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Rt Hon Keith Vaz MP
Chairman, Home Affairs Committee
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26 MAR 2015

Dear Keith,

**GOVERNMENT RESPONSE TO THE HOME AFFAIRS SELECT COMMITTEE
REPORT ON 'THE WORK OF THE IMMIGRATION DIRECTORATES (JANUARY
TO JUNE 2014)'**

I am writing to thank the Committee for their report 'The Work of the Immigration Directorates (January to June 2014)'. Please find enclosed a copy of the Government's response to this report. I apologise for the slight delay in providing this response.

Yours ever,

James Brokenshire

Government's response to the Home Affairs Select Committee's Ninth Report of Session 2014-15: The work of the Immigration Directorates (January – June 2014)

The Home Office would like to thank the Committee for its report published in December 2014 on the work of the immigration directorates. We welcome the Committee's consideration of our ongoing work in the areas of Immigration Enforcement, UK Visas and Immigration and Border Force.

The Home Office has considered the recommendations of the report and the Government's response is below.

Exit Checks

The Committee may find it helpful to have some context to its specific questions and comments on the exit checks programme.

Background

Routine embarkation controls were carried out in the past at all air and ferry ports, with limited benefits. Officers did not conduct routine watchlist checks, and the ability to match inbound and outbound records was limited to a very small cohort of passengers, namely non-EEA nationals granted leave to enter for a specific period and required to produce an embarkation card to the Border Force officer on departure.

It was decided that the embarkation controls should be withdrawn in 1994 for passengers on services to European Community destinations from ferry ports and small and medium sized airports. Residual routine controls were subsequently withdrawn for all other destinations in 1998, with the aim of adopting a more efficient targeted and intelligence-led operation.

These changes were intended to free staff resources for work which was deemed to contribute more directly to the effectiveness of immigration control. The immigration officer's power to examine the passport of any departing passenger remained, and a facility was retained to mount ad hoc checks where, for example, there was reason to believe that someone of interest to the police in connection with serious crime was likely to leave the country by a particular route. Police powers under the Prevention of Terrorism legislation were unaffected.

The Committee will be aware of the considerable technological advances and the consequent potential for greater uses in IT and other technology since the 1990s, as well as the expanding and differing requirements and challenges for border security in a post 9/11 world. The Government's commitment to introduce exit checks on all scheduled commercial international air, sea and rail routes by the end of this Parliament takes full account of these developments. The new Home Office approach will make effective use of electronic systems that are able to produce more accurate and increasingly valuable information for immigration and border security

purposes, supporting action by policy and operational officials in the Department and across government as a whole, as well as by the police and others.

Purpose of exit checks

Exit checks will provide a more complete picture of those leaving the UK, enabling the Government to identify more effectively those who remain in the UK illegally and abuse our public services and welfare systems, and those cohorts seeking to come to the UK who, if admitted, present the highest risk of overstaying. Better information will support a range of responses, including direct, targeted enforcement action where appropriate and feasible; applying the denial of service provisions in the Immigration Act 2014; work to secure compliance; and evidence-based adjustments to existing visa regimes and routes, based on analysis of those most subject to abuse.

Exit checks data will also provide the police and security services with more information on the movements of criminals and terrorists, including known or suspected foreign fighters, supporting the wider work already taking place across Government and law enforcement.

How exit checks will work

The Government is making good progress in giving effect to exit checks in line with the commitment given in the Coalition's Programme for Government. An "exit check" is defined as a check that satisfies the Government to a reasonable degree that an individual has left the United Kingdom. Existing arrangements whereby API (Advanced Passenger Information) is already provided will be used where possible, alongside other types of checks at ports where necessary.

The operating model for exit checks gives carriers and port operators the central role in carrying out the activities required to deliver these. The specific approach will vary between locations and modes of travel, but will involve either:

- using carriers' own business processes, including the collection and provision of passenger information, either in advance of travel or at the border on departure, and checks to verify a passenger against their travel document; or
- using new powers in the Immigration Act 2014 to designate and train carrier and port staff to exercise limited immigration powers to carry out basic checks at the border. Staff designated to undertake embarkation checks will only have the limited range of powers necessary to support the operation of this specific check. In essence, the powers will enable carrier staff to verify the passenger against the travel document and to transmit the document details to the Home Office. This approach reflects the processes that already operate in the airline environment.

The Immigration Act 2014 enables the Government to direct staff to do this, if necessary. However, the Home Office is committed to working with the grain of existing systems and processes to help minimise the impact on carriers and on ports

fluidity. The Department will take account of the different environments and scale of operations at ports, so delivery approaches may vary, so long as the end result is the provision to the Home Office of the required passenger information in a form which can be processed by Home Office systems. The Department is providing technical support to carriers to ensure effective data transmission, and will itself conduct the data matching between entry and departure records that will identify potential overstayers.

