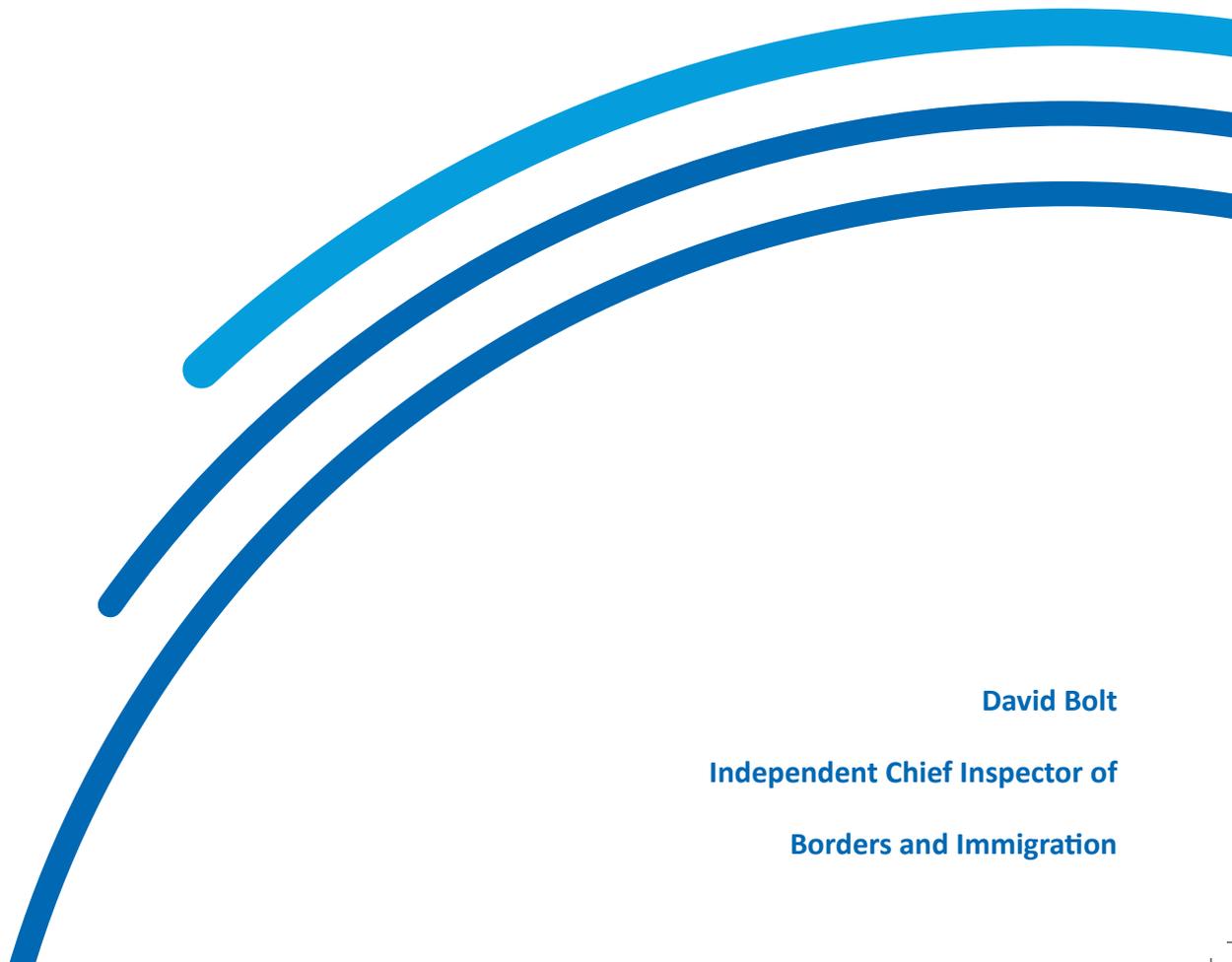




An inspection of the review and removal of immigration, refugee and citizenship “status”

April – August 2017



David Bolt

Independent Chief Inspector of
Borders and Immigration

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Presented to Parliament pursuant to Section 50 (2) of the UK Borders Act 2007

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Our purpose

To help improve the efficiency, effectiveness and consistency of the Home Office's border and immigration functions through unfettered, impartial and evidence-based inspection.

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Foreword

Granting a person Indefinite Leave to Remain (ILR) in the UK, or refugee status, or British nationality,¹ confers important rights, specifically the right to live here lawfully and, in the case of British citizenship, the unrestricted right to enter the UK. It follows that, once granted, the removal of any of these forms of “status” is a serious step, with profound consequences for the individuals affected. It further follows that the Home Office’s actions in relation to the removal of a person’s status must be considered, justified in law and policy, and applied consistently.

This inspection examined the efficiency and effectiveness of the Home Office’s processes for reviewing and removing a person’s immigration, refugee or citizenship status. It looked at how cases are identified for review, at how they are progressed, and at decision quality. It also looked at record keeping, the collection, use of data and management information.

The inspection focused on 3 Home Office business areas with responsibility for reviewing cases and deciding (or recommending to the Home Secretary) that a person’s status be removed. The 3 deal with different categories of persons: foreign national offenders (Criminal Casework); persons posing a threat to national security (Special Cases Unit); and, anyone with ILR, refugee status, or British nationality (Status Review Unit).

There are a number of mechanisms for removing a person’s status, depending on the grounds for doing so, and various terms to describe the act itself: “revocation”, “cancellation”, “cessation” and, “deprivation”. However, the effect is the same: the individual becomes liable to removal from the UK, or to refusal of entry if outside the country at the time.

Consequently, while the 3 business areas sit under 3 different Home Office Directors General, in the interests of efficiency, effectiveness, and above all consistency, they should be sharing ‘best practice’, lessons learned, and how they are interpreting and applying relevant legislation and policies. In reality, the inspection found that there was little or no communication between the 3.

Overall, the inspection identified significant room for improvement, particularly within the Status Review Unit. The latter had already recognised the need for change, and it is hoped that this inspection report will give its efforts added impetus.

This report makes 5 recommendations. It was sent to the Home Secretary on 9 October 2017.

David Bolt

Independent Chief Inspector of Borders and Immigration

¹ See paragraph 5.5 for an explanation of British nationality and forms of citizenship.

1. Purpose and Scope

- 1.1 This inspection examined the efficiency and effectiveness of the Home Office's processes for reviewing and removing a person's immigration, refugee or citizenship "status".
- 1.2 The inspection focused on individuals who had been granted Indefinite Leave to Remain (ILR) in the UK, those granted refugee status in accordance with the 1951 United Nations Refugee Convention, and those granted British nationality through naturalisation or registration.²
- 1.3 Inspectors looked specifically at:
 - how cases are identified for review, whether referral processes are efficient and effective, the adoption criteria used, and the sharing of 'best practice'
 - how cases are progressed, including the criteria used to prioritise and expedite cases, caseworking methods and timescales
 - record keeping
 - decision quality – the correct and consistent application of legislation, policies and guidance
 - collection and use of data and management information
- 1.4 The inspection scope excluded the following:
 - lapsed ILR, where an individual has been out of the UK for a continuous period of over 2 years and seeks to re-enter. These cases are handled by Border Force. Between 1 January 2017 and 24 April 2017 there were 27 such cases
 - invalidation of ILR due to deportation
 - curtailment of Limited Leave to Remain, where an individual fails to comply with the terms of their leave. These cases are handled by a dedicated team in Temporary Migration (UK Visas and Immigration Directorate)³

² 'Conducive' deprivation of citizenship can also be applied to individuals who have been British from birth.

