perceptions of the programme from those who have returned may be transmitted back to the host state migrant community; such “rumours from disgruntled returnees”<sup>106</sup> can contribute to a lack of trust in the programme and undermine its continued take-up going forward.

**AVR and international development:** Another transnational aspect of AVR programmes which mitigates towards the state staying closely involved is the international development potential inherent in the return of economically productive migrants. Indeed, notwithstanding that the Home Office no longer uses IOM to run the UK’s AVR programme, DFID continues to fund, and be closely interested in, IOM’s work on return and reintegration, including in developing a model of sustainable reintegration indicators.

This may suggest less than perfect inter-departmental connectivity and alignment on this issue across Government. And while the potential of voluntary return programmes to contribute to development in countries of origin should not be overplayed<sup>107</sup>, there is certainly a case for more consideration across Government as to whether reintegration assistance could be more clearly aligned with development policy and draw on development aid<sup>108</sup>. This could include better connecting returnees to opportunities provided by DFID programmes, where those exist in the country being returned to, which might be of mutual benefit to both the migrant and to the DFID programme. And at an even earlier stage of the process might DFID also have useful intelligence and ideas to input about where the gaps and opportunities may be, and how skills training may best be targeted, for a migrant returning to a particular country?

Aligning AVR more closely with development goals can also position AVR as more aligned with the needs in countries of return, and not simply just about the priorities of the returning country<sup>109</sup>.

**AVR and countries of return:** Some have argued that having the governments of countries that migrants are returning to engage with the reintegration agenda, taking a role in guiding reintegration approaches, can help ensure that delivery of reintegration assistance is appropriately rooted in the local context, and underpin local NGO support that is being provided<sup>110</sup>.

But migrants may have low levels of trust in their own government and its agencies, have had little contact with them while they were away, and little faith that they will benefit from governmental support after they return<sup>111</sup>. Any greater involvement of the home state therefore needs to be carefully balanced with positioning reintegration assistance as being delivered by organisations independent from the government, or else it risks potentially undermining many migrants’ trust in the programme<sup>112</sup>.

One final transnational infrastructure point relates to the UK's relationship with the EU on AVR.

**AVR and the EU:** Even if the UK no longer directly leverages the AVR programme expertise of IOM, it can still currently benefit from regional cooperation and shared information and learnings on AVR, at the governmental level in Europe, through membership of bodies such as the European Migration Network and the European Return and Reintegration Network<sup>113</sup>, and at the NGO-to-NGO level, through Refugee Action's membership of the European Reintegration Support Organisation network<sup>114</sup>.

As these are EU sponsored bodies, continuation of this involvement from a UK perspective is not assured post-Brexit. But the UK has clearly indicated its interest in continued 'whole of route' joint migration management approaches with the EU, as referred to in the Chequers White Paper<sup>115</sup>. And regardless of the final form of Brexit there is little reason to think that both sides' interest in this sort of cooperation will diminish, and that the UK cannot continue to learn from the experience of other European countries in operating their AVR programmes, and monitoring and comparing the diverse terms of those against the UK's approach<sup>116</sup>.

## B) WHO/HOW TARGETED?

*For any AVR programme there are three main aspects of who is targeted, and how: (1) eligibility for the programme; (2) the key target base for the programme; and (3) eligibility for reintegration assistance. The AVR programme focus has traditionally been on seeking to return 'failed' asylum seekers, but the vast majority of irregular migrants in the UK are in situations which may be much more supportive of genuine voluntary return. A successful AVR programme rests on trust: of the migrants targeted by the programme, of those communities/organisations supporting those migrants, and in those organisations that actively engage with the promotion and operation of the AVR programme.*

In terms of eligibility for the programme, the earliest AVR programmes in Europe in the 1970s focused on incentivising *legally* resident foreign national guestworkers to return<sup>117</sup>, addressing a very particular situation which certain countries found themselves in as a result of the labour immigration policies they had pursued. But today AVR programmes are generally targeted at irregular migrants.

How the programme is framed and outreach structured so as to reach out to the key target base is key. In the UK, as in many other countries, the AVR programme's main target has generally been failed asylum seekers. But notwithstanding this a greater percentage of this category still only leave under enforced conditions<sup>118</sup>. That is hardly surprising. This is an area fraught with tensions and complications. By definition such migrants are alleging they have fled in fear of their lives from the country they are proposed to return to.

**AVR and asylum seekers:** While the situation of this cohort certainly need to be addressed, AVR programmes overly focused on asylum seekers can be painted as improperly seeking to entice those in fear to risk returning to their countries. Some

countries have added fuel to this fire, introducing a sliding scale of payments to incentivise asylum seekers to withdraw their asylum claim<sup>119</sup>.

But any perception that an AVR programme is a thinly veiled front for persuading migrants back to an insecure situation before having fully exhausted their legal rights can understandably undermine trust in the programme, alienating those groups whose support the programme needs to function most effectively<sup>120</sup>. As well as the direct consequence for the returnee, indirectly there can be concerns that a rise in the number of returnees to a particular country may cause the Home Office to designate that country safe, which can then impact the cases of others from that country in the UK<sup>121</sup>.

But the vast majority of irregular migrants in the UK are not asylum seekers, and “AVR programmes should be established for all irregular migrants and not just for certain categories such as refused asylum seekers or victims of trafficking”<sup>122</sup>. The focus on asylum seekers should not obscure the opportunities for working more concertedly with the grain of migration flows in those situations where the migrant’s circumstances may be much more supportive of return.

**The power of genuine ‘voluntariness’:** Indeed the key to more meaningfully moving the needle through a successful AVR programme, with the potential to draw in, rather than alienate, potential key supporters to the programme, is sourcing those migrants who are not fearful of return, and to whom the programme can genuinely be presented as an empowering and positive choice. This focus on genuine ‘voluntariness’ is not only important for numbers of returns, but also is the most “significant factor in the success of reintegration outcomes”<sup>123</sup>. The more voluntary the return, the more likely that reintegration will be a success, and the less likely that the migrant will re-migrate<sup>124</sup>.

Even before the Home Office took back day-to-day control of the UK’s AVR programme, the concept of ‘voluntariness’ of return was treated with considerable scepticism by many migrants and their advocates<sup>125</sup>. But the transition to a Home Office-run AVR programme has not surprisingly further “raised concerns about ‘voluntariness’, particularly when offered to people faced with the prospect of indefinite detention and enforced removal”<sup>126</sup> and who are having their level of support within the UK increasingly reduced<sup>127</sup>.

