



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

March – June 2014



**John Vine CBE QPM**

**Independent Chief Inspector of Borders and Immigration**





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## **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.**



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# Foreword from John Vine CBE QPM

## Independent Chief Inspector of Borders and Immigration

Operation Nexus is a joint Home Office and Police Service initiative to identify and remove or deport those who pose a risk to the public or who are not entitled to be in the UK. The most significant feature involves stationing Immigration Officers at police custody suites to identify immigration offenders and organise for them to be detained pending their removal from the UK.

It was clear that this aspect of Nexus was having a positive impact in London, with greater numbers of immigration offenders being identified and removed or deported from the UK as a result. Although the number of such outcomes had also increased in the West Midlands, the rate of improvement was slower than in London and in some cases foreign nationals were not having their status checked before being released.

I was pleased to see that the Police and Home Office were sharing resources and intelligence to target 'high harm' individuals. Although this was an entirely new work stream, its potential was demonstrated by the removal or deportation of potentially dangerous foreign nationals.

In order to be even more effective, Nexus needs to be consolidated by making sure that casework and enforcement teams are positioned to capitalise on the opportunities presented. In particular, emergency travel documents need to be obtained promptly and enforcement visits conducted swiftly.

I have made five recommendations for improvement.

A handwritten signature in black ink that reads "John Vine .". The signature is written in a cursive, slightly stylized font.

**John Vine CBE QPM**

**Independent Chief Inspector of Borders and Immigration**

# 1 - EXECUTIVE SUMMARY

- 1.1 Operation Nexus is a joint operation between the Home Office's Immigration Enforcement Directorate and several police forces. It aims to 'more effectively tackle offending by foreign nationals,' through 'close working and smarter use of police and immigration interventions.' 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<sup>1</sup>.

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*Op Nexus identified in the first five weeks of its operation that 27% of all the people arrested for criminal offences were foreign nationals.*

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- 1.2 Nexus built upon an existing 'callout' service, whereby the police were encouraged to refer foreign nationals to the Home Office to have their immigration status checked. Nexus was extended to West Midlands Police (WMP) in June 2013, with other police forces joining from December 2013 onwards.

## Positive Findings

- 1.3 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, rising from 4,373 checks in July 2013 to 6,403 in November 2013 (44%). This saw a corresponding rise in the number of immigration offenders being identified, with 1,553 detected between October 2013 and January 2014, compared to 1,134 between October 2011 and January 2012, an increase of 37%. Most importantly, the number of foreign nationals who subsequently left the UK<sup>2</sup> more than doubled, from 418 in 2011/12 to 1,077 in 2013/14, an increase of 158% .

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*The number of foreign nationals who subsequently left the UK more than doubled, from 418 in 2011/12 to 1,077 in 2013/14.*

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- 1.4 Other key benefits were also delivered as a direct result of Nexus, including:
- linking police and Home Office fingerprint databases so that arrested individuals were automatically checked to determine if they were a foreign national, resulting in status checks being made with the Home Office;
  - 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,'<sup>3</sup> resulting in 85 removals or deportations in 2013/14.

1 <http://content.met.police.uk/News/Operation-Nexus-launches/1400012909227/1257246745756>

2 Foreign nationals who were removed, deported or chose to make a voluntary departure.

3 Each police force has its own definition of individuals who are considered 'high harm'

1.5 Senior Police Officers were very positive about the potential of referring cases that met their ‘high harm’ criteria and provided examples of individuals whom the police and Home Office had worked together to deport.

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*Senior Police Officers were very positive about the potential of referring cases that met their ‘high harm’ criteria*

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1.6 The Home Office had developed a detailed performance framework which allowed it to report on all aspects of Operation Nexus in London. We saw evidence that performance was being scrutinised through both internal and external mechanisms, and that this analysis was used when considering how to introduce Nexus into new police force areas.

1.7 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. It achieved this by delivering training events for police custody staff and helping to ensure that immigration topics were covered in a College of Policing course, which had been attended by over 8,000 MPS officers.

### **Areas for Improvement**

1.8 In the West Midlands, the number of status checks requested by the police had also increased considerably, from 307 in July 2013 to 682 in November 2013, an increase of 122%. However, this 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. This was in direct contrast to London, which saw an 88% increase in the average number of immigration offenders per month being transferred directly into immigration detention from suites with embedded IOs.

1.9 We found that some foreign nationals passing through the three embedded WMP custody suites did not appear to have their immigration status checked and that some embedded IOs did not have unrestricted access to custody suites.

1.10 Although Nexus had identified greater numbers of immigration offenders in London, there was scope for further improvement in the number of removals that were achieved. This was because resource levels in London meant that immigration offenders would sometimes be released because an IO was not available to deal with them. We also noted that in 15 out of the 33 cases (45%), where immigration offenders had not yet been removed or deported, the Home Office was not taking effective steps to secure these outcomes. This was because it was not:

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*Resource levels in London meant that immigration offenders would sometimes be released because an IO was not available to deal with them.*

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- making, or monitoring the progress of, Emergency Travel Document (ETD) applications (10 cases);
- making decisions on applications for further leave to remain (two cases); or
- attempting to detain offenders who could be removed (three cases).

1.11 This indicated 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. The Home Office also needs to ensure that all parts of Immigration Enforcement are ‘joined-up’, so that good work undertaken in one business area is not later adversely affected by lack of action in another.

1.12 Finally, we found that:

- embedded IOs were not following a consistent process when reporting the number of status checks they had undertaken;
- ETD forms were not completed in six out of 28 non-detained cases (21%) where the IO had contact with the immigration offender;
- written records of interviews under caution had not been retained in seven of the 11 cases we examined (64%) and notebook records made by IOs in London were not subject to any assurance procedures; and
- guidance for embedded IOs did not clearly set out the duties they were expected to perform.

## 2. SUMMARY OF RECOMMENDATIONS

### **We recommend that the Home Office:**

1. Takes action to improve the number of removals in the West Midlands Police Force area by ensuring that status checks are undertaken on all foreign nationals under Operation Nexus.
2. Introduces a system for recording all cases where the police have released an immigration offender because an Immigration Officer was unable to attend a custody suite.
3. Maintains accurate central records of the total number of status checks that are undertaken at custody suites.
4. Ensures that embedded Immigration Officers complete ETD forms in all appropriate cases in order to facilitate re-documentation.
5. Works with the relevant National Policing Business Lead to create a single definition of 'high harm' for foreign national offenders.

# 3. THE INSPECTION

## Purpose

- 3.1 Operation Nexus is a joint operation between the Home Office's Immigration Enforcement Directorate and the police, which aims to target immigration offenders and 'high harm'<sup>4</sup> foreign national offenders. This inspection examined the efficiency and effectiveness of Home Office activity in relation to Operation Nexus in London and the West Midlands. In particular, we looked at whether:
- it had improved the Home Office's ability to identify and remove or deport immigration offenders;
  - it had led to effective sharing of intelligence; and
  - the impact of the operation was effectively scrutinised to ensure it delivered its objectives.
- 3.2 The inspection did not focus upon the performance of the Metropolitan Police Service (MPS) or West Midlands Police Force (WMP).

## Background

- 3.3 Prior to Operation Nexus, in instances where the MPS or WMP were unsure whether an individual was entitled to reside in the UK, they were encouraged to contact their local Home Office Enforcement Office during the day,<sup>5</sup> or Immigration Enforcement's Command and Control Unit (CCU) during the night (hereafter referred to as 'a police call-out'). This enabled Home Office records to be checked to determine the individual's immigration status.
- 3.4 Depending upon their claimed nationality, this could involve seeing if they had been issued with a British passport or a UK visa, or granted leave to remain (LTR) in the UK. If these checks provided no record of the individual, they were likely to have either provided false details or to have entered the UK illegally and therefore committed an immigration offence under s24(1)(a)(i) of the Immigration Act 1971 (knowingly entering the UK without leave). If they had been granted a visa which had now expired, further checks would determine if they had valid LTR. If not, they would have committed an immigration offence under s24 (1)(b)(i) of the Immigration Act 1971 ('knowingly remaining in the UK beyond the time limited by leave', or 'overstaying').
- 3.5 Where a possible immigration offender was identified, an Immigration Officer (IO) would be more likely to attend the police custody suite if there were limited or no barriers to removing the offender from the UK.<sup>6</sup> They could then serve paperwork needed to detain the offender under immigration powers pending their removal from the UK. By way of example, Figure 1 shows the number of police call-outs where an IO attended between October 2011 and September 2012.

4 Each police force has its own definition of 'high harm'

5 Checks could generally be requested during office hours only (usually 07:00 – 19:00).

6 The Immigration Act 1971 provides the Home Secretary with the power to detain individuals for whom removal directions can be set.

**Figure 1: Number of police call-outs where an IO attended – October 2011 to September 2012 (prior to Operation Nexus).**

	Number of requests	Number attended
London	4,505	2,642 (59%)
West Midlands	1,408	879 (62%)

Note: This based on management information and figures are therefore provisional and subject to change. This information has not been quality assured under National Statistics protocols.

### **Operation Nexus in London – custody suite activity with an embedded Immigration Officer**

- 3.6 Operation Nexus began in London in October 2012 as a joint operation between UK Border Agency (UKBA) and the MPS. It continued after UKBA was disbanded and responsibility for enforcement activity was given to the Home Office’s newly formed Immigration Enforcement (IE) Directorate. According to the original business case for Nexus, it aimed to: *‘more effectively tackle offending by foreign nationals in London and ultimately across the UK.’*
- 3.7 A key aim of the Nexus business model was to improve on the police call-out system and enhance lines of communication between the Home Office and the police. Under Nexus, IOs are now stationed at 16 out of 43 MPS custody suites (hereafter referred to as ‘embedded IOs’). For the majority (13), one IO is provided per day and they complete a shift of seven hours and 12 minutes. The remaining three custody suites are staffed by two IOs, one completing an ‘early’ shift and the other a ‘late’ shift. Embedded IOs are expected to work with the police to identify foreign nationals, ensure that they are subjected to status checks and manage any immigration offenders who are identified.
- 3.8 The police have the first opportunity to identify foreign nationals, as every individual brought to a custody suite is ‘booked in’ by a custody sergeant. This involves questioning them about their identity and nationality and at this point, some will ‘self-declare’ themselves to be a foreign national. Others may attempt to conceal their nationality and/or identity; particularly if they have no right to reside in the UK, and they should therefore be asked to provide documentary evidence. Where this is not available, it is hoped that sergeants will ask further questions and refer cases to the embedded IO (when available) or contact the Home Office.
- 3.9 Embedded IOs are tasked with holding regular discussions with police custody staff to ensure that all potential foreign nationals have been identified. In some suites, they have also been given access to the police’s electronic custody system so they can monitor the population of the custody suite. Status checks should then be conducted on individuals:
- who have self-declared themselves as foreign nationals;
  - where the police or embedded IO doubts their claim to be British;
  - where the police request them prior to making an arrest; or
  - where police fingerprint checks at the custody suite show they have previously been fingerprinted by the Home Office.
- 3.10 If an individual cannot be traced on Home Office systems, they should be interviewed by the embedded IO to determine whether they entered the UK illegally. If, following status checks or an interview, an individual is considered to be an immigration offender, the case should be referred to the Operation Nexus Joint Operating Centre (JOC), which oversees embedded IO activity in London.