Conclusion/Recommendation 1 – The Committee has, in successive reports, highlighted the need for everyone who enters and leaves Britain to be counted in and counted out. This enables us to know accurately exactly who is in our country. We note that both the Minister and the Director General of Border Force have assured this Committee that 100% exit checks will be in place by 31st March 2015. We hope that they can deliver this, and expect them to inform the Committee urgently if this no longer looks likely, and in particular to update the Committee on this target before the last scheduled meeting of this Committee before dissolution.

Government response:

The Government is on track to deliver the coalition commitment to introduce exit checks on all scheduled commercial international air, sea and rail routes by the end of this Parliament. As Sir Charles Montgomery has explained in previous evidence to the Committee, the Government's aim is to secure coverage of 100% of those in scope; and that those not in scope include journeys within the Common Travel Area and General Aviation and General Maritime departures. In his most recent evidence to the Committee, Sir Charles noted that "The coach sector is the most difficult of all logistically. That has been the focus of trials and tests at each of the major ports that operate coach travel". The Home Office continues to work closely with port operators on coach departures, and, as Sir Charles explained, Ministers have in any case decided to exempt school parties of under 16s travelling by coach from exit checks arrangements.

The exit checks system will provide a more complete picture of whether those who enter the UK from April 2015 subsequently leave the UK. It is not a retrospective system. Exit checks will not enable migration to be directly measured (though over time they will enhance other measures of migration), or give a precise statistical measure of overstayer rates. Although we continue to make good progress in refining the approach to data matching that will enable the creation of departure lists, there will always be anomalies associated with dual nationality, lost or renewed passports and changes of name that will prevent absolute certainty that every individual who appears to have overstayed in fact remains in the UK.

The exit checks programme is a multi-phase programme. After April 2015 the Home Office will take further steps across government to make the most of the insights provided by the data, and with carriers to develop the most effective approaches possible to their work on data collection and verification.

Conclusion/Recommendation 2 - It is very important that the system to carry out exit checks works efficiently, so that it can meet what are understood to be the aims of the policy, without introducing unnecessary queues and delays.

Any queues that develop as a result will be highly visible and could have a serious negative impact on business, trade and tourism. Transport operators have voiced serious concerns of the opportunities such delays offer to illegal migrants to attempt to embark vehicles. The Committee has noted these concerns and has seen the situation for itself on a visit to Calais. We will be considering this matter in detail in our next report. We welcome the trials being carried out in Dover and Folkestone to ensure any system adopted has been tested as thoroughly as possible.

Government response:

As noted above, the Government continues to work closely with the port operators and carriers, and consider carefully points made about the challenges they face in implementing these new arrangements. A programme of trials at ports is building confidence and familiarity; liaison on technical connectivity is well advanced; and implementation plans are in place, and have been discussed with senior carrier representatives, for the roll-out of staff training, and the technical and other support that will be available around and from the go live date.

We have had positive outcomes from a number of trials, and have others planned, that are helping inform workable solutions for individual carriers and port operators. We are, for example, in continuing discussion with the Dover Harbour Board and Dover carriers, and with Eurotunnel, on how further trials could help address the particular challenges coach traffic presents in terms of port infrastructure and volumes, including through effective use of mobile scanning devices.

We have discussed in some detail with port operators and carriers our intended approach to contingency arrangements and escalation procedures to ensure that the risks identified here are managed well. These will build on established Border Force procedures and the principles that underpin them.

Nonetheless, Ministers recognise concerns expressed by the ports and carriers that their staff will be conducting brand new and, to them, unfamiliar functions in live mode for the first time against the backdrop of a busy Easter weekend. To help them ensure the smoothest possible transition with staff and passengers, and after very careful consideration, Ministers have therefore confirmed that whilst they expect exit checks arrangements to be in place for all ports and carriers by 1 April, the formal implementation date will be Wednesday 8 April. It, of course, remains open to carriers to implement aspects of exit checks before this date where they find that helpful.

Exit Checks processes will apply only to those vehicles and passengers leaving the United Kingdom, and will therefore have no implications for those persons in Calais or elsewhere who seek to enter the UK clandestinely. The Committee is aware of the unique infrastructure challenges in Calais, and the wider work that is being carried out there to tackle clandestine entry.

Conclusion/Recommendation 3 - Exit checks will be carried out by the transport operators' staff, not Border Force. However, those transport companies have, for some time, expressed serious doubts that the exit checks can be put in place according to the Government's timetable, which will

require full exit checks by 1 April 2015. We share these concerns.

Government response:

The Government notes the Committee's concerns. This is a complex programme to a challenging timescale, but the Government is on track to deliver the coalition commitment to introduce exit checks on all scheduled commercial international air, sea and rail routes by the end of this Parliament. We will continue to work closely with the carriers and port operators, making use of the powers in the Immigration Act 2014 as appropriate.