**AVR and Home Office reporting of irregular migrants:** In the UK, those irregular migrants known to the authorities must attend a Home Office reporting centre on a periodic basis. Discussions at these sessions are meant to include encouraging a voluntary exit, but equally can also result in detention and an involuntary exit.

With only a couple of minutes allocated per interview, this almost inevitably reduces any voluntary departure conversations to little more than a tick box exercise<sup>128</sup>. The Immigration Minister has recently stated that “investment and reform in our reporting centres mean that the staff there are spending more, and more productive, time with those who are reporting”<sup>129</sup>, but any genuine attempt to engage with the question of voluntary return through the reporting system is hampered in practice by the sheer size of the reporting population and the administrative structure designed to process it.

Indeed, one of the particular challenges for ‘voluntariness’ in the UK is the extent to which the UK uses immigration detention.

**AVR and immigration detention:** Prior to 1 April 2014 the UK’s AVR programme allowed the voluntary return option for migrants in detention. It no longer does. Despite the potential cost advantages of allowing this option, and the opportunity to return in a more dignified manner and with access to support<sup>130</sup>, from both sides there are clearly particular challenges of providing a voluntary return option in this situation.

From the immigration enforcement side, the fact the migrant is considered suitable for detention may suggest an insufficient level of trust that the migrant will actually return rather than abscond if provided with a voluntary return opportunity. And if one of the rationales for AVR for those running the immigration system is to save the significant cost to the Home Office of locating, arresting and detaining a migrant, if these costs have already been incurred is it appropriate that that migrant should still receive the same level of return assistance as a migrant who has voluntarily come forward and not resulted in the state incurring those costs? And might the availability of voluntary return from detention undermine the incentive for migrants to come forward voluntarily prior to that point if they know they can still access the benefits of the voluntary return package even if detained?<sup>131</sup>

And from the migrant’s side the threat of looming enforced removal plus uncertain access to legal advice within detention begs the question how voluntary any such return can really be in that situation? In this regard the current Government-sponsored, NGO-led pilot of community-based alternatives to detention<sup>132</sup> may help to provide a better basis from which the issue of voluntary return can be assessed and addressed with this cohort.

A tripartite framework of trust is key to the success of an AVR programme:

- (1) The trust of the AVR programme’s target base of migrants;
- (2) The trust of those communities/organisations supportive of migrants;
- (3) The trust *in* those organisations that actively engage with the promotion and operation of the AVR programme.

### **The trust of migrants**

*How the target base of the programme is approached, through which avenues, and with what message, is key to expanding awareness of the programme and also positioning it more positively and building the necessary trust for migrants to decide to engage with the programme. Once engaged, to support genuine voluntariness information presented must be viewed as reliable and impartial, any conversations non-directive and confidential. None of these are achieved by the Home Office running the programme.*

The Home Office has itself admitted that leveraging migrant supporting communities to promote AVR programmes improves cost effectiveness<sup>133</sup>. Communication through community media channels and other ‘information multipliers’<sup>134</sup> can best build awareness and generate referrals to the programme<sup>135</sup>, potentially allowing a much expanded target

base to be engaged with, and the programme to be positioned more positively than just targeting ‘failure’ and ‘vulnerability’.

But awareness of AVR programmes in the UK migrant community has consistently been low. For example:

*“Opportunities for access to support for return are not made sufficiently accessible or promoted enough. Migrants’ awareness of the return and reintegration support that was available was low, and many interviewees reflected that had they known about the available assistance for return they would have considered leaving sooner. It was also clear that, throughout the return process, opportunities to incentivise voluntary return were not being taken.”<sup>136</sup>*

And:

*“Half the UK-based respondents in this study had not heard of return programmes.”<sup>137</sup>*

And:

*“Even when AVR schemes are available, they are not often well known or well understood. Tenders to provide an AVR scheme should include outreach officers with good links to particular communities which are thought to have large irregular migrant populations.”<sup>138</sup>*

Better awareness is clearly necessary, but not sufficient. Trust is key for migrants to even consider engaging with AVR programmes. The direct involvement of/visible links with the Government in such programmes can undermine migrants’ trust in the information provided and in engaging with the programme<sup>139</sup>. The genuine involvement of the relevant diaspora communities and NGOs trusted by them can have the opposite effect. That Refugee Action were also doing important refugee support/advocacy work at the same time they ran the UK’s AVR programme was helpful to building trust in the programme.

In this regard the messenger can be as crucial as the message. Under the current system, the messenger is the Home Office. Not surprisingly enforcement officials tend to view “a greater effort in forced returns leading to greater numbers of people leaving through pay-to-go return programmes”<sup>140</sup>. The current messaging of the UK’s AVR programme is very much positioned as a functional adjunct to the enforcement arm of the UK’s immigration controls. The Home Office’s guidance to its own staff itself seems reluctant to admit a presumption that those migrants who have come forward to engage with the programme should then be allowed to return voluntarily<sup>141</sup>.

Migrants understandably have significant concerns that making themselves known to the immigration enforcement authorities will have consequences if they decide not to take up the AVR offer. Yet under the current incarnation of the UK’s AVR programme, to even engage with the programme they must make themselves known to the Home Office, via online form. Whereas under previous incarnations of the AVR programme, where the migrant was facing IOM<sup>142</sup> or Refugee Action, the migrant had greater trust that reliable information was being impartially presented, that any conversation was ‘off-the-record’,

and that they could receive advice and make a fully informed and considered assessment of the programme offer before committing to it. Indeed “non-directive, impartial and confidential advice” to seek to “identify sustainable solutions to their situations, either in the UK or in the country of return”, rather than persuasion or coercion to depart, was the foundation of how the ‘Choices’ programme was framed and operated when Refugee Action ran the UK’s AVR programme<sup>143</sup>.

With the Home Office taking back control over day-to-day operation of the AVR programme, an already divided space thus became even more polarised, alienating a number of those who could potentially support the programme. The Immigration Minister has said “Local Immigration Enforcement teams are using their strong community links and established relationships with diaspora communities and other partners to encourage open discussions about options for voluntary return”<sup>144</sup>, but even the Home Office acknowledge that trust has been significantly eroded under the current structure of the programme, and that numbers of migrants engaging with the programme will likely be reduced<sup>145</sup>. Given the Home Office itself admits the benefits of voluntary return for both the UK taxpayer and the migrant<sup>146</sup>, it is unclear how this is anyone’s interests.

