



# Supplementary Annual Report

November 2014 - March 2015

**David Bolt**  
**Independent Chief Inspector of  
Borders and Immigration**

and Independent Monitor for  
Entry Clearance Refusals  
without the right of appeal



# **Independent Chief Inspector of Borders and Immigration and Independent Monitor for Entry Clearance Refusals without the Right of Appeal**

**Supplementary Annual Report for the period 1 November 2014 - 31 March 2015**

Presented to Parliament pursuant to Section 50 (2) of the UK Borders Act 2007 and Section 23 (4) of the Immigration and Asylum Act 1999

December 2015



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Print ISBN 9781474126670  
Web ISBN 9781474126687  
ID 12121503 12/15

Printed on paper containing 75% recycled fibre content minimum

Printed in the UK by the Williams Lea Group on behalf of the Controller of Her Majesty's Stationery Office

## **Our Purpose**

We provide independent scrutiny of the UK's border and immigration functions, to improve their efficiency and effectiveness.

## **Our Vision**

To drive improvement within the UK's border and immigration functions, to ensure they deliver fair, consistent and respectful services.

All Independent Chief Inspector of Borders and Immigration inspection reports can be found at [www.independent.gov.uk/icinspector](http://www.independent.gov.uk/icinspector)

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# **Foreword from David Bolt**

## **Independent Chief Inspector of Borders and Immigration**

This Supplementary Annual Report covers the period November 2014 to March 2015, and should be read in conjunction with the Annual Report 2013-2014, published in December 2014. This report covers the final two months of my predecessor John Vine's tenure as Independent Chief Inspector, and the first three months of 2015, when there was no-one in post. All of the inspections referred to in this report were completed by John Vine and the comments in this report repeat his findings and observations.

The purpose in producing a Supplementary Annual Report 2014-15 is to bring the Inspectorate's Annual Report cycle into line with its published programme of inspections, which runs from 1 April to 31 March each year. It also means that the next Annual Report will coincide more closely with my period of office (I took up my appointment on 1 May 2015).



**David Bolt**

**Independent Chief Inspector of Borders and Immigration**

# Role and Remit

The role of the Independent Chief Inspector for Borders and Immigration was established by the UK Borders Act 2007 to examine the efficiency and effectiveness of the functions of what was then the UK Border Agency.

The initial remit was to consider immigration, asylum and nationality issues. This was subsequently widened when the Borders, Citizenship and Immigration Act 2009 gave the Chief Inspector additional powers to look at border customs functions and contractors employed by the Agency.

The Chief Inspector is an independent public servant, appointed by and responsible to the Home Secretary. The Chief Inspector can also be called to give evidence to the House of Commons Home Affairs Select Committee.

## The Legislative Framework

Sections 48-56 of the UK Borders Act 2007 set out the legislative framework for the inspection of the UK's border and immigration functions. Key extracts from the Act, setting out the remit, and other key provisions, are below:

### Establishment

*48(1) The Secretary of State shall appoint a person as Chief Inspector of the Border and Immigration Agency.*

*48(2) The Chief Inspector shall monitor and report on the efficiency and effectiveness of the Border and Immigration Agency; in particular, the Chief Inspector shall consider and make recommendations about—*

*(a) consistency of approach within the Border and Immigration Agency,*

*(b) the practice and performance of the Border and Immigration Agency compared to other persons doing similar things,*

*(c) practice and procedure in making decisions,*

*(d) the treatment of claimants and applicants,*

*(e) certification under section 94 of the Nationality, Immigration and Asylum Act 2002 (c. 41) (unfounded claim),*

*(f) compliance with law about discrimination in the exercise of functions, including reliance on section 19D of the Race Relations Act 1976 (c. 74) (exception for immigration functions),*

*(g) practice and procedure in relation to the exercise of enforcement powers (including powers of arrest, entry, search and seizure),*

*(h) the provision of information,*

*(i) the handling of complaints, and*

*(j) the content of information about conditions in countries outside the United Kingdom which the Secretary of State compiles and makes available, for purposes connected with immigration and asylum,*

*to immigration officers and other officials.*

48(3) *In this section “the Border and Immigration Agency” means—*

*(a) immigration officers, and*

*(b) other officials of the Secretary of State, and the Secretary of State, in respect of functions relating to immigration, asylum or nationality.*

48(4) *The Chief Inspector shall not aim to investigate individual cases (although this subsection does not prevent the Chief Inspector from considering or drawing conclusions about an individual case for the purpose of, or in the context of, considering a general issue).*

