

## GENERAL LINES FOR PMQs

- Clear that something went wrong in Sheffield. That is being investigated, and the House should wait for the outcome of the investigation.
- Investigation will also cover the way in which backlogs of general casework have been handled. My right hon Friend [Home Sec] will report on the outcome of the investigation. Ludicrous to suggest that [Beverley] has somehow misled the House.
- Migration is a feature of the modern world. We benefit from migrants in all walks of life. They make up 8% of our general population but generate 10% of our total wealth. They are net contributors to the Exchequer. [One study suggests they paid £2.5bn more in taxes in 1999/2000 than they consumed in benefits and services.] They bring skills and enthusiasm that our society needs - in the building industry, in catering, as doctors or nurses. We do ourselves no favours if we argue as if every migrant is a threat, every applicant is set on deceiving us.
- We also do ourselves no favours if we underestimate the strength of our position. Our buoyant economy attracts the migrants we need, and they contribute to it. But our position as an island also means that we can operate more effective immigration controls than other countries. We've achieved a huge improvement in border security in the last year or so, both at the Channel by exporting primary controls, and through the network of Airline Liaison Officers overseas.
- Worth remembering what these general after-entry cases actually involve. People who have entered this country legally with a visa or after an interview with an immigration officer, and who then wish to extend their stay.
- Of course, we must get better at identifying the minority who are not entitled to stay - the marriages of convenience, the students who don't intend to pursue a real course of study. Many are already detected and refused. [Latest published refusal rate for all general casework 5.5% in 2002.]

- Every Government - including the Government of which the right hon Gentleman was a member - has had to grapple with these problems and with the problem of backlogs of general immigration casework.
- Unlike the party opposite, we have a strategy for improvement. We have reduced asylum intake by more than half. We are deciding asylum claims briskly [80% within 2 months], and are within months of having cleared the backlog of undecided claims. With the pressure reduced on asylum, we can deploy more Immigration Service resources on precisely the areas that have been identified.
- ID cards will play a significant role in helping to deter and detect those who are trying to evade the system
- We have also introduced charging for general casework and used the income to recruit 500 extra staff last year. New applications are being dealt with promptly and backlogs are greatly reduced.
- A backlogged system cannot be an effective one. What we have done is to get on top of the business in a way that no previous Government has done. That is the only sure way both of managing legitimate migration in our national interest and of maintaining an effective immigration control.

## LINES TO TAKE

### Beverley Hughes misled the Commons:

- There is no question of Beverley Hughes having misled the Commons. She was asked about the arrangements for dealing with applications under the EC Association Agreements, and described guidance on the cases which was issued in Sheffield without her knowledge or that of senior officials. This guidance went beyond the general arrangements for dealing with the backlog of other cases. The circumstances in which it came to be issued are now being investigated.
- In her Parliamentary statement on Friday 12 March, Beverley Hughes said that she had also asked Ken Sutton to report on current long standing and any previous exercises over the past 10 years for dealing with backlogs. This will enable what happened in Sheffield to be set in a wider context.

But is [REDACTED]<sup>\*</sup> not right that there have been periods in recent months where the entire caseworking department at Sheffield has been working under BRACE conditions?

- This is a matter for Mr Sutton's investigation.
- {It is true that in the latter half of last year, following the introduction of charging, there was a heavy concentration of effort on clearing older cases under the arrangements for backlog clearance. Since the introduction of charging, new applications have been dealt with separately within agreed service standards.}

[ more to be provided about proportion of cases at different times & refusal rates]

\* NAME REDACTED BY COMMISSIONER, SECTION 40 (1)

Beverley Hughes was misleading on Question Time when she referred to "a single team in Sheffield processing a very particular group of applications" ?

When Beverley Hughes referred to "a single team", she meant simply the group of staff working on ECAA applications in Sheffield. She has made it clear from the outset that all ECAA applications were being dealt with under the locally issued guidance.

But [REDACTED] is actually a senior manager:

- Decline to comment on named individual or to confirm
- [An Assistant Director would be a relatively senior figure in the Sheffield office, but a middle manager in terms of IND as a whole, and not for example, a member of the Senior Civil Service.]

**Backlog of ECAA cases in January – Sunday Times says, 11,000; Beverley Hughes said 7000 in the Commons on 8 March.**

- On 8 March there were 7,000 cases logged on the system as awaiting a decision. The number of outstanding cases will become clearer during Mr Sutton's investigation

### Present Backlogs

A year ago Work in Progress was running at over 73k (Feb 03). It has dropped during recent months below 30k. (All excl travel docs).

Work in Progress is currently running at 65k to 73k from Aug 02 to Feb 03. Now running at 35,000 and has dropped during recent months to as low as 20k. (All excl travel docs).