But even under the current system there would seem to be potential mechanisms by which greater trust and engagement could be promoted. One would be if the Home Office better advertised its willingness to provide details of the return assistance offer on a hypothetical, anonymised basis, through migrant supporting groups, before the migrant has to make themselves known to them.

### **The trust of the migrants’ support base**

*An AVR programme needs to build the trust of the support base. It needs the willingness of migrant community organisations, migrant-supporting NGOs and civil society<sup>147</sup> to not only accept the AVR programme, but to take an active role in promoting and operating it. To deliver this, the programme must be seen to operate outside the official enforcement system, be perceived as truly voluntary, and be tied to access to appropriate advice and assistance, not as undermining migrants’ rights.*

**AVR and access to legal advice:** The broader practical problems of accessing legal advice in the wake of the curtailing of legal aid effected by LASPO<sup>148</sup> are significant. That has left many in the migrant rights community concerned that migrants do not have access to the appropriate advice necessary to make a fully informed decision on their options, including on voluntary return. Access to independent, OISC-accredited, and properly structured<sup>149</sup> immigration legal advice would support increased buy-in to the AVR programme, from the both the perspective of potential returnees and the supporting NGO sector.

Indeed, investing in the provision of such legal advice up front could result in a significant cost-saving overall, potentially helping to unlock much greater scale for AVR by allowing many more groups, and the migrants they support, to gain trust in and engage with the AVR process. But importantly, access to independent legal advice

could also help to bring a sense of balance by unlocking greater realism and participation in the programme amongst those migrants whose legal case to stay is weak.

**AVR and the asylum system:** Overly focusing the AVR programme on returning asylum seekers to what are perceived to be dangerous situations does not help to build trust in the programme more broadly<sup>150</sup>. But at the same time, those organisations supporting asylum seekers need to acknowledge that not every asylum claim can be successful, and the best interests of the asylum seeking system as a whole in fact “rests on a bedrock of functional and credible return policies”<sup>151</sup>

In this sense, engaging with AVR should therefore be seen as an important part of securing the overall legitimacy and credibility of the asylum system. The quid pro quo though is that in order to consider supporting and promoting AVR programmes to their service-user base, organisations supporting asylum seekers are only going to do so if they view the asylum process, and the quality of decision making under it, as professional, competent and fair<sup>152</sup>.

### The trust in the migrants’ support base

*The final element of trust, trust in the support base, may seem less obvious than the other elements of trust, but is no less fundamental. To construct the most effective AVR programme it is key that, by engaging with the programme, migrant supporting organisations are not tainted by association with it, and instead are seen to be able to exert greater influence on behalf of their migrant base. This can provide a significant challenge, which the whole sector needs to take some responsibility for addressing. And indeed it is another argument for seeking to draw into the programme a broader range of organisations that having a single organisation synonymous with the programme can damage the programme if it leads to that organisation simply becoming a lightning rod for all criticism, scepticism and suspicion.*

**IOM as an honest broker?** IOM’s global reach brings its own significant challenges. Its delivery of post-return assistance has received criticism for appearing inconsistent at best, totally unjoined-up at worst, the promises of reintegration assistance made by IOM in the host state not always delivered upon by IOM offices in the home state. This risks leaving returnees feeling abandoned and cheated, more likely to contemplate re-migration<sup>153</sup>. And “as any organisation operating in endemically corrupt settings, the IOM faces the challenge of ensuring transparency within its own ranks”<sup>154</sup>.

Others see IOM’s challenges as even more fundamental, regarding it as a self-appointed and self-aggrandising agent of ‘gated globalism’ and ‘migration management’, exerting “a near monopoly in the field” as “a stakeholder contracted by the state and under pressure to produce high rates of return”, but itself largely free of scrutiny. They ask: can IOM really be relied upon to present full and unbiased information when it receives financial compensation based on numbers of voluntary returns?<sup>155</sup>

The idea of migrant supporting NGOs being involved in delivering AVR programmes is a hugely challenging, sensitive and controversial area within the NGO sector itself. Does receipt of Government funding impact on an NGO's independence and constrain its advocacy role? A number of NGOs are highly critical of this practice in the AVR space. And, concerned around the potential conflicts arising from becoming over-reliant on government funding, and the risk of being seen to front the Government's 'dirty work' in the drive for higher numbers of returns, they want no involvement in AVR.<sup>156</sup>

**Refugee Action: saint or sinner?** In taking on responsibility for the AVR programme Refugee Action saw themselves as responding to demand from their service-users for them to get involved in the programme as an impartial and trusted intermediary, independent from the Government, and with a better understanding of the complexities of the potential return decision.

This benefit to the programme was also acknowledged by the Home Office at the time, who viewed the involvement of Refugee Action as enabling access to an otherwise unreachable 'client base' and helping to counter distrust and suspicion of the programme that was potentially impacting the numbers of migrants willing to come forward to engage with it. Having Refugee Action involved also helped to get other NGOs more comfortable with the concept.<sup>157</sup>

The funding that Refugee Action received for running the AVR programme was structured as a grant, rather than as a contract for services. As such it provided them with a significant degree of autonomy, and without the risk of the sorts of potential penalties that may arise from a service contract structure.

Even so, was their ability to critique Government policy in other respects circumscribed by the role they took on? The evidence does not suggest so. Indeed the opposite, their involvement in a government programme seeming to have made Refugee Action a more relevant and weighty organisation in the eyes of the Government, while providing an opportunity for them to influence adjustments to the AVR programme through behind-the-scenes advocacy. In addition, the on-the-ground experience, data and evidence Refugee Action acquired through the AVR programme services they delivered could in turn then be fed back into their advocacy.<sup>158</sup>

The quid pro quo for the degree of autonomy allowed to Refugee Action in branding and operating the AVR programme was of course that the Home Office could ultimately cease to fund Refugee Action, and take a different approach to operating the UK's AVR programme. Which they did in 2015, deciding to take back day-to-day control of the positioning and operation of the scheme. For those NGOs that had been critical of Refugee Action's involvement in the programme, could this really be said though to represent a positive development?

A similar dynamic is currently seen at work in civil society's engagement with the Government's community sponsorship scheme for resettled refugees. Faith-based and civil society organisations involved in that scheme can still engage critically with the Government on other aspects of immigration and asylum policy. And their involvement in community sponsorship can arguably help them better leverage their advocacy elsewhere

if they are seen as a trusted partner with the Home Office in another area. Indeed in the UK the involvement of faith-based organisations in particular in returns may have the potential to further build trust, as these organisations are generally viewed in the UK as being particularly independent of the influence of the Government, as well as often having deep roots in local communities.

