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# **Evaluation of *Action Access***

**UK Home Office Alternatives to Detention  
Community Engagement Pilot Series**

## **Evaluation inception report**

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# 1 Introduction

*Action Access* is the first alternative to detention (ATD) being piloted in the UK under the Home Office's Community Engagement Pilot (CEP) series.

The *Action Access* pilot was designed by the Home Office and Action Foundation with input from the United Nations High Commissioner for Refugees (UNHCR) and other stakeholders working in the field of asylum and migration management. It is being delivered by Action Foundation, a charity based in Newcastle, and aims to support female asylum seekers who would otherwise be detained in Yarl's Wood Immigration Removal Centre through community-based, engagement-focused ATD. The pilot provides women with stable housing, one-to-one casework support, access to legal support and other advice, referrals to health services and pastoral support. It aims to '[provide] more efficient, humane and cost-effective case resolution for migrants and asylum seekers, by encouraging voluntary engagement with the immigration system'.<sup>1</sup>

UNHCR has commissioned NatCen Social Research to evaluate *Action Access*. As *Action Access* is the first planned ATD pilot under the CEP series, this independent evaluation will be crucial in identifying lessons learned and informing decision-making around further development and implementation of ATD in the UK. It will also contribute to building an evidence base to support the continuous improvement of migration management tools in line with UNHCR's 2014-2019 Global Strategy goals, the Global Compact on Refugees and the Global Compact for Safe, Orderly and Regular Migration.

This inception report:

- introduces the *Action Access* pilot and our independent evaluation;
- outlines our evaluation methodology, including changes made during the inception phase;
- gives an update on research conducted to date; and
- provides an overview of emerging findings from early research activities.

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<sup>1</sup> Action Foundation (no date) "Action Access". Accessed August 24, 2020. <https://actionfoundation.org.uk/projects/action-access/>

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## 2 The *Action Access* pilot

*Action Access* is the first pilot introduced by the Home Office as part of the ATD Community Engagement Pilot Series. It aims to support up to fifty female asylum seekers who would otherwise be detained in Yarl's Wood Immigration Removal Centre. The pilot will last two years. The delivery of the pilot is being led by Action Foundation, a charity providing support to disadvantaged refugees, asylum seekers and other migrants across Tyne and Wear in the North of England.

The *Action Access* pilot is framed around **five pillars of support**:

1. Personal stability: achieving a position of stability (in relation to, for example, housing, subsistence and safety) from which people are able to make difficult, life-changing decisions;
2. Reliable information: providing and ensuring access to accurate, comprehensive, personally relevant information on UK immigration and asylum law;
3. Community support: providing and ensuring access to consistent pastoral and community support, addressing the need to be heard and the need to discuss their situation with independent and familiar people;
4. Active engagement: giving people an opportunity to engage with immigration services and ensuring that they feel able to connect and engage at the right level, enabling greater awareness of their immigration status, upcoming events and deadlines with routine personal contact fostering compliance; and
5. Prepared futures: being able to plan for the future, finding positive ways forward, developing skills in line with their immigration objectives, identifying opportunities to advance ambitions.

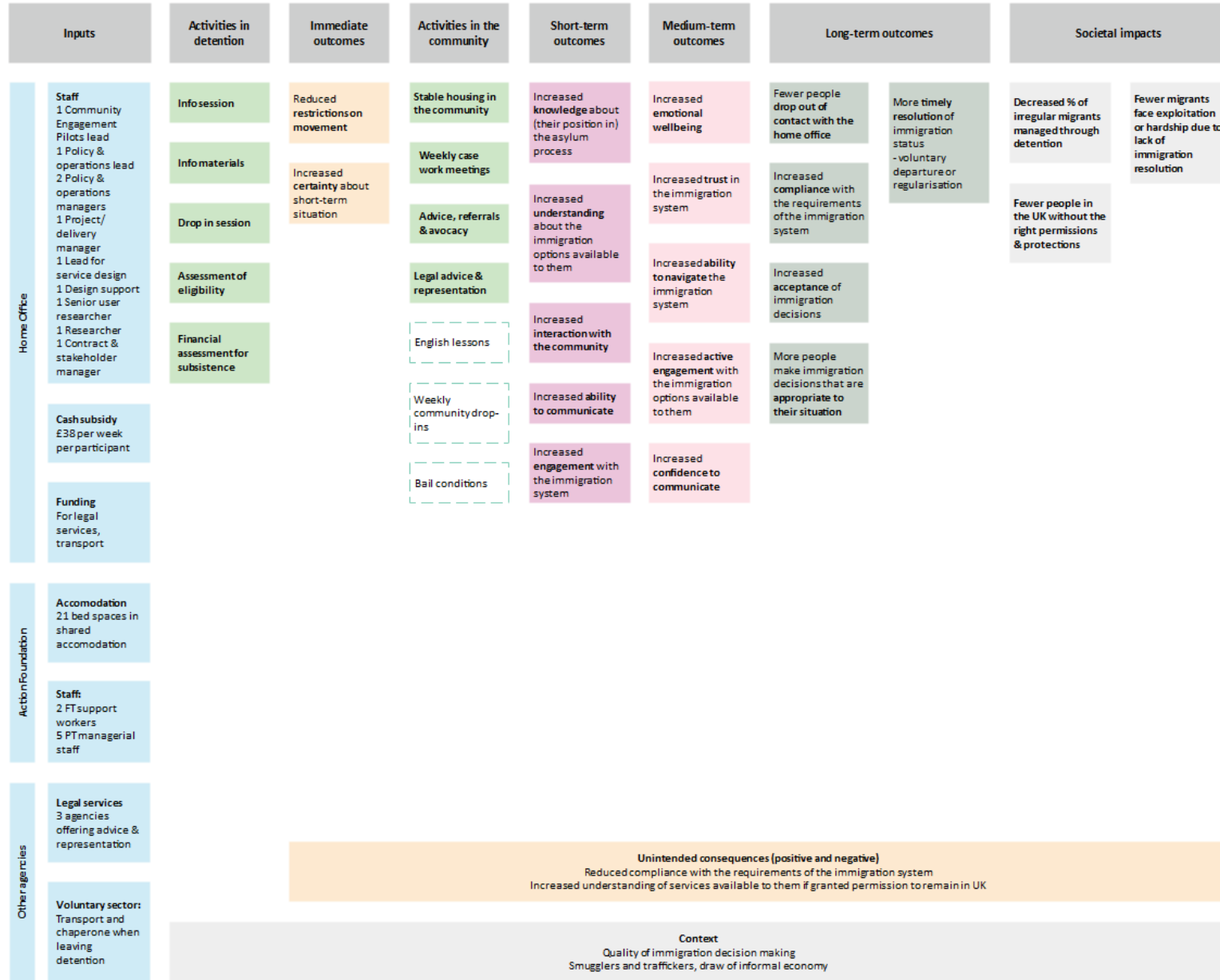
Through this approach, the pilot hopes to provide more efficient, humane and cost-effective case resolution for migrants and asylum seekers, by supporting migrants to make appropriate personal immigration decisions.<sup>2</sup>

Figure 1 provides a logic model for *Action Access*, setting out the planned inputs and activities and intended outputs, outcomes and impacts for the pilot. This logic model was developed by pilot stakeholders during the inception phase of this evaluation. Section 3.4 below explains how we developed this logic model and how it will be used in the evaluation.