## **Reports**

50(1) *The Chief Inspector shall report in writing to the Secretary of State—*

*(a) once each calendar year, in relation to the performance of the functions under section 48 generally, and*

*(b) at other times as requested by the Secretary of State in relation to specified matters.*

50(2) *The Secretary of State shall lay before Parliament a copy of any report received under subsection (1).*

50(3) *But a copy may omit material if the Secretary of State thinks that its publication—*

*(a) is undesirable for reasons of national security, or*

*(b) might jeopardise an individual’s safety.*

## **Plans**

51(4) *In preparing a plan the Chief Inspector shall consult—*

*(a) the Secretary of State, and*

51 (7) *Nothing in this section prevents the Chief Inspector from doing anything not mentioned in a plan.*

# Our Inspection Findings

## Border Force

During the period covered by this report, one inspection of Border Force was published. Specifically, this inspection examined how Border Force deal with seized drugs, tobacco, alcohol and other materials.

### **An Inspection of how Border Force deals with seized drugs, alcohol, tobacco and other materials**

This inspection examined the management and operations of Queen's Warehouses, which are used as secure storage locations for material that has been seized or detained by Border Force, HM Revenue and Customs (HMRC) and the National Crime Agency (NCA).

The inspection found that Queen's Warehouses operated a good system of stock control and undertook stock-taking audits that provided reassurance as to the quality of their systems. However, inspectors found that the majority of bulk seized excise goods arriving at Queen's Warehouses contained some sort of discrepancy, relating either to the seals that were used to secure loads or to the paperwork not matching the goods. This not only created opportunities for both Border Force and contractor staff to steal goods; but adversely affected the important maintenance of an effective audit trail for evidential purposes; and had the potential to embarrass and/or damage the reputation of the Home Office.

## UK Visas and Immigration

This annual report covers two published inspections of UK Visas and Immigration. Inspectors undertook detailed examinations of nationality, visa interviewing and overstayers.

### **An inspection of Nationality casework**

The inspection of Nationality found that the Nationality Casework team had a strong focus on providing good customer service. This was evidenced by the award of Customer Service Excellence Accreditation in March 2014. It had a well developed programme of continuous improvement, and staff were engaged and confident.

Nationality Casework was exceeding its customer service standard in determining applications within six months, and automated police and immigration checks were conducted on every applicant prior to decisions being made. All applications were sifted for cases of potential war crimes or security services interest and decisions to deprive citizenship, when eventually taken, were evidence-based and reasonable.

However inspectors identified some cases where applicants were granted British citizenship despite having very poor immigration histories over protracted periods of time, including during the qualifying period for naturalisation. Furthermore, guidance for staff on how to consider whether or not an individual was of good character did not appear to be being implemented in a suitable way and decision makers were not sufficiently looking for, or taking account of, evidence of character in order to satisfy themselves that the requirements of the British Nationality Act 1981 had been met.

The inspection identified significant delays in dealing with allegations concerning deception in order to obtain British citizenship. This meant that action to revoke citizenship obtained by deception was taking an average of three years to progress.

## **An inspection of Visa Interviewing**

In 2008, the UK Government introduced the Points-based System (PBS), an objective policy framework which removed Entry Clearance Officers' (ECOs) ability to exercise discretion when making decisions. As such, interviews were no longer used to assess and determine PBS applications. As a result, the credibility of applicants was no longer routinely assessed.

However, in July 2012 the Home Office reintroduced interviewing as a means of assessing credibility in order to allow Entry Clearance Officers to refuse applicants where credibility was an issue. This was particularly used for Tier 4 student cases, which were increasingly subject to abuse.

The inspection therefore examined how effective the reintroduction of interviews was for assessing the credibility of students applying under Tier 4 of the PBS. However, it also examined the increasing use of interviews for applicants applying under the general visit category. It found that the implementation of the video conferencing facilities had gone well, and enabled the Home Office to meet the Home Secretary's target of completing more than 100,000 interviews during 2013/14.

Inspectors concluded that video interviews were adding value in high-risk locations where there were higher numbers of non-genuine students (a quarter of the cases examined from high-risk posts benefitted directly from this new process). Furthermore, interviews had not significantly affected the timeliness with which visa decisions were being made and the Home Office continued to meet its customer service standards in the majority of posts.

However, the anticipated increase in the refusal rate for Tier 4 student applications, had not been achieved. In low-risk locations where the majority of visa applications resulted in a visa issue, inspectors felt that the interviews added limited value.