This is not to say that NGOs should not continue to hold each other to account when involved in delivering Government programmes. But from the perspective of the UK's AVR programme, it serves nobody's interests when they just sit sniping on the sidelines if by actively engaging they could help construct a more informed, responsive and attractive AVR programme, which can much better support the best interests of the migrant.

### C) KEY FEATURES AND TERMS

#### Upfront tensions

The upfront financial assistance available for return from the UK is not currently transparently advertised, simply presented as “help to return home”<sup>159</sup>. Even the provision of a moderate sum on departure, though, may allow the returnee to return with ‘a visible sign of advancement’<sup>160</sup>, to arrive back in their country with dignity and the best chance of finding their feet<sup>161</sup>, and thus can “sometimes help returnees overcome [their] psychological reluctance to consider returning home”<sup>162</sup>. But at the same time the evidence also suggests the actual terms of return programmes, including size of payments, are rarely a primary motivating factor in most migrants' return decisions<sup>163</sup>. And for some the size of the upfront payment may even seem derisory: “It is as if our lives are being bought for £600”<sup>164</sup>.

Perhaps not surprisingly though, if support is to be received, migrants seem to prefer support delivered in the form of upfront cash. But does that lead a sustainable return? What most incentivises a migrant to return, and what best helps them to reintegrate might not be one and the same<sup>165</sup>. But if assistance is not all to be delivered in upfront cash, this needs to be made very clear to the migrant, as any misunderstanding about this can undermine trust in the programme<sup>166</sup>.

The balance around not only the amount of the upfront assistance, but also the messaging around it, is important. IOM's preferred messaging is that the migrant should be provided with the assistance necessary to return to their country with dignity, rather than stressing the amount of the upfront cash payment. And for those organisations supporting migrants, concerns about the risk of putting too much emphasis on the upfront payment goes to the heart of the tension they face between *facilitating* return and *incentivising* return. They may be comfortable with the former, but uncomfortable with the latter<sup>167</sup>.

The Home Office itself has lamented the “need for greater investment in raising the level of debate on voluntary return, to ensure that there is a balanced understanding of the issue”<sup>168</sup>. And the upfront financial assistance to return is undoubtedly a feature in the ‘pay-to-go’ perception which the public can have of an AVR programme, this unfortunate narrative casting assistance as a ‘bribe’ paid to migrants to go home that rewards those who have flouted immigration controls.

And too large an upfront cash payment gives rise to the concern that it may simply be immediately reinvested into re-migration. At an extreme it could even be portrayed as a pull factor for other migrants to seek to enter the UK opportunistically<sup>169</sup>. But there is no evidence of such ‘return shopping’. And even if there were, any migrant doing so might be best advised to head for Scandinavia where upfront cash payments on return seem most generous<sup>170</sup>.

### A way back in

Re-entry bans for a period have always been a key part of voluntary return programmes<sup>171</sup>. This makes sense, to prevent those returning from abusing the system by taking the financial assistance and using it to fund an immediate re-migration and re-entry to the UK<sup>172</sup>. Equally though, to incentivise flows out, and combat “hunkering down” of irregular migrants in the UK, there should be some form of potential path back to the UK, albeit one that may require a little patience. Irregular migrants are taking a significant risk in giving up their position in the UK, and returning to what may be an uncertain life in their home country. If their chances of ever being readmitted into the UK are nil, they are in effect being asked to take a very large and irreversible gamble.

As with the upfront financial assistance therefore, there is a balancing act. In this case between making the length of the return ban sufficiently shorter than that which is applied in the case of forced return, in order for it to potentially act as an incentive, but not so short that it may be seen as a pull factor likely to facilitate an endless cycle of re-migration.

**Current re-entry bans in the UK:** In the UK currently, voluntary return through the AVR programme attracts a re-entry ban of 2-5 years, in comparison with that for forced return which stands at 10 years. Overstayers who return outside of the programme, buying their own return ticket, are subject to a maximum re-entry ban of up to 1 year, and potentially no ban at all. Overlaying all this is the Home Office’s residual discretion to refuse entry to anyone who has “previously contrived in a significant way to frustrate the intentions” of the immigration rules.<sup>173</sup>

**The pros and cons of a sliding scale:** Some have suggested the length of the re-entry ban should be reduced for irregular migrants who have been longer in the host state<sup>174</sup>. This highlights a broader debate around the use of a sliding scale for any of the terms of the voluntary return offer. Should the benefit of a sliding scale be targeted at rewarding perceived greater cooperation in returning, i.e. those leaving earlier? Or at more greatly incentivising those who may be perceived as otherwise being less cooperative in returning, i.e. those who have been here longer? And is building in such complexity at all additive to the attractiveness of a programme, or instead just complicating, confusing and off-putting?

## Pre-departure and post-arrival support and counselling

A key reason why targeting AVR schemes more narrowly at vulnerable groups, such as trafficking victims and failed asylum seekers, may not lead to sustainable returns is that they may feel the least prepared for return. “They left with reluctance, because they had planned on being able to return home on their own terms and when they felt ready (once they had met their initial goals)”<sup>175</sup>.

For an AVR programme to be most effective and sustainable, it needs to invest in ensuring “the right mindset for reintegration”<sup>176</sup>, that the migrant feels mentally prepared for a return that is voluntary, on their own terms, and with the opportunity for them to appropriately sever their ties and settle their affairs before departure<sup>177</sup>.

The period immediately pre-departure and post-arrival is important for maintaining the returnee’s trust and confidence in the programme, in the decision that they have made, and in the likelihood of them receiving the further support they have been promised.

**The unheralded importance of pre-departure support:** Pre-departure support comprises not just emotional support and further building of trust, but also administrative support. The latter may seem mundane, but is inextricably linked to emotional support and trust in the programme.

Returnees need to have confidence that the pre-paid bank card they are provided with for financial assistance will work. And that they have, or can practically obtain, a passport/proof of identity that will be accepted by their home state, as many irregular migrants no longer have a valid travel document, which is one of the reasons they cannot easily return unassisted<sup>178</sup>.

Hand-holding can be important. Attending their country’s embassy in the UK to arrange the necessary identity documentation can be a stressful experience for many migrants. Which is why when Refugee Action led the UK’s AVR programme they directly engaged with the embassy on the migrant’s behalf and accompanied them on this visit. But the Home Office takes a more hands-off approach, seeing it as the responsibility of the migrant to liaise with their own embassy.