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<sup>2</sup> Action Foundation (no date) "Action Access". Accessed August 24, 2020. <https://actionfoundation.org.uk/projects/action-access/>

Figure 1 Action Access Logic Model



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## 3 Evaluation methodology

In this section we outline the purpose and scope, key evaluation questions that we will address in our independent evaluation of the *Action Access* pilot and provide an overview of the research activities that we will carry out to answer these questions. In Section 3.3 we highlight a small number of changes to the design set out in our original technical proposal that have been agreed during the inception phase.

### 3.1 Objective, purpose and scope

#### Objective

The objective of this evaluation is to identify lessons learned from the *Action Access pilot* to inform decision-making around further development and implementation of ATD in the UK. The evaluation will also contribute to building an evidence base to support the broader expansion of ATDs globally, as part of a continuous improvement of migration management tools in line with the UNHCR's Global Strategy goals.

#### Purpose

This evaluation will assess the appropriateness, connectedness, coherence, coverage, efficiency and effectiveness of activities delivered through the *Action Access* pilot, from the perspective of stakeholders involved in designing and delivering the pilot, women taking part in the pilot and civil society actors working on asylum and immigration. It will also compare the costs of *Action Access* with detention in Yarl's Wood. It will draw out learning from the pilot for future delivery of ATD in the UK and elsewhere.

#### Scope

The scope of the evaluation is *Action Access*, the first pilot in the CEP series, running from 2019-2021. Additional pilots in the CEP series are beyond the scope of this evaluation. Due to the timeframe of the evaluation, assessing outcomes from the pilot (including case resolution) may not be possible for some clients. Lack of evidence also means it will not be possible to take into account the costs of supporting detainees once released in to the community when comparing the costs of *Action Access* with the costs of detention.

#### Users

The primary audiences for the evaluation are UNHCR, the Home Office, civil society and Government. The secondary audiences are those who are affected by the pilot: female asylum seekers who had previously been in detention and staff at Action Foundation. Stakeholders from primary and secondary audiences will be consulted through the evaluation activities outlined in Section 3.4.

### 3.2 Evaluation questions and framework

Our evaluation of *Action Access* will assess the pilot's effectiveness in meeting its key aim of 'providing more efficient, humane and cost-effective case resolution for migrants and asylum seekers, by encouraging voluntary engagement with the immigration system'<sup>3</sup>.

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<sup>3</sup> Action Foundation (no date) "Action Access". Accessed August 24, 2020. <https://actionfoundation.org.uk/projects/action-access/>

The evaluation will consider four **Key Evaluation Questions** (KEQ):

1. To what extent does the ATD pilot contribute to desired outcomes across the five pillars of support (personal stability, reliable information, community support, active engagement and prepared futures)?
2. How effectively does the ATD pilot deliver basic needs, case management and legal support?
3. Considering the long-term aims of the pilot programme, to what extent does the ATD pilot represent value for money?
4. What lessons learnt and examples of promising practice are emerging from the ATD pilot that could be applied across the UK government's approach to asylum and migration management?

We have drawn on the evaluation criteria proposed by The Organisation for Economic Co-operation and Development's (OECD) Development Assistance Committee (DAC) and adapted by the Active Learning Network for Accountability and Performance (ALNAP) for use in humanitarian evaluations<sup>4</sup> as a framework for this evaluation. Figure 2 sets out how the KEQs and our proposed research activities map on to this framework.<sup>5</sup>

**Figure 2 Evaluation framework**

	Key evaluation questions	Desk-based research	Research with pilot stakeholders	Research with pilot participants	Research with women in detention	Research with key informants
Relevance/appropriateness	1,2,4		*	*	*	*
Connectedness	1,2,4		*	*		
Coherence	1,2,4	*				*
Coverage	1,2,4	*	*	*	*	
Efficiency (value for money)	3	*	*			
Effectiveness	1,2,4	*	*	*		
Impact	N/A					

### 3.3 Changes to the evaluation design

As demonstrated in Figure 2, our proposed research activities followed a mixed-method design that involved desk-based research and primary qualitative research with pilot stakeholders, ATD pilot participants, women in detention and key informants working on immigration and asylum issues.

The Home Office and Action Foundation have worked hard to ensure that delivery of *Action Access* has continued throughout the COVID-19 pandemic and related restrictions on movement. NatCen and UNHCR have agreed a small number of changes to the methodology and data collection activities set out in our original proposal in light of the current restrictions on movement. These are as follows:

<sup>4</sup> Beck, T. (2006) "Evaluating Humanitarian Action using the OECD-DAC" Criteria London: ALNAP. Accessed August 24, 2020. <https://www.alnap.org/system/files/content/resource/files/main/eha-2006.pdf>

<sup>5</sup> As discussed by Beck (*ibid.*), not all criteria will be relevant to all evaluations. We expect that it will not be feasible to assess wider, systemic 'impacts' in this pilot evaluation due to its small scale and since the research will be conducted during the intervention.



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1. Interviews with pilot participants will now be conducted by telephone rather than face-to-face. Due to this change of mode, we will:
    - Conduct the interviews in participants' preferred language (rather than in English with the aid of an interpreter) where participants prefer this;
    - Keep the interviews to a maximum of one hour to minimise respondent fatigue; and
    - Use a slightly more structured approach than the originally proposed 'biographical narrative' approach, while still allowing the conversation to be flexible and participant led.
  2. Interviews with all participant groups will invite reflection on what the COVID-19 situation has meant for delivery of the pilot and for participants' outcomes, as well as on delivery under 'usual' conditions. We recognise that for some interviewees it will be difficult to think beyond the current situation and will caveat findings where necessary.
  3. It is likely that the interviews with women being held in detention will not take place. This is both because researchers are unable to enter detention centres and because the numbers of women being held in detention has been significantly reduced in response to COVID-19. We will revisit this decision if the situation changes, but otherwise expect to reallocate the resource to ensure that the research with other participant groups is comprehensive in the face of rapidly changing conditions.