³ We previously inspected this in March 2016 <https://www.gov.uk/government/publications/inspection-report-on-the-student-curtailement-process-march-2016>

2. Methodology

2.1 Inspectors:

- between 2 and 15 May 2017, visited the Status Review Unit (SRU), Criminal Casework (CC) and Special Cases Unit (SCU) for familiarisation briefings by managers and a walkthrough of the units' functions and processes
- reviewed previous inspections, specifically our 2014 inspection of Nationality Casework⁴ and 2015 inspection of Settlement Casework,⁵ plus a 2016 review by the Independent Reviewer of Terrorism Legislation of Citizenship Removal Resulting in Statelessness⁶
- analysed relevant open source material, including Home Office guidance and immigration legislation
- examined policies and staff guidance available on the Home Office intranet, performance data and management information provided by the Home Office
- called for and examined 140 Home Office case files, comprising:
 - 20 ILR revocation cases considered by SRU and 10 considered by CC
 - 50 refugee status revocations considered by SRU and 10 (involving Foreign National Offenders) considered by CC
 - 10 deprivations of citizenship on criminality grounds, considered by SRU
 - 20 deprivations of citizenship on fraud grounds, considered by SRU
 - 20 nullity⁷ cases considered by SRU
 - called for evidence from stakeholders, including the Immigration Law Practitioners' Association and the United Nations High Commissioner for Refugees

4 <http://icinspector.independent.gov.uk/wp-content/uploads/2014/12/Nationality-Report-web.pdf>

5 <http://icinspector.independent.gov.uk/wp-content/uploads/2015/11/ICIBI-report-on-Settlement-Nov-2015.pdf>

6 <https://terrorismlegislationreviewer.independent.gov.uk/citizenship-removal-leading-to-statelessness/>

7 Where a person has used identity fraud to register or naturalise as a British national – for example, they have used someone else's identity, have created an entirely fictitious identity or have provided false details in relation to part of their name, nationality or date of birth – the grant of nationality may be declared 'null and void'.

3. Summary of conclusions

- 3.1 There are a number of mechanisms for removing an individual's immigration status. Where someone has been granted Indefinite Leave to Remain (ILR) or refugee status in the UK either may be "cancelled" or "revoked" if the person is found to have obtained it fraudulently, or in certain situations if they are convicted of a serious crime, or judged by the Home Secretary to pose a threat to national security. These grounds may be also used to "deprive" a person of their citizenship, where this has been acquired through naturalisation or registration.⁸ Additionally, refugees may have their refugee status "ceased" if conditions in their country of origin have changed sufficiently for them no longer to need protection.
- 3.2 While the terminology and the grounds may vary, the effect is the same: the individual becomes liable to removal from the UK,⁹ or to refusal of entry if outside the country at the time. Removal of status is therefore a particularly serious step, and it is reasonable to expect the Home Office to make every effort to ensure that its processes are efficient and effective, and its treatment of individuals is consistent. The inspection found there was significant room for improvement on all 3 counts.
- 3.3 There are 3 Home Office units responsible for considering removal of immigration status: Status Review Unit (SRU), Criminal Casework (CC) and Special Cases Unit (SCU). They work in isolation from one another, with no regular communication, no sharing of lessons learned or 'best practice', or of how they are interpreting and applying relevant legislation and policies.¹⁰
- 3.4 The lack of communication affects efficiency, effectiveness and consistency. A particularly egregious example of the latter is the different treatment by SRU and CC of refugees from certain countries. It is evident from the 1 January 2015 to 31 March 2017 data for "cessations" of refugee status for particular nationals, most notably Somalis, that SRU and CC were taking markedly different stances on whether country conditions were now such that it was safe to return individuals who had previously been granted refugee status. However, there appears to have been no recognition of this, let alone any analysis of how it was possible given that Home Office decision makers are supposed to draw on the same internally-produced Country Policy and Information Notes (CPINs).
- 3.5 SRU and CC also take different approaches to casework management: the former operates an "end to end" process, where the same caseworker retains a case from its adoption to its completion; while the latter, having previously done the same, now operates a "stage by stage" process, where a caseworker completes an action ("stage") and passes the case on to another caseworker for the next action.

⁸ Deprivation action on fraud grounds may be taken only against individuals who acquired British nationality by naturalisation or registration. Deprivation on 'conductive' grounds may also be taken against individuals who have been British from birth.

⁹ The British Nationality Act also sets out the nationality legislation for the UK Overseas Territories. Removal action may occur in those territories when deprivation of citizenship has been directed.

¹⁰ At the factual accuracy checking stage of this report, the Home Office stated that oversight is provided by Borders, Immigration and Citizenship Policy and Strategy Group to ensure consistent use of the powers. Inspectors did not have the opportunity to examine the extent and effectiveness of this oversight.

- 3.6 Even allowing for the much larger and more diverse SRU caseload, it was clear that CC is significantly more efficient at progressing its cases, and through its “stage by stage” approach had also managed to differentiate the work so that some of it could be done at a lower grade, reducing costs while at the same time providing more junior staff with opportunities to develop their skills.
- 3.7 However, this should not be taken as proof that a “stage by stage” process is intrinsically more efficient than an “end to end” one. There are pros and cons to both, and elsewhere CC’s failure to establish clear and continuous “ownership” of Foreign National Offender (FNO) cases was not only inefficient but ineffective at managing significant risks.¹¹
- 3.8 Certain things need to be in place for either approach to work well: caseworkers (and managers) need clarity of purpose; everyone needs to be properly trained and supported until “fully effective”, and to have realistic performance targets that are fairly applied. Management must know at all times what cases are in the ‘Work in Progress’ (WiP) queue, what stage each is at, what action is required to progress each case, who is responsible for this, when it should be completed; where there are problems or blockages, these must be identified and dealt with quickly.
- 3.9 In the case of SRU, some of these were missing. The unit’s piecemeal growth had led to a lack of clear purpose and business objectives. Staff provided various descriptions of what they understood the purpose of the unit to be. Some thought of themselves as nationality caseworkers, some as asylum caseworkers, and others as fraud investigators. Meanwhile, the process for prioritising cases referred to the unit resulted in the majority of cases falling out of sight until and unless they became the subject of an enquiry or complaint; and, individual caseloads were too big, making it difficult for caseworkers and managers to monitor case progress, a problem made significantly worse by the caseworkers’ non-compliant practice of maintaining electronic case records on their personal drives.
- 3.10 Unsurprisingly, therefore, SRU’s “end to end” process was inefficient. The overall effect was that SRU cases were taking too long to conclude, with those individuals whose case had been referred to and adopted by SRU, with those who had obtained ILR, refugee status or “citizenship status” fraudulently but had not been identified, and with anyone contemplating such a deception, thereby reducing the actual and perceived effectiveness of status reviews as a tool.
- 3.11 As with any fraudulent activity, the true scale is hard to know. However, SRU was looking to raise awareness within the Home Office, with other government departments, and with the public, to increase the number of referrals. Given SRU’s currently low profile, this could well produce substantial numbers of new cases. In terms of the effectiveness and greater consistency of status review, it is important that as many of the cases that should be referred are. But, with SRU’s present throughput and the number of cases in its ‘WiP’ that are unworked, it is hard to see how it will manage any significant increase, without first rationalising its responsibilities, ‘right-sizing’ the unit, and further reforming its processes.
- 3.12 Unlike SRU, CC is dealing with a known population, which should make it easier to measure the overall effectiveness of its use of status reviews. However, from the data provided to inspectors and from interviews with CC managers and caseworkers, there was no evidence that any such evaluation had been attempted. Apart from delays caused when CC is required to seek input from others, for example from the United Nations High Commissioner for Refugees (UNHCR) where the FNO has refugee status, CC’s “stage by stage” process moves cases along to a decision on revocation or cessation relatively quickly. To that extent it is seen to be an effective device. But, how often this results in the FNO’s prompt removal from the UK is much less clear.

