Home Office

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

An inspection of the Emergency Travel Document process

May – September 2013

The Home Office thanks the Independent Chief Inspector (ICI) for his report and is pleased to note the positive findings made. We were particularly glad that the ICI recognises the value of our effective relationships with embassies, which are key to securing the re-documentation of people to be removed. We were also pleased to note his recognition of the effectiveness of interview schemes; the work of Returns Liaison Officers to verify identity in countries of origin; and the effective handling of non-compliant Foreign National Offender (FNO) cases.

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. Many of the recommendations will be implemented as the new operating model for Immigration Enforcement, with its dedicated structures and processes for removals casework, becomes fully effective.

Overall, the Home Office found this report a very thorough and useful document that will help to inform the continuous improvement programme on the Emergency Travel Document (ETD) process. The Home Office accepts 12 of the 13 recommendations, and partially accepts the remaining recommendation.

The Home Office response to the recommendations:

1.   Aligns its strategy on ETD applications and usage to its removal priorities

1.1   Accepted and partially implemented

1.2   The new organisational structures of the Nationals Removals Command (NRC) and Removals Casework (RC), were set up to provide a more coordinated and coherent process for managing immigration offenders through to removal. At the time of the inspection (August 2013), these new structures were still bedding in. They are now beginning to operate effectively and will facilitate the delivery of a flexible strategy on ETD applications that is driven by removal priorities and informed by realistic timescales for obtaining documentation for particular nationalities.

1.3.   In terms of prioritising individual cases to be chased with embassies, we accept that the current process could be improved. We are working with the Home Office's continuous improvement team in consultation with the teams which submit ETD applications and the diplomatic missions to refine the prioritisation process to make it more effective. We expect to have a revised process in place early in the new financial year.

2.   Gathers accurate data on potentially removable cases that would require an ETD in order to assess the resources needed for this task

2.1   Accepted

2.2   The limitations of existing data management systems, which mean that 'removability' would have to be defined in terms of the absence of a large number of 'barriers' to removal, make it very challenging to produce accurate data on potentially removable

cases requiring an ETD. We are working to develop a management information system that will provide 'current immigration status' for a particular individual.

2.3   The new dedicated operational structures will enable us to closely monitor the removals caseload and measure the flow of genuinely removable cases through the process. The development of the ARTEMIS workflow and management information tool should enhance this capability.

3.   Develops a comprehensive and accurate performance measurement framework to manage and improve the ETD process.

3.1   Accepted and partially implemented

3.2   We have already developed and implemented performance data reporting in the format recommended by the report, which follows the progress of each month's cohort of ETD applications and the rate at which these are resolved. This enables improved analysis of conversion of ETD applications to agreements.

3.3   We have identified a number of other enhancements to the performance measurement framework to make it as comprehensive, accurate and transparent as possible. The new operational structures will make it possible for performance reporting on key elements of the ETD process. It has not been possible to implement this while the organisational changes were still in progress, but a comprehensive new suite of much improved ETD performance data will be available on a monthly basis from April 2014.

4.   Develops the capability to monitor all outstanding applications and renegotiates existing arrangements with foreign governments so that priority cases can be expedited.

4.1   Accepted

4.2   Our current performance reporting model does not provide detailed data about *all* ETD applications outstanding with diplomatic missions: this will be substantially improved with the new performance data package to be generated from April 2014 noted above. However, we monitor high priority cases closely and proactively engage with missions to resolve these.

4.3   Working closely with Foreign and Commonwealth Office (FCO), the Home Office engages continuously with foreign governments and their diplomatic missions in the UK to secure improvements in their re-documentation processes and performance. We maintain close working relationships with official counterparts for all key countries of return and the work of the Country Returns team is dedicated specifically to this work. We seek to renegotiate agreements when we consider this will deliver improvements.

4.4   We engage with the authorities of each nationality bilaterally on an individual basis, at all levels, both with their UK missions and in the countries themselves.   We also work collaboratively with EU and other host states to further our re-documentation and returns objectives.

5.   Develops a comprehensive strategy to tackle non-compliance that includes:

- **Identification of the scale of individual non-compliance with the re-documentation process across all case types;**

- **evaluation of the current use of section 35; and**

- **agreements with other government departments and public sector bodies to ensure evidence of nationality and identity is available for re-documentation purposes.**

5.1   Accepted and partially implemented

5.2   We are taking forward a broad range of measures to tackle non-compliance with the re-documentation process, including: joint initiatives with diplomatic missions and the work of specialist investigation teams (as noted in the report); greater use of section 35 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004; and data sharing with other government and public sector bodies.

5.3   We have begun implementation of a strategy on non-compliance to develop a workable definition of non-compliance which links with wider work of the National Offender Management Service (NOMS) and identify a pool of cases suitable for prosecution. Criminal Investigation teams will adopt section 35 cases wherever possible, while giving priority to organised crime and high human harm cases.

5.4   The Home Office has a number of existing data sharing arrangements in place with other government departments and public sector bodies. In particular, we are working with the Department of Health and Her Majesty's Passport Office to explore new ways to maximise data sharing opportunities; and with the Department for Work and Pensions and Her Majesty's Revenue and Customs to align the issuing of Biometric Residence Permits with National Insurance Numbers to establish lawful entitlement to reside and access to benefits and services.

6.   Urgently reviews the cases of all long-term detainees where the absence of an ETD is the primary barrier to removal to establish whether there is a realistic prospect of removal within a reasonable period.

6.1   Accepted

6.2 The Home Office has a statutory duty to review detention at least every 28 days to ensure that the detained person continues to meet the published detention criteria and that detention is still the most appropriate course. There is a presumption in favour of temporary admission or release and, wherever possible, alternatives to detention are used.

