



Home Office

**The Home Office response to the Independent Chief Inspector's report:**

**'An inspection of Settlement Casework'**

**February – July 2015**

## The Home Office thanks the Independent Chief Inspector (ICI) for his report.

The Home Office is pleased that the Independent Chief Inspector found that “in the vast majority of cases Settlement applications were handled efficiently and effectively.” The vast majority of settlement applications were processed well within published service standards and within internal quality targets. The creation of a dedicated team to consider revocation of settlement in 2013 was considered “a positive move”.

We were encouraged to note his recognition that the service provided is already of a high standard based on the number of complaints and CSE accreditation in UK Visas and Immigration (UKVI). In addition, the report recognises that Settlement Casework has exceeded its customer service standard of 98.5% of settlement applications being decided within six months albeit the ICI thought that “the process could be speeded up for straightforward cases.” The service standards were set as part of our commitment to improve our customer service to set a maximum time for workable applications and were agreed following wide consultation. Since April 2015, workable postal Settlement applications have taken on average under 11 weeks to decide and from January 2014 to December 2014, 99.4% of workable cases were completed within service standard.

Service standards for those making an application to settle in the UK compare favourably with those of other countries such as Australia and the USA. The service standards for those making applications for settlement in Australia range from 3 to 28 months, with most routes taking between 5 to 9 months. Those applying to settle in the United States as a family member of a US Citizen can take several years. The US advice in their notice “How do I help my relative become a US Permanent Resident?” states: *“For most relatives, the combination of high demand and the limits set by law on how many people can immigrate each year means that they may have to wait several years.”* For those wanting to work in the US, they are offered settlement only if they have the requisite skills.

The Home Office introduced the Operating Mandate in November 2014 which details the mandatory security checks which must be carried out for all applications and the ICI found that the Operating Mandate was working effectively. The ICI examined 240 files during their inspection and found that the mandatory security checks were carried out in all cases and caseworkers had identified every instance of criminality or adverse behaviour and made the correct decision.

The ICI found that all decisions to refuse the 25 Domestic Violence applications were justified. However, in 15 out of 25 decisions to grant settlement he found that caseworkers were not assessing evidence in line with current guidance by placing weight on evidence from support agencies. We are now reviewing that guidance to make it clearer how we assess evidence from support agencies and will look at the feasibility of introducing interviewing where appropriate.

We recognise the ongoing need to improve and welcome the challenge and recommendations in this report. We have already made progress in implementing some of the ICI’s recommendations, several of which are being taken forward as part of our continuous improvement programme.

Of the twelve recommendations, the Home Office fully accepts eleven and does not accept Recommendation 11 for the reasons given below.

**1. Recommendation 1: That the Home Office should ensure that:**

- **all instances of possible deception are identified and fully considered under the general grounds for refusal of settlement; and**
- **all settlement cases where a caseworker has identified possible deception are reviewed by a Senior Caseworker, and where the decision is not to refuse on general grounds the reasoning is recorded in full.**

**1.1 Accepted; already implemented.**

**1.2** This recommendation was already in place at the time of the inspection although it was not at the time of the ICI file sample. We have sent out communications to our Senior Caseworker network and UKVI have issued a formal Operational Instruction to all caseworkers and Senior Caseworkers to remind them to record that they have identified and fully considered under the general grounds for refusal all possible deception cases. Currently for all cases where a caseworker has identified possible deception, a review is conducted by Senior Caseworker in our Premium Service Centres (PSCs) And, for postal applications where the caseworker is minded to grant the application, a referral is made to a Senior Caseworker or manager. Where the decision is not to refuse on general grounds the reasoning is recorded in full in the caseworker consideration notes.

**2. Recommendation 2: Consider making further amendments to the caseworker template in relation to Tier 2 settlement applications in order to capture, simply, which 'specified documents' have been provided and which have not.**

**2.1 Accepted; implemented in part.**

**2.2** Following a review of casework templates as part of our continuous improvement activity, consideration templates were updated in December 2014/January 2015 in Premium Service Centres. This update included changes to the Tier 2 consideration templates to specifically record what specified evidence has and has not been provided. The ICI file sample reviewed decisions made in October 2014/November 2014 which was before we made the changes to our consideration templates. All postal Tier 2 Settlement Refusal notices will be reviewed and amended to ensure there is a record of which specified documents have been provided and which have not.