Conclusion/Recommendation 4 – The Home Office was wrong to take so long to respond to the letter of 24 September 2014 sent to it by John Keefe of Eurotunnel which set out a number of concerns and action points. The Committee will require a detailed update from the Home Office by 31 January 2015 so that we can assess whether or not any further action should be taken.

Government response:

The Home Office received no such letter from Mr Keefe. We understand that this letter was sent only to the Home Affairs Select Committee.

We understand that the letter made points about the need to secure clarity on staff powers, data collection and transmission, and on the importance of managing traffic flows. We agree that these issues are important, and the programme has made material progress on them, in close liaison with Mr Keefe and other port and carrier representatives, since Mr Keefe wrote to the Committee.

A single immigration target

Conclusion/Recommendation 5 – The Government made a clear commitment to reduce net migration from the hundreds of thousands to the tens of thousands. The Government has admitted it is unlikely that the target will be met before the General Election. We agree. The commitment did not make a distinction between EU and non-EU migration, nor allow for emigration falling. Ministers argued that the government did not anticipate either an increase in EU immigration or a fall in emigration. This is not a sufficient explanation for its failure to meet the target, but serves to highlight the difficulty in setting a single headline target that relied upon factors that could not be controlled. No Government of whatever political composition can control the number of people who voluntarily leave the country. This raises questions about future immigration policy. An arbitrary target set by ministers, however well intentioned, only serves to reduce public confidence in the ability of any Government to deliver a future pledge on immigration.

Taken with

Conclusion/Recommendation 6 - Rapid expansion of the country's total population can have far-reaching consequences, both positive and negative, across many aspects of national life. We believe that the Government should continue to be clear about its aspirations for a desirable level of net migration. However, a single figure target is too blunt an instrument for this purpose. The

Government also needs to be clear about which factors are and are not within its control, and about which migration flows it wishes to contain, and which it wishes to encourage.

Government response:

This Government recognises that migration brings benefits to the UK which is why our policies are designed to allow the brightest and the best to come here, support genuine family relationships and offer protection to those who need it. However this Government also understands public concern over levels of immigration and recognises that uncontrolled, mass immigration makes it difficult to maintain social cohesion, puts pressure on public services and can force down wages.

As we have said for some time, we have been blown off course by net migration from within the EU, which has more than doubled since 2010. However, where the Government can control net migration our policies are working. We have tightened the rules for family and student visas and, compared with the year ending September 2010, family visas granted were down by a third (-33%), while student visas granted were down by over a quarter (-29%). For work visas, we have closed routes which allowed non-EU migrants to come to the UK to look for work, and raised standards in routes for those with a skilled job offer.

This Government has been very clear about which aspects of immigration are within our direct control, and where more needs to be done to reduce pull factors and encourage those who have no right to be here to leave. We have introduced tough domestic reforms to ensure that our controls on accessing benefits and services, including the NHS and social housing, are amongst the tightest in Europe, and through the landmark Immigration Act, made it tougher for illegal immigrants to remain by restricting access to work, housing, benefits, healthcare, bank accounts and driving licences - and the introduction of exit checks will help us to ensure that people leave the country when their visas have expired.

We do not accept our target was arbitrary or a blunt instrument. The target was (as the Committee notes) sensibly focused on managing the overall impact of immigration, reflecting that the net migration measure is the best indication of the impact migration has on overall population numbers and that prior to 1997 it had never risen above the tens of thousands. Simply ignoring the overall level of immigration would be more damaging to public confidence and would mean there was not sufficient transparency on the flows of migration, and a lack of scrutiny on where more needs to be done to reduce immigration.

That does not mean that our policy does not take into account different aspects of migration flows. Our policies are also designed to ensure that they worked for the benefit of the UK. Each major policy change has been assessed, including using public consultation and impact assessments. The Government believes that the commitment to reduce net migration can be achieved without an adverse impact on the economy.

For example, this Government recognises the value of genuine international students, which is why our policy is that there is no cap on the number of students who can come here. This has meant that the numbers of non-EU students coming to study in our universities have continued to grow, as the most recent HESA statistics show. Whilst we have a cap on skilled workers in order to restrict the propensity of businesses to seek to fill jobs with workers from abroad, rather than look within the EU or invest in skills, we have in response to the request of the business community continued to permit firms to use short-term intra-company transfers whose number do not impact on the long-term migration numbers. We do however recognise that all long term migrants, whether they come here for over a year to study or to work, will have an impact on public services, which is why students are included in the Net Migration calculation.

Reports of the Independent Chief Inspector of Borders and Immigration

Conclusion/Recommendation 7 - It is unacceptable for the Home Office to withhold from public view reports produced by the Independent Chief Inspector of Immigration and Borders for longer than one month without providing a good reason. Parliament and the public have a right to have access to this information in a timely manner after its compilation. After all, the Chief Inspector is supposed to be independent of Government, not answerable to it.