There are two other changes to the evaluation design to note:

1. There have been some adjustments to the project timelines. An updated timetable for the evaluation is provided in Figure 3.
2. Following discussions with the Home Office research ethics board, NatCen and UNHCR have agreed that findings from the Home Office's User Research with *Action Access* participants will not be included in any evaluation reports. This is to ensure that the evaluation only includes data from participants that a) has been collected for evaluation purposes and b) has been collected with full informed consent about limits on anonymity given the small number of women in the pilot.<sup>6</sup>

In the following section we outline the research activities as they are currently intended to progress.

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<sup>6</sup> The purpose of the Home Office's User Research was to inform the development of the pilot rather than provide evidence for an external evaluation.

Figure 3 Evaluation timetable

Participant group	Activity	2020												2021				
		J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M
Desk-based	Project document review																	
Pilot stakeholders	Logic model workshop																	
Desk-based	Review of evidence on ATD																	
Key informants	KI interviews																	
	Inception report																	
Pilot participants	Initial interviews																	
Pilot stakeholders	Ongoing delivery interviews																	
	Internal update																	
Pilot participants	Follow-up interviews																	
Desk-based	Analysis of MI data																	
Pilot stakeholders	Final reflection interviews																	
Key informants	Emerging findings workshop																	
	Presentation of findings																	
	First draft report																	
	Final draft report																	

### 3.4 Evaluation activities

#### Desk-based research

At the start of the project, we **reviewed project documentation** provided by UNHCR, Home Office and Action Foundation in order to understand:

- the intended outcomes of the *Action Access* pilot; and
- the activities and outputs planned to be delivered by the pilot.

We have also **reviewed the wider research and evidence base on ATD**. In section 4.1 we provide a summary of this review, exploring how the *Action Access* pilot fits within the UK immigration system and identifying lessons learnt from other ATD in the UK and in comparable jurisdictions. This review will be updated towards the end of the evaluation, with reference to how *Action Access* compares to other ATD.

During the course of the evaluation, we will analyse **management information (MI)** data provided by the Home Office and Action Foundation. We anticipate having access to monitoring data and indicator reports that would enable us to analyse the coverage of the pilot, services delivered and participants’ outcomes.

We will also analyse **cost data** provided by the Home Office and Action Foundation in order to evaluate the cost effectiveness of the *Action Access* pilot. We will draw on costings already being recorded as part of the pilot and – if necessary – agree a pro-forma for capturing costs for the purpose of the independent evaluation, which will include costs per participant and for the pilot as a whole, and record which costs are paid for by which party. We would propose that this includes the likely costs of services provided *pro bono* in the pilot, such as legal services, which may need to be

paid for if the pilot was rolled out more widely. We will compare the costs of the pilot with available estimated costs of detention.<sup>7</sup>

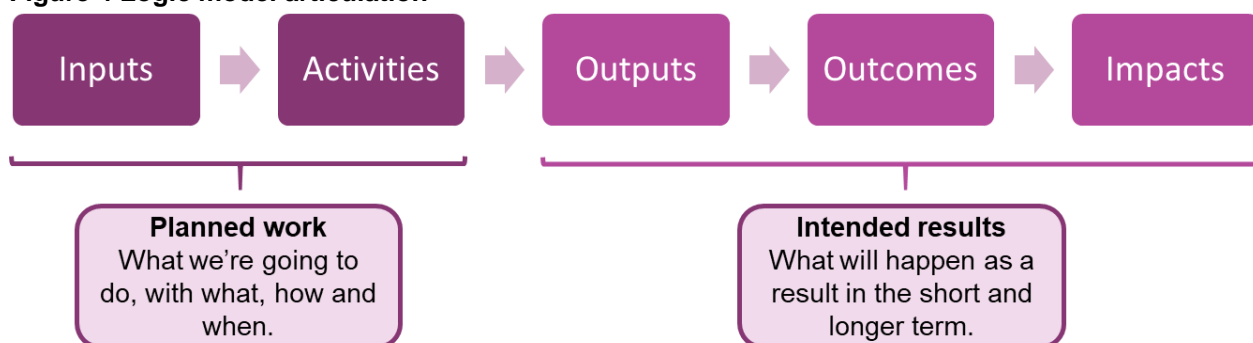
## Research with pilot stakeholders

We will conduct research with two key groups of pilot stakeholders:

- UNHCR and Home Office staff and managers at the Action Foundation (“strategic stakeholders”)
- Action Foundation case workers and providers of other pilot services such as housing, legal and social support (“service providers”)

Strategic stakeholders took part in a **logic model workshop** during the inception phase. We used the Kellogg Foundation approach<sup>8</sup> to facilitate workshop attendees to articulate planned inputs and activities and intended outputs, outcomes and impacts (Figure 4).

**Figure 4 Logic model articulation**



A visual record of the final logic model is included in section 2 of this inception report (Figure 1). We will use this to inform the development of research instruments and to report on a) the extent to which the pilot was delivered as intended and b) evidence of intended outputs, outcomes and impacts (KEQ 1, 2).

Pilot stakeholders will also be invited to take part in **in-depth interviews** as part of the evaluation. We will conduct 10-12 interviews in total:

- Four ‘ongoing delivery’ interviews with service providers to gather their perspectives on the connectedness and coverage of provision under the Action Access pilot, the appropriateness of the support on offer and barriers and facilitators to successful delivery (KEQ 1, 2, 4).
- Six to eight ‘final reflection’ interviews with strategic stakeholders and service providers to gather final reflections on the effectiveness and efficiency of the pilot, barriers and facilitators to success and lessons learnt for wider rollout or for other ATD schemes (KEQ 1, 2, 4).

## Research with pilot participants

We will conduct **in-depth interviews** with a sub-sample of pilot participants to understand their views on and experiences of the *Action Access* pilot. Wherever possible we will invite each participant to take part in two interviews, around four to six months apart.<sup>9</sup>

<sup>7</sup> We recognise that including the costs associated with releasing detainees into the community (e.g. the cost of destitution to local services) would aid the validity of any comparisons between the costs of detention and ATD. However, this information is not currently available and so will not be included in this evaluation.