- 3.11 The duty Chief Immigration Officer (CIO) at the JOC will then either give approval to detain the offender under immigration powers or release them on temporary release.<sup>7</sup> As with the police call-out system, this decision will be based on the prospects of removing the immigration offender and the level of harm associated with the individual. If the offender is to be detained, they will be referred to the National Removals Command (NRC), which is responsible for dealing with casework for all detained individuals. As part of the NRC's 'gatekeeper' function, its staff will decide whether to accept the case. If its criteria are not met, the offender will be released and their case will be handled by the Removals Core Casework Unit (RCC).
- 3.12 In cases where barriers to removal exist or the police plan to charge the offender with a criminal offence, the offender will usually be granted temporary release to the UK and be asked to attend an appointment at a Home Office Reporting Centre.<sup>8</sup>

### **Operation Nexus in London – custody suite activity without an embedded Immigration Officer**

- 3.13 If a person of interest is identified at a custody suite where an embedded IO is not present, the MPS are expected to contact the Home Office's Command and Control Unit (CCU) to undertake status checks. If these reveal the person to be an immigration offender, the case will again be referred to the duty CIO at the JOC to consider if they can organise for an IO to attend.

### **Operation Nexus in the West Midlands – custody suite activity**

- 3.14 Following its trial in London, Nexus was introduced in the West Midlands in June 2013.<sup>9</sup> Embedded IOs were only stationed at three custody suites, with the ambition to be affiliated with the remaining 14 suites. If a potential foreign national is identified, the police can contact the embedded IO at their affiliated station for advice. Although there is no JOC, an equivalent duty CIO system exists and IOs are expected to refer every case where an immigration offender is identified at their suite. If an immigration offender is detained at one of the affiliated suites, the Home Office will decide whether to move an embedded IO or send another IO to deal with them.

### **'High harm' cases and 'added value' work streams**

- 3.15 Operation Nexus also includes separate 'high harm' and 'added value' work streams. The 'high harm' work stream involves the MPS and WMP referring individuals who meet their own separate definitions of 'high harm' (based on the level of harm they pose to the public) and who may not be British. The majority of referrals will be generated by the police examining historic records, but in some cases a referral may be made where the individual is being held in a police custody suite.
- 3.16 The Home Office will then conduct status checks to determine if there is any prospect of removing or deporting them from the UK. If they are a British citizen then no action can be taken (barring exceptional circumstances and if they have been naturalised as a British Citizen ).<sup>10</sup> However, if they are a foreign national the case can be progressed. For example, if they do not have LTR or their LTR is time limited, the Home Office can take administrative action to remove them. Meanwhile, if they have indefinite LTR (ILR), the Home Office can consider attempting to deport them, which will involve revoking their LTR.

<sup>7</sup> As with the police call-out process, the decision on whether to detain an immigration offender is based largely upon the time it will take to remove them from the UK. Offenders who are released on temporary release will be issued with an IS96 asking them to report at a Home Office Reporting Centre.

<sup>8</sup> When the immigration offender attends, a series of regular reporting events will be set up to enable the Home Office to maintain contact with the individual while it attempts to remove barriers preventing their removal. For example, by seeking to secure travel documentation or making a decision on any outstanding applications for leave to remain in the UK.

<sup>9</sup> The operation was initially called Operation Accord in the West Midlands.

<sup>10</sup> Naturalisation refers to the acquisition of British citizenship by an adult who holds or held foreign citizenship and who meets the requirements for naturalisation provided by the British nationality Act 1981. This differs from the entitlement to register as a British citizen for adults holding some other form of British nationality and for minors who have British parents or were born in the UK and are eligible to apply for British citizenship. Children born in the UK after 1 January 1983 to parents who are British or are settled in the UK will automatically be British citizens otherwise than by descent at birth. Children born outside the UK after this date to British parents will automatically be British citizens by descent at birth but will be unable to pass on British citizenship to any offspring.

- 3.17 These deportation cases can be complex and time-consuming, as the Home Office needs to build a detailed case to demonstrate that the individual's presence in the UK is 'not conducive to the public good.' The police assist with this by providing intelligence which details if the individual has gang associations and/or has been arrested or charged with criminal offences which did not result in a conviction. If the individual appeals against the deportation decision, the police may also provide a witness statement or arrange for an officer to provide oral evidence at the appeal.
- 3.18 The 'added value' work stream consists of the MPS assisting the Home Office with removing barriers to removal for individuals of concern to Criminal Casework, a part of Immigration Enforcement. This involves the police conducting investigations to trace absconders and/or assisting with documenting individuals who have been issued with a deportation order. In both instances, the Home Office must have already conducted its own inquiries.

### **Operation Nexus elsewhere in the UK**

- 3.19 Nexus was introduced in Manchester in December 2013 and a pilot scheme began in Scotland in April 2014. In each location the model used is slightly different. However, they all adhere to the core principles of:
- seeking to ensure that foreign nationals who are arrested are subjected to immigration status checks; and
  - attempting to identify and remove/deport 'high harm' foreign nationals.
- 3.20 Plans are in place to introduce Nexus in other areas and we were told that discussions were ongoing with several police forces to determine whether its introduction would be beneficial.

### **Methodology**

- 3.21 This inspection measured the performance of the Home Office against four of the Independent Chief Inspector's inspection criteria, under the themes of:
- Operational Delivery:
    - > Decisions on the entry, stay and removal of individuals should be taken in accordance with the law and the principles of good administration (Criterion 1);
    - > Customs and immigration offences should be prevented, detected, investigated and where appropriate, prosecuted (Criterion 2); and
    - > Resources should be allocated to support operational delivery and achieve value for money (Criterion 3).
  - Continuous Improvement:
    - > The implementation of policies and processes should support efficient and effective operational delivery (Criterion 9).

3.22 Our inspection process involved:

- a familiarisation visit, where we attended a custody suite in Croydon and the Joint Operating Centre and spoke to members of the High Harm Team;
- examining documentary evidence such as staffing information, guidance for staff and risk registers;
- reviewing Home Office performance data – this data is quoted throughout the report and is based on management information which has not been quality assured under National Statistics protocols (it is therefore provisional and subject to change); and
- a file sample of 77 cases, broken down into three categories – Figure 2 refers.

<b>Figure 2: Number and type of cases sampled.</b>	
Immigration offenders identified through Operation Nexus who were transferred from police detention in custody suites directly, to immigration detention.	30 cases
Immigration offenders identified through Operation Nexus who were not transferred to immigration detention.	28 cases
‘High harm’ cases referred to the Home Office by the police.	19 cases
<b>Total</b>	<b>77 cases</b>

Note: This involved examining the Home Office paper file and casework database (CID), extracts from the Police National Computer and the Metropolitan Police’s and West Midlands Police’s custody databases.

3.23 The on-site phase took place between 22 and 28 April 2014. We conducted observation at five custody suites, three in London and two in the West Midlands; and visited the Joint Operating and Command and Control Centres. We interviewed Police Superintendents from the MET and West Midlands Police forces and conducted interviews and focus groups with a range of Home Office staff, as set out in Figure 3.

<b>Figure 3: Staff interviewed (by grade).</b>	
SCS	1
Grade 6	1
Grade 7	5
Her Majesty’s Inspector	3
Chief Immigration Officer	4
Higher Executive Officer	3
Immigration Officer	13
<b>Total</b>	<b>30</b>

3.24 We provided feedback on high level emerging findings to the Home Office on 7 May 2014. The inspection identified five recommendations for improvement.

3.25 The final version of this report was submitted to the Home Secretary on 24 June 2014.

## 4. INSPECTION FINDINGS – OPERATIONAL DELIVERY

Decisions on the entry, stay and removal of individuals should be taken in accordance with the law and the principles of good administration.

Customs and immigration offences should be prevented, detected, investigated and, where appropriate, prosecuted  
Requesting status checks to identify immigration offenders

4.1 After the first five weeks of Nexus operating, the MPS identified that 27% of all the people arrested for criminal offences were foreign nationals. It also recognises, as does the Home Office, that a significant proportion of these foreign nationals will not be lawfully present in the UK. The Home Office therefore relies on the police to make enquiries about an individual's nationality either before or after arrest,<sup>11</sup> and to refer those whose immigration status is unclear for status checks.

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*After the first five weeks of Nexus operating, the MPS identified that 27% of all the people arrested for criminal offences were foreign nationals*

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4.2 This principle remains unaltered under Operation Nexus, as the police continue to have first contact with all potential immigration offenders. However, the Home Office has implemented several measures to aid the police in identifying them, including:

- providing the police with a dedicated telephone hotline at its Command and Control Centre (CCU), so that they can request status checks at any time;
- embedding IOs in 16 custody suites in London and three in the West Midlands, to assist with the identification and management of immigration offenders; and
- delivering training events for police custody staff and organising for immigration topics to be covered in a College of Policing course, which has been attended by over 8,000 MPS officers.

