



Home Office

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

## **An inspection of family reunion applications**

**June – December 2019**

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

The Department is grateful for the ICIBI's assessment of family reunion applications and the engagement with staff in the areas inspected, and for setting out the recommendations in his report. UK Visas and Immigration (UKVI) is committed to improving every aspect of the family reunion application process. UKVI welcomes the ICIBI's proposals on how to further improve the family reunion application process, to ensure that these applications are handled appropriately, in a way that takes account of the inherent and sometimes acute vulnerability and protection needs of the applicants.

The Home Office is pleased the report identifies the progress made since the original family reunion inspection in 2016 and subsequent re-inspections in 2017 and 2018 – specifically the transfer of the bulk of family reunion decision making to a dedicated UK team, based in Sheffield. The report identified an improvement in decision quality, improved clarity in refusal decisions and a greater awareness and sensitivity when considering applications. UKVI recognises that there is further work required to improve the handling of family reunion applications and will implement the accepted and partially accepted recommendations to achieve this.

The Department acknowledges the need to onshore the final strand of family reunion applications, which are submitted in Khartoum and considered in Pretoria, to ensure consistency in quality and performance across the system; UKVI is currently working to achieve this. The concerns of stakeholders relating to the performance of the Visa Application Centres (VACs) abroad demonstrates the need to ensure that the family reunion process is working for all applicants. UKVI will work with commercial partners to ensure existing processes are improved where necessary.

### **Home Office response to the recommendations**

The Home Office accepts or partially accepts all recommendations.

#### **The Home Office should:**

- 1. Take all necessary steps to onshore decision making for family reunion applications from the Pretoria Decision Making Centre to Asylum Operations (Sheffield) before the end of 2019-20, and support this with a clear statement to staff and stakeholders about the permanency of this arrangement.**

#### **1.1. Partially accepted**

- 1.2. The Home Office intends to onshore the final overseas family reunion decision making centre to Asylum Operations in Sheffield, following the earlier work to onshore work from all other areas. Work is currently underway to achieve this. Original plans were to find a commercial solution to digitising the application process in Sudan, but it is likely this would have taken six to eight months. To reduce the timetable to onshore the work, UKVI has put in place a temporary workaround to scan documents locally after the applications have been submitted, which will only add a short delay to the family reunion process (1-2 days).
- 1.3. A preliminary meeting has taken place between teams in UKVI, with a view to confirming forecast volumes, resources and supporting processes, so that the work can

start to be transferred to the UK. Regular meetings will be set up to manage onshoring for the remaining work, which is expected to take around four months. This recommendation has been partially accepted as it was not possible to meet the end of 2019-20 deadline; we plan to complete the work before the end of 2020 (allowing for any delays as a result of Covid19).

- 2. Complete the review of the resourcing of Asylum Operations (Sheffield), ensuring that it has the capacity, skills and experience to manage the global intake of family reunion applications, plus co-located administrative support and access to relevant IT systems and technical support (for example, document fraud experts, country specialists, interpreters, experts in assessing vulnerabilities).**

#### **2.1. Accepted**

2.2. The Home Office is committed to ensure that Asylum Operations in Sheffield has the capacity and resource to manage the worldwide intake of family reunion applications. The recommended review has taken place. The roles being covered on a temporary basis have now either been filled permanently or a recruitment process is underway. UKVI intends to recruit Sheffield based administrative support, to undertake roles that require access to specialist IT systems, which will provide enhanced oversight of workflow issues and ensure roles are resourced at the appropriate grade. UKVI is currently participating in a pilot to verify fraudulent documents submitted in support of family reunion applications, working with the International Organisation for Migration (IOM), including investigating whether more robust systems to identify abuse, vulnerability and safeguarding issues can be introduced.

- 3. Ensure that Management Information (MI) in respect of family reunion applications is sufficient not just to support the efficient processing of applications and to assure decision quality, but also to provide insights into the profiles and circumstances of applicants, the reasons why applications succeed or are refused, and any trends, in order to check that both the operational response and the underpinning policies are fit for purpose.**

#### **3.1. Accepted**

3.2. Internal MI has been improved to measure quality, performance, productivity for all family reunion work that has been moved onshore, to support the efficient processing of applications. Once all family reunion work has transferred to the UK, the suite of management reports will provide a complete and comprehensive overview of all family reunion applications and related supporting processes.