<sup>8</sup> W.K. Kellogg Foundation (2004) “Logic Model Development Guide” Michigan: W.K. Kellogg Foundation. Accessed August 24, 2020. <https://btop.org/sites/default/files/public/W.K.%20Kellogg%20LogicModel.pdf>

<sup>9</sup> We understand that it may not be possible to conduct follow-up interviews with all participants, due to the nature of the pilot and the fact that case resolution may lead to voluntary return or enforced removal. We will endeavour to follow up where possible before women leave the pilot.

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Initial interviews will use a narrative approach to enable in-depth understanding of participants' experiences of the pilot and other forms of immigration support and management that they have encountered prior to the pilot. They will explore the perceived relevance, acceptability, connectedness and effectiveness of each form of support and identify any unmet needs (KEQ 1, 2, 4).

Follow-up interviews will explore whether and how participants' experiences of the pilot have changed over time. They will gather participants' reflections on the success (or not) of the pilot in meeting their needs – including in comparison to detention – and draw out lessons learnt for policy makers and practitioners (KEQ 1, 2, 4).

We originally proposed to conduct the interviews with two waves of participants – for instance, an initial group of women who have been involved in the pilot since 2019, and a later cohort joining the pilot in 2020. We still expect to follow this design, but will continue to reflect on its feasibility with Action Foundation.

## Research with key informants

We will engage a small group of civil society actors working on asylum and immigration issues as 'key informants' (KIs) in this pilot evaluation. This will include representative(s) of people with experience of claiming asylum. So far we have invited representatives of 20 organisations to be part of the research (see section 4.2).

**In-depth interviews** with these KIs will investigate how they expect the pilot to 'fit' within the UK immigration system, the challenges and opportunities that they anticipate for successful delivery and achievement of the pilot's objectives, and lessons learnt from other approaches to asylum and immigration management (KEQ 1, 3). We have so far conducted four of these interviews and provide some emerging findings in section 4.2. We intend to conduct four more interviews in the coming months.

Towards the end of the pilot, we will reconvene this group of KIs to **consult on emerging findings** from the evaluation. We will do this in an online workshop, in which KIs will feedback on headline findings circulated before the meeting, provide a steer on priorities for analysis and discuss contextual factors (for instance the COVID-19 pandemic and any changes in national legislation and debate, local services and leadership) that may have shaped the delivery and achievements of the pilot. These evaluation activities will provide key insights relevant to KEQ 4.

## Conducting in-depth interviews

We will use topic guides to conduct all in-depth interviews. The topic guides will provide enough detail for researchers to understand the key issues for discussion, whilst ensuring consistency of coverage across interviews.

Topic guides for the KI and stakeholder interviews and for the follow-up interviews with pilot participants will list the key themes and sub-themes to be explored with interviewees rather than containing pre-set questions. This will facilitate flexibility so interviewers are able to respond and prompt interviewees according to the specific answers they give.

Topic guides for the narrative interviews with pilot participants will follow a slightly different structure than the in-depth interview topic guides. So that interviewers are able to elicit narratives from pilot participants, interviewers will invite pilot participants to recall events in a chronological fashion. The topic guide will list key events during the asylum claim process to prompt the discussion where necessary.

All interviews with pilot stakeholders and KIs will be conducted by telephone or using video conferencing software. Interviews with pilot participants will be conducted by telephone or using video software during the Covid-19 restrictions. If the restrictions allow, pilot participants will be offered the choice of face-to-face or telephone/online interviews in later rounds of fieldwork. Pilot

participants also have the choice to complete the interviews in English or in their preferred language.<sup>10</sup>

### 3.5 Evaluation outputs

Our evaluation will produce four key outputs,<sup>11</sup> which are set out in Table 1. We will work closely with UNHCR to clarify the purpose, content, structure, length and design of outputs before they are drafted. For the final evaluation report, we suggest a 1-3-25 format consisting of a one-page outline of key findings and recommendations, a three-page executive summary and a 25-page report presenting the findings and methodology. We propose that the one-page outline is produced to be accessible and engaging and is shared with *Action Access* participants to disseminate findings and recognise their contribution to the evaluation.

**Table 1 Evaluation outputs**

Output	Date	Format	Content
<b>Inception report</b>	August 2020	15-page report	Summary of early research Programme logic model Final evaluation framework (including any adjustments to the research design)
<b>Internal update</b>	September 2020	8- to 10-page internal report	Summary of research conducted so far and emerging findings
<b>Presentation of findings</b>	April 2021	Slide pack and presentation	Summary of evaluation findings for feedback
<b>Final report</b>	First draft April 2021, final draft May 2021	1-3-25 report	1-page outline including lessons learnt 3-page executive summary 25-page report of full findings

<sup>10</sup> As far as interviewer availability allows, this has been possible for all participants to date.

<sup>11</sup> In addition to the online workshop for KIs described above.

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## 4 Research update

As indicated above, evaluation activities carried out to date include:

- Review of project documentation;
- Logic model workshop and follow up;
- Initial review of existing evidence from ATD in the UK and comparable jurisdictions; and
- Early interviews with KIs.

In the two sections below, we discuss emerging findings from early KI interviews and our initial review of existing evidence, considering in particular what they tell us about the opportunities and challenges likely to be faced by the *Action Access* pilot.

### 4.1 Emerging findings from our evidence review

In 2014, UNHCR published its 2014-2019 Global Strategy to support governments to end immigration detention. The report acknowledged that despite having little to no impact on deterring irregular migration, ‘putting people in detention has become a routine... in a number of countries’, and whilst international law protects individuals’ rights to seek asylum and be treated in a humane and dignified way, the practice of detention often runs counter to this.<sup>12</sup>

Indeed, immigration detention has been widely criticised and shown to have significant detrimental impacts on the mental health of those detained,<sup>13</sup> whilst being costly and inefficient in terms of case resolution and compliance.<sup>14</sup> This evidence has led to an increase in advocacy with States to implement ATD. Indeed, Goal 2 of UNHCR’s Global Strategy is to ensure that ATD are available in law and implemented in practice. In December 2018, state signatories to the Global Compact on Safe, Orderly and Regular Migration – including the UK, committed to use migration detention as a last resort and to work towards introducing alternatives.