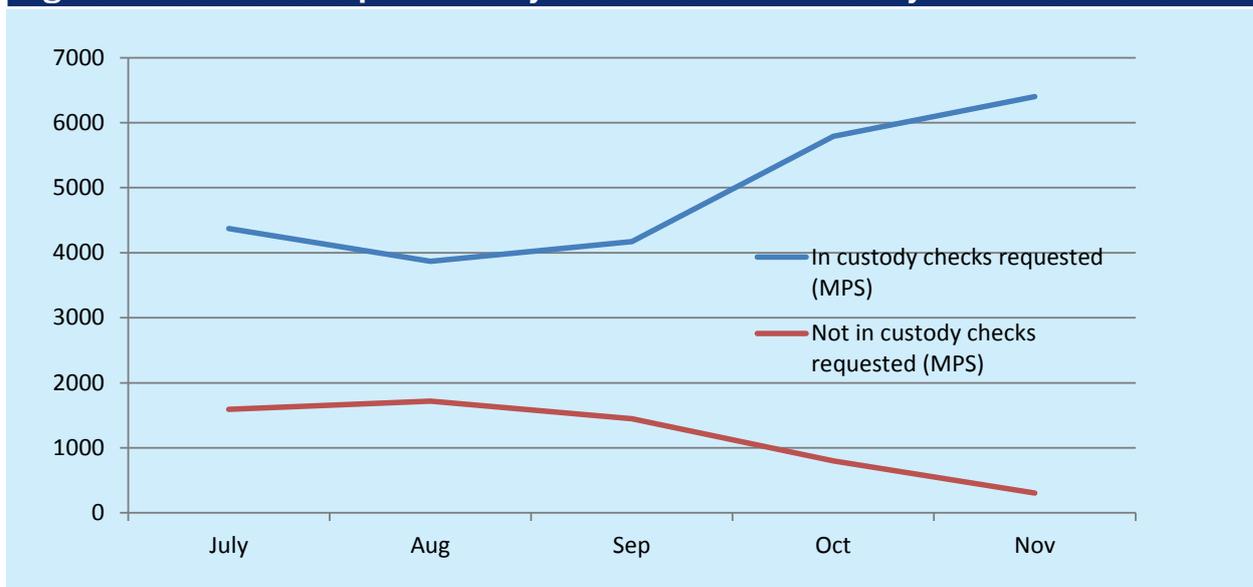
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<sup>11</sup> Entering the UK illegally, and failing to leave the UK before LTR expires, are both criminal offences and therefore can form the sole basis for arrest

- 4.3 Our discussions with Home Office staff confirmed that these activities had been successful, with a strong consensus that police officers' understanding of immigration issues had increased, as had the number of status checks conducted, since Operation Nexus began.
- 4.4 The MPS, West Midlands Police (WMP) and Home Office had also created a system which meant that police officers were automatically notified if an individual was known to the Home Office and was therefore likely to be a foreign national. This was achieved by linking the police and Home Office fingerprint databases, meaning that every individual brought to an MPS or WMP custody suite now has their fingerprints checked against both. If a 'hit' is found, the police should contact CCU to ascertain if the person has permission to be in the UK. Before this system was introduced, the police would have to choose whether an individual's fingerprints should be checked against Home Office records.
- 4.5 This IT solution was an effective complement to the other measures outlined because, as one senior police officer commented, *'it reduces the potential for human error.'* For example, a foreign national might not have been referred for status checks because police custody staff mistakenly believed them to be a British citizen.
- 4.6 Moreover, senior figures within the police and Home Office all believed that this IT advancement would not have been achieved without Operation Nexus, as it relied upon improved understanding of respective practices which had been developed through joint working. This was a significant improvement on previous arrangements and clearly reduced the risks of missing a foreign national who might not have had their immigration status checked.
- 
- This was a significant improvement on previous arrangements and clearly reduced the risks of missing a foreign national who might not have had their immigration status checked.*
- 
- 4.7 All of these activities had translated into CCU being asked to conduct far more status checks on behalf of the MPS and WMP, which had resulted in a significant increase in the number of removals within the MPS area. The number of status checks undertaken are recorded below:
- more status checks on individuals being held in MPS custody – rising from 4,373 in July 2013 to a peak of 6,403 in November 2013, an increase of 44%;
  - more status checks on behalf of WMP<sup>12</sup> – rising from 307 in July 2013 to a peak of 682 in November 2013, a 122% increase; and
  - fewer requests by the MPS for checks when the person had already been released from custody ('not in custody' checks) – falling from 1,594 in July to 50 in December 2013.
- 4.8 Figure 4 illustrates the number of status checks made by CCU on behalf of the MPS between July and November 2013.

<sup>12</sup> The Home Office was not able to break this data down into the number of 'in custody' and 'not in custody' checks requested. For this reason WMP information is not contained in Figure 4.

**Figure 4: Status checks performed by CCU on behalf of MPS July - November 2013.**



Note: This is based on management information and data is therefore provisional and subject to change. This information has not been quality assured under National Statistics protocols.

### Conducting status checks

- 4.9 Whilst we were encouraged to see that the police were referring an increasing number of foreign nationals for status checks, we found that Home Office staff and managers did not have a common expectation of the process for conducting and recording these checks. Some managers told us that embedded IOs should advise the police to request checks from CCU as it enabled the number of checks requested from each suite to be recorded; this data was then used to inform decisions on where embedded IOs should be stationed. However, other managers stated that embedded IOs could perform checks for the police, as long as they notified CCU. As a result, we found that some police officers were understandably confused about who they should approach for status checks.
- 4.10 We observed IOs at two custody suites performing checks without contacting CCU at all. Our discussions with staff confirmed that other IOs followed this approach. Even if these status checks were recorded by the IO, either by updating the National Operations Database<sup>13</sup> or including them in a form they complete at the end of each shift, it meant that CCU would not have accurate records for the total number of checks that had been conducted. In the West Midlands, the number of additional checks was likely to be small as only three stations had embedded IOs; however, in London, the number could be significant.
- 4.11 The IOs we interviewed believed that conducting status checks was part of their role in building effective relationships with the police. This approach was clearly sensible, as it encouraged closer working between them and the police. Furthermore, as senior Police Officers pointed out, it would make it easier to identify immigration offenders, because embedded IOs could question individuals themselves or ask the police to do so. We therefore support this approach, but believe the Home Office needs to ensure that it maintains accurate records of the total number of status checks conducted at each custody suite.

### We recommend that the Home Office:

Maintains accurate central records of the total number of status checks that are undertaken at custody suites.

<sup>13</sup> Database used to record all enforcement operations undertaken by the Home Office.

## Ability to identify immigration offenders

- 4.12 The increase in the number of status checks made by MPS was matched by a corresponding rise in the number of immigration offenders who were identified in London. Between October 2011 and January 2012, under the 'police call-out' system which preceded Nexus, the Home Office was asked to attend an MPS custody suite to deal with an immigration offender on 1,134 occasions. However, between October 2013 and January 2014 under Nexus, 1,553 immigration offenders were either transferred directly into immigration detention or released and issued with an IS96 form asking them to report to the Home Office. This represents a rise of 37% and we note that the 1,553 does not include all immigration offenders who were identified, as in some cases the Home Office may have taken no action because they were already reporting.
- 
- The increase in the number of status checks made by MPS was matched by a corresponding rise in the number of immigration offenders who were identified in London.*
- 
- 4.13 It was more difficult to assess the impact of Operation Nexus on the identification of immigration offenders in the West Midlands, primarily because it had only been operational since June 2013. Furthermore, Home Office data did not identify the number of immigration offenders identified at the three custody suites participating in Operation Nexus under the police call-out system.
- 4.14 However, while we noted there was an increase in the number of status checks requested by WMP between July and November 2013, our observation sessions found that embedded IOs in the West Midlands were not fully occupied. One IO estimated that they performed an average of two status checks per week, whilst the other stated that they dealt with one or two foreign nationals every day. As a result, they said they spent a lot of their time conducting duties unrelated to Nexus.
- 4.15 We could not assess the level of activity of embedded IOs at these suites, as Home Office data did not show the number of checks they performed. However, WMP data showed that 717 individuals 'self-declared' themselves as foreign nationals at the three West Midlands custody suites between November 2013 and January 2014. This represents an average of between two and three foreign nationals a day at each suite, not including those who sought to conceal their nationality.
- 4.16 Furthermore, according to the Nexus model, all of these 717 self-declared foreign nationals should have had their immigration status checked. However, only 336 foreign nationals taken to the three West Midlands suites had their status checked, either by an embedded IO, if present, or by CCU. As a result, immigration offenders may have been in custody but not identified. The low proportion of foreign nationals being subjected to checks indicates that the Home Office needs to undertake further activities to promote the operation. This is reflected in the fact that one police custody sergeant at an embedded IO station did not know what Operation Nexus was.
- 
- The low proportion of foreign nationals being subjected to checks indicates that the Home Office needs to undertake further activities to promote the operation.*
- 
- 4.17 It also demonstrates the impact of several West Midlands embedded IOs not having access to police custody systems. As a result, they could not monitor the population of the custody suite themselves and were therefore entirely reliant on referrals from custody sergeants. Furthermore, one embedded IO told us they did not have unrestricted access to the suite, meaning that they were only allowed to visit custody sergeants once every hour and had to be escorted. In response the Home Office told us that once IOs had been appropriately vetted by WMP, they would have unrestricted access to WMP police custody suites and IT systems.

4.18 Managers in the West Midlands informed us that the IOs allocated to Operation Nexus had recently changed and the current IOs were awaiting police security clearance, following which they would have unrestricted access to WMP police custody suites and IT systems. However, we note that these access issues also affected some IOs in London, where the operation had been underway for nearly two years. The absence of access to custody suites and systems undermines the aims of Nexus, as it increases the chances of a foreign national not being subjected to status checks. The Home Office therefore needs to ensure that processes are effective in minimising delays in obtaining the necessary security clearance.

### Dealing with immigration offenders – record-keeping

- 4.19 We examined 58 cases where an immigration offender was identified as a result of Operation Nexus in London and the West Midlands. Thirty cases related to immigration offenders who were transferred directly from custody suites to immigration detention. The remaining 28 cases related to immigration offenders who were released from custody suite detention and were not detained further for immigration purposes.
- 4.20 We assessed whether the Home Office file and/or database minutes set out whether an embedded IO was present and who conducted status checks – Figure 5 records our findings.

<b>Figure 5: Quality of case file minutes.</b>	
<b>Detained category (30 cases)</b>	
Cases where it was unclear if an embedded IO was present	18 (60%)
Cases where it was unclear who performed status checks	19 (63%)
<b>Non-detained cases (28 cases)</b>	
Cases where it was unclear if an embedded IO was present	13 (46%)
Cases where it was unclear who performed status checks	13 (46%)

4.21 This analysis shows that it was not clear who conducted status checks in the majority of cases. The Home Office’s ‘Professional Standards for Enforcement – Case File Standards’ document states: ‘a minute is also a record to assist future actions, when a file needs to be reviewed in its entirety.’ We agree with this advice and believe it is important that minutes clearly set out how a case was handled. Creating such an audit trail is in keeping with the principles of good record-keeping.