Taken with

Conclusion/Recommendation 8 - We note that, following pressure from this Committee, the Government has now published all the outstanding reports from the Independent Chief Inspector before the end of December 2014. In future, we should return to the system where reports were given to Parliament as soon as they are completed. We also recommend that the Government sign a protocol with the incoming Independent Chief Inspector, restating their intention to publish all reports within one calendar month of receipt. These delays are inexcusable because the reports expose faults in the system which must be rectified immediately. The longer it takes to publish these reports, the longer these errors and failings are going to continue within the Home Office.

Government response:

The UK Borders Act 2007, as approved by Parliament, requires the Independent Chief Inspector (ICI) to report on the efficiency and effectiveness of the immigration and borders system to the Home Secretary. The Home Secretary lays the ICI reports before Parliament. The Home Office laid 19 ICI reports in 2014. This is more than the 13 reports published by the ICI in 2013. We recognise that reports should be published in good time so they remain relevant and to allow good practice to be shared as well as lessons learnt. Going forward, the Home Office will aim to lay all ICI reports within eight weeks of them being submitted to the Department. This excludes recess periods as reports must be laid when both Houses are sitting.

The Home Secretary announced on 10 February that David Bolt will be the new Independent Chief Inspector. The Home Office is confident he will carry out his duties with diligence, vigour and objectivity.

The Home Office already has an existing protocol of working agreed with the ICI. This is reviewed on an annual basis. The next version will include reference to the new eight week timetable and will be agreed with the new ICI once he has taken up post.

Conclusion/Recommendation 9 - John Vine will be retiring from his position as Independent Chief Inspector at the end of 2014. We would like to place on record our thanks to Mr Vine for the thoroughness of his work, the speed and efficiency at which he has carried it out, and his ability to discover information from within the Home Office that seems to have bypassed the entire management structure including the board of the Visas and Immigration Department. The fact that one individual working in a small team has managed to find so many errors begs the question of why there is not proper internal oversight. Mr Vine has done much to help focus attention on areas of the immigration and borders system, and contributed in many important ways to the scrutiny of the work of the Home Office. We wish him well in the future.

Government response:

The Home Office is very grateful to Mr Vine for his service as Independent Chief Inspector of Border and Immigration, and the establishment of a new inspectorate. The success of the role of ICI can be judged in terms of the challenge provided to the Home Office and that the reports produced by his office have included nearly 600 recommendations on how we can improve. Mr Vine's work has been invaluable in assisting Ministers and improving the operation of the immigration system; his analysis of poor leadership and management in the former UK Border Agency was influential in our decision to break it up and bring it under direct ministerial control. We wish him success in his future endeavours.

In its 2013-14 Annual Report and Accounts, the Home Office recognised that it was operating an inconsistent approach to controls and assurance checks across Home Office business areas. As a result, operational commands have been developing and improving their assurance functions. This is supplemented by the Home Office internal audit function which regularly undertakes independent assessments of the border and immigration system, as part of a wider Home Office Audit Plan.

Conclusion/Recommendation 10 - Due to the nature of the Independent Chief Inspector's work, we consider that it is appropriate that this Committee conduct a pre-appointment hearing for his successor in the New Year, once the Home Secretary has identified a preferred candidate. This will ensure that Parliament is involved in the selection of a candidate who plays an important independent role and is not answerable to Government and would provide consistency with other Chief Inspectors, including those for Constabulary; the Crown Prosecution Service; Education, Children's Services and Skills; Prisons; and Probation.

Government response:

The role of the Independent Chief Inspector of Borders and Immigration is not listed by the Cabinet Office and Parliamentary Liaison Committee as requiring pre-appointment scrutiny.

Foreign National Offenders

Conclusion/Recommendation 11 - In successive reports, the Committee has highlighted the failure of successive Governments to deal with the problem of FNOs. The public simply cannot understand why people convicted of a criminal offence in our country who are of different nationality are either still in the UK in prison and have not been sent back to their home country, or are at large in the community.

Taken with

Conclusion/Recommendation 12 - We know that the Prime Minister and the Home Secretary have, in the past, expressed exasperation over this situation, however, unlike this Committee, they can take action to do something about it.

Taken with

Conclusion/Recommendation 13 - The Home Office needs to implement, in full, the recommendations of the NAO, in particular to inform each department or agency as to what it is delivering on the cross party Action Plan on Foreign National Offenders.

Government Response:

Removing FNOs is an inherently difficult task with a 28% increase in legal challenges in the last four years, especially so in recent years as criminals lodge countless appeals and re-appeals in an attempt to cheat the system.

Despite this, the Home Office removed almost 5,100 foreign criminals from the UK last year – and has removed over 23,000 since April 2010.