While the term ‘alternatives to detention’ is not fixed in its definition or enshrined in law, it indicates a shift from focusing on restrictions and security in the governance of migration, towards practical and proactive approaches to case resolution that encourage people to ‘comply with immigration processes without the need for restrictions or deprivations of liberty’.<sup>15</sup>

In this section we synthesise evidence on various ATD. We begin by considering immigration management and the use of ATD in the UK, before setting out a series of case studies from other countries. Throughout, we consider the effectiveness of various ATD and lessons learnt for the *Action Access* pilot.

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<sup>12</sup> UNHCR (2014) “Beyond Detention: A Global Strategy to support governments to end the detention of asylum-seeker and refugees” Geneva: UNHCR. Accessed August 24, 2020.

<https://www.unhcr.org/protection/detention/53aa929f6/beyond-detention-global-strategy-support-governments-end-detention-asylum.html>

<sup>13</sup> von Werthern, M., Robjant, K., Chui, Z., Schon, R., Mason, C. & Katona, C. “The impact of immigration detention on mental health: a systematic review.” *BMC Psychiatry* 18, no. 382 (2018). Accessed August 24, 2020.

<https://bmcp psychiatry.biomedcentral.com/articles/10.1186/s12888-018-1945-y#rightslink>

<sup>14</sup> Liberty (2019) “Economic impacts of immigration detention reform” Cambridge Econometrics. Accessed August 24, 2020. [http://www.camecon.com/wp-content/uploads/2019/05/Immigration-detention-reform\\_Final-report.pdf](http://www.camecon.com/wp-content/uploads/2019/05/Immigration-detention-reform_Final-report.pdf)

<sup>15</sup> Sampson, R., Chew, V., Mitchell, G., and Bowring, L. (2015) “There Are Alternatives: A Handbook for Preventing Unnecessary Immigration Detention (Revised)” Melbourne: International Detention Coalition. Accessed August 24, 2020. <https://idcoalition.org/wp-content/uploads/2016/01/There-Are-Alternatives-2015.pdf>

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## Immigration detention and ATD in the UK

Since 2015, there has been a gradual fall in the number of people being detained in the UK<sup>16</sup> and several Immigration Removal Centres have closed.<sup>17</sup> However, the UK still has one of the largest detention estates in Europe<sup>18</sup> and remains the only EU country without a time limit on detention.

Currently, the only ATD that the UK has enshrined in law is immigration bail. Immigration bail can either be used to prevent people from entering the detention estate or to allow people to be released from detention. Bail conditions include living at a particular address and meeting reporting requirements. Reporting requirements enable the Home Office to maintain contact with individuals who are living in the community. If an individual does not report, then they may be detained for non-compliance where the law permits them to do so (such as when removal is imminent or there is risk to self or the public).

Case management-based ATD piloted in the UK in the 2000s were largely deemed unsuccessful. One such pilot was the Millbank project in Dover, which ran from November 2007 to July 2008 and aimed to reduce the numbers of children being detained as well as increase the numbers of families returning to their country of origin. An independent evaluation of the pilot found that its success was hindered by a lack of clarity around referral criteria, insufficient time for families to explore the prospect of return and a lack of choice as to whether or not to take part in the pilot.<sup>19</sup>

Another pilot, The Family Return Project in Glasgow, had similar aims and similarly poor outcomes. During its first year in operation, no families returned voluntarily to their country of origin after being accommodated in 'return houses'. As with the Millbank pilot, research found that referral criteria were not considered sufficiently, and the support provided to families to navigate the immigration system was lacking.<sup>20</sup> The Scottish Refugee Council also highlighted that the project did not engage with legal representatives or local communities.<sup>21</sup> The pilot was closed when the Coalition Government pledged to end the detention of children. It is also important to note that in the case of both of these pilots, civil society or migrant communities were not involved in the design and development of ATD.

Evidence of more successful case management-based ATD in the UK has emerged more recently. Detention Action's Community Support Project has been running since 2014, and supports male ex-offenders aged 18 to 30 who have barriers to removal and have either experienced or are at risk of long-term detention. The project foregrounds one-to-one case management with a single trusted independent case worker, modelled on the 'Community Assessment and Placement' (CAP) model developed by the International Detention Coalition (IDC). Between 2014 and 2016, the project worked with 21 men post-release. While the numbers were small, the results suggested that the programme could encourage compliance with immigration procedures and was cost effective. The

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<sup>16</sup> Home Office (2020) "Immigration statistics: Year ending December 2019" London: Home Office. Accessed August 24, 2020. <https://www.gov.uk/government/publications/immigration-statistics-year-ending-december-2019/how-many-people-are-detained-or-returned>

<sup>17</sup> Silverman, S.J. Griffiths, M.E.B. and Walsh, P.W. (2020) "Immigration detention in the UK. Migration Observatory briefing" Oxford: COMPAS. Accessed August 24, 2020. <https://migrationobservatory.ox.ac.uk/resources/briefings/immigration-detention-in-the-uk/>

<sup>18</sup> Global Detention Project (2019) "Mapping immigration detention around the world" Geneva: GDP. Accessed August 24, 2020. <https://www.globaldetentionproject.org/organisations-alliances/european-union-eu>

<sup>19</sup> The Children's Society, Bail for Immigration Detainees, The Diana, Princess of Wales Memorial Fund (2009) "An evaluative report on the Millbank Alternative to Detention Pilot" Outcry! campaign. Accessed August 24, 2020. [https://hubble-live-assets.s3.amazonaws.com/biduk/redactor2\\_assets/files/175/An\\_evaluative\\_report\\_on\\_the\\_Millbank\\_Alternative\\_to\\_Detention\\_Pilot.pdf](https://hubble-live-assets.s3.amazonaws.com/biduk/redactor2_assets/files/175/An_evaluative_report_on_the_Millbank_Alternative_to_Detention_Pilot.pdf)

<sup>20</sup> Edwards, A. (2011) "Back to Basics: The right to liberty and security of persons and 'alternatives to detention' of Refugees, asylum-seekers, stateless persons and other migrants" Geneva: UNHCR. Accessed August 24, 2020. <https://www.unhcr.org/4dc949c49.pdf>

<sup>21</sup> Scottish Refugee Council (2011) "Response to evaluation of the Glasgow Family Returns Pilot" Glasgow: SRC. Accessed August 24, 2020. <https://www.scottishrefugeecouncil.org.uk/we-respond-to-evaluation-of-glasgow-family-returns-pilot/>

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vast majority (90%) of participants complied with conditions, there was a reduction in reoffending, and it is estimated that the project saved between 83% and 95% on the cost of detention.<sup>22</sup>