4.22 We also found that IOs were not following instructions and guidance on how to record their interactions with immigration offenders at custody suites. Firstly, in 13 cases from our sampling, the IO had not completed the required IS126 (E) proforma.<sup>14</sup> This document sets out ‘all the salient points of the case,’ including legal paperwork served by the IO and the offender’s immigration history and family circumstances. Although it was replaced by other minutes, these varied in quality and sometimes did not contain all the details required by the IS126 (E) form.

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*We also found that IOs were not following instructions and guidance on how to record their interactions with immigration offenders at custody suites.*

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4.23 Secondly, our focus groups and sampling revealed inconsistent practice regarding the use of personal notebooks. A minority of IOs informed us that they used their personal notebooks to record all activity; meanwhile, some IOs in both London and the West Midlands stated that they never used notebooks, either because they claimed they had not been instructed to, or were concerned they might misplace a notebook.

<sup>14</sup> This should be completed whenever an immigration offender is served with an IS.151A document, which informs them that they are liable to be removed from the UK.

- 4.24 An interview under caution<sup>15</sup> was conducted in 11 of the cases we sampled. The Home Office informed us that these should be recorded in the IO's personal notebook or on a separate form (ISCP4) and that it was 'best practice' to place a copy of these on the file. However, we found that in seven out of the 11 cases we examined (64%), written records were not on the file and could not subsequently be produced. This was compounded by a lack of management assurance for notebook records made by IOs in London.
- 4.25 We underlined to the Home Office the importance of having an adequate assurance framework for notebooks in our report *An Inspection of Border Force Freight Operations*.<sup>16</sup> The Home Office told us that a quality assurance framework for Operation Nexus covering the use of personal notebooks and file minutes had been agreed and would be implemented in the summer of 2014. We encourage the Home Office to do this as soon as possible.

### Use of detention

- 4.26 Home Office guidance requires the detention of immigration offenders to be authorised by a CIO. Managers told us that CIOs should also approve a decision to release an offender on temporary release (TR). Staff whom we interviewed in London and the West Midlands were also clear about the need to obtain approval for both of these courses of action. While our file sampling generally reflected this, we noted that in some cases there was not always an audit trail to show that this authority had been sought/granted. Figure 6 refers.

**Figure 6: File sampling results regarding CIO authorisation for detention or temporary release.**

Detained cases – evidence was available that CIO approval to detain was sought	25/30 (83%)
Non-detained cases – evidence available that CIO approval was sought to release on TA	13/14 (93%) <sup>17</sup>

- 4.27 We found that changes to the way in which Immigration Enforcement dealt with removals casework had affected its ability to maintain contact with some immigration offenders. These changes were the establishment of the National Removals Centre (NRC) and Removals Core Casework (RCC) units: the former now deals with casework for all detained immigration offenders, whilst the latter handles casework for all non-detained offenders. The NRC has a 'gatekeeper' function, whereby it decides whether the detention of an immigration offender should be maintained. If its criteria are not met, the offender will be released and the RCC will attempt to progress the case to removal.
- 4.28 We were told that the NRC would rarely accept a case where the immigration offender had been granted bail. The RCC was established in April 2013, but did not have a team responsible for dealing with cases with outstanding criminal matters until August 2013. As a result, in two of the non-detained cases we sampled, we found that both offenders had been granted bail and the Home Office had taken limited or no action to progress either case to removal. Figure 7 provides an example of one of these cases.

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*We found that changes to the way in which Immigration Enforcement dealt with removals casework had affected its ability to maintain contact with some immigration offenders.*

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<sup>15</sup> This is because entering the UK illegally and failing to leave the UK before time limited leave expires are both criminal offences. The caution is therefore required by the Police and Criminal Evidence Act 1984, to warn the subject that statements they provide may be used as evidence if they are prosecuted.

<sup>16</sup> <http://icinspector.independent.gov.uk/wp-content/uploads/2013/11/An-Inspection-of-Border-Force-Freight-Operations-FINAL-PDF.pdf>

## Figure 7: Case study concerning a failure to progress a case with outstanding criminal matters.

### Background:

- The individual was convicted of eight counts of robbery in the UK and also entered the UK three times in breach of their deportation order. They were arrested and charged with assault on 18 July 2013.
- File minutes highlighted that they would be unlikely to remain in contact with the Home Office if granted temporary release. However, they were not placed in immigration detention as they were charged with a criminal offence. Their court hearing was scheduled for 8 August 2013 (which they failed to attend).
- They were instructed to report to a Home Office Reporting Centre on 25 July 2013. They failed to attend this appointment.
- The only action taken by the Home Office since the individual's release was on 2 May 2014, when a letter was sent asking them to attend another reporting event. They did not attend and the Home Office has not re-established contact with the offender.

### Home Office comments:

- Although the individual was asked to report, at the time there was no caseworking team responsible for dealing with cases where an immigration offender had outstanding criminal matters. A new team was established in August 2013 to address this.

### Chief Inspector's comments:

- This individual had convictions for robbery and a very poor immigration history. It is the type of case that should be prioritised, rather than neglected.
- I was pleased the Home Office had rectified this gap in its arrangements by creating a team dedicated to these cases, although I note that no further action has been taken in this case.

## Securing travel documentation through Nexus

- 4.29 As highlighted in our report *An Inspection of the Emergency Travel Document Process*,<sup>17</sup> the absence of a valid travel document can be a significant barrier to removing an immigration offender from the UK. This is where the Nexus model of embedded IO presence at custody suites can be advantageous, because it can alleviate the need for an ETD by asking the police to search an offender's residence or premises in order to find/secure their travel document.<sup>18</sup>
- 4.30 However, there was limited reference to these searches in the guidance issued to embedded IOs. For embedded IOs in London, guidance highlighted the existence of these legal powers but did not provide instructions on when to use them. No reference was made to these powers in the West Midlands guidance.
- 4.31 Embedded IOs in London and the West Midlands confirmed that they were aware of these powers, but added that they relied upon police resources being available. In London, embedded IOs at some custody suites had been provided with dedicated police officers and we were told that this significantly improved the chances of a search being conducted. This arrangement was not replicated in the West Midlands, where embedded IOs told us they sometimes had difficulty in arranging searches.

<sup>17</sup> <http://icinspector.independent.gov.uk/wp-content/uploads/2014/03/An-Inspection-of-the-Emergency-Travel-Document-Process-Final-Web-Version.pdf>

<sup>18</sup> Section 18 of the PACE 1984 provides the police with the power to search any premises occupied or controlled by a person under arrest. Section 44 of the UK Borders Act 2007 provides the police or an immigration officer with the power to enter and search premises for evidence of nationality.

4.32 Our sampling did not allow us to assess the number of searches that were requested or carried out, because case file minutes did not always show whether a request for a search had been made or accepted. However, we did find one example which demonstrated the potential value of these searches. Figure 8 refers.

**Figure 8: Positive case study concerning the effective use of a search to secure a travel document.**

**Background:**

- The individual was arrested on suspicion of committing fraud and status checks revealed that they were an overstayer.
- During an interview with the embedded IO, they stated that their passport was at their place of residence.
- The IO informed the police, who conducted a s18 search which located the passport. The individual was convicted of fraud and given a suspended prison sentence. They made a voluntary departure from the UK on 25 October 2013.

**Chief Inspector’s comments:**

- This is a positive example of joint working between the police and the Home Office.
- Although, ultimately the immigration offender chose to make a voluntary departure, the fact that the Home Office held his passport may have influenced their decision, as it increased the prospect of an enforced removal taking place.

4.33 Figure 9 shows the number of travel documents which the Home Office has recorded as being located through police searches.

**Figure 9: Number of travel documents located through police searches.**

	April – June2013	July – Sep2013	Oct – Dec2013
Number of searches conducted	28	20	135
Number of documents located	22(79%)	8 (40%)	6 (4%)

Note: This is based on management information and data is therefore provisional and subject to change. This information has not been quality assured under National Statistics protocols.

4.34 These numbers reveal that the number of travel documents located through police searches had decreased significantly, with a success rate of just 4% for searches conducted between October and December 2013. This indicates that more needs to be done to improve the targeting of these searches to ensure that resources are used effectively and that more travel documents are secured.

4.35 Where a valid travel document is not available, we believe that embedded IOs should complete Emergency Travel Document (ETD) forms, where it is feasible to do so, to facilitate the procurement of these documents. Again, this was not covered by guidance, with no reference whatsoever in the instructions for IOs in London or the West Midlands. However, the Home Office told us that completing these forms was encouraged as a *'belt and braces'* approach to dealing with offenders at custody suites.

4.36 Our sampling showed that this advice was not being followed, as ETD forms were not completed in six cases where an IO had contact with an immigration offender. In two of these, the offender failed to attend their first reporting event and contact had not been re-established. The opportunity to initiate the ETD application was therefore lost, meaning that if or when the offender was subsequently located, the Home Office would be no closer to securing their removal. Figure 10 shows the reasons why ETD forms were not completed.

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*The opportunity to initiate the ETD application was therefore lost, meaning that if or when the offender was subsequently located, the Home Office would be no closer to securing their removal.*

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**Figure 10: Reasons for not completing ETD forms.**

Reason	Number of cases
IO did not have time	2
Offender asked to bring passport to first reporting event	2
No reason provided	2
<b>Total</b>	<b>6</b>

4.37 We believe the Home Office must do more to ensure that it maximises the opportunities presented by the embedded IO model to secure travel documents and initiate the ETD process. In view of this, we make the following recommendation.

**We recommend that the Home Office:**

Ensures that embedded Immigration Officers complete ETD forms in all appropriate cases in order to facilitate re-documentation.

**Removing and deporting immigration offenders**

4.38 As well as considering whether Nexus had improved the chances of identifying immigration offenders at custody suites, we also assessed if it had led to greater numbers being removed, deported or making a voluntary departure from the UK. Figure 11 shows the case outcomes from our file sampling.

<b>Figure 11: File sampling case outcomes.</b>	
Detained cases – number of offenders removed, deported or departed	19/30 (63%)
Non-detained cases – number of offenders removed, deported or departed	6/28 (21%)
<b>Total number of offenders removed, deported or departed</b>	<b>25/58 (43%)</b>

4.39 Our file sampling showed that the prospects of removing an immigration offender were greatly enhanced if they were transferred into immigration detention from a police custody suite. We found several examples of cases where an immigration offender was removed from the UK promptly after being encountered by an embedded IO at a custody suite. Figure 12 details one of these.