Under the Refugee Action incarnation of the AVR programme, pre-departure video-conferencing between forthcoming returnees and prior returnees, and the organisation to be primarily responsible for supporting the returnees’ reintegration in the home country, helped to provide practical guidance, set realistic expectations and cement trust. Part of this was the migrant seeing that this was an NGO-to-NGO led programme, not a government led one<sup>179</sup>. Refugee Action even had a team responsible for accompanying the returning migrant to the departure airport to make sure embarkation went smoothly.

Arrival back in their home country is also likely to be a significantly stressful experience for the migrant. Some migrants may be concerned whether they will even make it out of the airport without being apprehended by the authorities, others how practically they will make their way to their end destination having been away for so long. Refugee Action

assumed responsibility to ensure there was someone to meet the returnee on arrival, escort them out of the airport, and see them on their way.

### Reintegration is key

In order to support sustainable return, as much emphasis should be placed on reintegration as on return itself<sup>180</sup>, including in how the programme is promoted. The very fact of emphasising reintegration assistance may itself be thought more likely to engage those migrants most serious about a more sustainable return to their home country<sup>181</sup>.

Of course support for reintegration needs to be delivered upon transnationally. What is promised in the host state needs to be delivered in the home state. Given the degree of connectivity between communities in the home and host state, and the importance of friends and family at home in terms of informing the return decision, news of poor reintegration experiences risks becoming common knowledge among those back in the host country still to make the decision, and may reinforce their resistance to returning<sup>182</sup>. Equally a positive outcome may generate a favourable feedback loop.

**The Home Office's current focus** on reintegration support to the returning migrant seems distinctly detached and half-hearted, such support being provided solely through cash payment, and no longer through any ongoing support provided locally by partner in-country NGOs. Reliance exclusively on cash without other forms of support creates a risk of exploitation and corruption, but also that the cash is used up without being invested in ways that support more sustainable return<sup>183</sup>.

Reintegration support is currently set at a maximum of £2,000 per person, for those returning as part of a family unit<sup>184</sup>. Some have suggested a larger payment could increase the take-up of the programme<sup>185</sup>. But under the current incarnation of the UK's AVR programme, while any irregular migrant may have their return journey paid for, only failed asylum seekers, trafficking victims, unaccompanied minors, and family groups containing minors are eligible for reintegration assistance<sup>186</sup>.

These eligibility parameters are not necessarily out of kilter with other such schemes across Europe<sup>187</sup>, but do represent a slight narrowing of approach from the previous incarnation of the programme run by Refugee Action, where those falling outside of the scope of reintegration assistance were at least able to receive help and support with reintegration planning and the cost of travel not just out of the UK, but through to their end destination in their home country<sup>188</sup>.

Again, one needs to be aware of the potential public perception of rewarding those who are seen to have broken immigration rules. But restricting reintegration support in this way risks being seen to incentivise return for exactly those groups who are potentially most at risk on return, while at the same time limiting the potential attractiveness of the programme for the major portion of the UK's irregular population.

### Gendered difference and challenges

Migration has important gender dimensions. Women are generally viewed as disproportionately affected by human trafficking<sup>189</sup>. And stigmatisation can be a

particularly acute issue for women who either were, or even are simply assumed to have been, trafficked into prostitution. This can significantly impact their willingness and ability to return to their families and communities<sup>190</sup>. Evidence suggests that female migrants in this situation may therefore be more susceptible to the “push factors” of the hostile environment, and less to any “pull factors” of return to their home country. Indeed, for many women in this situation, return without the assistance of an AVR programme may simply not be practicable, given their constrained situation and limited resources.<sup>191</sup>

Trafficking often leads to particularly challenging situations for prospective return, as it is:

“often the breakdown of an individual’s social support network (whether due to death, relationship breakdown or abuse) and their lack of alternative support that was the single most significant factor explaining their vulnerability to trafficking” in the first place<sup>192</sup>.

“It is particularly important that the barriers to women’s participation in the labour market and the stigma they may face on return are taken into account when the type and level of support needed for their sustainable return is considered.”<sup>193</sup>

This is an area in which both the Home Office and DFID have a core interest, and could potentially collaborate more, given the Home Office’s focus on trafficking and DFID’s focus on gender equality and empowerment.

But at the same time some have argued that institutionalised responses that view the challenges of trafficking exclusively through the prism of the plight of women trafficked for the purpose of prostitution results in other types of trafficking, involving men, which do not so neatly fit politically convenient stereotypes, often being overlooked.<sup>194</sup>

### **Being more nuanced about reintegration**

Being more flexible and expansive around the targeting of reintegration assistance not only represents IOM’s suggested approach<sup>195</sup>, but the Home Office’s own research and approach acknowledged this as long ago as 2007<sup>196</sup>.

**The understandable fixation on migrant entrepreneurialism?** The figures of the migrant and the entrepreneur have become inextricably intertwined in the imagination for a number of reasons:

- Many migrants come from countries where a lack of employment opportunities and state support means many view “starting their own business as their only alternative means to survival” and self-employment is the norm<sup>197</sup>.
- The act of migration itself is often viewed as an entrepreneurial endeavour.
- While, in the host country, a lack of access to formal training and employment opportunities, as well as the potential impact of exploitation and discrimination, may disproportionately drive migrants into their own entrepreneurial ventures<sup>198</sup>.

Business start-up support on their return is helpful for some returning migrants<sup>199</sup>. But one should beware a presumption that every returning migrant is necessarily a budding, let alone fully-fledged, entrepreneur, and that entrepreneurial opportunities will necessarily provide every returnee with the best means of reintegration, regardless of their background and capabilities<sup>200</sup>. Indeed, too much focus on assistance for starting a business may be actively off-putting to some returnees, who may regard it as beyond their capabilities, particularly where they have had little access to any productive or personal development opportunities while they have been away.

**Responding to heterogeneity; opportunities and challenges:** The heterogeneous make up of migrants' experiences and capabilities should mitigate towards support for reintegration support being provided on a nuanced, flexible, basis, the baseline focus for those returning being how to best support their access to a regular source of income in a way that makes most sense for them.

Plunging straight into an entrepreneurial endeavour may be the answer for some. But an investment in more basic upskilling, education, or training – such as basic maths and literacy skills – may well make more sense for others. Even focusing the support on counselling, healthcare, childcare, or rent, if this might be the best way to meet a particular migrant's needs<sup>201</sup>.