The new Immigration Act will help us reduce FNO numbers and is designed to close down avenues of abuse. It:

- cuts the number of grounds on which criminals can appeal their deportation (from 17 to 4). Criminals can no longer appeal against a decision that their deportation is conducive to the public good;
- stops criminals using family life arguments to delay their deportation;
- where there is no risk of serious irreversible harm, foreign criminals may be deported first and have their appeal heard later;
- for those that do have an appeal right, they will only be able to appeal once.

The first tranche of measures on Article 8 and non-suspensive appeals came into force on 28 July 2014 and are already having an impact. We have removed more than 500 under the ‘deport first, appeal later’ provisions.

The Government is taking further action and you will be aware that the Government rejoined 35 European cooperation measures as part of the 2014 Opt-out Decision. These measures all underpin international cooperation and demonstrate our ongoing commitment to remove FNOs and protect the British public.

Conclusion/Recommendation 14 - The continued poor record keeping is inexcusable. The NAO report highlighted the importance of transparency to Parliament, and the need for the department to report its progress on FNOs accurately and fully. We agree. The Home Office must be able to provide accurate data to this Committee. Failure to do so will leave Ministers and officials open to accusation that they have been either deliberately or inadvertently misleading Parliament, a serious charge that previously led to the resignation of a Home Secretary on this very issue.

Government Response:

The Government recognises the importance of improving the quality of data in operational systems and is committed to addressing this. Processes are in place to ensure all foreign nationals commencing custodial sentences are recorded on Home Office systems at the earliest opportunity. The Home Office continues to develop, document and improve the systems and processes used to generate Management Information relating to FNOs. Since 2012, data on foreign national offenders, including those released without consideration, has been shared with the Home Affairs Select Committee on a quarterly basis. The total number of releases without consideration has significantly reduced since our records began in 2009-10, from 64 in 2009-10 to 17 in 2013/14.

With reference to transparency statistics relating to removal of FNOs, figures assured to the level of and published as National Statistics are published on a quarterly basis overseen by the Home Office Responsible Statistician, Chief Statistician and Head of Profession for Statistics. A wide range of supplementary data relating to FNOs is also routinely published as part of the regular quarterly transparency data release in which the Department presents a very broad range of data relating to the whole Border & Immigration System.

Conclusion/Recommendation 15 - In previous reports, we have recommended that information on nationality is provided at sentencing and that passports are seized at that stage, and only returned once the foreign national offender is ready to leave the country. Greater cooperation and communication is needed between the courts and prison service and the Home Office in order to achieve this. We recommend that the Lord Chancellor and the Home Secretary meet on a monthly basis to review progress, specifically on the matter of FNOs.

Taken with

Conclusion/Recommendation 16 - There is no point in Parliament passing laws if they are not enforced and at present we do not consider that Immigration Enforcement is doing its work effectively enough.

Government Response:

The Government agrees that foreign nationals should be identified at the point of arrest wherever possible, that their nationality should be pinned to their record as soon as possible and copies of identity documents taken and shared with relevant agencies. The police have the power to search for documents, and the College of Policing has issued guidance to forces on use of the power.

The FNO action plan ensures that Departments involved in the work are coordinated and focusing efforts on making improvements to the system. In addition to supporting early intervention Operation Nexus, a joint police and Home Office partnership, has seen closer workings between Immigration Enforcement and the police to check the immigration and criminal histories of foreign nationals.

Immigration status checks on individuals taken into police custody have resulted in more than 3,000 removals from the UK in less than three years including more than 250 high harm offenders since Operation Nexus started in 2012.

Police officers across all forces now have access to a comprehensive toolkit offering advice and information on identification and handling of foreign nationals. This has increased awareness and understanding of the importance and benefits of tackling immigration offending at the earliest opportunity.

UK Visas and Immigration

Conclusion/Recommendation 17 - This Committee has in the past expressed concern about the way in which internal service standards operate. We understand that there is a difference between the service standards for applications submitted before 1 January 2014 and those submitted after that date. However, we have seen three different versions of what service standards apply to applications made after 1 January 2014. Changing service standards without consultation or explanation is like moving the goal posts once the game has started, and brings more uncertainty into a system that already, for many, is incredibly complex, Kafkaesque and slow. We recommend that the UKVI send us a single, definitive copy of the service standards for applications submitted after 1 January 2014 by 31 December 2014. We also recommend that in future, whenever service standards are reviewed and changed, that this Committee be notified in a letter from the head of UKVI.