*Our file sampling showed that the prospects of removing an immigration offender were greatly enhanced if they were transferred into immigration detention from a police custody suite.*

**Figure 12: Positive case study of a prompt removal direct from detention.**

**Background:**

- The individual was arrested by the police on 2 April 2013, as status checks revealed that their LTR had expired on 1 June 2012.
- The Joint Operating Centre organised for an IO to attend the custody suite and they interviewed the immigration offender, completed ETD forms and organised for them to be transferred into immigration detention.
- The individual then claimed asylum, but remained in detention while their claim was considered under the Detained Fast Track process. They were refused asylum on 22 April 2013 and they were removed on 20 May 2013.

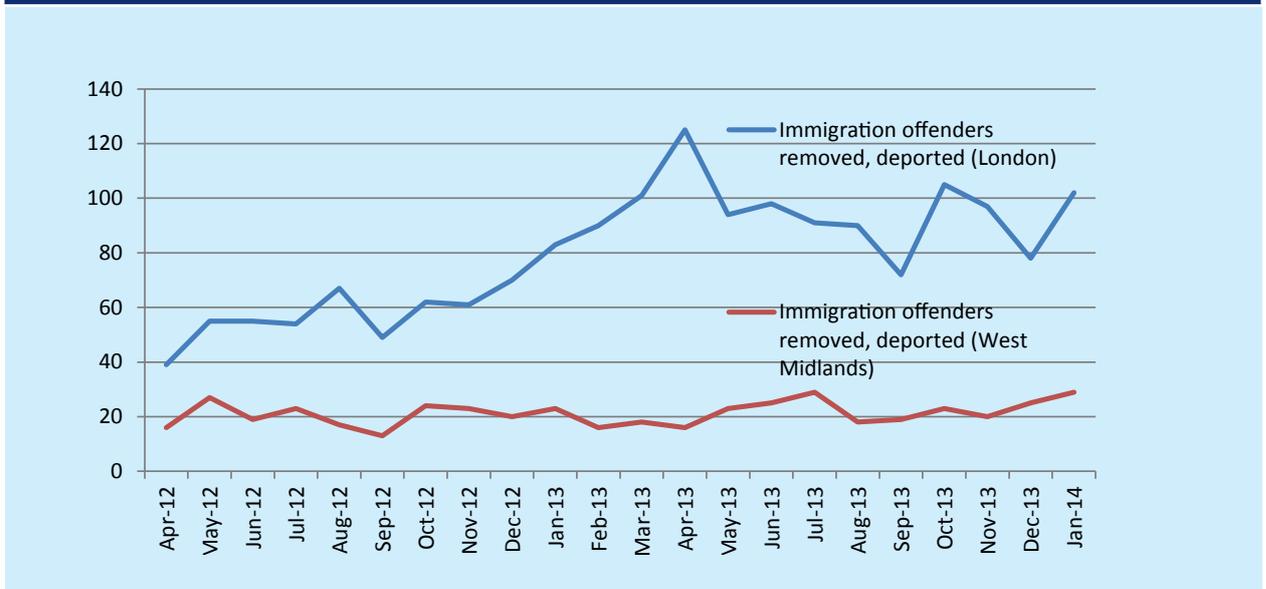
**Chief Inspector’s comments:**

- In this case detention directly facilitated the removal of the immigration offender from the UK.
- It was also positive that, although the custody suite was not one served by an embedded IO, the Home Office was able to ensure that an IO attended.

4.40 The findings of our file sample were supported by local management information, which similarly showed an increase in the number of immigration offenders who were removed, deported or made a voluntary departure from the UK, after originally being encountered by the police. Figures 13 and 14 refer.

<b>Figure 13: Number of removals achieved annually in 2011/12, 2012/13 and 2013/14.</b>		
	<b>London</b>	<b>West Midlands</b>
2011/12	418	169
2012/13	786	239
2013/14	1077	274

**Figure 14: Number of monthly removals achieved - April 2012 to January 2013.**



Note: Figures 13 and 14 are based on management information and data is therefore provisional and subject to change. This information has not been quality assured under National Statistics protocols.

4.41 It can be seen that in London, Nexus has delivered a significant improvement in performance, with substantial increases in removals year on year. However, in the West Midlands removal performance had already increased quite significantly prior to Nexus being launched in June 2013, although they continued on an upward trend, albeit at a much slower rate than London.

*In London, Nexus has delivered a significant improvement in performance, with substantial increases in removals year on year.*

4.42 However, while the number of status checks requested by WMP had more than doubled since Nexus was introduced, this had not translated into a similar increase in the number of immigration offenders being transferred into immigration detention, a precursor in many cases to removal (only three immigration offenders had been transferred into immigration detention at the three WMP custody suites with embedded IOs).

4.43 This was in direct contrast to London, where the improvement in performance was directly linked to the embedded IO model. This had resulted in an 88% increase in the average number of immigration offenders per month being transferred directly into immigration detention from suites with embedded IOs (between 2011 and 2013 – Figure 15 refers). As a result, we believe there are further opportunities in the West Midlands to deliver a greater number of removals by ensuring that all foreign nationals have their immigration status checked. We therefore make the following recommendation.

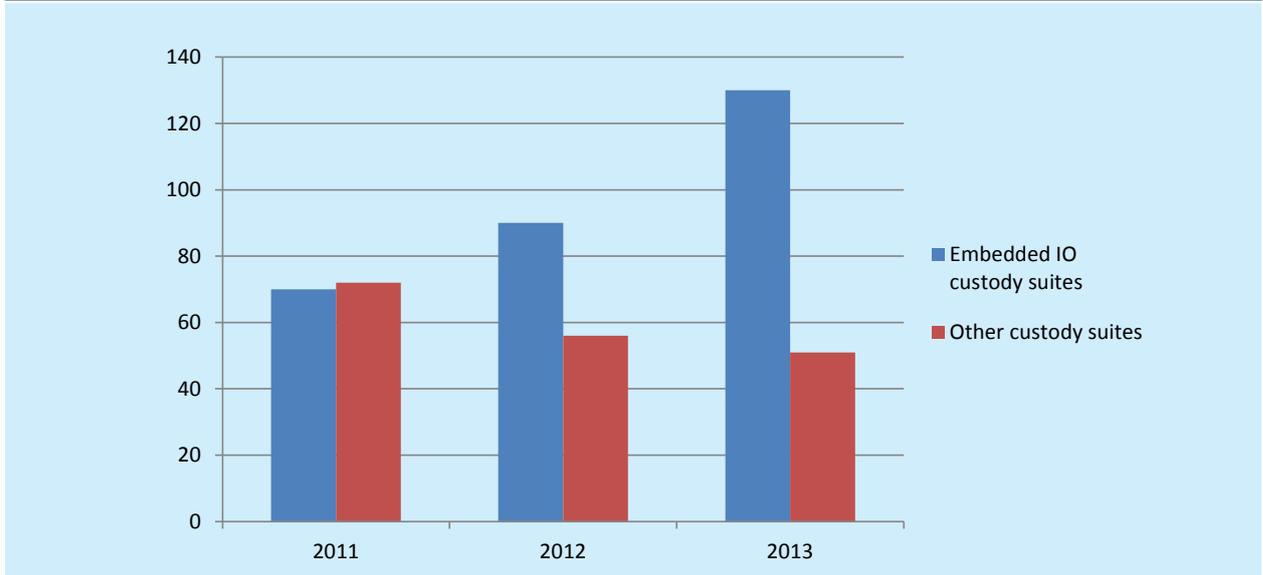
*We believe there are further opportunities in the West Midlands to deliver a greater number of removals by ensuring that all foreign nationals have their immigration status checked*

**We recommend that the Home Office:**

Takes action to improve the number of removals in the West Midlands Police Force area by ensuring that status checks are undertaken on all foreign nationals under Operation Nexus.

4.44 Local management information provided by the Home Office showed that Nexus had reduced the prospect of detaining offenders at custody suites in London. However, this was more than off-set by an increase in the overall number of offenders transferred directly into immigration detention since Nexus began – Figure 15 refers.

**Figure 15: Average number of immigration offenders transferred directly from Police Stations to immigration detention in 2011, 2012 and 2013.**



Note: This is based on management information and data is therefore provisional and subject to change. This information has not been quality assured under National Statistics protocols.

## Progressing cases to removal

4.45 Our sampling showed that there was scope for Nexus to deliver even more removals and deportations if other business areas performed more effectively. This was because, in 15 out of the 33 cases (45%) which were yet to be removed, opportunities were missed by the Home Office to secure removal. Figure 16 refers.

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*Our sampling showed that there was scope for Nexus to deliver even more removals and deportations if other business areas performed more effectively.*

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**Figure 16: File sample - Progressing cases to removal.**

	Detained cases (30)	Non-detained cases (28)	Total(58)
<b>Number of cases where the offender was still in the UK</b>	11 cases	22 cases	33 cases
<b>Home Office taking reasonable steps to secure removal/deportation</b>	5 cases	13 cases	18 cases (55%)
<b>Home Office not taking reasonable steps to secure removal/deportation, of which</b>	6 cases	9 cases	15 (45%)
<ul style="list-style-type: none"> <li>• Emergency Travel Document (ETD) application not made or not being progressed</li> </ul>	2 cases	8 cases	10 cases
<ul style="list-style-type: none"> <li>• Applications for leave to remain in the UK outstanding for more than six months</li> </ul>	2 cases	0 cases	2 cases
<ul style="list-style-type: none"> <li>• No barriers to removal and arrest visit not conducted<sup>20</sup></li> </ul>	2 cases	1 case	3 cases

<sup>19</sup> In both these cases there were no barriers to removal as an ETD was available and the offender did not have an outstanding application. Home Office guidance states that, in these circumstances, an arrest visit should be conducted where a person has failed to attend a reporting event.

4.46 Failing to make or progress an ETD application was the predominant theme that we identified, with ten cases fitting this criteria. Figure 17 provides an example of one such case.

### **Figure 17: Case study concerning a failure to progress an ETD application.**

#### **Background:**

- The individual had remained in the UK after their visa expired in 2005. In 2008 they were served with an IS151A document (liable to be removed from the UK), but they absconded before they could be removed from the UK.
- In 2010 they were convicted of theft and spent three months in prison. After they were released they again stopped attending Home Office reporting events.
- Nonetheless, the Home Office resumed efforts to secure an ETD in August 2012 and in March 2013 it was added to a list of priority cases for discussion with the Indian authorities (IHC).
- On 27 July 2013 the individual was arrested by the West Midlands Police and the embedded IO organised for them to be transferred into immigration detention. They were released from detention on 5 September 2013, but Home Office records do not indicate the rationale for this decision.
- There are no references to any further activity being undertaken to secure an ETD and the offender continues to report.