¹¹ <https://www.gov.uk/government/publications/inspection-report-on-non-detained-foreign-national-offenders-november-2017>.

- 3.13 For SCU, efficiency and consistency mean ensuring that cases referred to it by the Security and Intelligence Agencies (SIA) are forwarded as quickly as possible to the Home Secretary, with appropriate Home Office advice, for example regarding an individual's removeability. For its part, SCU appeared to have done as much as it could to ensure that the process works smoothly and that the Home Office input is quality assured.
- 3.14 The national security case for removal of status, most commonly deprivation of citizenship, is made by the SIA and is generally found by SCU to be comprehensive. As with most preventative measures, the effectiveness of status review in protecting the UK from national security threats is hard to assess and is a question for the Home Secretary and SIA to answer rather than this report.

4. Recommendations

The Home Office should

1. Appoint a Senior Responsible Owner (SRO) to oversee the use across the Home Office of measures to remove Indefinite Leave to Remain (ILR), refugee status, and “citizenship status”, with responsibility for ensuring that these measures are used efficiently, effectively and consistently, and that the units using them are in regular communication with one another and are sharing ‘best practice’.
2. Develop performance measures for the removal of Indefinite Leave to Remain (ILR), refugee status, and “citizenship status”, ensuring that the relevant outcome data (e.g. the individual’s departure from the UK or refusal of entry) is captured to enable the meaningful evaluation of their effectiveness.
3. Complete the review of the Status Review Unit’s (SRU) responsibilities, and then publish (on GOV.UK and on the Home Office intranet) a revised statement of purpose, clear objectives, and an explanation of when and how cases should be referred to SRU. In parallel, review and sort the cases currently in the WiP so that each has an action plan and owner; test whether a “stage by stage” process may be more efficient for some or all referred cases; and produce a resource plan for the SRU that will enable it to maintain the required throughput of cases.
4. Ensure that Status Review Unit (SRU) caseworkers comply with Home Office data handling and storage policies, putting an immediate stop to them storing case details on their personal drives.
5. Update the document templates stored on the Case Information Database (CID), so that Status Review Unit (SRU) caseworkers are no longer required to amend each document manually and the risk of introducing errors is removed.

5. Background

'Status'

- 5.1 The generic term 'status' is applied to the rights enjoyed by, or leave granted to, a foreign national to enable them to remain lawfully in the UK.

Status types

- 5.2 There are various types of status. This inspection focused on 3:
- indefinite Leave to Remain (immigration status)
 - refugee status
 - naturalisation (or registration) as a British national (citizenship status)

Indefinite Leave to Remain

- 5.3 Indefinite Leave to Remain (ILR) allows an individual to live in the UK without any immigration restrictions. To be eligible to apply for ILR, a foreign national must meet certain qualifying criteria.¹²

Refugee status

- 5.4 Refugee status is granted to individuals whom the Home Office determines warrant protection in accordance with the UK's obligations under the 1951 UN Refugee Convention. Refugee status allows a grant of leave (Residence Permit), which may be valid for 5 years or for shorter periods in certain circumstances.

British Nationality (Citizenship)

- 5.5 The British Nationality Act 1981 set out provisions under which individuals can qualify for British nationality. Various amendments since 1981 have resulted in the Home Office recognising 6 categories of British nationality:
- British Citizenship
 - British Overseas Citizen
 - British Overseas Territories Citizen
 - British National (Overseas)
 - British Protected Persons
 - British Subjects

¹² <https://www.gov.uk/settle-in-the-uk>

- 5.6 For holders of all types of nationality, the status confers the ability to apply for a travel document and to seek consular assistance from the UK Government. British Citizenship confers the 'Right of Abode' – that is the ability to live and work in the UK, free from immigration control. Holders of the other categories remain subject to immigration controls.¹³
- 5.7 The qualification criteria for British nationality varies depending on the category of nationality sought. Foreign nationals can apply for British Citizenship provided they have been settled in the UK for a qualifying period and satisfy specified 'good character' criteria.¹⁴

Removal of status

- 5.8 The Immigration Rules and British Nationality Act 1981 provide for the Home Office to remove an individual's immigration, refugee, citizenship status in set circumstances.

Removal of Indefinite Leave to Remain

- 5.9 There are 4 ways in which ILR may be removed where an individual has:
- been out of the UK for a period of 2 years continuously their ILR will lapse
 - obtained leave by deception, ILR may be revoked
 - been deported or removed, ILR may be invalidated
 - been liable to be deported or removed but this cannot be effected because of a legal barrier, ILR may be revoked

Removal of Refugee status

- 5.10 There are 3 situations in which an individual who has been granted refugee status in the UK may have this removed:
- where it is clear that an individual no longer needs protection, for example because of a change in the conditions in their home country, refugee status may be ceased
 - where there is evidence that refugee status was obtained by deception, it may be cancelled
 - where an individual commits a serious crime or poses a threat to national security and no longer merits refugee status, it may be revoked¹⁵

Deprivation of Citizenship

- 5.11 Section 40 of the British Nationality Act 1981 (as amended)¹⁶ provides the legal power under which an individual may be deprived of their "citizenship status", defined by the Act as including all 6 categories of nationality described at Paragraph 5.5.

¹³ Types of British nationality available at <https://www.gov.uk/types-of-british-nationality>

¹⁴ <https://www.gov.uk/becoming-a-british-citizen/check-if-you-can-apply>

¹⁵ Article 33(2) of the Refugee Convention permits for a refugee to be returned to their country of origin, even though they may face persecution, where: "there are reasonable grounds for considering they are a danger to the national security of the host state" or "they pose a danger to the community after having been convicted by a final judgement of a particularly serious crime". The Nationality, Immigration and Asylum Act 2002 sets out how "a particularly serious crime" should be understood: "for the purpose of the construction and application of Article 33(2) of the Refugee Convention [...] A person shall be presumed to have been convicted by a final judgment of a particularly serious crime and to constitute a danger to the community of the United Kingdom if he is (a) convicted in the United Kingdom of an offence, and (b) sentenced to a period of imprisonment of at least two years".

¹⁶ Section 40, British nationality Act 1981 (as amended). Available at: <https://www.legislation.gov.uk/ukpga/1981/61/section/40>.

5.12 Under section 40 (as amended), the Home Secretary may, by order, deprive an individual who has obtained “citizenship status”, if satisfied that:

- naturalisation or registration was obtained by means of fraud, false representation or concealment of a material fact
- it would be “conducive to the public good”

Home Office structures and responsibilities

Caseworking units

5.13 Responsibility within the Home Office for reviewing and removing an individual’s right to remain in the UK falls primarily to 3 caseworking units: the Status Review Unit (UK Visas and Immigration Directorate), Criminal Casework (Immigration Enforcement Directorate), and Special Cases Unit (Office of Security and Counter Terrorism).