**3. Recommendation 3: Put appropriate assurance mechanisms in place to prevent unclear and inaccurate refusal notices from being issued to Tier 2 applicants refused settlement.**

**3.1 Accepted; implemented in part.**

- 3.2** All settlement refusal notices are reviewed and signed off by a Senior Caseworker or manager before the decision is served on the applicant to ensure that the refusal grounds are clear, accurate and in accordance with the Immigration Rules. In addition, regular feedback from the Administrative Review Team is given on our decisions which are reviewed following the submission of an Administrative Review by the applicant. This feedback is shared and reviewed to identify common issues or errors in our decision making. Feedback on individual cases is provided to individual Senior Caseworkers and caseworkers to review and put in place appropriate remedial action and further training where necessary.
- 3.3** There is a separate project led by Immigration and Border Policy Directorate to review existing decision templates and to improve their content, clarity and consistency. This will take account of all refusal templates, including Tier 2 notices.
- 3.4** In April 2015, UKVI introduced a new system to assess decisions for the quality of both the accuracy and clarity of our decisions. This system provides feedback on best practice and areas of improvement both on a thematic and individual level. All caseworkers have a quality objective in their performance appraisals and the markings in their quality assessments form an integral part of their performance rankings.
- 4. Recommendation 4: Remind caseworkers that uncorroborated evidence relayed by agencies that support domestic abuse victims should not be given disproportionate weight and should be verified where possible.**
- 4.1 Accepted.**
- 4.2** We agree that uncorroborated statements either made directly by the applicant to UKVI or indirectly through a third party should be treated carefully. However we do not consider that the evidence in the decisions to grant considered by UKVI fell into this category. We are reviewing the guidance to caseworkers to make a clearer distinction between an assessment by a domestic violence professional that domestic violence has occurred and a letter of support which merely repeats the applicant's version of events.
- 5. Recommendation 5: Provided it can be managed effectively and without delaying decisions, encourage caseworkers to interview Domestic Violence applicants in cases where the supporting evidence does not allow the caseworker confidently to assess the applicant's credibility.**
- 5.1 Accepted.**
- 5.2** We agree that there may be cases where an interview would prove a valuable aid to assessing the applicant's credibility. However, we need to give further consideration to the possible resource implications and the optimal arrangements for interviewing, including what specialist training might be required in view of the possible vulnerability of the applicants.

**6. Recommendation 6: Keep the percentage of refusals and timeliness of decisions in Domestic Violence settlement cases under review, ensuring that performance measures take full account of the risk of fraudulent claims, the complexity of such cases, and the need to protect vulnerable individuals.**

**6.1 Accepted; already implemented.**

**6.2** UKVI regularly reviews its levels of performance which includes quality, timeliness and percentage of refusal decisions. We are especially vigilant in highly sensitive applications, such as Domestic Violence, where vulnerability and timeliness are major considerations. Senior managers review performance measures on a weekly basis. We set internal targets of 20 days but will always extend this where we need to make further enquiries or require extra evidence to reach a decision based on the balance of probabilities.

**6.3** The ICI report recognises that the refusal rate in Domestic Violence applications is much higher than the overall rate for Settlement. This is because some applicants do not meet the eligibility criteria because they have never had leave under one of the specified paragraphs of the Immigration Rules. It is also because caseworkers are working in line with the guidance and are alert to the risk of fraudulent applications.

**7. Recommendation 7: Amend the Settlement Protection consideration minute template and require caseworkers to:**

- **note the reasons why protection was granted originally; and**
- **assess whether there has been any change in personal circumstances that may impact on the continuing need for protection.**

**7.1 Accepted.**

**7.2** The Home Office policy on settlement protection already requires caseworkers to review the reasons why protection was originally granted and to assess whether there has been a significant change in the country situation, or a change in personal circumstances, such that an individual no longer needs protection. Those granted refugee status or humanitarian protection will normally qualify for settlement after completing five years limited leave, providing they still need protection. However, where it is clear that someone no longer needs protection they will not qualify for further leave on that basis and will need to apply to stay on another basis or leave the UK.

