



Home Office

## **The Home Office response to the Independent Chief Inspector of Borders and Immigration report:**

**‘A re-inspection of the Family Reunion process, focusing on applications received at the Amman Entry Clearance Decision Making Centre’**

**November 2017 – April 2018**

## **The Home Office thanks the Independent Chief Inspector of Borders and Immigration (ICIBI) for his report.**

The Home Office is committed to ensuring that Family Reunion casework is of the highest quality and that effective decisions are made to bring together families who qualify quickly and without undue delay. In total, the Home Office issued 4803 Family Reunion applications in 2017.

We welcome the progress which this report has noted on how the Department has reduced the number of complex cases, improved the speed in which information is made available to case-owners from asylum interviews and increased the number of cases which are now considered by case-owners on an exceptional basis for Leave Outside the Rules.

The Home Office accepts that there are areas where we need to deliver further improvements to our processing of Family Reunion applications and work is already underway to consolidate applications from a number of different Decision-Making Centres into one central hub in the UK. We have also delivered a series of masterclass sessions to our case-owners to further strengthen decision quality in this area

We are also reviewing our guidance on Family Reunion and our wider approach to DNA testing and we will continue to engage constructively with the ICIBI on these matters and take into account the points made by the ICIBI in this report.

### **Case working processes**

The Home Office is in the process of moving the consideration of Family Reunion applications to a dedicated team based in the UK. This team will have access to Home Office interpreters allowing caseworkers to interview applicants or their sponsors, if required. In the interim, case workers based in overseas locations are able to utilise the language skills of locally engaged staff. Progress has been made in reducing the time taken in passing information on in-country records relating to the sponsors' original asylum claim to the overseas operation. This will further reduce with the dedicated team as they will have ready access to the sponsors' Home Office records.

While there is always room for improvement in processing cases in a timely manner, UKVI continues to process over 95% of straightforward settlement applications, which includes Family Reunion, within 60 working days.

We also note the broader improvements required in the open recommendations, particularly in relation to decision quality. Refinements were made to the Review to Risk criteria to ensure that Family Reunion decisions are routinely reviewed. We have undertaken a masterclass with lead caseworkers and Entry Clearance Managers (ECMs) alongside Family Reunion policy leads - who were able to provide stakeholder views - and presenting officers'. This masterclass reinforced the importance of decision quality, and the role of the ECM in assuring the caseworker's justification of their decision. The points arising from the masterclass have been cascaded down to other caseworkers and managers who work on Family Reunion applications. We are reviewing how further refinements to this process can improve decision quality.

The Home Office is pleased that acknowledgement has been given to our caseworkers in the complex task of considering exceptional and compassionate circumstances. There has been a marked increase in the number of cases, where the individual does not meet the Family Reunion immigration rules, being referred for grants of Leave Outside of the Rules. The ICIBI has highlighted his concerns over the assessment and refusals of Spouses who are under the

age of 18. We accept a marriage or civil partnership as lawful provided it is undertaken in accordance with the laws of the country in which it took place, and provided there is nothing in either of the couple's country of domicile to prevent it being acceptable in UK law. Where a marriage or civil partnership is contracted between people where one or both are under the age of 18, we may accept it is a valid marriage or civil partnership, but do not accept it for the purpose of UK immigration. Where an application for entry to the UK is received from a person, who is a spouse or civil partner who is under 18, the application will be refused under the Family Reunion Immigration Rules. Consideration will be given to whether there are exceptional circumstances that warrant a grant of Leave Outside of the Immigration Rules. Any grant of leave for a child who is in this situation, would be as a child and not as a spouse or civil partner and processed in line with the duty under section 55 to consider the welfare and best interest of a child. The Family Reunion guidance covers exceptional circumstances and, as outlined below, we are in the process of reviewing the guidance as part of the wider approach to Family Reunion, and the wider Asylum and Resettlement Strategy.

The Home Office is pleased that the report has noted that there has been a significant reduction in cases that have been marked as 'complex' following the 2016 report and share the ICIBI's view that this is a positive improvement.

The Home Office remains committed to continuously improving our casework and we are happy to engage further with the ICIBI and his team about how those improvements can be achieved.

## **Policy and guidance**

The Home Office takes the provision of clear and coherent guidance for caseworkers very seriously, and makes every effort to ensure that caseworkers have the best guidance available to them. This is demonstrated by revisions to the guidance made immediately following the Chief Inspector's initial report on [Family Reunion \(FR\)](#) applications, published in September 2016. The Home Office has noted that the ICIBI has stated that he feels this is moving far too slowly, however it is important to make sure that guidance updates are published when further changes are unlikely to be necessary in the short-term.

The Home Office is in the process of reviewing the approach to Family Reunion as part of the wider Asylum and Resettlement Strategy. As part of this review, consideration is being given to the recent debates on Refugee Family Reunion in the context of two Private Members' Bills (Baroness Hamwee's in the Lords, and Angus MacNeil's in the Commons). The passage of these Bills will be followed closely whilst productive discussions with key Non-Governmental Organisations (NGOs) in this area continue. Family Reunion policy development remains a high priority and the guidance will be updated once a firm position has been reached.

Those applying for Family Reunion are not required to provide DNA evidence to prove their family relationship and can rely on other evidence to support their application. Home Office guidance on considering Family Reunion applications (Family Reunion: for refugees and those with humanitarian protection) highlights the challenges that applicants may face in obtaining documents to support their application and makes clear the types of evidence that can be provided.

The Home Office undertook to review its approach to funding DNA tests in Family Reunion applications following the Chief Inspector's recommendations in his initial 2016 report. A wider review of our approach to DNA testing across all Immigration routes was announced by the Immigration Minister on 3 July and we will update the ICIBI on its findings during our next quarterly meeting.