Government response:

The letter from the then Minister for Immigration dated 13 January 2014 detailed the service standards in operation from 1 January 2014 for straightforward customers. These service standards remain as stated in that letter and are summarised below -

Customer service standard 1	
Overseas customers applying to come to the UK on a temporary basis including visitors, highly skilled migrants, skilled workers, temporary workers and students.	15 working days (3-5 days priority, 1 day super-priority) ¹
Customer service standard 2	
Overseas customers applying to enter the UK as the dependent of someone settled here or who is being admitted for settlement.	12 weeks ²
Customer service standard 3	
Customers applying in the UK to remain on a temporary basis including as a spouse, workers, Tier 1 General and entrepreneurs, students and organisations seeking to sponsor a worker.	8 weeks (10 days priority postal and same day premium)
Customer service standard 4	
Employers applying in the UK to update and maintain their license details.	18 weeks
Customer service standard 5	
Customers applying in the UK to remain permanently (or naturalise as British) and applicants from Turkey and Croatia to live, study or work.	6 Months ³

Any applications that applied before 1 January 2014 were subjected to the service standards in force at the time of the application.

The table reiterates the service standards that UKVI has operated post 1 January 2014 which have not changed. UKVI will notify the Committee if and when these service standards change.

Conclusion/Recommendation 18 - We recommend that the Home Office publish the method by which it is assessing the performance of UKVI in dealing with those cases that fall outside the service standards.

Government response:

We are committed to transparency about how we deal with cases that fall outside of service standards and publish both the overall numbers and the age profile of cases in each of the different classifications (which are explained as part of the notes section of the transparency release).

Conclusion/Recommendation 19 - We recommend by the 1 January 2015, the Home Office produces a flow chart that illustrates how an application makes

¹ For overseas applications until further notice we will continue to deal with 90% of all applications in these times.

² For overseas applications until further notice we will continue to deal with 90% of all applications in these times.

³ All applications by EEA nationals and EEA family members will be decided in 6 months

progress through the system, showing the possible routes, and the implications of an application being either straightforward or non-straightforward, but also complex or non-complex, and if workable or blocked. The Home Office should send a copy to this Committee and to all Members of Parliament. It should also place a copy on the Home Office website so the public can understand it.

Government response:

The attached flow chart provided at Annex A demonstrates how an application progresses through the system to conclusion within Temporary and Permanent Migration. The flow chart at Annex B demonstrates how Sponsorship applications progress through the system. We will consider placing these on our website, the Committee should be aware that applicants are informed about the progress of their application after they submit it and at any time it becomes blocked.

Conclusion/Recommendation 20 – Backlogs of cases have become a feature of application and visa work at the Home Office. We do not believe that the Home Office has not explained adequately why there is a backlog in straightforward cases.

Government response:

It is not the case that there is a backlog of straightforward cases. Backlog cases are those cases which are not blocked or excluded from the service standard and that miss the service standard date. These cases are rare as we aim to conclude all workable cases within service standards.

Conclusion/Recommendation 21 – The Home Office needs to find a sustainable solution to providing a consistent level of service within the context of diminishing resources. Caseworker staff being moved to address a backlog building up in the Passport Agency during the summer, which contributed to a rise in the temporary and permanent migration pool, is a good example of a short term solution to the latest area of concern that does not deal with the enduring problem. However, removal of staff from one area of the Home Office to another should not result in further backlogs being created.

Government response:

The movement of staff from UKVI to support Her Majesty's Passport Office earlier this year were planned in way that ensured that we could continue to deal with applications in permanent and temporary migration within published service standards.

Building on this successful example of cross working, Home Office operations including Immigration Enforcement, Her Majesty's Passport Office and UK Visas and Immigration are now working together to look more widely at:

- what opportunities exist for moving work and resource between operational areas;
- what the barriers are to that movement and how they can be overcome; and
- how to implement sharing resource as part of the directorates planning for 2015/16 and future years.

Conclusion/Recommendation 22 - We welcome the move to establish service standards for asylum claims. However, we do not know what these service standards are or when they will be introduced and we recommend that the Home Office does so immediately to bring certainty into the asylum system.

Government response:

The Home Office is working hard to decide straightforward claims made before 1 April 2014 by the end of the financial year and to decide straightforward cases made after 1 April 2014 within six months.

There will be a proportion of asylum cases which are non-straightforward and are too complex to decide within 6 months for reasons outside of our control, such as when waiting for medical reports or where there are issues relating to national security. We aim to decide these cases within 12 months.

We will publish new service standards as soon as we are confident that these timescales are the right ones, both for our processes and for asylum seekers themselves.

Conclusion/Recommendation 23 - We consider it entirely unacceptable that almost half of asylum applicants do not receive even an initial decision within 6 months. This is a very long time period for people to have to wait for a first response. We further recommend that the Home Office publish the method by which it intends to assess the performance of UKVI in dealing with the asylum cases that fall outside the service standards.

Government response:

The Home Office already publishes data each quarter, in our transparency data set, on the number and proportion of asylum decisions that are made within six months of an application being received. We will review what is published in future to ensure that it includes sufficient information to allow people to understand our performance.