Limitations of the interview system were identified which meant its value was questioned by inspectors, and some UKVI staff were not always conducting interviews when they should. And, some staff were found to be conducting interviews below an acceptable standard.

## **Immigration Enforcement**

Between November 2014 and March 2015, inspectors undertook two inspections into the work of Immigration Enforcement.

### **An Inspection of Immigration Enforcement activity in London and the West Midlands ('Operation Nexus')**

Operation Nexus is a joint operation between the Home Office's Immigration Enforcement Directorate and several police forces aimed at more effectively tackle offending by foreign nationals. It commenced initially in London in October 2012, primarily by embedding Immigration Officers into 16 police custody suites and identified in the first five weeks of its operation that 27% of all the people arrested for criminal offences were foreign nationals. Nexus was extended to West Midlands Police (WMP) in June 2013, with other police forces joining from December 2013 onwards.

The inspection identified that the introduction of Nexus within the Metropolitan Police Service (MPS) improved its working relationship with the Home Office. It resulted in a significant increase in the number of status checks that the Home Office undertook on behalf of the MPS and a corresponding rise in the number of immigration offenders being identified. Importantly, the number of foreign nationals who subsequently left the UK more than doubled, from 418 in 2011/12 to 1,077 in 2013/14.

Nexus also delivered other key benefits including linking police and Home Office fingerprint databases so that arrested individuals were automatically checked to determine if they were a foreign national, allowing the Home Office to refer Criminal Casework cases to the police to facilitate tracing of absconders and re-documentation, and the police referring to the Home Office cases which met their definition of 'high harm,' resulting in 85 removals or deportations in 2013/14.

The Home Office had also taken action to raise police awareness about the need to clarify nationality and the processes for requesting status checks on foreign nationals. However, the inspection found that in some force areas an increase in the number of status checks requested by the police had not translated into a similar increase in the number of immigration offenders being transferred into immigration detention, a precursor to removal in many cases.

In some locations, inspectors noted that some foreign nationals passing through custody suites did not appear to have their immigration status checked and that some embedded Immigration Officers (IOs) did not have unrestricted access to custody suites. The inspection also concluded that there was scope for further improvement in the number of removals that were achieved. Resource availability meant that in some locations, immigration offenders would sometimes be released by the police because an IO was not available to deal with them.

There were indications that Immigration Enforcement removals casework and enforcement teams were experiencing difficulty in coping with the additional casework that was being generated as a result of Nexus. In addition there were a number of inconsistencies identified in the processes being followed in different locations as part of Operation Nexus.

### **An Inspection of Overstayers: How the Home Office handles the cases of individuals with no right to stay in the UK**

This inspection focused on two specific aspects of the Home Office's operational management of Migration Refusal Pool cases. Specifically, it looked at the cleansing, case working and contact management of MRP records by the contractor Capita, to whom this work was outsourced by the Home Office, and the subsequent progression of MRP cases, after Capita processing, by Home Office enforcement casework. It also looked at the Home Office's strategic approach to encouraging compliance with immigration legislation and reducing the number of overstayers in the UK.

Inspectors found that Capita's data cleansing had been useful and they were able accurately to identify duplicate records and to close records for migrants who were found to have already left the UK. However, Capita's work took longer, and was more costly, than was originally anticipated. Inspectors were concerned that the Home Office had not taken more care at the tendering stage to validate its requirements. The Home Office had, with the assistance of Capita, made considerable efforts to improve MRP data quality, however, the MRP still contained records that should have been excluded, such as records relating to asylum applications. This not only impacted on the Home Office's ability to pursue enforcement cases to conclusion, but also rendered the figures unreliable.

The inspection revealed significant inaccuracies in Capita's classification of MRP records which meant that Capita misidentified some people as overstayers who had in fact complied fully with immigration legislation. In turn, this raised concerns about the effectiveness of the Home Office's quality assurance mechanisms.

While the Capita work prevented numbers in the MRP from increasing, there was no overall reduction, and there was no evidence that Capita's work had increased the number of enforced removals that the Home Office had been able to achieve. In terms of voluntary departure, less than 1% of those who had passed through the Capita contact management process, that is fewer than a thousand people against the 4-5,000 forecast, had departed after contact.