There is a tension though between on the one hand giving the returning migrant greater flexibility over how they spend the financial assistance they are given, relying on the migrant to know what investment can best support their situation on return, and, on the other hand, the risk that the returnee may understandably prioritise spending on their short term needs that may not necessarily be the most supportive of the longer term sustainability of their return.

Or, even worse, the risk of abuse, which mitigates towards setting centralised parameters and restrictions on what reintegration assistance can be spent on. Thus far these concerns have tended to prevail, but it is important to guard against them putting such a straight-jacket around the programme that they “further frustrate returnees who are eager to move on with their lives”.<sup>202</sup>

The need to carefully consider the risk/reward balance in the local context can also extend to the question of cash versus in-kind support. While provision of purely cash support clearly has its risks, it can be hard to deliver in-kind support in countries where local governance and infrastructure is particularly weak. And specific amounts of cash delivered in the local currency have the benefit of predictability, clarity and flexibility in accommodating needs, requiring less paperwork, and lowering transaction costs<sup>203</sup>.

**The importance of family and social networks:** At an even broader level, while AVR programme support tends to primarily focus on migrants economic interactions, as indicated earlier issues around reconnecting with family and social networks within their home community can be crucial if returning migrants are to achieve a supportable and sustainable return<sup>204</sup>.

As well as being important in its own right, this can interact significantly with a migrant's economic prospects. Even families willing to accept returnees back may expect a material contribution from them, which can impact on their longer term prospects of economic reintegration: "The expectation to extend patronage upon return is so powerful that several returnees ... reported that their businesses failed because they had felt compelled to take the money needed to maintain the business in order to give it to kin and friends as gifts"<sup>205</sup>.

### Ongoing support and contact

How should an AVR programme approach the appropriate length of time over which it should continue to actively seek to stay connected with, and provide support, to the returnee? And what should the *quid pro quo* be, if any, on the part of the returnee: eg, receipt of top-up payments after one year being conditional on their having reported back satisfactorily to the AVR provider and demonstrated productive use of the money received so far? The current Home Office-led AVR programme in the UK makes no real effort to provide any ongoing support or maintain any ongoing contact at all. Refugee Action on the other hand viewed two years as the appropriate period to keep in touch with the returnee.

In some countries which have particular governance and operational challenges for delivering ongoing support, simplifying and speeding up the delivery of reintegration assistance may be the best approach<sup>206</sup>. But, set against this, the greater the time over which assistance is delivered, with a commitment to keep in touch, even if only for monitoring and evaluation purposes, the more this can help assuage the worst concerns of returnees, the evidence suggesting that returning migrants still connected with reintegration programmes feel safer than those who are not.

The issue of ongoing support and contact also ties in with the important step of more systematically monitoring and evaluating the AVR programme's outcomes, and building a longitudinal evidence base throughout the chain of return and reintegration. "Staggering support payments would also help AVR providers, such as the IOM and governments, to track returnees' progress, and allow them to monitor how the money has been spent and evaluate the sustainability and success of reintegration support".<sup>207</sup>

**The potential of mentoring:** Maintaining these connections could also allow for the development of mentors from the cohort of successfully reintegrated returnees who could then be trained to mentor and support future returnees<sup>208</sup>.

This cohort might also be utilised more broadly to connect with others in their country who may be contemplating migrating. The evidence suggests many irregular migrants feel constrained in communicating the challenges they face in the UK back to those in their home country, wishing to project an image of success whatever the reality of their situation, particularly to those who have supported them in their move<sup>209</sup>. And that even if they do convey the reality of some of the struggles they face their testimony is often

not believed by would-be migrants back home<sup>210</sup>. Might this change if conveyed face-to-face from a position of authority and experience after return?

## D) MONITORING AND EVALUATION

Tracking the number of voluntary returns achieved is just one aspect of this. Another is evaluating how the features and terms of the programme compare with other countries' programmes. In Europe, summary comparisons have been coordinated by the European Migration Network Return Expert Group<sup>211</sup>. Given its role spanning a number of countries' programmes, IOM also collates information on those programmes with which it is involved, although it does not make these comparisons available publicly.

This is important as far as it goes. But one of the reasons it has been hard to judge many of the claims, both positive and negative, made about AVR programmes is that more systematic monitoring and evaluation of AVR programmes has been lacking<sup>212</sup>. And the UK is no exception. There is currently precious little information on the longer-term impacts of the programme, particularly in understanding the risks and challenges faced by returnees, their reintegration outcomes, and their re-migration rates.

**Judging the success of AVR programmes:** How 'success' of AVR programmes should be judged though is not a straightforward question.

Re-migration may understandably look like a failure (although of course such re-migration may not necessarily be to the country last returned from<sup>213</sup>). But it is possible that in some circumstances successful reintegration may actually support re-migration, rather than work against it<sup>214</sup>.

A better way of looking at an AVR programme may be to see it as a helping hand, investing in providing a migrant with improved access to opportunities to help build their life back in their home country<sup>215</sup>. But the fact that not every returning migrant then chooses to build their life there permanently does not necessarily mean that the programme has 'failed' or is not worth investing in. Indeed consideration of what could perhaps be other measures of success is something that monitoring and evaluation could potentially better illuminate.

At certain times along the UK's AVR journey there has been useful evidence collected and learnings recorded on the practical outcomes of the programme; indeed some of the recommendations in this report echo those in the Home Office's own reports from a decade ago<sup>216</sup>. And in comparison with other countries the UK does not score particularly poorly in terms of monitoring and evaluation<sup>217</sup>. But the path the UK AVR programme has taken more recently, married to its shift away from focusing on ongoing reintegration support, means that no meaningful attention is currently being paid to, or evidence being collected on, the outcomes for individual returnees; they are just returned and left to get on with it. The potential for evaluation and learning from these experiences is therefore currently being wasted.

Monitoring and evaluating the longer-term outcomes for returnees might also help to address and assuage the worst concerns of those NGOs in the migrant sector that remain opposed to AVR programmes, and help persuade them that AVR can achieve positive outcomes for at least some migrants. If so, this could then potentially create a powerful positive feedback loop that could then drive more significant scale into the programme, as new organisations and the migrants they support are drawn into at least considering participation in the programme as an option.

**Independence and trust in monitoring and evaluation:** There is though the question of whether the monitoring and evaluation process itself is trusted as having sufficient independence by the sector.