Status Review Unit

5.14 The Status Review Unit (SRU) is a caseworking unit within Refused Case Management (RCM), a directorate of UK Visas and Immigration (UKVI). At the time of the inspection, SRU had a headcount of 24 staff. Senior management grades (Grade 6 and Senior Civil Servants) quality assure and sign off decisions. Figure 1 provides a breakdown.

Figure 1: Status Review staffing as at 21 April 2017	
Grade	Number of staff in post
Grade 7	1
Senior Executive Officer	1
Higher Executive Officer	4
Executive Officer	16
Administrative Officer	2
Total	24

5.15 SRU is responsible for considering removal of ILR, removal of refugee status, and deprivation of citizenship. Its focus is on fraudulently obtained ILR, refugee status, or citizenship; cessation of refugee status where conditions in the home country have changed; and deprivation of citizenship on the basis of involvement in serious criminality.^{17 18}

Criminal Casework

5.16 Criminal Casework (CC) is responsible for monitoring and managing Foreign National Offenders (FNOs) when they are in prison, or detained in an Immigration Removal Centre pending removal from the UK, or released into the community pending deportation. CC’s objective is to deport or remove

¹⁷ Chapter 55 of the Nationality instructions states “An individual may be deprived of citizenship where it is conducive to the public good on the grounds of involvement in terrorism, espionage, serious organised crime, war crimes or unacceptable behaviours.”

¹⁸ At the factual accuracy checking stage of this report, the Home Office stated that responsibility for considering ceasing refugee status in cases where conditions in a refugee’s country of origin may have significantly changed had been transferred to a different area of UKVI. SRU has however retained responsibility for consideration of ceasing refugee status in cases where a refugee may have voluntarily re-availed him or herself of the protection of their country of origin.

FNOs where possible.¹⁹

- 5.17 There are approximately 900 staff in CC, most of whom are based at 1 of 3 locations – Croydon, Liverpool and Leeds. Caseworkers in Liverpool and Leeds are responsible for managing non-detained FNO cases, while caseworkers in Croydon are responsible for detained FNO cases. At the time of the inspection, there were 26 staff in CC’s Cancellation, Cessation and Revocation (CCR) unit. Figure 2 provides a breakdown.

Figure 2: Criminal Casework staffing as at 21 April 2017	
Grade	Number of staff in post
Grade 7	1
Senior Executive Officer	2
Higher Executive Officer	4
Executive Officer	12
Administrative Officer	3
Administrative Assistant	4
Total	26

- 5.18 Where a foreign national who has either ILR or refugee status has been convicted of a criminal offence in the UK, CCR is responsible for considering removal of their status (by means of cancellation, revocation, invalidation or cessation, as appropriate).

Special Cases Unit

- 5.19 Two teams within the SCU have relevant responsibilities. The Nationality Special Cases Team aims to ensure that high-harm individuals linked to terrorism, espionage, war crimes and serious and organised crime are not granted British nationality, or if already granted are deprived of it. The In-Country and Asylum Casework (IAC) team looks to remove individuals from the UK by revoking refugee status of foreign nationals in the UK who pose a risk to national security. IAC’s work focuses on terrorism and organised crime.

¹⁹ <http://www.legislation.gov.uk/ukpga/2007/30/section/32>

6. Inspection findings – Caseloads

Throughput of status removal cases

- 6.1 Figure 3 shows the throughput of cases dealt with by the Status Review Unit (SRU) between October 2016 and March 2017.

Figure 3: Throughput of Status Review Unit cases (excluding deprivation of citizenship) October 2016 – March 2017

Month	Cases received in month	Cases closed in month	Work in progress ²⁰ at month end
October 2016	0	8	1,442
November 2016	67	29	1,480
December 2016	60	16	1,524
January 2017	96	29	1,591
February 2017	69	161	1,499
March 2017	88	19	1,568
Total	380	262	+126²¹

- 6.2 Figure 4 shows the throughput of revocation and cessation cases dealt with by Criminal Casework (CC) between October 2016 and March 2017.

Figure 4: Throughput of Criminal Casework revocation and cessation cases October 2016 – March 2017

Month	Cases received in month	Cases closed in month	Work in progress at month end
October 2016	19	14	203
November 2016	30	31	208
December 2016	7	14	207
January 2017	13	23	200
February 2017	18	17	190
March 2017	9	17	189
Total	96	116	-14²²

20 The Home Office describes the cases it has received but where it has yet to make a decision as 'Work in Progress' (the 'WiP').

21 The figure refers to the difference between the March WiP and October WiP.

22 The figure refers to the difference between the March WiP and October WiP.

- 6.3 In the preceding 12 months (October 2015 to September 2016) the number of cases received by CC was 247, and the total for cases closed was 198. The Work in progress (WiP) grew from 156 at the end of October 2015 to 204 at the end of September 2016.
- 6.4 Figure 5 shows the throughput of deprivation cases dealt with by the SRU between October 2016 and March 2017.

**Figure 5: Throughput of Status Review Unit deprivation cases
October 2016 – March 2017**

Month	Cases received in month	Cases closed in month	Work in progress at month end
October 2016	24	13	1,273
November 2016	29	18	1,284
December 2016	23	23	1,284
January 2017	38	17	1,305
February 2017	25	12	1,318
March 2017	40	20	1,338
Total	179	103	+76²³

- 6.5 The SRU told inspectors that “It is not possible to provide Performance Reporting and Analysis Unit (PRAU)²⁴ figures for the stock of cases in the Deprivation and the Revocation WiPs from before October 2016.”

Work in Progress

- 6.6 As at 31 March 2017, SRU had 2,906 revocation and deprivation cases in its WiP queues.
- 6.7 The Criminal Casework cessation and revocation WiP was 189.
- 6.8 As the data shows, except for revocation and cessation cases managed by CC, where case closures over the second half of 2016-17 exceeded cases received (reversing the trend of the previous 12 months), the WiPs have been growing as the number of cases received each month has generally exceeded the number closed.
- 6.9 With the exception of Special Cases Unit (SCU) cases, which are normally dealt with in a matter of weeks, as a result of the growing WiPs, the number of older cases has increased:
- within the SRU WiP (excluding deprivation) 206 cases were over 2 years old as at 31 March 2017, and a further 502 were over 1 year old
 - within the SRU deprivation WiP 658 cases were over 2 years old, and a further 373 were over 1 year old

²³ Difference between Cases Received and Cases Closed during period.

²⁴ The Performance Reporting & Analysis Unit provides support to the directorates that make up the Home Office Border & Immigration System in the form of reports. These reports are used to assess how the directorates are performing.

6.10 CC told inspectors that it was delayed in closing cases because they were referred to United Nations High Commissioner for Refugees (UNHCR) for advice,²⁵ and UNHCR had been slow to respond. Of 134 cases referred to UNHCR between March 2016 and June 2017, the average response time was 110 days, with a range of 7 days to 280 days.

²⁵ The Immigration rules entitles UNHCR to present their views when consideration is being given to cancellation, cessation or revocation of refugee status.

7. Inspection findings – Status Review Unit

Formation of the Status Review Unit

- 7.1 In 2012, the Home Office centralised immigration casework into national casework units. Prior to this, casework had been carried out by separate regional commands. The Status Review Unit (SRU) was formed as part of this business restructure and immediately took on a significant portion of the deprivation work that had sat in the previous Nationality Directorate. Over time, more streams of work were transferred to the SRU and the unit evolved.