3.3. The Home Office accepts that there is value in identifying patterns and trends using behavioural insight information and will seek to commission specific behavioural insight work from departmental specialists when required. Specific behavioural insight work will be commissioned on an ad hoc basis, rather than as regular MI reporting on family reunion operational activities.

- 4. Pending any new legislation, clarify the Home Office's position (with supporting evidence) in relation to those areas of the present policy that have been the subject of Parliamentary and stakeholder interest, in particular: child sponsors; dependent family members over 18 years of age; funding for DNA tests; availability of legal aid.**

#### **4.1. Accepted**

4.2. The Department is happy to clarify its position.

#### Child Sponsors

- 4.3. The Government has made clear in the past its concern that allowing children to sponsor parents would risk creating incentives for more children to be encouraged, or even forced, to leave their family and attempt hazardous journeys to the UK. This would play into the hands of criminal gangs, undermining our safeguarding responsibilities.
- 4.4. Government policy is not designed to keep child refugees apart from their parents, but in considering any policy we must think carefully about the wider impact to avoid putting more people unnecessarily into harm's way. There is a need to better understand why people choose to travel to the UK after reaching a safe country. It is important that those who need international protection should claim asylum in the first safe country they reach – that is the fastest route to safety.

#### Dependent family members over 18

- 4.5. With regard to dependent family members over 18 years of age, there are other provisions in the Immigration Rules that cater for extended family members (<https://www.gov.uk/government/publications/chapter-8-appendix-fm-family-members>).
- 4.6. Furthermore, current policy (<https://www.gov.uk/government/publications/family-reunion-instruction>) makes clear that where an application does not meet the Immigration Rules, there is discretion to consider exceptional circumstances or compassionate factors (<https://www.gov.uk/government/publications/family-life-as-a-partner-or-parent-private-life-and-exceptional-circumstance>) which may warrant a grant of leave outside the Immigration Rules. One of the examples given in the guidance is that of children over the age of 18 who would be left alone in a conflict zone or dangerous situation; have no other relatives that they could live with or turn to for support in their country; and are not leading an independent life.

#### Funding for DNA tests

- 4.7. It is for applicants to provide evidence in support of their application, including the nature of their relationship with their sponsor. Applicants can volunteer a range of evidence to prove a family relationship, which can include DNA evidence. The Home Office cannot mandate applicants to provide DNA evidence to prove a family relationship and is not responsible for meeting the costs of DNA tests.

#### Availability of legal aid

- 4.8. As the report highlights, legal aid is a Ministry of Justice policy. Legal aid for refugee family reunion may be available under the Exceptional Case Funding (ECF) scheme, where there is a breach or risk of breach of ECHR or enforceable EU rights, and subject to means and merits tests.
- 4.9. The Ministry of Justice, in collaboration with the Home Office, recently amended the scope of legal aid via the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Legal Aid for Separated Children) (Miscellaneous Amendments) Order 2019 (<http://www.legislation.gov.uk/uksi/2019/1396/contents/made>) to include separated

migrant children. This makes provision for separated migrant children to be eligible for legal aid for civil legal services in relation to their application or an application by another person, including family members and extended family members, for entry clearance, leave to enter or leave to remain in the UK granted either under the immigration rules or outside the rules on the basis of exceptional circumstances or compassionate and compelling factors.

5. **Ensure that the reporting from and oversight of the operation of Visa Application Centres (VACs) is sufficient to understand in detail and respond quickly to any practical or other obstacles affecting their accessibility for family reunion applicants, including: where they are located and whether alternative solutions (for example, mobile biometric clinics) may be required; the availability of free appointments; recognition of the particular circumstances of family reunion applicants, so that they are not met with unreasonable demands for documentation, return visits and fees.**

#### **5.1. Partially accepted**

5.2. UKVI has processes in place to ensure that the information provided to commercial partners abroad allows them to identify family reunion applicants. We will use insight from this report to improve commercial partner training and operating procedures to ensure that family reunion applicants are managed in VACs to provide best possible customer service to meet their administrative needs. The current commercial arrangement includes reporting and monitoring processes to ensure that commercial partners meet their contractual obligations.

5.3. It is not economically viable for UKVI to have VACs in every country across the world. The VAC footprint is driven by a number of considerations, including the volume of applications that are likely to be made at it; UKVI cannot commit to opening new locations or offer alternative solutions in locations where volumes are low, but will keep the footprint of the VACs under review.