The impact of detention on irregular migrants, refugees and asylum seekers in the UK has received increased attention in recent years. In 2015, the then Home Secretary Theresa May commissioned Stephen Shaw to conduct an independent review of Home Office policies and procedures that affected the welfare of immigration detainees. Published in 2016, the Shaw Review included a list of recommendations to improve the welfare of vulnerable persons in immigration removal centres, including that the Home Office investigate the development of ATD.<sup>23</sup>

In July 2018, the Shaw Progress Report was published, building on the previous Review and exploring the potential for ATD in the UK more detail. In a submission to this follow-up review, UNHCR and other key stakeholders argued that while bail and reporting requirements provide a framework through which people can avoid or be released from detention, they do not offer substantial case management and support to individuals. One of the report's recommendations was that the Home Office establish an ATD project which included intensive case management for vulnerable people who might otherwise be detained.<sup>24</sup>

Following the release of the Progress Report, and after working closely with UNHCR to establish a Home Office/UNHCR working group on ATD, the UK government announced the Community Engagement Pilot Series. *Action Access* is the first in the series to be implemented.

## ATD in comparable jurisdictions

The following section sets out a series of case studies. It considers a range of ATD in terms of their cost, outcome and effectiveness with regards to immigration compliance. The review focuses on examples from EU countries and North America, as previous work indicates these are comparable jurisdictions.<sup>25</sup>

### Belgium

Until relatively recently, Belgium was a pioneer of ATD. However, there has been a renewed focus on detention in recent years, and several NGOs and health professionals have expressed concern over conditions in detention centres.<sup>26</sup>

'Return houses' were first introduced as an ATD for families with children in Belgium in 2008. Return houses aimed to provide families who had been served a detention order with accommodation in open housing units and encourage them to return voluntarily to their country of origin. They also provided adults with a certain degree of freedom (though not the right to work) and children with access to local schools. From October 2008 to December 2012, 406 families passed through the housing units. Of those, 185 departed to their country of origin or to a third country, 105 families absconded, 115 families were released to live freely in the community, and one family was disqualified.<sup>27</sup> The return houses were widely considered to be successful, but in 2016 the Secretary of State for Asylum and Migration stated that too many families were absconding from the program.

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<sup>22</sup> Detention Action (2016) "Without Detention: Opportunities for Alternatives" London: Detention Action. Accessed August 24, 2020. <http://detentionaction.org.uk/wordpress/wpcontent/uploads/2016/09/Without-Detention.pdf>.

<sup>23</sup> Shaw, S. (2016) "Review into the welfare in detention of vulnerable persons" London: Home Office. Accessed August 24, 2020.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/490782/52532\\_Shaw\\_Review\\_Accessible.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/490782/52532_Shaw_Review_Accessible.pdf)

<sup>24</sup> Shaw, S. (2018) "Assessment of government progress in implementing the report on the welfare in detention of vulnerable persons: A follow-up report to the Home Office" London: Home Office. Accessed August 24, 2020.

<https://www.gov.uk/government/publications/welfare-in-detention-of-vulnerable-persons-review-progress-report>

<sup>25</sup> Bosworth, M. (2018) "Alternatives to Immigration Detention: A Literature Review" Criminal Justice, Borders and Citizenship Research Paper No. 3299532. Accessed August 24, 2020.

[https://arts.monash.edu/\\_data/assets/pdf\\_file/0004/1627897/ALTERNATIVESTODETENTIONReview.pdf](https://arts.monash.edu/_data/assets/pdf_file/0004/1627897/ALTERNATIVESTODETENTIONReview.pdf)

<sup>26</sup> Global Detention Project (2020) "Belgium Immigration Detention Profile" Geneva: GDP. Accessed August 24, 2020.

<https://www.globaldetentionproject.org/countries/europe/belgium>

<sup>27</sup> Schockaert, L (2013) 'Alternatives to Detention: Open family Units in Belgium' *Forced Migration Review* 44: 52 – 54.



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Consequently, families were again detained in ‘family units’ within detention centres and, in 2018, the government announced plans to more than double its total detention capacity by 2022.<sup>28</sup>

### Sweden

Sweden has been heralded for its humane treatment of undocumented migrants and asylum seekers, using a variety of ATD and maintaining a culture of respect and dignity within detention centres.<sup>29</sup> While Sweden has moved towards expanding detention the government continues to detain only a very small proportion of asylum seekers. Strategies of migration management employed by the Swedish government include community-based case management, open reception centres, assisted voluntary returns and ‘supervision’.<sup>30</sup> Like reporting in the UK, ‘supervision’ in Sweden requires undocumented migrants and asylum seekers to report regularly to the police or Migration Agency. Supervision orders are reviewed within six months of a decision and are ceased if the grounds for detention are no longer valid. Sweden’s Migration Agency has noted that supervision is cost effective and minimises administrative burden. Despite this, it acknowledged that it is rarely used.<sup>31</sup> NGOs have raised concerns about the lack of systematic assessments of individuals’ suitability for such alternatives and have observed that decisions to detain individuals rarely provide justification for ruling out supervision.<sup>32</sup>

### Bulgaria, Cyprus and Poland

Between 2017 and 2019, the European Programme for Integration and Migration (EPIM) supported community-based ATD pilots in Bulgaria, Cyprus and Poland. These three pilots drew heavily on the IDC’s ‘Community Assessment and Placement’ (CAP) model and were designed specifically around case management. Key components of the pilots included:

- connecting individuals to services and support such as legal advice and accommodation through case management;
- assisting individuals to work towards case resolution by identifying barriers and solutions; and
- screening and assessment to ensure individuals’ suitability for the project and willingness to engage.

The interim evaluation of the pilots found promising results. It reported that 97 percent of individuals remained engaged with immigration procedures throughout the pilots, and only three percent disengaged or absconded.<sup>33</sup> It also found that quality case management could increase the ability of individuals in a wide range of circumstances and with differing levels of vulnerability to work towards case resolution and engage with immigration procedures. However, though the pilot was relatively inexpensive, significant time and preparation was required to set up the pilots. Moreover, the evaluation warned that case management alone cannot make up for structural problems in the wider immigration system, which can make achieving case resolution difficult.