6.3 The 28 day review process incorporates the consideration of timescales for obtaining documentation, and where this constitutes a barrier to removal, the authorising officer will consider whether the timescale for removal is reasonable. Where appropriate, recommendations to release will be made, should it be considered that continued detention is not appropriate.

6.4 Delays in obtaining documentation often occur when FNOs do not fully co-operate with the documentation process. Failing to answer questions or providing false information will prevent or delay the Home Office obtaining a travel document to facilitate their removal and such actions are taken into account when reviewing whether continued detention is still appropriate.

7. Develops clear timescales for obtaining travel documentation in individual cases to ensure that deportation action can be taken more quickly where appropriate.

7.1 Partially accepted

7.2 Working closely with the FCO, the Home Office engages continuously with countries of return at all levels to expedite the provision of travel documentation and ensure that we are working to accurate timescales for this. Details of timescales for obtaining ETDs for all nationalities are provided via the Home Office intranet. All cases, including those subject to deportation action are considered against this.

7.3 We make every effort to ensure that a person's removal by deportation coincides, as far as possible, with his/her release from prison on completion of sentence. But where a detainee refuses to cooperate with the deportation process, detention may be prolonged.

7.4 Timescales for obtaining documentation can vary significantly, depending on many factors such as the requirements of diplomatic missions for supporting evidence of nationality and the compliance of the individuals themselves. The Home Office would not develop specific formal timescales for documenting individual cases, as factors that influence these timescales are often not within our control. However, we consider indicative timescales for obtaining documentation as part of the detention review process and continuously engage with the missions regarding individual cases to secure the required ETDs as quickly as possible.

8. As a matter of urgency, prioritises the resolution, either by removal or regularisation of immigration status, of the cases in the unused pool that are in contact; and

- **traces individuals for whom an ETD has been agreed but who are not currently in contact;**

- **reviews the pool regularly to ensure that it only contains cases of individuals who are potentially subject to removal.**

8.1 Accepted

8.2 As the report notes, we initiated an exercise to cleanse cases in the unused ETD pool and work through barriers to removal. Progress on this work has not been as rapid as we would have wished, because of competing priorities and the transitional pressures in establishing the new Immigration Enforcement operational structures and putting in place new processes.

8.3 The new structures are now bedding down and will facilitate the effective management of unused ETD cases. With appropriate processes and trained staff in place, supported by clear and detailed management information from April 2014, we expect to see sustained improvement in this area - both in terms of cleansing the existing pool of unused ETDs and preventing their build up in future.

8.4 The Home Office is always working to tackle the issue of absconders and 'out of contact' cases, but in terms of progressing unused ETD cases to removal or resolution, we will generally seek to prioritise those who are currently in contact.

9. Ensures that relevant identity details collected at the visa application stage are retained to support ETD applications.

9.1 Accepted and partially implemented

9.2 As part of the visa submission process, UK Visas and Immigration (UKVI) retain an image of the bio-data page of the current passport and this is linked to the permanent electronic record. With the introduction of online visa applications, the application form also forms part of the permanent electronic record and contains details of other family members, local addresses, any employment details and contact numbers. Currently, online applications account for approximately 95% of global applications and from April 2014, with the implementation of the new commercial partner contract, this will move to almost 100%.

10. Reviews its use of interview protocols to ensure that the most effective methods such as detained interview schemes are expanded and that telephone interviews are conducted in a timely manner.

10.1 Accepted and being implemented

10.2 Interview schemes are a very effective way of confirming nationality and securing documentation within a relatively quick timeframe. We are continuously looking to

maximise the use of detained interview schemes, subject to the volume of suitable cases and the resources and policies of the foreign governments concerned. Equally, we are always looking for ways to help foreign embassies to provide a more reliable service on telephone interview schemes.

10.3 As noted in our response to recommendation 4, we engage continuously with foreign governments and their diplomatic missions in UK to secure improvements in their re-documentation performance, including their participation in interview schemes. With some nationalities we provide funding for dedicated resources to conduct interviews and other re-documentation work, and look to build on this approach wherever possible.

11. Establishes a central quality assurance framework for the ETD application process.

11.1 Accepted and being implemented

11.2 With the establishment of the new operational structures, clear and consistent processes for compiling and quality assuring ETDs are being developed across Immigration Enforcement, supported by central guidance and quality assurance check lists. Guidance is under-pinned by an intensive programme of face to face training for all areas involved in ETD work to be completed by March 2014 and a mandatory e-learning programme to be launched in April 2014.

11.3 Quality assurance is the responsibility of the removals teams making the applications, but we are looking to develop a formal quality assurance system that would enable central monitoring of the quality of applications submitted. Improved performance data should also facilitate closer central monitoring of teams' performance on application quality from April 2014.

12. Makes updated guidance on ETD processes available in a central location.

12.1 Accepted and being implemented

12.2 Up to date, accurate, country specific guidance on key elements of ETD processes for all countries is now provided on the Home Office intranet Horizon on the 'top 25' ETD removals countries, which account for over 90% of ETD applications made. In addition, removals caseworkers are able to contact specialist teams within Country Returns, Operations and Strategy (CROS) directly for country specific advice on documentation procedures at any time.

13. Ensures that charged cases are prioritised where removal action has been initiated.

13.1 Accepted and implemented

13.2　Agreed processes are now in place to allow for prioritisation and expedition of charged applications for leave to remain, where the application is a barrier to removal action that has been initiated.　Removals Casework teams are able to contact Temporary Migration and Permanent Migration casework teams, either directly or via dedicated contact lines where they encounter such cases.

13.3　We are also trialling processes to proactively triage some charged applications at an earlier stage in the consideration process and route directly to Removals Casework for enforcement consideration.　That trial is at an early stage and we are still reviewing the scope and effectiveness of those processes