Purpose and Objectives

- 7.2 SRU staff at all levels told inspectors that this piecemeal adding of responsibilities meant that SRU now feels it has no clear objective or identity. During discussions with inspectors, staff provided various descriptions of what they understood the purpose of the unit to be. Some thought of themselves as nationality caseworkers, some as asylum caseworkers, and others as fraud investigators. A senior manager commented that SRU had suffered from a lack of clearly defined purpose and business objectives, and the latter required more work.
- 7.3 SRU's senior management team had undergone significant change in the 18 months prior to the inspection. The new management team had been quick to identify the need to change the structure of the unit and its processes. Inspectors witnessed efforts to streamline workflow processes, with the aim of increasing output. However, some staff were not persuaded that the changes would work as they had been tried unsuccessfully before. They were also concerned that the number of changes had had a destabilising effect and had damaged morale within the unit.

Profile

- 7.4 Managers told inspectors that they had identified the need to increase awareness of SRU's work within the Home Office, and with other government departments and the general public, so that relevant cases are referred to it. They have considered using the Home Office intranet to help publicise SRU's work internally, and increasing the amount of exposure SRU receives. One manager believed that there were significantly more cases that SRU should be considering and wanted to "turn the tap on".

Workflow

- 7.5 SRU operates a central mailbox for case referrals, either from within the Home Office or other external parties. Referrals received through the central mailbox are reviewed by a caseworker to confirm they contain sufficient detail for SRU to commence a full investigation. If so, the case will be accepted and assigned a priority from 1 to 4 – see Figure 6 (table provided by the Home Office). SRU team leaders use a local spreadsheet ('control' sheet) to keep track of cases.

Figure 6: Status Review Unit prioritisation of accepted referrals²⁶

Priority	Description	Examples
1	Urgent Cases	Exceptional circumstances including media interest, high harm, reputational assurance
2	Priority Cases	Accepted as a priority case but not immediate allocation
3	Next on List	A timescale attached due to another aspect
4	All other Referrals	Standard referral process

- 7.6 Managers told inspectors that most of the time SRU had capacity to deal with priority 1 and 2 cases only, and priority 3 and 4 cases were generally not allocated to a caseworker to progress. Meanwhile, staff said they felt that cases were frequently assigned too high a priority. They also said that priorities were largely driven by the amount of media attention that a case was receiving. When this point was raised with SRU's management team they commented that, "as the vast majority of SRU work does not attract media interest, it is not the case in reality that priorities on the team were largely driven by media reporting."

Case study 1: An example of inefficient prioritisation by Status Review Unit of a referred case

Summary:

On 10 October 2012, an Iraqi national who had been granted 5 years leave as a refugee was encountered arriving into the UK at Manchester Airport. His travel document showed he had made several trips back to Iraq and, most recently, had remained there for 6 months.

The Border Force Officer made contact with the SRU through the referral inbox with a view to referring the case for consideration of removal of the individual's refugee status, noting that the 5 years leave was due to expire within 3 weeks so the case would need to be looked at urgently.

SRU confirmed in writing that the case would be expedited as soon as it was received.

A full referral was sent to SRU on 28 January 2015.

The next recorded action was 3 March 2015, when SRU generated an electronic case file, by which time the individual's leave as a refugee had expired.

On 9 June 2015, according to the Case Information Database (CID),²⁷ the individual left the UK.

At the time of the inspection, the SRU case file remained open. It contained no record of any action having been taken by SRU.

²⁶ Figure 6 Table as supplied by Home Office.

²⁷ Case Information Database (CID) is the Home Office's main caseworking and operational database. It is used throughout the Home Office to record personal details of all foreign nationals who pass through the Immigration system.

Home Office Response:

“This case requires allocation to a caseworker. The case will be selected by the team leader for allocation from the control sheet/PRAU data. The case was not expedited on receipt of the referral as stated on CID”

Independent Chief Inspector’s Comment:

It is not clear why this case was not expedited as promised. There is no record of the priority assigned to the case on receipt.

Other Home Office units that were involved with this individual have identified that he has left the UK and closed their case files. The fact the SRU case file remained open 2 years after the individual left the UK suggests cases are not being routinely monitored and progressed once referrals have been accepted by SRU.

- 7.7 In the majority of cases sampled by inspectors, while SRU had generated a case file on Case Information Database (CID) when the referral was accepted, there was no electronic or paper record detailing the reasons for acceptance or the priority assigned to it.²⁸

Case volumes

- 7.8 Between January 2016 and May 2017, SRU received 2,030 referrals. Of these, only 20 cases (<1%) were initially assigned priority 1, while 1,980 cases (>98%) were assigned priority 4. A manager told inspectors that a case initially assigned priority 4 may subsequently be assigned a higher priority where SRU receives a complaint or representations about delays in it being resolved.
- 7.9 As at 31 March 2017, SRU had a Work in Progress (WiP) queue of over 2,900 status review cases of all types. In the same month, SRU received 113 referrals and made decisions on 36 cases. Previous months showed a similar pattern, with intake exceeding output and a steadily increasing WiP.
- 7.10 SRU senior managers were aware that the WiP was increasing. Inspectors were told that SRU was undertaking an analysis of its workstreams, and was in discussion with other Home Office units about transferring some workstreams out of SRU. There was also recognition that the resourcing of SRU needed to be reviewed, and a timings exercise was being conducted to gain a more detailed understanding of the resources required to reduce the WiP. Senior managers said it was likely that SRU’s headcount would be increased, but this could not happen until any movement of workstreams had been finalised.²⁹
- 7.11 From observations, focus groups and interviews carried out by inspectors, and from file sampling, it was clear that SRU caseworkers were highly knowledgeable about the complex legislation, rules and policies relevant to the decisions they were required to make. Staff turnover was low and, despite concerns about the amount of change occurring within the unit, staff said they were generally engaged and challenged by the work. New staff said that they had

²⁸ At the factual accuracy checking stage of this report, the Home Office commented as follows “Any referral accepted into SRU is kept on an electronic record that consists of all accepted referrals. The basic reasoning for why either deprivation or revocation is appropriate will be as set out on the electronic referral and the prima facie reasons for accepting the case for investigation of either deprivation or revocation will be the allegations as set out in the electronic referral.”

²⁹ At the factual accuracy checking stage of this report, the Home Office stated that responsibility for consideration of ceasing refugee status, in cases where conditions in a refugee’s country of origin may have significantly changed, had now been transferred to a different area of UKVI. SRU has however retained responsibility for consideration of ceasing refugee status in cases where a refugee may have voluntarily re-availed him or herself of the protection of their country of origin.

been given detailed training on the specific case types they would be dealing with and had been assigned a mentor to help develop their skills.