### Canada

In Canada, both government funded ATD, which incorporate strategies like reporting, and open reception houses run by civil society organisations have been shown to be effective. In 2017, the country adopted the National Immigration Detention Framework, which aimed to improve detention

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<sup>28</sup> Global Detention Project (2020) “Belgium Immigration Detention Profile” Geneva: GDP. Accessed August 24, 2020. <https://www.globaldetentionproject.org/countries/europe/belgium>

<sup>29</sup> Sampson, R., Chew, V., Mitchell, G., and Bowring, L. (2015) “There Are Alternatives: A Handbook for Preventing Unnecessary Immigration Detention (Revised)” Melbourne: International Detention Coalition. Accessed August 24, 2020. <https://idcoalition.org/wp-content/uploads/2016/01/There-Are-Alternatives-2015.pdf>

<sup>30</sup> Global Detention Project (2018) “Immigration Detention in Sweden” Geneva: GDP. Accessed August 24, 2020. <https://www.globaldetentionproject.org/countries/europe/sweden>

<sup>31</sup> EMN Sweden (2017) “The Effectiveness of Return in EU Member States: Challenges and Good Practices Linked to EU Rules and Standards – Country Report Sweden” Stockholm: European Migration Network. Accessed August 24, 2020. [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/27a\\_sweden\\_effectiveness\\_of\\_return\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/27a_sweden_effectiveness_of_return_en.pdf)

<sup>32</sup> De Bruycker, P.A., Bloomfield, E., Tsourdi, E and Petin, J. (2015) “Alternatives to Immigration and Asylum Detention in the EU – Time for Implementation” Brussels: Odysseus Academic Network. Accessed August 24, 2020. <http://odysseus-network.eu/made-real/made-real-final-report/>

<sup>33</sup> Ohtani, E. “Alternatives to detention from theory to practice: Evaluation of three engagement-based alternative to immigration detention pilot projects in Bulgaria, Cyprus and Poland” European Programme for Integration and Migration. Accessed August 24, 2020. [https://www.epim.info/wp-content/uploads/2018/10/ATD-Evaluation-Report\\_FINAL.pdf](https://www.epim.info/wp-content/uploads/2018/10/ATD-Evaluation-Report_FINAL.pdf)

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conditions, as well as to expand the use of ATD in order to “ensure that detention is truly a last resort”.<sup>34</sup> These reforms have led to a decline in the average number of days spent in detention and a reduction in the use of prisons as immigration detention centres, though there has been a rise in the total number of people being detained.<sup>35</sup>

Canada has a long-running ATD called the Toronto Bail Project, which was set up in 1996 as a specialist government funded agency. It identifies eligible immigration detainees through a screening and assessment process, and then supports their application for bail. Those who enter the program are initially required to report regularly and are under intense supervision, but these conditions are reviewed and reduced after a period of compliance and trust building between participants and case managers. Case managers also help participants address personal needs and issues such as substance misuse, which can impact on compliance. According to the IDC, the Toronto Bail Project costs CA\$10-12 per person per day compared with CA\$179 for detention, and in 2013-2014, the project had a retention rate of over 94%.<sup>36</sup> Other ATD in Canada which do not use reporting or supervision have been found to be similarly effective. For example, Matthew House, Sojourn House and Hamilton House, all of which assist and house refugees and asylum seekers, have very high rates of compliance.<sup>37</sup>

## Summary

In sum, the literature suggests that ATD have the potential to be at least as effective, more cost efficient and less harmful than detention in managing migration. Despite a renewed focus on detention in some countries, there are still concerted efforts to encourage the use of ATD internationally. More recent case management-based programmes in the community, such as those in Cyprus, Bulgaria and Poland, have proven to be highly effective in terms of cost and compliance, and in helping people to reach case resolution without the need for coercion. Where ATD have been less successful, this is often due to a lack of participants, a lack of choice and autonomy for participants, inadequate assessment of individuals' suitability for a project, and a failure to involve civil society and the migrant community.

*Action Access* is relatively unique as an ATD pilot because, while it is government-initiated and funded, it uses a voluntary community-based case management approach and is run by a non-governmental organisation. Furthermore, civil society was involved in the initial design and development of the pilot and has an ongoing role in decision making through a reference group comprised of key civil society stakeholders. *Action Access* therefore builds on previous positive practice, but also presents new opportunities for learning and for collaboration between government and civil society.

## 4.2 Emerging findings from interviews with key informants

We are engaging a small group of civil society actors working on asylum and immigration as 'key informants (KIs) in this pilot evaluation.

We identified a list of 20 key organisations working on asylum and immigration in the UK by obtaining a list from UNHCR, conducting online searches and attending events on the topic area. For each organisation, we identified either a specific individual working on detention/ATD or a

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<sup>34</sup> Canada Border Services Agency (2017) “Archived - CBSA’s New National Immigration Detention Framework: A Summary Report of the Framework and Stakeholder Roundtable Discussions (August - December 2016)” Ottawa: Canada Border Services Agency. Accessed August 24, 2020. <https://www.cbsa-asfc.gc.ca/agency-agence/consult/consultations/nidf-cnmdi/menu-eng.html>

<sup>35</sup> Canada Border Services Agency (2019) “Annual Detention Statistics - 2012-2019” Ottawa: Canada Border Services Agency. Accessed August 24, 2020. <https://www.cbsa-asfc.gc.ca/security-securite/detent/stat-2012-2019-eng.html>

<sup>36</sup> Sampson, R., Chew, V., Mitchell, G., and Bowring, L. (2015) “There Are Alternatives: A Handbook for Preventing Unnecessary Immigration Detention (Revised)” Melbourne: International Detention Coalition. Accessed August 24, 2020. <https://idcoalition.org/wp-content/uploads/2016/01/There-Are-Alternatives-2015.pdf>

<sup>37</sup> Edwards, A. (2011) “Back to Basics: The right to liberty and security of persons and ‘alternatives to detention’ of Refugees, asylum-seekers, stateless persons and other migrants” Geneva: UNHCR. Accessed August 24, 2020. <https://www.unhcr.org/4dc949c49.pdf>

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general office contact. We then emailed and telephoned these individuals in Spring, inviting them or their colleagues to be part of the evaluation.

In early interviews, we have invited these KIs to draw on their expert understanding of the UK immigration system, lessons learnt from other ATD and their current understanding of the *Action Access* pilot to give their expert opinions on:

- the value of ATD generally;
- what they hope the *Action Access* pilot might achieve;
- potential strengths of the pilot; and
- challenges that the pilot might encounter.

The emerging findings summarised in this inception report are from interviews with four KIs in April and May 2020.

## The value of alternatives to detention

KIs recognised that ATD come in many different forms. However, they emphasised two overarching benefits to community-based ATD compared to detention.