#### **Home Office comments:**

- The case is still on the IHC priority review list as an urgent case.

#### **Chief Inspector's comments:**

- In my report, An Inspection of the Emergency Travel Document Process, I recommended that the Home Office 'develops the capability to monitor all outstanding applications and renegotiates existing arrangements with foreign governments so that priority cases can be expedited.'
- I urge it to implement this as soon as possible. so that cases like this, where the immigration offender has committed crimes in the UK, are dealt with more effectively.

4.47 As outlined in Figure 16, in two cases the immigration offender could not be removed because they had made applications for leave to remain in the UK and the Home Office had not issued a decision. In one of these the immigration offender claimed asylum after their arrest. Figure 18 details the other case.

### **Figure 18: Case study concerning a decision yet to be reached on an outstanding application.**

#### **Background:**

- This individual was arrested on 27 September 2013, as status checks showed they were an overstayer. On 30 September 2013 and 2 October 2013 their legal representatives made written applications for the Home Office to release them on temporary release.
- With both applications they provided a faxed copy of a letter dated 21 May 2013, in which they requested the Home Office to reconsider a previous decision to refuse their client further leave to remain.
- The Home Office refused both applications on 3 October 2013; however, it granted temporary release on 14 October 2013 after checks confirmed the reconsideration letter of 21 May 2013 had been received by the Home Office.
- A decision is yet to be taken on this application and the Home Office is no longer making efforts to secure an ETD for the offender. They continue to report.

#### **Home Office comments:**

- After being granted temporary release, responsibility for this case transferred from the National Removals Centre to Removals Core Casework.
- The reconsideration request will be allocated to a caseworker immediately and the case will also be reviewed to determine whether travel documentation is required.
- We continue to work with colleagues across the business to identify gaps. Going forward, we will work with colleagues to mitigate risks regarding detaining individuals who may be awaiting a decision on an application.

#### **Chief Inspector's comments:**

- In my report on the Home Office's handling of Legacy Asylum claims,<sup>21</sup> I highlighted how the failure to ensure that applications were recorded on its casework database had adversely affected applicants.
- It was disappointing that applicants were still being affected by Home Office failings in this area.
- The Home Office has not made any effort to progress this case in the seven months since the offender was released.

<sup>20</sup> <http://icinspector.independent.gov.uk/wp-content/uploads/2012/11/UK-Border-Agencys-handling-of-legacy-asylum-and-migration-cases-22.11.2012.pdf>

4.48 Finally, in the three most serious cases, the Home Office had not made any effort to locate the immigration offenders, even though there were no barriers to their removal from the UK. In one case, the Home Office had secured agreement for an ETD to be issued, the individual was reporting, but no action had been taken to detain and remove them. In the two remaining cases, the offenders had stopped reporting and guidance stipulated that an arrest visit should therefore have been carried out. Figure 19 provides details of one of these cases.

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*In the three most serious cases, the Home Office had not made any effort to locate the immigration offenders, even though there were no barriers to their removal from the UK.*

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**Figure 19: Case study of a failure to conduct an arrest visit despite there being no barriers to removal.**

**Background:**

- The individual was arrested on 27 June 2013 for handling stolen goods and ETD forms were completed whilst they were detained at the custody suite.
- They were released on temporary release, as it was estimated that it would take several months to secure the travel document.
- They stopped reporting in October 2013 and a failure to report warning was sent to their last known address. This was ‘returned to sender’ (the Home Office) and no further action was taken.
- On 3 December 2013 the Home Office was informed that the relevant authorities had agreed to issue a travel document for the individual.

**Home Office comments:**

- This individual was referred to and accepted by the Removals Core Casework Team. Any further action would be a local agreement between them and the ICE Team that covers the region of the subject’s home address (via their tasking process).

**Chief Inspector’s comments:**

- It was disappointing to find a case where, despite the clear prospect of removing an immigration offender from the UK, no enforcement action had been taken to secure this outcome.

4.49 Our sampling also revealed that the Home Office was not following other aspects of its Absconder Tracing guidance. This reduced the chances of it locating the 11 immigration offenders from our sampling who had stopped attending reporting events. For example, it had:

- only attempted to make telephone contact in one of the four cases where a number was held for the individual or their legal representatives. We also note that in a further two cases the police had recorded the individual’s mobile telephone number, but the Home Office had not requested/used this information to facilitate contact or conduct further enquiries;
- only sent written ‘failure to report’ warning letters after the first missed reporting event in four out of 11 cases (36%); and
- not conducted compliance visits for two offenders who had a history of ‘persistent non-compliance or absconding.’<sup>21</sup>

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21. One had absconded on two occasions (2010 and 2012), whilst the other had entered the UK three times in breach of a deportation order

4.50 The guidance also stated that where these activities had not traced the absconder, the Home Office should organise for their details to be circulated on the Police National Computer (PNC). To do this, a form needed to be sent to the Home Office's PNC team and, if they accepted the referral, they would update CID. However, we found that this form had only been completed in two out of 11 cases, while there was no evidence on CID that any of these offenders' details had been circulated on the PNC database.

4.51 As highlighted earlier in this report, Nexus has led to more immigration offenders being identified and removed. Whilst this is clearly a positive outcome, the effectiveness of this operation had added to the workload of caseworking teams. For example, between October 2012 and February 2014, at least 1,577 immigration offenders were released on temporary release after being identified through Nexus. All of these cases would require the involvement of various Home Office casework, and potentially enforcement, teams if the individuals were considered appropriate for removal.

4.52 Senior Managers informed us that they believed monitoring the progress of these cases should 'become part of the Nexus process.' This would enable them to ascertain the time it was taking to remove or deport immigration offenders. However, it was clear from our file sampling that business areas were already experiencing difficulty in coping with the additional casework that was being generated.

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4.53 While improved management reporting will help the Home Office to understand the severity of this issue, it will not alleviate the problems that an increasingly successful Nexus presents. We also noted that the Home Office intended to expand Nexus into more police force areas, which will further increase the workloads of casework and enforcement teams across Immigration Enforcement and potentially UK Visas and Immigration as well. The Home Office will therefore need to ensure that caseworking and enforcement teams are positioned to capitalise on the opportunities that will no doubt be presented.

### **'High harm' offenders**

4.54 Operation Nexus also has a 'high harm' casework function. This involves the MPS and WMP referring individuals who meet their definitions of 'high harm' and who may not be British. The Home Office then checks their immigration status and considers whether any action can be taken to facilitate their removal from the UK. The police are then told whether the referral has been accepted and allocated to a caseworker, or rejected because there was no action that could be taken. All accepted cases are awarded a rating by the Home Office's High Harm Team to indicate the ease with which an individual can be removed (hereafter referred to as 'triaging').

4.55 Senior police officers we spoke to were very positive about the 'high harm' concept. They and the staff from the Home Office's High Harm Team were able to highlight some positive examples of individuals who had been removed or deported from the UK where intelligence provided by the police had been crucial to the Home Office decision being upheld at appeal. We were told that these cases and the others being progressed by the 'high harm' casework team, would not have been tackled without Nexus.

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4.56 As part of our file sampling, we examined 19 ‘high harm’ cases that had been referred by the police to the Home Office to assess what action was being taken. Figure 20 shows the immigration status of these individuals and the outcome of the cases.

<b>Figure 20: ‘High harm’ cases – immigration status and case outcomes.</b>	
British Citizens	2
Recognised refugees	2
Immigration status not known	1
Individuals who could be removed or deported from the UK of whom:	14
• Indefinite leave to remain	5
• Time Limited LTR	5
• Immigration offenders	4
Number of removals or deportations	0
Number of cases where removal or deportation being pursued	10/14

4.57 Although no removals or deportations had been achieved in the 14 cases where this outcome was possible, all of these individuals had LTR, which would need to expire or be revoked before removal or deportation could have been attempted. In 10 of these 14 cases (71%), we could see evidence the Home Office was taking steps to remove or deport the individual. In the remaining four cases:

- the police had been approached to conduct an arrest visit in one case, however, the police then realised that the individual concerned did not in fact meet their ‘high harm’ criteria;
- in another, a ‘high harm’ caseworker had decided that the offender should not be removed or deported because they had family in the UK;
- in another the individual had received a 10 year prison sentence in 2013 and was therefore not eligible for deportation for several years; and
- in the final case, the Home Office had decided to wait until the individual’s leave to remain expired in 2016 before considering removal.

4.58 The High Harm Team had a target of securing the removal or deportation of 234 ‘high harm’ individuals in 2013/14. This was divided into two categories – 97 from referrals from the MPS’ dedicated ‘high harm’ team (core cases), and 137 from individuals convicted of an offence designated by the Mayor’s Office for Policing and Crime of London (‘MOPAC 7’ cases).

4.59 It was intended that both of these types of cases would be referred by the MPS’s ‘high harm’ team, but that the referral would stipulate whether it was a core or MOPAC 7 case. However, the Home Office High Harm Team told us that it was not possible to tell whether the referrals they received from the MPS’s ‘high harm’ team met the MOPAC 7 criteria. Therefore, although 85 removals were achieved in 2013/14 from core case referrals, it was not possible for the Team to determine how many met the MOPAC 7 criteria.

4.60 Senior police officers told us that this element of Nexus was extremely important to their forces. They added that they looked forward to performance increasing in respect of their ‘high harm’ removals, as this was a relatively new function which would improve over time.

- 4.61 Embedded IOs were also expected to identify police ‘high harm’ cases being held at their custody suites, or who had been detained whilst they were not present. In both instances, they were expected to discuss all such cases with the police at the custody suite. They would then decide whether the case should be referred to the ‘high harm’ police team responsible for making these referrals to the Home Office. While on-site at a custody suite in the West Midlands we observed an embedded IO instigate one such referral.
- 4.62 However, because all referrals were routed through the police, it was not possible to determine the proportion which were instigated by IOs. Managers told us they did not believe that IOs were fully aware of the types of cases the police ‘high harm’ team would be willing to progress. Moreover, staff and managers believed that some IOs had been deterred from making referrals by not being allowed to make referrals directly to the Home Office High Harm Team.
- 4.63 We found that the guidance issued to embedded IOs in London and the West Midlands did not contain the relevant police force’s definition of ‘high harm.’ Furthermore, neither guidance highlighted that it was part of an embedded IO’s role to identify ‘high harm’ cases, either live or historic, or the process for instigating a referral. The quality of guidance is an issue that we cover in the section on Guidance.
- 4.64 Finally, we were told that, during the triaging process, Home Office staff would check whether the police’s ‘high harm’ definition was met. This aimed to ensure that only genuine ‘high harm’ cases were allocated to the caseworking team. However, as every police force has its own definition of ‘high harm’, the Home Office had to assess cases against several definitions. This problem will be exacerbated when Nexus is introduced in several other police force areas. We therefore make the following recommendation.