# The Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was established in 2009 to advise the Chief Inspector about the content and quality of country of origin information material produced and relied upon by the Home Office. This enables the Chief Inspector to satisfy clause 48(2)(j) of the UK Borders Act 2007 which charges him to consider and make recommendations about conditions in countries outside the United Kingdom which the Secretary of State compiles and makes available, for purposes connected with immigration and asylum, to immigration officers and other officials.

In part due to the changes at the Home Office in this area which were referred to in John Vine's valedictory annual report, and in part as a result of the IAGCI having to adopt a new procurement process, the IAGCI did not meet during the period covered by this report.

## Membership

Membership of the IAGCI is voluntary and members are not paid for their time or expertise. The group is made up of academics and organisations operating in the country information and / or refugee fields.

### Independent members

- **Dr Laura Hammond (Chair)** (School of Oriental and African Studies)
- **Dr Ceri Oeppen** (University of Exeter)
- **Dr Elena Fiddian-Qasbiyeh** (Refugee Studies Centre, University of Oxford)
- **Dr Mike Collyer** (University of Sussex)
- **Dr Patricia Daley** (University of Oxford)

### Organisational representatives

- **Mr Andrew Jordan** (First Tier Tribunal, Immigration and Asylum Chamber)
- **Ms Blanche Tax** (UNHCR, Geneva)
- **Ms Harriet Short** (Immigration Law Practitioners' Association – ILPA)

Meetings are also attended by representatives of the Home Office, and independent experts at the discretion of the IAGCI Chair.

Further details, terms of reference, minutes and reports from the IAGCI can be found on my website at <http://icinspector.independent.gov.uk/country-information-reviews/>

# Stakeholder Engagement

The inspectorate hosts three regular stakeholder engagement fora. Members of these fora are able to discuss inspection reports, bring key issues to the attention of the inspectorate and suggest proposals for inspection.

- [Refugee and Asylum Forum](#)
- [Aviation Stakeholder Forum](#)
- [Seaports Stakeholder Forum](#)

These fora were created to develop opportunities for stakeholders to engage with the office of the Chief Inspector and help drive forward his inspection programme by:

- providing regular opportunities for key stakeholders to input into the Chief Inspector's wider inspection programme
- ensuring key stakeholder groups in relevant fields, who have strong interests in the Home Office working to the highest standards can use their knowledge and experience to suggest possible areas/themes for inspection
- bringing their expertise and evidence about the performance of the Home Office to the attention of the Independent Chief Inspector.

The fora are chaired by the Chief Inspector and are made up, by invitation, of individuals and organisations operating in the relevant fields. The fora will normally meet two or three times a year.

There were two meetings of the Refugee and Asylum Forum in the reporting period. Neither the Seaports nor the Aviation fora met in this time.

# People and Resources

## Diversity

ICIBI staff profile, March 2015:

- 50% female, 50% male
- 34% are black and minority ethnic (BME)
- 27% of staff are under 35 and 15% are over 50
- 12% work compressed hours.

## Training and Development

Learning and development remains a high priority. A number of staff completed accredited modules delivered by the Chartered Management Institute during the reporting period. In addition, a further round of our bespoke inspection courses developed in conjunction with Westminster Explained was delivered and staff have undertaken all required mandatory online training on CS Learning.

In early 2015, at the suggestion of a member of staff, the inspectorate set up a Continuous Improvement Group (CIG) to help drive improvement internally, and develop and promote good practice.

## Resources

During the period covered by this report the inspectorate had thirty posts, the same amount as the previous reporting period. The posts were graded as follows:

- 1 x Chief Inspector (Public Servant)
- 2 x Grade 6
- 8 x Grade 7
- 16 x Senior Executive Officers
- 1 x Higher Executive Officer
- 1 x Executive Officer
- 1 x Administrative Officer

The 2014-15 budget was £2,446,000. The breakdown of expenditure was:

- 70% Direct Inspection
- 15% Non-inspection, e.g. corporate services, IT etc
- 14% accommodation.
- 1% IAGCI

# Appendix 1

## Reports published November 2014-March 2015

### Inspection Reports

1. [An Inspection of Immigration Enforcement activity in London and the West Midlands \('Operation Nexus'\) – 4 December 2014](#)
2. [An Inspection of how Border Force deals with seized drugs, tobacco, alcohol and other materials – 11 December 2014](#)
3. [An Inspection of Nationality Casework – 11 December 2014](#)
4. [An Inspection of Visa Interviewing – 17 December 2014](#)
5. [An Inspection of Overstayers: How the Home Office handles the cases of individuals with no right to stay in the UK – 17 December 2014](#)





