



Home Office

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

A Short Notice Inspection of a Sham Marriage Enforcement operation

14th October – 24th October 2013

The Home Office thanks the Independent Chief Inspector (ICI) for advance sight of his report and is pleased to note the positive findings made. The ICI finds that operation observed was conducted professionally and in line with guidance. The ICI also praise the effectiveness of the relationship built up between the Immigration Enforcement team and Brent Register Office and the accuracy of intelligence which led to this operation.

The Home Office recognises the immediate threat posed by sham marriage and as a result launched Operation Mellor in January 2013 to develop a cohesive co-ordinated and consistent approach to tackling sham marriages involving foreign nationals. An important aim of Operation Mellor is to develop and increase understanding and inform improvements to current and future processes, to inform work on legislation and policy, as well as disrupting sham marriages.

As a result, The Home Office has already addressed most of the concerns expressed in the ICI report. But we accept that there is much more to do in order to effectively respond to this increasing threat around the country.

The Home Office response to the 4 recommendations made in the report:

- 1. Works with the General Register Office to ensure that local register offices refer all cases of suspected sham marriages via section 24 reports.**
 - 1.1 Accepted and already implemented.**
 - 1.2 The General Register Office and Immigration Enforcement will continue to engage with registration officials to raise awareness of the section 24/24A duty under the Immigration and Asylum Act 1999 to report suspected sham marriages and civil partnerships to the Home Office. This reporting will form part of the referral and investigation scheme to tackle sham marriages and civil partnerships for which Part 4 of the Immigration Bill provides.
 - 1.3 The Home Office has undertaken a number of activities to highlight the significance of section 24/24A reporting. These include attendance at the Registrar General's conferences and open days held throughout the year; engagement by Immigration Enforcement officers with individual register offices, including to provide feedback when section 24/24A reports have enabled immigration operations to be undertaken; and the production of media summaries highlighting significant operations and close working between registration officials and Immigration Enforcement.

- 1.4 The Home Office has also worked with registration officials to review the current section 24/24A reporting system, pilot an electronic process for the referral of sham-related information and improve the quality of the information provided in reports as a basis for enforcement or other immigration action.
- 1.5 The General Register Office has issued instructions to registration officials about the circumstances for reporting a suspected sham marriage or civil partnership, including as to the objective factors and behaviours which may be relevant and the process for submitting a section 24/24A report. Training material has been developed and issued to local authorities to assist registration officials in identifying and reporting suspected sham cases. Guidance has also been issued to registration officials on the Immigration Enforcement protocol for undertaking enforcement action at a register office.
- 1.6 Registration officials are also reminded of the importance of reporting suspected sham marriages and civil partnerships in communications from the General Register Office and at national conferences, regional meetings and General Register Office meetings with individual local authorities. Details of the number of section 24/24A reports submitted each quarter to the Home Office is fed back to local authority registration service managers on an individual basis. Local authority registration service managers are required to provide assurance to the General Register Office in their annual performance report that procedures are in place locally for the reporting of suspected sham marriages and civil partnerships. Reporting processes (and the volumes of reports) are raised with local authority registration service managers where under-reporting is suspected.
- 1.7 Engagement is also encouraged at operational and local level through Operation Mellor and the Sham Marriage Campaign Week of Action which saw activity targeted at areas of low interaction.
- 1.8 The increase in section 24 referrals can be attributed to the success of these efforts.
- 1.9 Proposed future action to improve awareness and ensure that registration officials are clear about their duty to report suspected sham cases includes more robust monitoring of reporting from individual register offices; reviewing guidance and training materials for registration officials; and simplifying the process for submitting reports.
- 2. Ensures that local enforcement teams are adequately resourced to act on suspected sham marriage referrals.**
- 2.1 Accepted in part and already implemented.**

- 2.2 This recommendation is accepted in part. The use of sham marriage by foreign nationals to gain leave to remain or freedom of movement in the UK is one of the biggest threats to our immigration controls as evidenced by our Annual Threat Assessments. Sham marriage is an attractive option and the number of section 24 reports continues to increase.
- 2.3. Operation Mellor has been developed to encourage a cohesive and co-ordinated approach across all our enforcement teams, to tackling sham marriage and responding to section 24 reports. In addition the National Thematic Hub is being created in Liverpool in order to provide an increased intelligence capability. During October we ran a dedicated Sham Marriage campaign, pulling together strategic and operational intelligence, permanent and temporary migration as well as enforcement and crime teams to test and develop an effective end to end process. By concentrating our activity on sham marriage for a week long period, we were able to test a range of tactics, measure the impacts and build a stronger understanding of the issue and what works. The findings of this week of activity are being analysed.
- 2.4 The aim of all these initiatives is to help ensure that we use our resource as effectively as possible, to inform the tasking and co-ordination process and identify relative priorities, and ultimately support longer term decisions around the most appropriate deployment of resource.
- 2.5 We accept the requirement that we must respond appropriately to the increasing threat posed by the abuse of marriage routes. However this must be in the context of the finite resource available and other competing priorities and the need for our resources to be able to flex and adjust as the threat changes and the risk is displaced.
- 3. Provides clear and comprehensive guidance to enforcement staff on how to conduct sham marriage operations; and establishes a mechanism that ensures good practice is shared between enforcement teams.**
- 3.1 Accepted and implemented in part.**
- 3.2 Given, the increasing importance and focus on sham marriages, including increased operational activity through Operation Mellor, there is scope for more detailed, up-to-date and consolidated operational guidance on sham marriages in particular, to be included within the EIG, which we will develop and publish in line with this recommendation.

3.3 This recommendation also provides that a mechanism to promote good practice should be established. An initial workshop was held prior to this inspection to establish best practice and develop an effective end to end process from Intelligence to Permanent Migration and Crime - we have marked the process and will be rolling it out across the country utilising the teams that we have identified as exhibiting best practice.

4. Ensures that interviews of those suspected of entering into sham marriages are conducted in an effective and timely manner.

4.1 Accepted and being implemented.

4.2 Interviewing skills are already recognised as a priority for Enforcement learning and development - an interview guide and lines of enquiry script was circulated to all front line ICE teams recently and we are already planning to build on this further with the development of a wider training package on enhanced interviewing skills that will be rolled out and refreshed on a regular basis. And we will be examining the best method of interviewing in sham marriage operations as part of our response to recommendation 3.