Conclusion/Recommendation 24 – In the last six quarters there has been a reduction in the total number of cases to be loaded onto to the CID. There has also been a notable reduction in the Temporary and Permanent Migration Pool. However, the backlog total is over 304,000. The biggest contributor to the total backlog remains the Migration Refusal Pool. The Home Office has contracted Capita to address this backlog, and Capita has found many duplicate cases and identified where people have left the country. The total is being reduced, but very slowly, and if it was reduced at the current rate of 70,000 a year it would take over four years to remove. That does presume it carried on being reduced. Alarming, the Migration Refusal Pool actually increased from Q1 to Q2 in 2014. We repeat our previous recommendations that these backlogs must be cleared as a priority.

Government response:

The Migration Refusal Pool (MRP) is not a backlog, nor is it a list of overstayers or those waiting to be removed. It details all individuals who have received a decision other than a grant of leave to remain or who have had their leave curtailed on a temporary or permanent migration application. It has historically focused on those

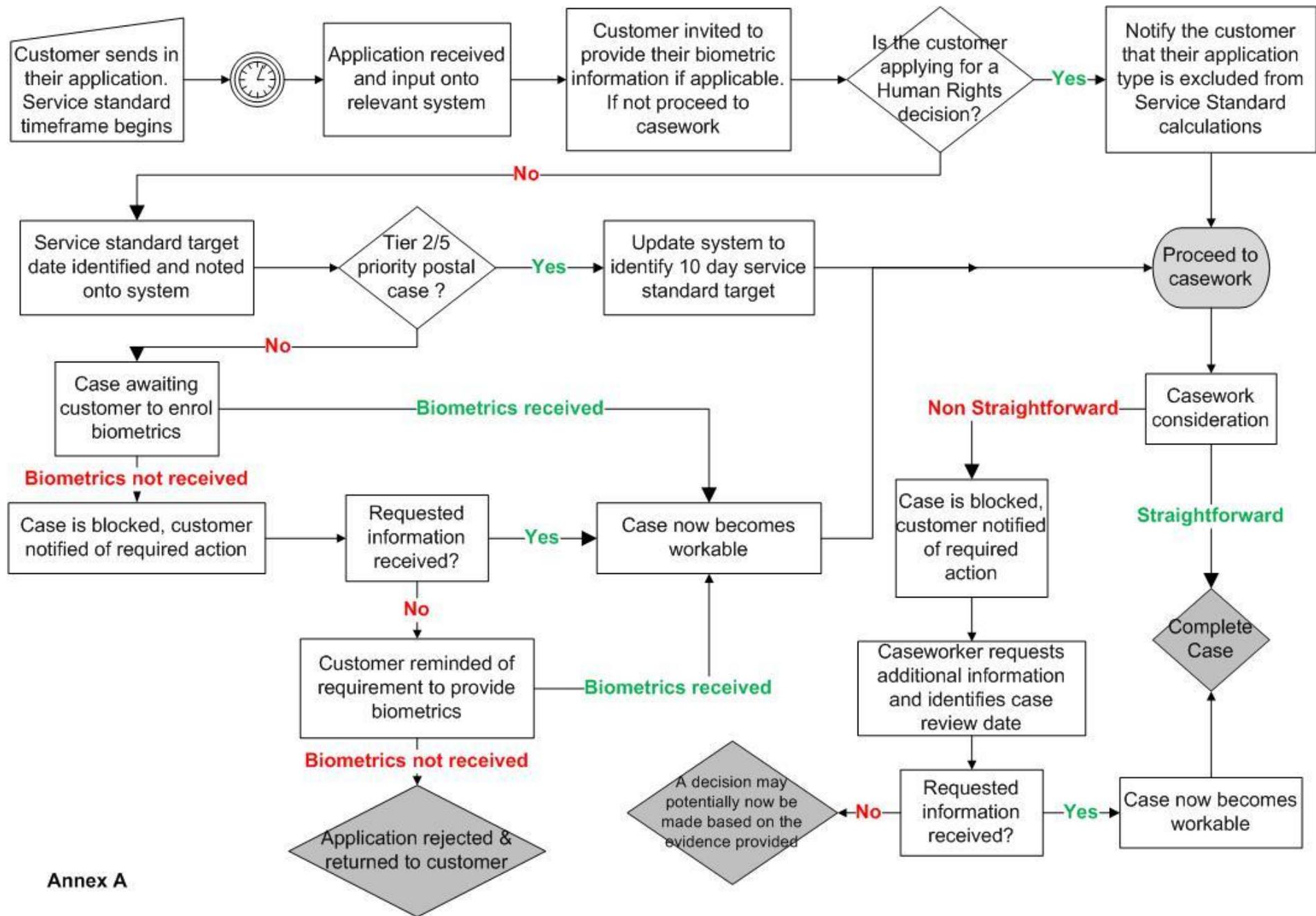
cases where a negative decision was made after December 2008 (the 'post-2008 MRP') but, from the end of February 2015, the Home Office has also published data on those with a negative decision made before that date (the pre-2008 MRP').