Pre charging backlog ringfenced at 17k. Currently at 7.5k (but want to check new line)

## LINES TO TAKE - SHAM MARRIAGES

- The Government is determined to tackle fraudulent marriages and prosecute the organisers as well as the participants in these marriages.
- It is inherently difficult to establish beyond doubt whether a marriage is genuine
- We introduced changes in the Immigration and Asylum Act 1999 to counter the growing menace of fraudulent marriages undertaken to circumvent immigration control, including:
  - Requirement for registrars to report suspicious marriages to the Home Office
  - Empowerment of registrars to request nationality of couples intending to marry (as well as name; age; marital status)
  - Changes to the procedures for giving notice of marriage
- Nationality and Immigration Act 2002 aimed both at further tackling bogus marriages and at simplifying procedures for those in genuine marriages or long-term relationships.
- These measures included

- increasing the probationary period to two years [need to explain in background note]
  - introducing a "no switching" provision for those seeking to stay in the UK on the basis of marriage
  - raising the sponsorship age to 18 ~~from 16~~ for spouses.
- To protect genuine cases, the probationary period was removed for people married or in partnership for at least four years overseas.
  - Applications to remain in the UK from the spouses of EU nationals are considered under European Community law. A non-EEA spouse of an EU national has a right of residence in the UK if their EEA national is exercising their Treaty rights here - for instance if the EEA national is working, studying, self employed or otherwise self sufficient.
  - Applications to remain in the UK on the basis of marriage to an EU national will be refused if it is shown that the EEA national is not exercising their Treaty rights in the UK or if we are satisfied that it is a marriage of convenience.

#### How many marriage cases a year?

- In 2002 the number of extensions granted for a probationary year prior to settlement to spouses, after entry as a fiancé(e) or for

some other purpose, was [down 4,560 to]18,500. This was 5% of all decisions taken.

- There were 40,400 grants of settlement on the basis of marriage.

#### Estimated 15000 bogus marriages per annum?

- It is almost impossible to estimate how many marriages may be bogus., Although last year 2,700 cases were reported to the Home Office as suspected to be sham, this figure is likely to be lower than the actual figure, as not all suspicious marriages will be reported, but we believe this figure to be significantly over exaggerated: there are currently about 350 reports each month of suspicious marriages received by the Home Office from registrars in England & Wales about 4200 a year

#### Number of bogus marriages on the increase?

- The rise in reporting is not necessarily indicative of a year on year rise in marriage abuse, but may show that under-reporting of suspected sham marriage is diminishing as the measures in the NIAct 2002 become more effective

#### Enforcement

- Enforcement action is taken against sham marriages.
- UKIS in London has recently piloted a new, targeted approach to tackling sham marriages, led by a specialist team who have also provided training to other London offices. So far in 2003/04 this

approach has led to the following action being taken in the London area:

- 110 people arrested at weddings;
- over 60 marriages stopped;
- 37 people charged with criminal offences following arrest;

- Developing a tactical approach to tackling marriage abuse in London, drawing on co-operation with other agencies. Work is underway to build on the success of the pilot and local enforcement offices in some areas have already established their own specialist marriage abuse teams.
- Elsewhere in the country cross-agency working between UKIS, NCIS and the Police has led to significant success in apprehending those responsible for organised marriage abuse. We expect recent operations to result in a number of convictions. [NB – IS advise that we can't say anything specific about Op Idiom as its sub judice. Hence general line]

[Lines on Leeds? – Colin A to provide]

- It is not possible to provide more detailed statistics regarding activity to counter marriage abuse as such information is not currently recorded in a form that can easily be collated. [To attempt to do so would be extremely labour intensive, would divert considerable numbers of staff away from operational enforcement activity and would be very likely to contain errors or mislead].

Trends in numbers of leave to remain on basis of marriage since 1992?

Numbers of applications granted for leave to remain on the basis of marriage is shown below:



Year	1992	1993	1994	1995	1996	1997	1998	1999	2000
Husbands	10,590	11,670	11,670	12,230	11,900	10,700	13,010	14,565	14,460
Wives	15,790	15,940	14,920	17,010	17,570	16,160	18,390	19,945	24,100
Total spouses	26,380	27,610	26,590	29,240	29,470	26,860	31,400	34,510	38,560

	2001	2002
Husbands	16,850	15,470
Wives	26,590	24,930
Total spouses	43,440	40,400

**Is it true that the Immigration Service does not have the resources to investigate doubtful colleges and suspicious marriages?**

- There have been several recent Immigration Service operations against organised marriage scams (see above).
- But it is certainly the case that in the past few years the priority for enforcement resources has been removals, particularly of failed asylum-seekers. As we get the asylum problem under control, more resources will be diverted to general enforcement activity.