**We recommend that the Home Office:**

Works with the relevant National Policing Business Lead to create a single definition of ‘high harm’ for foreign national offenders.

**‘Added value’ activities**

- 4.65 Under Nexus, the ‘added value’ work stream consists of the MPS assisting the Home Office with removing barriers to removal for individuals of concern to the Criminal Casework Unit, a part of Immigration Enforcement. This involves the police conducting investigations to trace absconders and/or assisting with documenting individuals who have been issued with a deportation order.
- 4.66 Staff and managers told us they wanted to receive more referrals from Criminal Casework Unit but were unsure whether these case workers were all fully aware of the process. Furthermore, we were told the MPS had initially rejected some referrals as their ‘high harm’ criteria had not been met. This had been addressed by implementing a triaging process similar to that used for the MPS referrals, whereby all ‘added value’ cases were checked by the Home Office ‘high harm’ team to ensure that criteria were met.

4.67 Figure 21 shows the number of referrals from the Criminal Casework Unit to the MPS in order to try and locate absconders or assist with the re-documentation process.

**Figure 21: 'Added value' investigations by MPS and outcomes - July 2013 to February 2014.**

	Oct 13	Nov 13	Dec 13	Jan 14	Feb 14
Document investigations referrals	2	4	0	1	0
Trace and locate referrals	32	32	16	12	22

Note: This is based on management information and data is therefore provisional and subject to change. This information has not been quality assured under National Statistics protocols.

4.68 These referrals had resulted in only two removals, while a target had been set of achieving 85 removals in the 2013/14 financial year. We believe the Home Office should do more to exploit the opportunities provided by this work stream.

### **Resources should be allocated to support operational delivery and achieve value for money**

4.69 Under the embedded IO model, IOs are stationed at 16 of the MPS' 43 custody suites in London. Where possible, the Home Office provides one IO shift per day for 13 of these suites. At the other three suites; which deal with the largest number of foreign nationals, the Home Office attempts to ensure greater coverage by providing two IOs, one for an 'early' shift and one for a 'late' shift. Several IOs are also allocated to undertake 'police call-out shifts', to deal with immigration offenders who are identified at custody suites not served by an embedded IO.

4.70 We were told that if an immigration offender was identified in the mid-afternoon or later, the police would often be asked to detain them at the custody suite until the following morning. This would allow them to be dealt with by the returning embedded IO or, for suites not served by an embedded IO, for the JOC to attempt to arrange for another IO to attend. This claim was confirmed by our sampling of non-detained cases, where in nine out of 28 cases (32%), immigration offenders were arrested before 2pm, but were not released on temporary release until the following day.

4.71 Staff stated that it was difficult to deal with the volume of immigration offenders in London within current resources. As a result, managers said that immigration offenders would have to be released, either with their authorisation because an IO was not available, or where the police needed the detention space or did not want to waste time on the PACE clock.<sup>22</sup> Senior Managers agreed that *'resources were spread thinly in London,' but this 'was a strategic decision,'* which reflected the many priorities areas which Immigration Enforcement had to tackle.

<sup>22</sup> Under the PACE Act 1984, the police can only detain a person for 24 hours before they must either charge them with a criminal offence, release them from custody, or, in exceptional cases, request that a Superintendent approve for them to be detained for a further 12 hours. The PACE clock is suspended if an offender is granted bail pending further enquiries and will restart if they are re-arrested for the same offence.

4.72 We noted that efforts were being made to reduce the number of instances where immigration offenders had to be released due to a lack of resources. These initiatives focused upon enhancing the remote service provided by CCU staff to include making detention decisions and serving detention paperwork. This included:

- providing training to CCU staff on how to prepare detention paperwork and authorise detention; and
- amending the CCU roster to ensure that a CIO would be present to authorise detention decisions 24 hours a day.<sup>23</sup>

4.73 However, we were told that records were not kept of cases where the police had been forced to release an immigration offender despite being asked to maintain detention. As a result, the Home Office was unable to determine the impact that the lack of resources was having upon performance. We therefore make the following recommendation.

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*We were told that records were not kept of cases where the police had been forced to release an immigration offender despite being asked to maintain detention*

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**We recommend that the Home Office:**

Introduces a system for recording all cases where the police have released an immigration offender because an Immigration Officer was unable to attend a custody suite.

4.74 Managers informed us that IOs allocated to police call-out shifts were encouraged to base themselves at a custody suite not served by an embedded IO. They would then perform the embedded IO role there, whilst awaiting a 'call-out.' We were told that this was to develop relationships with police colleagues and promote the aims of Nexus to police officers who did not have regular contact with IOs. This was supported by police officers we spoke to at custody suites, who stated that they welcomed the opportunity to work alongside Immigration Officers. We consider this to be best practice.

4.75 However, this practice was not formalised by stipulating in the roster the suite at which callout IOs should be based. The staff we spoke to stated that they would either base themselves at the JOC, or their Local Enforcement Office. For the reasons outlined above, we agree that IOs on police call-out shifts should base themselves at custody suites and would encourage the Home Office to ensure that this happens.

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<sup>23</sup> Previously CCU operated an 'on call' system at night, meaning a CIO could be contacted but would not be at the office.

# 5. INSPECTION FINDINGS – CONTINUOUS IMPROVEMENT

The implementation of policies and processes should support the efficient and effective delivery of border and immigration functions.

- 5.1 As well as London and the West Midlands, Nexus was introduced in Manchester in December 2013 and a pilot scheme began in Scotland in April 2014. Discussions were also ongoing with several other police forces regarding its potential implementation. In view of this, we were keen to assess whether its impact in London and the West Midlands had been effectively scrutinised and used to inform decisions on extending the parameters of the operation.
- 5.2 The Home Office had a detailed performance framework which had led to the collection of data on many aspects of Nexus in London. This included the number of:
- different outcomes from status checks – e.g the number of immigration offenders detained under immigration powers or released on temporary release;
  - travel document searches requested and which yielded documents;
  - ‘high harm’ referrals received from the police and the outcome of these;
  - ‘added value’ referrals sent to the police and the outcome of these; and
  - conditional cautions offered and accepted, and the number of immigration offenders removed as a result.
- 5.3 We have already referred to the difficulties in ascertaining the total number of status checks conducted on foreign nationals in London and the West Midlands. However, aside from this issue, we were satisfied that the Home Office was monitoring the impact of the operation’s work streams in both locations.
- 5.4 However, while a wide range of data was now being collected for the West Midlands, this was not as extensive as the performance framework for London. We understand that for 2014/15, all areas in the UK where Nexus has been introduced will be subject to a single framework. This is important, as it will allow meaningful comparison of regional performance.

5.5 We found that managers and staff were committed to an approach based firmly upon continuous improvement. This was demonstrated by their:

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*We found that managers and staff were committed to an approach based firmly upon continuous improvement.*

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- having commissioned external reviews of the operation;
- initiating their own internal evaluation, which was already underway when we announced our inspection; and
- developing a range of Operating Models to ensure that the introduction of Nexus met the requirements of the Home Office and the various police forces involved. For example, the London model relied upon significant use of embedded IOs, whereas the West Midlands did not. The model also relied more upon raising police awareness of when and how to request status checks in those police force areas with lower numbers of foreign nationals.

### **Guidance**

- 5.6 We identified that several IOs in the West Midlands were unaware that any Nexus guidance existed. This suggested that its availability had not been communicated effectively to staff. Furthermore, as has been raised at several points in this report, the guidance did not clearly set out what activities embedded IOs were expected to complete. For example, completing ETD forms and identifying ‘high harm cases’ were both encouraged and yet there was no reference to either of these activities in the guidance.
- 5.7 We have not made a recommendation on this issue, as the Home Office informed us that written guidance was being updated and was soon to be reissued. However, the Home Office needs to ensure that the updated guidance addresses the issues raised in this report.
- 5.8 While we noted that the IOs we interviewed had not undertaken any formal training in relation to Nexus, the majority did not view this as a disadvantage, as they had received training for the core aspects of their role such as interviewing potential immigration offenders and preparing and serving paperwork authorising detention and temporary release.
- 5.9 Some IOs also commented that their duties had not changed from when responding to a police call-out to deal with an immigration offender. For us, this betrayed a lack of understanding of the wider aims of the operation, because managers had informed us that they relied upon embedded IOs to promote awareness amongst the police of immigration issues. Moreover, the operation incorporated several new activities, for example the use of searches to locate travel documents and the need to identify potential ‘high harm’ offenders. We therefore believe the Home Office should ensure that all IOs involved with Nexus are aware of their roles and responsibilities.

### **Conditional cautions**

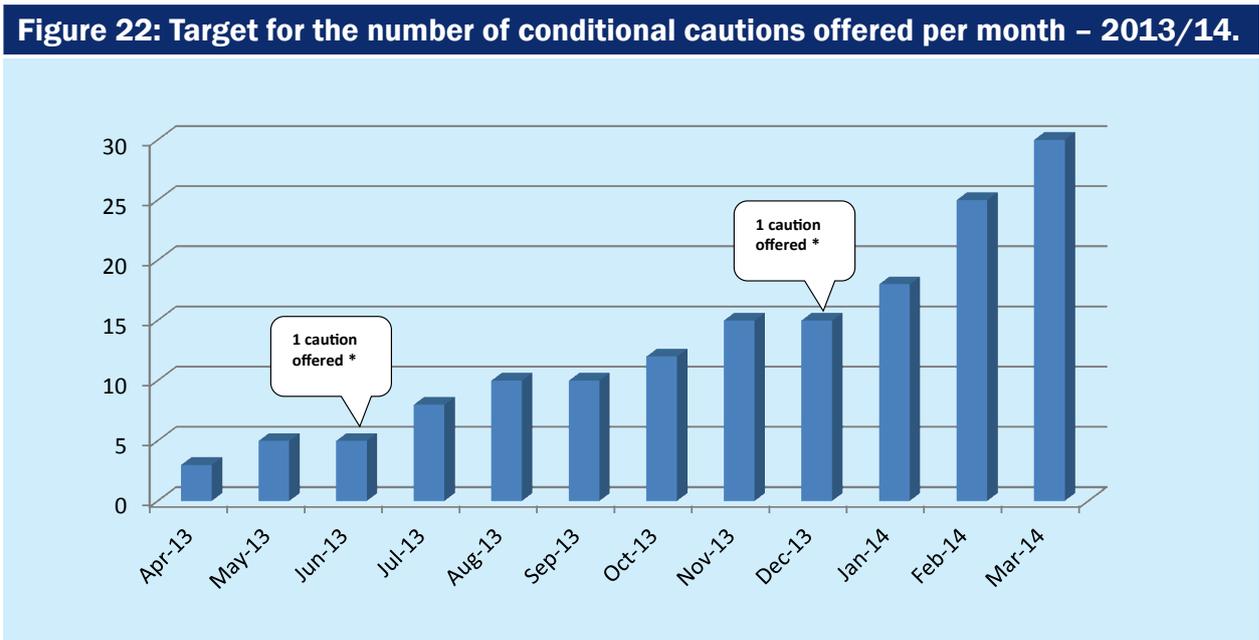
- 5.10 Conditional cautions for foreign nationals were introduced by section 134 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012. They allow the police to offer an immigration offender a caution, where they and the Crown Prosecution Service (CPS) do not believe it is in the public interest to prosecute them for committing a criminal offence. Foreign nationals must comply with the following conditions:
- depart the UK within a specified period – the length of the period will depend on the Home Office’s assessment of the time needed to arrange their removal and will usually be no more than 16 weeks. In exceptional cases, it may be 24 weeks; and
  - not return to the UK for a specified period – normally for at least five years – and thereafter only in accordance with the Immigration Rules.