The post-2008 Migration Refusal Pool (MRP) has reduced in size in the last six consecutive quarters where data has been published, including between Q1 and Q2 2014 when it reduced from 175,839 to 173,562 records. It further reduced to 173,371 records at the end of Q4 2014. The pre-2008 MRP has been reduced in size from over 230,000 records to 89,000 records.

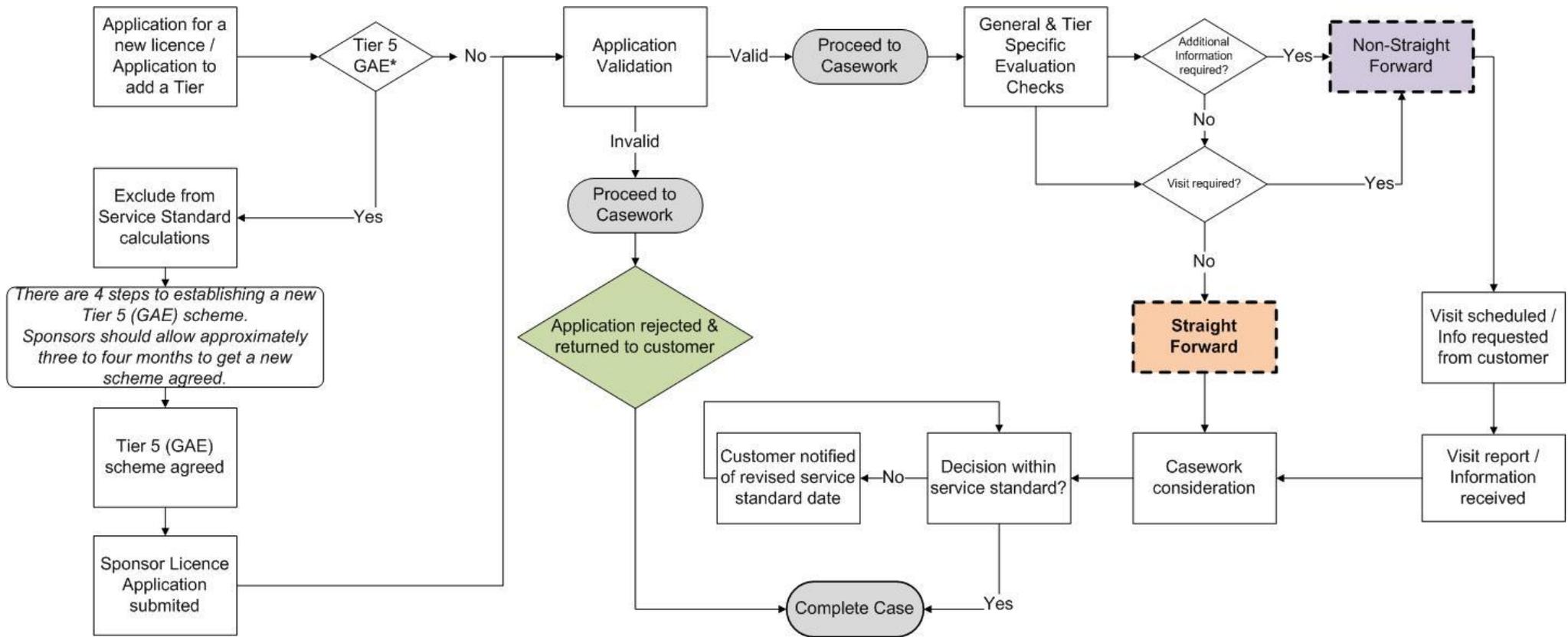
The MRP is not a fixed stock of cases. Records flow in and out of the pool as fresh refusals are made, as individuals legalise their stay, exercise judicial functions, depart the UK, or as a result of data cleansing.

As part of the department's approach to managing those who overstay, all applications subject to a negative decision will be subject to active contact management. This will ensure that no one is ignored. Suitable cases will be put straight into formal reporting until their departure and others detained immediately following a negative decision.

The Immigration Act has enabled the department to introduce a range of measures to reduce the attractiveness of the UK for those here illegally. It is now not possible to open a bank account, rent a property or marry without evidence of lawful status. Further routine data matching with Her Majesty's Revenue and Customs and Driver and Vehicle Licensing Agency is identifying those working illegally and revoking driving licences.



Annex A



*** Tier 5 (Temporary Workers) – Government Authorised Exchange (GAE)**
 A category of Sponsorship for migrants coming to the UK through an approved scheme, endorsed by a government department (or one of its executive agencies).

Annex B