Not surprisingly given its role, IOM sets out what it believes best practice in voluntary return schemes and reintegration outcomes look like<sup>218</sup>. But is it viewed as sufficiently independent? Is there sufficient confidence that it will present the full story – the struggles as well as the successful stories of return it wants to tell?<sup>219</sup>.

Could other types of organisations step up to assist in (parts of) this space? As raised earlier in this report, faith-based organisations in particular come to mind here. Given their perceived trusted status and independence, and their transnational connections and resources which may allow them access to evidence where others may struggle, might they be able to play a greater role in collecting and collating the experiences of returnees?

Some have even suggested that AVR programmes could incorporate a formal and independent complaints mechanism; indeed, that this could even be in the interests of the returning state, making sure it stays close to how its AVR programme is being implemented in practice<sup>220</sup>. Such a mechanism could potentially further bolster trust in the programme<sup>221</sup>. But this would have to be carefully thought through, in terms of both the potential public perception of allowing such a mechanism, as well as the practical challenges of this: what forms of redress might realistically be offered, for what, and by whom?

More systematic evaluation of the returnee's experience back in their home country could also potentially align immigration control with other government priorities, drawing in a broader set of interested parties within government itself. One example being that AVR programmes are viewed as potentially beneficial for development<sup>222</sup>, but little evidence has in practice been collected to evaluate this claim<sup>223</sup>.

**Monitoring and evaluation; cross-fertilisation with development?** In tandem with DFID's interest in IOM's work to develop a model of sustainable reintegration indicators, AVR programme outcomes may contain rich evidence potential for those focusing on development policy. But this can only be realised with appropriate monitoring and evaluation.<sup>224</sup>

Indeed in an AVR programme which gave the proper focus and follow-up attention to reintegration outcomes, one could envisage a much more joined-up approach from the Home Office and DFID, with the potential for DFID and its contacts on the ground in the home state to be leveraged, both as part of the delivery of the programme, but also in terms of how best to operationally effect monitoring and evaluation.

## E) INVESTMENT REQUIRED

As of 2014 the UK AVR programme budget was more than twice as large as that of any other AVR programme in Europe, albeit only half of that was provided by the UK, and half by the European Return Fund<sup>225</sup>. While the UK remains a member of the EU, the UK Government has been able to make material use of EU funding sources to contribute to various aspects of its AVR programme<sup>226</sup>.

Taking back responsibility for the day-to-day operation of the UK's AVR programme provided the Home Office with the potential to realise cost savings versus those incurred in using a third-party provider. But monitoring and evaluation, particularly on an individual basis, would though have a cost<sup>227</sup>. As would improvements and enhancements to the core AVR programme.

**The cost of tailoring:** A “one-size-fits-all model will not work given the diverse needs of migrants”<sup>228</sup>, but a move away from the current incarnation of the UK AVR programme to a more personalised, individualised approach to returns may have potentially significant cost implications in delivery.

The Refugee Action-led version of the AVR programme made much use of volunteers, but offering more tailored advice upfront, more assistance with obtaining travel documents, support with departure, and with arrival, with onward travel in-country to the migrant's final destination, with reintegration over a defined period, and topping all that off with structured evaluation and monitoring; all have their cost.

But this does not mean that such costs cannot be justified as a worthwhile investment in the medium term, indeed that it may be unrealistic to expect a more effective returns regime without incurring them<sup>229</sup>. And, as set out earlier, these costs need to be properly placed in context, compared both with the costs of enforced return, and of non-return.

Even under the Refugee Action-run incarnation of the programme, the average cost per return was estimated at £3,500 in comparison with £15,000 for enforced removals<sup>230</sup>. And even in the years in which the AVR programme was outsourced to IOM and Refugee Action the average annual cost was under £15 million<sup>231</sup>. There would therefore appear to be a good deal of leeway to invest more in the UK's AVR programme, both on the front end and at the back, while on a relative basis still representing both a significantly more cost-effective and a more humane approach.

Indeed, if a more carefully constructed, better trusted, version of an AVR programme could drive not only greater numbers of voluntary returns from the UK, but also greater sustainability in return outcomes, then even potentially increased AVR costs, such as

through increased level of payments and/or a longer period of reintegration support and monitoring, could potentially still represent a more cost effective solution than a version of AVR which does not incur these costs and on the face of it therefore appears cheaper.

This is where monitoring and evaluation matter most. The UK has tried different approaches to its AVR programme, with different levels of direct costs attaching to them. But without fully monitoring and evaluating the outcomes of those approaches, it is simply not possible to make a cost effectiveness comparison on a fully informed basis.

Investing more in an AVR programme could also provide another lever to improve its effectiveness. Which is that the Government could present it as a quid pro quo of its agreeing to invest more in the accessibility of upfront independent advice, and allaying other concerns of the migrant supporting sector, that the sector then agrees to at least pro-actively make its service-users aware of the availability of the return and reintegration programme.

## AVR 2.0: KEY RECOMMENDATIONS

1. An enhanced and enlarged AVR programme should form a key plank of the UK's immigration control regime.
2. To maximize the take up of the AVR programme, it must be viewed as separate from Home Office-led immigration control and enforcement. An organisation viewed as sufficiently independent and trusted by the migrant community and its support network should therefore be appointed to operate the programme, rather than the Home Office or any other organisation/institution with immigration enforcement responsibilities.
3. Regardless of whether IOM or Refugee Action are (re)appointed to any formal role within the UK's AVR programme, both of those organisations clearly have a significant amount of expertise and experience in running the programme. If they are not involved in delivering the new programme, they should be consulted on its design and implementation.
4. No single organisation has the breadth and depth to support the programme alone. Coordinating cooperation and collaboration between a broad range of different partners is key, leveraging their different relative strengths, allowing the AVR programme to both 'reach back' into the migrant communities in the UK, and 'reach out' transnationally to communities in countries of return.
5. There is significant scope for greater connectivity, cross-fertilisation and mutual reinforcement between the Home Office approach to migrant returns and DFID international development work. Other government departments could also play a central role and should have the opportunity to contribute to the programme's design.
6. The AVR programme should be targeted at *all* irregular migrants in the UK, instead of being more narrowly focused on the recently arrived, the vulnerable and those who have failed in their migration aims.
7. The existence of the AVR programme should be communicated and promoted through community organisations, migrant supporting NGOs and civil society organisations that have strong recognition with, and are trusted by, migrants.
8. Migrant rights campaign groups and NGOs should engage positively and constructively with a new AVR scheme.
9. Legal advice should be made available to migrants and their representatives on a cost effective basis before they need commit to the programme.
10. Migrants should be able to appropriately settle their affairs before departure, and receive support pre-departure to connect with those organisations with responsibility for supporting their reintegration in their home country, as well as in

interacting with their embassy and receiving the necessary identity documentation required for return.