**7.3** This recommendation refers to the need to make sure that settlement caseworkers properly record the reasons why a decision has been taken. In most cases this is already clearly recorded on the Home Office file but we agreed that improving the consideration template so that caseworkers are absolutely clear about what is required would ensure greater clarity. That is why we are updating and issuing a revised consideration minute that specifically requires caseworkers to record their assessment of any change in circumstances as part of the decision-making process. We have also designed and scheduled workshops to assist caseworkers in considering when such changes may lead to the revocation of refugee status. The workshops will be delivered in November following changes to the Immigration Rules relating to revocation of refugee status due to be implemented on 19 November.

- 8. Recommendation 8: ensure that SRU caseworker resources are sufficient to consider Indefinite Leave to Remain (ILR) revocation referrals in a timely manner, and that the number of outstanding cases is not allowed to accumulate, thereby reducing the risk that the opportunity for removal is lost.**
- 8.1 Accepted.**
- 8.2** SRU uses continuous improvement tools to streamline its working practices and processes to improve productivity and removals. As part of this assessment we are currently scoping out the possibility of more resources for our longer term plans.
- 9. Recommendation 9: Ensure that appropriate follow-up action is taken in all ILR refusals, whether that be progressing the case to removal, or monitoring the case to ensure that the applicant leaves the UK or applies for an extension when their limited leave to remain expires.**
- 9.1 Accepted; already in place.**
- 9.2** Immigration Enforcement does ensure that the appropriate follow-up action is in place and we have a system whereby we follow up every negative decision to ensure compliance. Capita triage and contact manage all cases in the Migration Refusal Pool (MRP) which includes ILR refusals. Capita use the information held on the Home Office's database to make contact with these individuals. This activity was subject to extensive inspection by the Chief Inspector in 2014 with the final report, "An Inspection of Overstayers" being published in December. In addition to contact through Capita, we apply a range of sanctions, including revoking driving licenses and stopping benefits, to encourage compliance and departure. Those who continue to refuse to comply following these measures will be subject to enforcement action.
- 9.3** Before Capita were employed to triage and contact manage MRP records, the combined MRP stood at a total of over 413,000 records, 190,000 (post 2008) and 223,600 (pre 2008). The latest published figures (Q2 2015) show that since December 2012, Immigration Enforcement, supported by Capita, has followed up on 571,000 records of individuals in the MRP, reducing the overall size of the pool by 174,500 records.
- 10. Recommendation 10: Provide training, including refresher training and briefings, for caseworkers involved in making complex settlement decisions, including (but not limited to) those considering Domestic Violence cases.**
- 10.1 Accepted; already implemented in part.**
- 10.2** Settlement casework has instituted a review of all its operational training packages and has already refreshed training on Domestic Violence and Settlement Protection casework.

This review will extend across all settlement training.

**11. Recommendation 11: Introduce shorter service standards for straightforward postal applications for settlement.**

**11.1 Not accepted.**

**11.2** UKVI does not accept this recommendation. As of April 2015, workable Settlement applications are being decided on average in less than 11 weeks. The six months is a maximum timeline not an average and we offer options such as a premium service, a passport return service and a local authority checking service looking for extra convenience. We are planning to introduce to customers the opportunity to upgrade their application from Postal to Premium Service on those routes which are currently available in our Premium Service Centres. Revised service levels were introduced on the 1 January 2014 and demonstrate our commitment to improve our service to customers. Settlement has met its customer service levels every month since April 2014. The UKVI service levels were agreed following a wide consultation and were welcomed. UKVI considers that its service standard for settlement applications already compares favourably to other western economies such as Australia and the USA.

**11.3** In the longer term, UKVI is committed to providing a clearer application process which will determine the level of checks to be undertaken by caseworkers and clearer direction to customers about the documentation we expect to receive. This is part of our drive to introduce online application forms, which is already in place for Tier 2 applications for leave to remain. We intend to introduce a system which clearly differentiates between straightforward and more complex applications at the point of application and ensures that all appropriate checks and enquiries are completed in a timely manner. At that point we will review our service standards.

**12. Recommendation 12: Make efficient and effective use of targeted pre-allocation sifting of settlement applications to identify cases requiring additional enquiries or verification checks at the earliest stage and to ensure that, where possible, these are progressed through to a decision well within published service standards.**

**12.1 Accepted.**

**12.2** UKVI's commitment is to process all workable postal settlement applications within six months and on average we do so in less than eleven weeks. There are plans to introduce a pre-sift process through an automated IT system. This will provide a more efficient system than a manual pre-screening of applications. Before this implementation, our focus is to maintain and improve the efficient turnaround in Settlement applications as highlighted in the report.