- 7.12 At the time of inspection, SRU operated an “end to end” casework process. Once a case has been allocated to a caseworker it remains that person’s responsibility until it is concluded. Case workers were happy with this arrangement, arguing that it ensured consistency of approach throughout the case and prevented any double handling. At any point, a caseworker could be responsible for 40-50 ‘live’ cases, which would be at various stages of completion.
- 7.13 Status review cases are often complex, and require detailed investigation into an individual’s immigration history, which typically stretches back years, sometimes decades. To carry out these investigations, SRU caseworkers need to request records and assistance from other Home Office units and, in some cases, from other government departments (OGDs). Staff told inspectors that it was often difficult to obtain data from OGDs and some refused requests for help. They also reported that requests for copies of records held by the General Register Office (part of the Home Office) attracted a fee.
- 7.14 In discussions with inspectors, it was clear that both caseworkers and managers saw deprivation cases as less “straightforward” than other types of status review case types. The data³⁰ supported this, with deprivation cases taking on average 811 days, where the average for other cases was 333 days. However, inspectors had some doubts about the accuracy of the data, which showed 49 ‘other’ (not deprivation) cases as having been raised and concluded on the same day; a further 40 cases completed in less than 1 month; and 7 cases that had taken over 1,000 days to resolve (the longest being 2,836 days).³¹
- 7.15 Overall, managers were concerned that cases were taking too long to complete and were introducing a system to break cases down into stages. These stages would be monitored electronically to identify any bottlenecks. If successful, this was expected to increase the throughput of cases, which in turn would reduce the amount of work in progress.

Records management

- 7.16 SRU caseworkers told inspectors that it was common practice for them to store electronic documents relating to the cases they were working on in personal folders that were not accessible to others. Home Office policy is clear that records must be stored in such a way that they are retrievable centrally, so that all of the information the Home Office holds on an individual is available to whoever may need it.

³⁰ This is based on the time from ‘Raised Date’ and ‘Outcome Date’ for all revocation decisions by SRU teams.

³¹ At the factual accuracy checking stage of this report, the Home Office stated that “The reasons cases were opened and closed in either a day or in less than a month was a result of either a data cleansing exercise and/or consideration whether to pursue the case for further investigation or consider closing.”

8. Inspection Findings – Special Cases Unit

Deprivation of Citizenship in ‘the public good’

- 8.1 With effect from 16 June 2006,³² the Home Secretary was empowered to deprive an individual of “citizenship status” where “deprivation is conducive to the public good”, provided this did not render the individual stateless. This replaced the previous, harder-to-satisfy test of that the individual’s continued citizenship was “seriously prejudicial” to the UK’s interest, and followed on from the 7/7 London bombings in 2005.
- 8.2 The Immigration Act 2014 further amended the British Nationality Act 1981, and gave the Home Secretary the power to deprive an individual of “citizenship status” where this had been obtained through naturalisation, if satisfied that “the deprivation is conducive to the public good because the person, while having that citizenship status, has conducted him or herself in a manner which is seriously prejudicial to the vital interests of the United Kingdom, any of the Islands, or any British overseas territory”. This amendment also required that the Home Secretary “has reasonable grounds for believing that the person is able, under the law of a country or territory outside the United Kingdom, to become a national of such a country or territory.” In practice, this empowered the Home Secretary to deprive an individual of citizenship even if this rendered them stateless.
- 8.3 In response to concerns from Parliament during the enactment of the Immigration Act 2014 about this new power, the Independent Reviewer of Terrorism Legislation was required to carry out a review. In April 2016, he produced a detailed report³³ looking at its history (such a power had existed prior to 2003, although it had not been used since 1973) and comparing it with powers recently introduced or debated in Australia, Canada and France. At the time of his report, the power had not yet been used, and this remained the case at the time of this inspection.

Special Case Unit’s move to the Office for Security and Counter Terrorism

- 8.4 Until 2013, Special Cases Unit (SCU) was part of UK Visas and Immigration Directorate. In 2013, it was moved to the National Security Directorate within the Office for Security and Counter Terrorism (OSCT). Inspectors were told by an SCU senior manager that OSCT was “a better fit for SCU”, and the move had been welcomed by staff. OSCT’s ready-made networks and specific focus enabled SCU to be more efficient and effective in progressing cases and to be strategically aligned with the wider national security agenda.

³² The Immigration, Asylum and Nationality Act 2006 amended section 40 of the British Nationality Act 1981.

³³ <https://www.gov.uk/government/publications/citizenship-removal-resulting-in-statelessness>.

Nationality Special Cases Team, In-Country and Asylum Casework team and Out of Country team

- 8.5 At the time of the inspection, SCU had 80 staff located in London, Liverpool and Croydon. Nationality Special Cases Team (NSCT) deals with deprivation of citizenship; the In-Country and Asylum Casework team (IAC) deals with revocations of ILR and refugee status; while the Out of Country team leads on excluding individuals from return to the UK, which also involves cancelling any extant leave. Most of the deprivation casework is done in Liverpool, where there are 16 NSCT and IAC staff in total.

Referrals for deprivation of citizenship for national security reasons

- 8.6 Most of the referrals for deprivation of citizenship received by SCU come from the Security and Intelligence Agencies (SIA), with whom SCU has developed close working relationships. Typically, SCU will be made aware of a case before the referral is made, and it is therefore able to brief the Home Secretary in advance about cases that will require her immediate attention.
- 8.7 Before making a referral, the SIA will have taken legal and other relevant advice and will have concluded that deprivation of citizenship is the most appropriate and effective way to protect national security in this instance. The referral will recommend deprivation, with an indication of the urgency. Inspectors were told that SIA referrals are detailed and comprehensive, and the SCU does not conduct its own investigations into the accuracy of the national security case presented to them.

Processing referrals

- 8.8 According to SCU managers and staff, everyone involved understands the sensitivity and seriousness of deprivation cases for national security reasons, and the need to progress them without delay. Inspectors were told that cases can be completed as a matter of urgency if necessary, though this would require preliminary discussions between all the units involved prior to a formal referral being submitted to SCU.
- 8.9 On receipt of a referral, a senior caseworker drafts a submission for the Home Secretary summarising the information provided, and adding any further points the Home Secretary should consider, for example the individual's removeability from the UK.³⁴ All SCU deprivation cases are subject to a thorough assurance process, and draft submissions are cleared by 2 further senior managers and Home Office Legal Advisers before being sent to the Home Secretary.
- 8.10 All deprivation orders for reasons of national security are signed personally by the Home Secretary, who may reject deprivation of citizenship if not satisfied that it is justified or the appropriate course of action.

³⁴ The British Nationality (General) Regulations 2003 set out how notice should be served where an individual is outside the UK. The regulations also explain how notice may be served on an individual's last known address when the individual's whereabouts are not known.

Case volumes and resources

- 8.11 In June 2016, the Home Office responded to a Freedom of Information request that, between 2006 and 2015, there were 81 deprivations of citizenship orders made.³⁵ Of these, 36 orders were made on the grounds that deprivation was “conducive to the public good”. The other 45 were made on the grounds that the Home Secretary was satisfied that fraud or false representation had been used to gain British citizenship by registration or naturalisation.³⁶
- 8.12 Redacted
- 8.13 Redacted

³⁵ <https://www.whatdotheyknow.com/request/318785/response/827666/attach/3/CCWD%20FOI%2038734%20Final%20Response.pdf>
³⁶ <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN06820>

9. Inspection Findings – Criminal Casework

Management of Foreign National Offenders

- 9.1 Within the Home Office, Criminal Casework (CC) is responsible for the management of most Foreign National Offender (FNO) cases. CC is part of the Immigration Enforcement Directorate, whose strategic objectives include to:
- effectively manage high harm individuals to reduce risk to the public
 - continue to increase the number of individuals we remove from the UK
- 9.2 CC's business plan for 2016-17 states that its objective is "to protect the public by deporting or removing FNOs who commit criminal offences, where legislation permits, and to actively monitor and manage FNOs released into the community pending deportation."