11. The key terms of return, such as the amount of financial and assistance and the length of re-entry ban, should be reassessed. This could mean a “sliding scale” approach. But much better evidence is needed of the impact any changes will likely have on migrants’ decisions before any material changes are made.
12. Subject to local conditions reintegration assistance in the home country should include both cash and non-cash support, and be available to all irregular migrants on a flexible, tailored basis over at least a one year period. Given the potential cost implications of this, this should be tested on a pilot basis.
13. A diverse range of organisations involved with the AVR programme are needed to contribute to more systematically monitoring and evaluating its outcomes. Monitoring should go beyond numbers returning and seek to better understand the motivations behind migrants’ choices, the risks and challenges faced by returnees, their reintegration outcomes, and their re-migration rates. And costs of the AVR programme need to be more systematically compared against the costs of forced return and of non-return.
14. The UK should seek to maintain as close ties as possible with those EU-funded fora operating at both government and NGO level to cooperate in sharing information and learnings on AVR, and to track the UK’s approach and terms against those offered by main EU states.

## CONCLUSION: AVR AS A CORE PART OF A HOLISTIC APPROACH TO IMMIGRATION CONTROL

*A reconsidered, reconstituted and rebooted AVR programme can use the formidable array of practical knowledge and experience available in the UK in this area to achieve much better outcomes: increased returns, increased migrant welfare and increased UK public confidence.*

The heterogeneity of the situation across irregular migrants makes them fiendishly hard to engage with from an immigration policy perspective. Not only can there be significant differences between different nationalities, even within the same region, in what drives migration and return<sup>232</sup>, but also across migrants of the same nationality over time<sup>233</sup> and indeed across different groups within the same nationality at the same time<sup>234</sup>. Ultimately “the decision to return – and perhaps to a lesser extent the sustainability of return – often depends on highly individual characteristics and experiences, any of which basically defy accurate measurement or prediction.”<sup>235</sup>

Given this what should the response of policymakers be? To shrug their shoulders, claim it is all too hard, and allow the assisted voluntary return programme to wither on the vine? Or to acknowledge that there is of course no magic bullet, but to make the case for the centrality of an AVR programme to any attempt at managing migration that is both fair but which also does aspire to exercising at least an element of control.

Certainly AVR programmes need to be accompanied by a healthy dose of realism. No amount of assistance and support is going to be able to address those situations where migrants may have extremely negative perceptions of their security, community, family or economic prospects back in their home country. But not all irregular migrants are necessarily in those situations. And from an immigration control perspective “all evidence suggests that programmes that encourage migrants to return voluntarily are less expensive, less harmful and have better outcomes than forced return” [and] “the relationship between poor reintegration and an increased likelihood of future irregular migration should be recognized by all sides in the debate”<sup>236</sup>.

For this reason alone AVR’s potential should be taken seriously. But AVR has much more to offer than just that:

The first additional benefit lies in the collaboration that AVR programmes can drive, including crucially between those so often locking horns on opposite sides of the immigration divide and debate. AVR programmes may be the source of considerable discomfort and tension for those involved in delivering them. But in taking different organisations on both sides out of their comfort zones and into less familiar areas where they can, and indeed must, cooperate with, but also mobilise, others in order for the programme to deliver, AVR can provide powerful opportunities that would not otherwise arise, and the potential to address challenges that no single organisation or institution can meet on its own.

Second, by occupying the middle ground of the immigration debate, AVR can enhance that debate. In the public and political arena, immigration policy in the UK has tended to

be a push and pull between two competing, unrealistic, polarising oppositional forces: repulsion (which effectively says: “If we do not want you here then regardless of your personal situation you must leave”) – and accommodation (which says: “If you have made it here and are not causing any trouble we are not really intending to make you return, regardless of your immigration status”). AVR does not just sit in between these two poles, it stakes out new territory for the debate. Whereas other immigration control strategies generally proceed from a relatively monolithic, one size fits all approach, the essence of AVR is a more nuanced approach, better aligned with the individual circumstances of the migrant, and which seeks to work with, and harness this, in the interests of managing migration.

Third, there is the significant value in the evidence that AVR programmes can gather and reveal about migration choices, decisions and patterns *from the perspective of the migrant*. Other immigration control strategies typically seek to exercise immigration control over the migrant without seeking any understanding of how the reality that the migrant is experiencing may be driving and influencing his/her migration decisions. Whereas at the core of a well-designed AVR programme can sit the acquisition of information and knowledge from the ground up that can aid this understanding.

From this perspective, affording greater resources to AVR programmes could fuel a process of iterative adaptation which could increase the understanding of migration in a way that could importantly inform the development of immigration control strategies more broadly. In this sense a fully realised AVR programme can perhaps best be thought of as akin to how Sir Stephen Shaw has described the ‘Adults at Risk in immigration detention’ policy: “as an exercise in cultural change, and like all such programmes it will take time to reach full fruition”. And like that policy it should not be judged merely in terms of simple numbers.

AVR should therefore become a cornerstone of a holistic migration management regime, and a bellwether of whether immigration policy really has as its ambition the actual understanding and managing of migration as opposed to mere posturing and making political capital out of it. And for the UK, rebooting its AVR programme could not be more timely, with the end of freedom of movement from the EU and the potential increase in irregularity this may bring.

The Government has in theory (re)stated its commitment to “promoting and encouraging voluntary return”<sup>237</sup>. Yet the Home Office’s increasingly self-contained, low-profile approach to AVR seems far removed from this ideal, less a cornerstone than a neglected out-building. Decidedly unambitious, rather half-hearted, and ultimately self-defeating in terms of numbers of returns.

To be fair though to those operating the AVR programme within the Home Office, the ratcheting up of the hostile environment, from the ‘Go Home’ vans to the Windrush episode, was always going to be a huge challenge for the maintenance of any residual trust that the Home Office may have had within the migrant community and its support network. This fact is not lost on the Home Office, and may help point the way forward, and indeed back, to a reconsidered, reconstituted and rebooted AVR programme which can leverage off the formidable array of practical knowledge and experience available in the UK in this area to achieve a much more energised, expanded and effective outcome, one

that can achieve increased returns, increased migrant welfare and increased public confidence.

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