- 5.11 These conditions can be advantageous as they enable persistent petty and low-level offenders to be removed from the UK, rather than having to incur the cost of prosecuting them and have them then potentially re-enter communities. Furthermore, if either condition is breached, a prosecution can still be initiated.
- 5.12 We were told that under Nexus embedded IOs were expected to provide the police with information regarding the potential timescales for an immigration offender's removal. This information would then be factored into the decision made by the police, in conjunction with the CPS, over whether to prosecute or offer a conditional caution. Moreover, in cases where an embedded IO was not present, the Home Office hoped to encourage the police to contact CCU in order to ascertain the likely timescales for removal, with a view to potentially offering a conditional caution.
- 5.13 The Home Office had set a target of removing 62 immigration offenders using conditional cautions under Nexus in 2013/14, but only two removals were achieved. Furthermore, the Home Office had consistently failed to meet targets for the number of conditional conditions offered by a significant margin – Figure 22 refers:

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*The Home Office had set a target of removing 62 immigration offenders using conditional cautions under Nexus in 2013/14, but only two removals were achieved.*

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Note: \*No conditional cautions were offered in any of the other months shown. This is based on management information and data is therefore provisional and subject to change. This information has not been quality assured under National Statistics protocols.

- 5.14 We were told that the Home Office had asked several police forces to act as ‘pathfinders,’ to undertake special activities to raise awareness amongst police officers of the possibility of offering a conditional caution. It was hoped this would lead to a greater number being offered and accepted and that positive outcomes would result, demonstrating the value of the concept to other police forces. CCU were leading this work and had:
- provided the pathfinder forces with briefing materials to circulate to police officers; and
  - obtained access to an online police forum so they could communicate and raise awareness of conditional cautions.

5.15 These were positive steps and had led to the pathfinder police forces offering 28 conditional cautions in 2013/14, with 18 foreign nationals subsequently being removed from the UK.<sup>24</sup> These figures demonstrate the potential value of the concept, but we note that Senior Police Officers in the MPS and WMP raised numerous issues which affected the number of cautions that the police could offer. We have not made a recommendation on this issue, as the Home office is already seeking to address this problem. However, if conditional cautions can be made to work more effectively, they have the potential to further increase Nexus removals.

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<sup>24</sup> These conditional cautions fell outside of Nexus.

# ANNEX 1 - THE ROLE & REMIT OF THE CHIEF INSPECTOR

The role of the Independent Chief Inspector ('the Chief Inspector') of the UK Border Agency ('the Agency') was established by the UK Borders Act 2007 to examine and report on the efficiency and effectiveness of the Agency. In 2009, the Independent Chief Inspector's remit was extended to include customs functions and contractors.

On 26 April 2009, the Independent Chief Inspector was also appointed to the statutory role of independent Monitor for Entry Clearance Refusals without the Right of Appeal as set out in Section 23 of the Immigration and Asylum Act 1999, as amended by Section 4(2) of the Immigration, Asylum and Nationality Act 2006.

On 20 February 2012, the Home Secretary announced that Border Force would be taken out of the Agency to become a separate operational command within the Home Office. The Home Secretary confirmed that this change would not affect the Chief Inspector's statutory responsibilities and that he would continue to be responsible for inspecting the operations of both the Agency and the Border Force.

On 22 March 2012, the Chief Inspector of the UK Border Agency's title changed to become the Independent Chief Inspector of Borders and Immigration. His statutory responsibilities remain the same. The Chief Inspector is independent of the UK Border Agency and the Border Force, and reports directly to the Home Secretary.

On 26 March 2013 the Home Secretary announced that the UK Border Agency was to be broken up and brought back into the Home Office, reporting directly to Ministers, under a new package of reforms. The Independent Chief Inspector will continue to inspect the UK's border and immigration functions, as well as contractors employed by the Home Office to deliver any of these functions. Under the new arrangements, the Department of UK Visas and Immigrations (UKVI) was introduced under the direction of a Director General.

## ANNEX 2 - GLOSSARY

Term	Description
<b>A</b>	
Absconder	A foreign national who does not have permission to reside in the UK and who is no longer in contact with the Home Office. For example, individuals who are not attending scheduled reporting events (see R).
<b>C</b>	
Chief Immigration Officer (CIO)	Management grade – above Immigration Officer.
Command and Control Unit (CCU)	A unit which acts as the 24/7 real-time enquiry point for Immigration Enforcement (see I), including for police forces from across the UK.
Conditional caution	The police can offer an immigration offender a caution where they and the Crown Prosecution Service do not believe it is in the public interest to prosecute them. The offender must leave the UK within a set time period.
Criminal detention	Detention imposed by the police upon individuals arrested upon suspicion of committing an offence.
Custody sergeant	Police sergeants operating at custody suites (see below) and who have responsibility for authorising the criminal detention (see above) of persons at their suite.
Custody suite	A designated area within a police station designed and adapted to process and detain those who have been arrested, or who are there to answer bail
<b>D</b>	
Deportation	The process used to remove some foreign nationals who have committed criminal offences in the UK. People who are deported can only apply to return to the UK if their Deportation Order has been revoked.
Detained Fast Track asylum system	The process used to deal with some asylum applications whilst the applicant is detained using immigration powers (see I)
<b>E</b>	
Embedded Immigration Officer (IO)	Immigration Officer (see I) operating from a police custody suite (see C)

Emergency Travel Document (ETD)	Replacement travel document issued by a High Commission, Embassy or Consulate where an individual is to be removed or deported from the UK and does not have a valid travel document (e.g passport or identity card).
<b>F</b>	
Foreign national	A person born outside of the UK and who has not been naturalised as a British Citizen.
<b>H</b>	
'High harm'	Every police force in the UK has its own definition of 'high harm'. These are based on the level of harm an individual poses to the public.
<b>I</b>	
Illegal entrant	A person who has entered the country illegally. For example, without having the requisite entry clearance or by using, or attempting to use, a travel document which is forged or issued in someone else's identity.
Immigration bail	Upon application from an individual in immigration detention (see below), an immigration judge may grant their release, subject to conditions.
Immigration detention	Detention under immigration powers, sanctioned by immigration officials rather than a member of the judiciary.
Immigration Enforcement	One of the two operational commands set up under the direct control of the Home Office in place of the UK Border Agency (see U) which was broken up on 26 March 2013. Since 1 April 2013 this Home Office Directorate handles all immigration enforcement activity.
Immigration offender	A person who has broken the immigration laws, for example by entering or staying in the country illegally.
<b>J</b>	
Joint Operating Centre (JOC)	A unit established in London to oversee the activity of Immigration Officers under Operation Nexus.
<b>L</b>	
Local Enforcement Office	Office from which Home Office enforcement activity is run.
Leave to remain (LTR)	Time-limited permission to be in the UK, granted by the Home Office to foreign nationals, usually for a specific purpose, for example, LTR as a student. Some will be granted indefinite LTR.
<b>N</b>	
National Removals Centre	The unit responsible for dealing with casework for persons in immigration detention (see I).

<b>O</b>	
Overstayer	A person who remains in a country after the period of their permitted leave has expired.
<b>P</b>	
PACE clock	Under the Police and Criminal Evidence Act (PACE) 1984, the police can only maintain criminal detention (see above) for 24 hours before they must either charge the person with a criminal offence, grant them bail pending further enquiries, or release them without charge. In exceptional cases, detention can be authorised for a further 12 hours by a Superintendent or officer of higher rank.
Police call-out	A request from the police for the Home Office to send an Immigration Officer to a custody suite to deal with a suspected immigration offender (see I).
<b>R</b>	
Removals Core Casework (RCC)	The unit responsible for dealing with casework for immigration offenders who are not in immigration detention (See I).
Removal	The process by which foreign nationals with no entitlement to remain in the UK are returned to their country of origin/nationality.
Reporting Centre	Home Office site at which persons on temporary admission or release (see below) are asked to attend reporting events (see below).
Reporting event	An appointment at a Reporting Centre. These usually form part of a reporting regime (e.g weekly or monthly events) imposed upon individuals who do not have permission to reside in the UK. This enables ongoing contact and in some cases facilitates detention.
<b>S</b>	
Status checks	Checks used to determine whether an individual is a foreign national and if so, whether they have valid LTR in the UK (See L)
<b>T</b>	
Temporary release	Temporary permission to reside in the UK following a period of detention. Often used to enable an application for leave to remain in the UK to be considered.
<b>U</b>	
UK Border Agency	The Home Office Agency which was previously responsible for delivering border and immigration functions. This has now been replaced by three Home Office Directorates – UK Visas and Immigration, Border Force and Immigration Enforcement
<b>V</b>	

Visa	Nationals of some countries must apply for this before travelling to the UK. Upon arrival, an IO will then decide whether to grant leave to enter to the visa holder.
Voluntary departure	This occurs when an immigration offender leaves the UK without being removed or deported and pays for their own journey.

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Lead Inspector:                 **Ed Pitchforth**

Inspector:                        **Tim Reichardt**

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