Cancellation, Cessation and Revocation team

- 9.3 Where an FNO has been granted refugee status, any attempt to remove them from the UK may constitute a breach of the UK's obligations under the Refugee Convention, or Articles 2 or 3 of the European Convention on Human Rights. When a CC case owner identifies that the FNO holds leave as a refugee they are required to pass the case to CC's Cancellation, Cessation and Revocation (CCR) team to examine whether the refugee status can be removed.
- 9.4 In such cases, CCR will examine whether the FNO's record of criminality is serious enough to warrant revocation of their refugee status. CCR will also look at whether the circumstances in the individual's home country are now such that they no longer require international protection and their refugee status may be ceased.
- 9.5 Managers in the CCR team told inspectors that there had been delays in case owners identifying whether an FNO held refugee status. This can occur because the FNO has a lengthy and complex immigration history, or was a dependant family member when refugee status was granted to their parent or relation. In some cases, the FNO themselves may be unaware of their refugee status. Some grants of refugee status predate the electronic casework system, which was introduced in 1995, and in these cases record retrieval has been problematic.
- 9.6 Managers said that CC case owners had been briefed on the importance of identifying refugee cases when considering removal action, and informed of the potential consequences of a failure to identify those with refugee leave. Training had been provided in how to interrogate the Case Information Database (CID) and legacy record keeping systems for details identifying how someone had obtained their UK leave. This has led to refugee cases being identified more promptly. In the files examined by inspectors there were no instances of delays caused by a failure to identify refugee leave, suggesting that these mechanisms were working effectively.

Workflow within Cancellation, Cessation and Revocation team

- 9.7 The CCR workflow manager looks at referred cases on receipt and identifies whether there are any compelling factors that warrant processing the case out of turn (for example, the FNO is due for imminent release from prison, or the case is 'high profile'). If it is decided to treat the case as a priority it is routed immediately to a caseworker. If not, the case will join the Work in Progress (WiP) queue.
- 9.8 Inspectors observed the workflow manager's daily briefings. Each caseworker was asked how they were progressing with their current caseload and their capacity to take on new cases. In this way, workflow was effectively monitored and caseworkers had the opportunity to flag any issues they were experiencing.
- 9.9 Caseworkers also held a weekly meeting to discuss complex cases, or changes to policy or country guidance they had encountered during the previous week. This meeting enabled caseworkers to identify any trends, and to ensure that decision making was consistent throughout the unit.

Case progression

- 9.10 The FNO revocation casework process has 3 stages:
- stage 1 is where the FNO is informed in writing that their refugee status is being reviewed, with the reasons why it may be removed explained, and the FNO is invited to make any submissions to the Home Office regarding this
 - stage 2 follows receipt of the FNO's response, and involves CCR writing to the United Nations High Commissioner for Refugees (UNHCR) to seek their input regarding the potential removal of refugee status
 - stage 3 follows receipt of the UNHCR's response, when CCR decides whether to proceed with action to remove refugee status and writes again to the FNO advising them of the decision³⁷
- 9.11 CCR caseworkers are responsible for completing particular actions on a case rather than responsibility for the case from beginning to end. Managers and caseworkers told inspectors that they preferred this approach to retaining "end to end" ownership of a case. Staff who had been in the unit for several years explained that it had previously operated "end to end" caseworking, but this had been far less efficient and led to caseworkers having responsibility for too many 'live' cases at a time. It also meant cases were not monitored effectively and throughput was lower. Working "stage by stage" also allowed staff to see their colleagues work, which helped to share best practice.
- 9.12 At the time of the inspection, Stages 1 and 3 were being completed by Executive Officer (EO) grade caseworkers, while Stage 2 letters had recently been allocated to Administrative Officer (AO) grade caseworkers to complete. Managers and caseworkers believed that this arrangement was working well, had helped to improve processing times, and was allowing AO grade staff to develop and take on more responsibility. Senior managers said they were considering whether any other parts of the process could be undertaken by AO grade caseworkers.

³⁷ Home Office guidance states: "There is no need to draft a formal response to UNHCR addressing the points raised, but UNHCR must be provided with a copy of the final outcome letter."

United Nations High Commissioner for Refugees role

- 9.13 Paragraph 358C(c) of the Immigration Rules³⁸ states that: “a representative of the United Nations High Commissioner for Refugees (UNHCR) shall be entitled to present his views, in the exercise of his supervisory responsibilities to the Secretary of State regarding individual applications for asylum at any stage of the procedure.”
- 9.14 In practice, the Home Office routinely engages UNHCR only when seeking to remove an individual’s refugee status. Home Office policy states that “UNHCR should usually be provided with 10 working days within which to respond”. Statistics provided by CC showed that, between March 2016 and June 2017, the average response time was in fact over 100 days. The Home Office does not proceed until it has received UNHCR’s response.³⁹
- 9.15 Inspectors requested statistics detailing the number of cases where an FNO had come to the end of their custodial sentence before a response had been received from UNHCR. This had occurred in 41 cases since July 2016, and 20 of the 41 individuals had been placed in immigration detention. In total, these individuals were detained for 897 days at a cost of £77,213.⁴⁰
- 9.16 Senior managers told inspectors it was “only in the last 12 months or so” that UNHCR had been much slower to respond. They understood there had been an issue with UNHCR staff being called away on other missions, and therefore leading to a shortage of resources to review the revocation files sent to them. Home Office staff held discussions with their UNHCR counterparts about how to improve the situation, since when steps had been put in place to expedite any cases directly with UNHCR that need quicker resolution. This is a manual workaround, with staff checking a spreadsheet for cases where the FNO is due for release. This information is then passed to UNHCR to deal with as a priority.

Staff engagement

- 9.17 From observations, focus groups and interviews carried out by inspectors, and from file sampling, it was clear that CCR caseworkers had a strong technical knowledge of the legislation, the Immigration Rules and the policies relevant to their work.
- 9.18 Caseworkers told inspectors that they found their work challenging and engaging. However, they were frustrated with ongoing issues with unreliable and inflexible IT. The documents generated using the caseworking system are pre-populated templates, designed to make producing and serving official documents easier and more consistent. But, many of these templates are out of date and caseworkers were having to amend documents manually each time. This wasted several minutes per case and increased the risk of incorrect information being printed on decision paperwork should the caseworker fail to make the necessary manual amendment. Staff at all grades reported that they had made several IT requests to have this remedied, but no action had been taken.

³⁸ <https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-11b>

³⁹ Home Office guidance states: “Contact UNHCR to agree any further extensions before proceeding if no response has been provided.

⁴⁰ Home Office Comment – “The information is a list of cases where release from prison, or entry into immigration detention, has occurred while waiting for a reply from the UNHCR. This is not to say that the reason for release/detention can be attributed to the lack of a response from the UNHCR. In all cases the decision on detention/release is case specific and dependant on a review of the case as a whole, against current policies. The potential timescale for removal (which might be influenced by the timing of a reply from the UNHCR) is a key factor”

10. Inspection Findings – Communication

Communication, consistency and the sharing of best practice

- 10.1 Despite undertaking similar casework, inspectors found that the Status Review Unit (SRU), Special Cases Unit (SCU) and Criminal Casework’s Cancellation, Cessation and Revocation (CCR) team did not have any regular communication with one another, and there were no mechanisms for ensuring that they were taking a consistent approach to casework or sharing best practice.