**This Government is lax on bogus marriages: abolishing the Primary Purpose rule was one of the first things it did**

- ◆ The primary purpose rule was abolished because it was unfair and arbitrary. It 'caught' not only bogus marriages, but also genuine marriages where the parties intended to live together permanently, if they were entered into primarily with the aim of the applicant coming to the United Kingdom.
- ◆ We do not seek to impose unreasonable restrictions on the freedom of individuals to marry and live with the spouse of their choice; but

we do want safeguards against abuse, by those who are prepared to enter into marriage simply as a device to obtain settlement in this country.

- ◆ Amongst other things, we must be satisfied that each of the parties to a marriage intends to live together permanently as husband and wife and that the marriage is subsisting.
- ◆ The most obvious reason for refusal on the grounds of intention to live together is that there is a reluctant party to the marriage who has declared their reluctance in confidence to the ECO. However, there are other circumstances that might alert the ECO to the need to explore the intention to live together. Each application is considered individually on the basis of the intentions of each party to the marriage.

#### Sunday Express Article Somali/Dutch scam

- EEC Nationals have every right to come to the UK as long as they are in employment. The law requires that EEC documents be accepted unless it is reasonably apparent that it is false.
- To prove a marriage involving an EEC national to be a sham requires showing that there was never an intention to co-habit. This requires an IS home visit, (caselaw prevents us undertaking marriage interviews).
- However, there is a clear need to monitor abuse, particular document and marriage following expansion. The Immigration Service will be providing training to assist in the identification of false documents from accession countries.

## Students

- ◆ Overseas students make a huge contribution to the UK and its economy. The vast majority are genuine. But the large numbers coming mean there is scope for unscrupulous individuals to try to abuse the system.
- ◆ An overseas student must:
  - provide evidence of acceptance on an acceptable course at a suitable institution
  - show they are able to meet the costs of the course and of maintaining themselves
  - satisfy us that they are a genuine student who intends to leave the UK at the end of their course.
- ◆ We are aware of abuse by some in the private English language sector and will shortly be announcing proposals to move towards full independent accreditation for this sector.
- ◆ We are also in dialogue with representatives of colleges and universities to develop effective information flows about overseas students who do not take up places on courses, or who drop out.
- ◆ This information will be flagged on personal records, used to identify emerging trends in order to take pre-emptive action, and deployed to inform local enforcement activities.

What action is taken to avoid granting leave to remain to students at bogus colleges?

- Caseworkers use intelligence information about doubtful establishments as the basis for further inquiries, together with the published definition of a bona fide educational establishment, and the fact of whether or not an institution is accredited.

Does accelerated consideration mean that bogus students get away with it?

- Under backlog clearance exercises, routine checks, including security, continued to be made. In the case of students, the college would be checked against a "List of Educational establishments" and any doubtful or bogus ones would be identified and the application would be considered in more detail, and/or refused.

Is this enforced?

- Students who fail to observe the conditions of their stay will be liable to removal from the United Kingdom.
- Students are permitted to work for a maximum of 20 hours per week during term time or full time during vacation. Students are not permitted to engage in business, be self-employed, or to pursue a career by filling a permanent full-time vacancy.
- New legislation brought in by the Nationality, Immigration & Asylum Act 2002 now allows the Immigration Service (IS) to remove people who are attempting to obtain leave by deception. This means that bogus students who apply to the Home Office to extend their stay can be removed whilst their deceptive application remains outstanding.
- This legislative change came about as a result of an IS operation targeting a bogus college.
- Work is being done to establish the nature and methods of abuse by students to enable more focussed action to be taken.

- Bogus students will normally be here for the purpose of employment and will be picked up in operations against illegal working.
- The Government is determined to tackle illegal working. We have already increased enforcement capacity and between April and June 2003 the Immigration Service reported carrying out 79 illegal working operations of which 27 were aimed at detecting five or more illegal workers. Between October and November last year the number of reported operations increased by over 75 per cent on the second quarter to 141, while the operations aimed at detecting five or more illegal workers rose by over 175 per cent to 75.

**IND has not made any attempt to control general Immigration casework?**

- After-entry control has been exercised. Control of Immigration Statistics show that the total number of decisions made per annum has increased, from 178,810 in 1999 to 337,650 in 2002, and that the refusal rate has increased, from 2.4% in 1999 to 5.5% in 2002. In 2002, there were 18,575 refusals of extension or settlements; 244,400 grants of extension and 118,255 grants of settlement.
- The introduction of charging in August 2003 has enabled IND to invest in more staffing resources for general casework, thus increasing our capacity to make casework decisions. Since August 2003 staffing levels in General Group have risen by 27% [from around 1,000 to nearly 1,300].