The first was **efficiency**. KIs argued that detention is inefficient in achieving its objectives – namely compliance with the immigration system and case resolution. They explained that under a detention system people can remain in the system for a long time and that individuals often lack the means to progress their case effectively. This was compared to, for example, the National Asylum Support Service, which has given people accommodation in the community.<sup>38</sup> Under this scheme, it was reported, many individuals have had better means to progress their case and few have absconded. KIs also emphasised how costly detention is compared to community-based arrangements.

The second benefit was that ATD can be more **humane**. KIs emphasised that a key aim of ATDs is to reduce the risk of the trauma and offences against individuals' human rights that can occur when people are detained.

## Hopes for the *Action Access* pilot

KIs agreed that the main aim of the *Action Access* pilot is to achieve a **reduction in the use of detention**. The ultimate hope was that the services provided through the pilot will become an ATD that is provided instead of detention, rather than alongside it (for example through bail conditions).

KIs' hopes for the pilot reflected the benefits of ATD outlined above – that it would result in more humane and respectful treatment of women seeking asylum in the UK, while meeting the Home Office's requirements around effective immigration management. They hoped that the pilot will add to the **growing evidence base** that ATD can be a more effective and cost-efficient approach than detention for the Home Office to meet its objectives, and emphasised the importance of robust monitoring and independent evaluation.

In addition to achieving its aims and adding to the evidence base on ATD, KIs felt that the *Action Access* pilot provides two other important opportunities:

- To build a more trusting and cooperative relationship between the Home Office and civil society.
- To continue a cultural shift within the Home Office towards a desire to demonstrate best practice and respect for human rights in the immigration system.

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<sup>38</sup> Although KIs referred to the National Asylum Support Service, Home Office support under sections 4, 95 and 98 of the Immigration Act 1999 is currently managed by Asylum Support. It should also be noted that Asylum Support is not an ATD.

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## Potential strengths of the pilot

As well as the general benefits of ATD outlined above, KIs felt that there were specific aspects of the *Action Access* pilot that would be beneficial for participants and help the pilot to achieve its aims.

Many of these benefits stemmed from the fact that the pilot represents a **unique partnership between the state and civil society**.

First, KIs hoped that being funded by the Home Office would mean that the *Action Access* pilot, unlike other ATDs set up and financed by voluntary organisations, would mean that the pilot had adequate funding to meet its aims. In particular, they emphasised the importance of having funding for accommodation for participants who are at risk of destitution.

The second hope relates to the point made above about the pilot being an opportunity to build a more trusting and cooperative relationship between the Home Office and civil society. KIs hoped that working with the Home Office, who hold decision making power in the immigration system, would achieve the best possible outcomes for participants. This was contrasted with previous ATD pilots where organisations delivering the provision might have had a more fractious and unproductive relationship with policy makers and immigration officials.

Another theme emerging from the KI interviews was an alignment between the type of provision on offer through *Action Access* and the participant group the pilot aims to help. It was expected that:

- The pilot could provide a support network for single women who might not have family or other networks in the UK to rely on.
- One to one contact through case workers would support positive outcomes including case resolution.
- Providing reasonable accommodation with room for privacy would be vital to helping participants to feel safe and secure.
- The legal services provided through the pilot would be fundamental to its success. KIs highlighted that the erosion of legal aid over the last two decades has made it difficult for asylum seekers access to impartial, genuine and high-quality legal support.

KIs felt that an organisation like Action Foundation was well placed to deliver the pilot, having experience of delivering similar services to similar participant groups. Another perceived strength of the pilot was that it had built on lessons learnt from other ATD.

## Challenges that the pilot might encounter

A key concern among KIs was that moving to Newcastle to be part of the *Action Access* pilot might take women away from existing networks and sources of support. Relatedly, an anticipated challenge was making sure there is a smooth transition out of the pilot, including continuity of access to social support and to health and legal services. KIs suggested that funding asylum support and accommodation where participants are currently living would be a more appropriate and effective approach to ATD. Given that this is not possible within the constraints of the pilot, ensuring continuity of care will be a key challenge for pilot stakeholders to address.

Another expected challenge was the difficulty of working with participants who are likely to have exhausted most immigration options available to them. KIs recognised that this could raise the risk of participants absconding from the pilot and suggested that case workers would need support to balance the best interests of their clients with the Home Office's objective of increasing voluntary return.

While KIs saw the value that the partnership between the Home Office and Action Foundation might bring to the pilot (as outlined above), they also anticipated a number of potential risks related to this. They were concerned that:

- Historically adversarial relationships between the Home Office and civil society might limit opportunities to a) share learning from the pilot and b) join the pilot up with other support that participants are entitled and encouraged to access.
- A lack of trust in the Home Office among people seeking asylum might make participants reluctant to engage in the support provided.
- Action Foundation might not feel able to advocate or campaign on important issues because of its partnership with the Home Office.
- The bureaucracy and potential staff turnover within a large government body such as the Home Office might a) make it hard for Action Foundation and UNHCR to establish effective working relationships and b) inhibit effective referral processes.

As well as these challenges inherent to the nature of the *Action Access*, KIs recognised some external challenges. At the time these interviews were conducted, the COVID-19 pandemic was a major concern. KIs suggested that pilot participants would need support to understand the constraints on movement and on face-to-face meetings with friends and/or professional support services. They also emphasised the importance of women in the pilot having the economic means to keep themselves safe.

Finally, KIs recognised that the sensitive and ever-changing political climate around immigration management has the potential to raise external challenges for the pilot. Though there has been a move towards ATD in the UK in recent years, and debates around immigration have to some extent been 'diverted' to discussions around the UK's exit from the European Union, KIs recognised that there has been a change of administration since the pilot's inception. They warned that any progress made as a result of this small pilot could be reversed if political discourse moves toward a greater appetite for detention, as has been seen in other European countries. Because of the sensitivity around immigration, KIs also felt that any problems with the pilot would risk drawing negative attention to ATD.

Overall, KIs emphasised that this was a small pilot and it was important to recognise what it would and would not be able to achieve. In particular, they warned that case management alone cannot make up for structural problems in the wider immigration system, which can make it difficult for participants to reach satisfactory case resolution. Nevertheless, as reflected above, they felt that it was an important opportunity producing evidence and learning and getting key stakeholders on board with ATD. They felt that many challenges could be mitigated with clear and open communication with stakeholders and robust monitoring and evaluation.