Impact on efficiency and effectiveness

- 10.2 Case Study 2 is an example of where had there been regular communication between CCR and SRU it would have improved the efficiency and effectiveness of both.

Case study 2: Example of where the absence of regular communication between caseworking units affected Home Office efficiency and effectiveness

Case Summary:

In July 2017, inspectors observed the weekly Criminal Casework complex cases meeting, at which caseworkers discussed a Foreign National Offender (FNO) who had been granted refugee status as a Kosovan national, but it later transpired was in fact Albanian.

CCR was looking to revoke refugee status on the basis he had obtained it through deception, and the caseworking process in relation to this was ongoing.

The investigation had revealed that the FNO had come to the UK with family members, who had also been granted refugee status as Kosovans.

The CCR caseworkers discussed whether any revocation action was being considered for any of the family members. It became apparent that none was, but the CCR caseworkers were uncertain where or how to send a referral to initiate an investigation.

Independent Chief Inspector’s comment:

Given that CCR, the SRU and SCU are using essentially the same ‘tools’ to achieve essentially the same outcomes, it would be reasonable to expect them to be in regular communication and, as a minimum, for caseworkers to know how to flag or refer cases from one unit to the other.

In this instance, CCR caseworkers should have recognised that SRU is responsible for considering cases where someone has obtained refugee status by deception, in which case the status may be cancelled.

Impact on consistency

- 10.3 Case Study 2 also raises the issue of consistency. By failing to treat individuals with the same immigration history in the same way the Home Office risks litigation and reputational damage in that its decisions are unfair.
- 10.4 The Home Office provided inspectors with data for cancellations, cessations, and revocations of refugee status made by CCR and SRU for the period 1 January 2015 to 31 March 2017 – see Figure 7.

Figure 7: Cessations, cancellations and revocations of refugee status by CCR and SRU for 1 January 2015 to 31 March 2017

	CCR	SRU
Cancellations of refugee status	6	56
Cessations of refugee status	309	25
Revocations of refugee status	32	37

- 10.5 Cancellation of refugee status (or of Indefinite Leave to Remain (ILR) for non-refugees) is used where the Home Office establishes that status has been fraudulently obtained. Given the relative size of the SRU and CCR Work in Progress (WiP), the greater use of cancellation by SRU is unremarkable, although whether either unit is using cancellation to its fullest possible extent is unclear from the data, and there are no estimates of the scale of such frauds.
- 10.6 Where conditions in an refugee’s country of origin have changed, “such that there are no longer grounds for regarding a previous fear of persecution to be well-founded ... the Refugee Convention shall cease to apply, resulting in cessation status”.⁴¹ Since caseworkers in CCR and SRU rely on the same country of origin information⁴² to support any such decision, the significant disparity in the overall numbers of cessations made by the 2 units is noteworthy, all the more so when the data is broken down further by nationality, and as FNOs are in the minority within the total population of refugees for each nationality – see Figure 8.

Figure 8: Cessations of refugee status made by CCR and SRU between 1 January 2015 to 31 March 2017, ranked in order of CCR’s largest cohorts

Country of origin	Cessations by CCR	Cessations by SRU	Total population holding limited leave as a Refugee at 31 March 2017
Somalia	152	1	1,278
Zimbabwe	29	1	813
Democratic Republic of the Congo	15	0	546
Afghanistan	14	7	3,290
Turkey	11	0	391

- 10.7 Inspectors were told that when UNHCR made representations in cessation cases it frequently

⁴¹ Immigration Rules paragraph 339A.

⁴² Produced and updated by the Home Office’s Country Policy and Information Team and available on GOV.UK.

pointed out that criminality is not grounds for cessation, to which the Home Office's standard response was that, while the case may have come to its attention because the individual was an FNO, this was not why their refugee status was being ceased.

- 10.8 CCR told inspectors "There is a simple operational explanation why CCR investigates cessation of refugee status before revocation: our objective is to deport FNOs therefore we must first establish that there can be a safe return to the country of origin of a FNO without breach of the Refugee Convention and Article 2 or 3 rights."

Plan to improve communication

- 10.9 Senior managers in SRU, CCR and SCU accepted that there was little communication between the units, despite significant crossovers in the nature of the work. They told inspectors that it was something they would like to improve, and following on from the inspection they would look to do so.

Annex A: Criteria used for this inspection

Inspectors used all 10 of the ICIBI inspection criteria:

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
- resources should be allocated to support operational delivery and achieve value for money
- complaints procedures should operate in accordance with the recognised principles of complaints handling

Safeguarding Individuals

- all individuals should be treated with dignity and respect and without discrimination in accordance with the law
- enforcement powers should be carried out in accordance with the law and by members of staff authorised and trained for that purpose
- all border and immigration functions should be carried out with regard to the need to safeguard and promote the welfare of children
- personal data of individuals should be treated and stored securely in accordance with the relevant legislation and regulations

Continuous Improvement

- the implementation of policies and processes should support the efficient and effective delivery of border and immigration functions
- risks to operational delivery should be identified, monitored and mitigated

Annex B: Role and remit of the Independent Chief Inspector

The role of the Independent Chief Inspector of Borders and Immigration (until 2012, the Chief Inspector of the UK Border Agency) was established by the UK Borders Act 2007. Sections 48-56 of the UK Borders Act 2007 (as amended) provide the legislative framework for the inspection of the efficiency and effectiveness of the performance of functions relating to immigration, asylum, nationality and customs by the Home Secretary and by any person exercising such functions on her behalf.

The legislation empowers the Independent Chief Inspector to monitor, report on and make recommendations about all such functions. However, functions exercised at removal centres, short-term holding facilities and under escort arrangements are excepted insofar as these are subject to inspection by Her Majesty's Chief Inspector of Prisons or Her Majesty's Inspectors of Constabulary (and equivalents in Scotland and Northern Ireland).

The legislation directs the Independent Chief Inspector to consider and make recommendations about, in particular:

- consistency of approach
- the practice and performance of listed persons compared to other persons doing similar activities
- the procedure in making decisions
- the treatment of claimants and applicants
- certification under section 94 of the Nationality, Immigration and Asylum act 2002 (c. 41) (unfounded claim)
- the law about discrimination in the exercise of functions, including reliance on section 19D of the Race Relations Act 1976 (c. 74) (exception for immigration functions)
- the procedure in relation to the exercise of enforcement powers (including powers of arrest, entry, search and seizure)
- practice and procedure in relation to the prevention, detection and investigation of offences
- the procedure in relation to the conduct of criminal proceedings
- whether customs functions have been appropriately exercised by the Secretary of State and the Director of Border Revenue
- the provision of information
- the handling of complaints
- the content of information about conditions in countries outside the United Kingdom, which the Secretary of State compiles and makes available, for purposes connected with immigration and asylum, to immigration officers and other officials.

In addition, the legislation enables the Secretary of State to request the Independent Chief Inspector to report to her in writing in relation to specified matters.

The legislation requires the Independent Chief Inspector to report in writing to the Secretary of State. The Secretary of State lays all reports before Parliament, which she has committed to do within 8 weeks of receipt, subject to both Houses of Parliament being in session. Reports are published in full except for any material that the Secretary of State determines it is undesirable to publish for reasons of national security or where publication might jeopardise an individual's safety, in which case the legislation permits the Secretary of State to omit the relevant passages from the published report.

As soon as a report has been laid in Parliament, it is published on the Inspectorate's website, together with the Home Office's response to the report and recommendations.

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