



**THE UK BORDER AGENCY RESPONSE TO
THE INDEPENDENT CHIEF INSPECTOR'S REPORT ON THE
INSPECTION OF THE UK BORDER AGENCY'S
REPRESENTATION AT FIRST TIER APPEALS IN
SCOTLAND**

The UK Border Agency thanks the Independent Chief Inspector (ICI) for advance sight of his report.

The UK Border Agency response to the recommendations:

1. Recommendation 1: Routinely analyses grants of bail and allowed appeals on both a national and local level in order to more effectively allocate resources and identify best practice and opportunities for improvement.

1.1 Accepted (and already implemented)

1.2 The UK Border Agency is committed to instilling a right first time every time approach to decision making and to reducing the volume of appeals allowed at the Tribunal as part of a wider programme of appeals improvement. At the beginning of 2011 we initiated a programme of work to ensure that allowed appeals rates are reported monthly, that there is regular analysis of allowed appeal rates for different migration groups, including grant of bail, and have put an action plan in place to address the key reasons for allowed appeals across in-country PBS, entry clearance, deportation and asylum cases. For example, the Asylum Improvement Project built on work taken forward in the Midlands to pilot a systematic approach to analysing the reasons for allowed appeals in West London and has carried out some work at a national level to analyse successful appeals by Somali applicants. The systematic analytical approach has now been adopted nationally.

2. Recommendation 2: Sets realistic performance targets, aligned to Agency priorities and agrees the appeal dismissal rate target for International Group.

2.1 Accepted

2.2 The UK Border Agency is in the process of agreeing a revised performance framework for appeals performance for 2011/12, which should include a clear indicator on allowed appeal rates for both Immigration Group and International Group, with an initial ambition to reduce allowed appeal rates in all migration routes in support of a wider programme of appeals improvement.

3. Recommendation 3: Issues national guidance on priorities for representation at appeal hearings.

3.1 Accepted in part

3.2 The UK Border Agency is in the process of agreeing a revised performance framework for appeals performance for 2011/12, which should include a clear performance indicator on representation rates at appeal to support a wider programme of appeals improvement.

3.3 Between August 2010 and January 2011 there were just over 83 000 appeals hearings - the UK Border Agency was represented at 84% of these. While we won't be able to be present in every case, we will issue guidance to ensure that there is representation at priority hearings - those involving vulnerable appellants or those who may cause harm in the UK - and consistently achieve 100% representation in fast track appeals and onward appeals to the Upper Tribunal.

3.4 Beyond these high priority appeals, we believe regions are best placed to make decisions about prioritisation of cases, using local knowledge about the nature of their caseload and how their resources are best prioritised to achieve overall organisational aims.

4. Recommendation 4: Ensures accurate management information on representation rates at appeals, both nationally and locally, is captured.

4.1 Accepted (and already implemented)

4.2 Local and national management information on representation rates at appeals is captured on our national Case Information Database (CID), and is managed monthly through the Appeals Scorecard. We are committed to ensuring that data quality is improved to ensure that information is of the highest quality. In the short term, work is ongoing with regions to improve understanding of how appeals management information should be entered into CID to achieve this. The Agency is also reintroducing data quality reports on a range of appeals information with the aim of improving the recording of management information across all units. This will be centrally monitored and regionally managed to ensure an Agency-wide approach. In the longer term, the Immigration Case Work (ICW) Programme is being developed in a way which will support improved data quality through enhanced data exchange with appeals partners and an automated approach to data capture where possible.

5. Recommendation 5: Ensures International Group provides appeal papers within the set time limit.

5.1 Accepted

5.2 The UK Border Agency is committed to improving the performance of delivery of all appeals papers (bundles) to the Tribunal within the set time limit, and in the last year has achieved significant improvements in this area with over 80% of managed migration bundles and around 60% of asylum bundles provided by the prescribed date. As part of our wider programme of appeals improvement, we have put in place measures to continue to improve performance in this area, with a particular focus on International Group cases. In the longer term, we are also exploring how we can modernise exchange of this information with the HM Courts and Tribunals Service as part of the ICW programme.

6. Recommendation 6: Works with the Tribunals Service to improve the provision of appeal papers by legal representatives five working days in advance of the hearing, as stated by Practice Directions.

6.1 Accepted in part

6.2 It is for HM Courts and Tribunals Service (HMCTS) to ensure that practice directions are followed. However, we are committed to working with HMCTS on a joint programme of work to improve the appeals system and will support them wherever that is helpful and appropriate.