



Home Office

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

An inspection of Nationality Casework

April – May 2014

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

We were pleased to note the Chief Inspector's recognition of the strong commitment to provide good customer service, the engagement and empowerment of Nationality Casework staff, and the value of the partnership with the Local Authorities with regards to the Nationality Checking Service.

The Home Office is committed to ensuring that citizenship is a privilege reserved for those who meet the requirements set out in the British Nationality Act 1981. In order to naturalise as a British citizen, an applicant must meet certain residence, English language and knowledge of life in the UK requirements; and must be of good character.

The ICI reported in his Emerging Findings briefing that 100% of decisions to refuse citizenship and 94% of the decisions to grant in his file sample of 150 initial Nationality decisions were reasonable. However the ICI identified a small number of cases where he believed applicants should have been subject to further scrutiny and additional checks.

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.

The Home Office fully accepts ten of the twelve recommendations and accepts a further two in part for the reasons explained in this response.

The Home Office response to the recommendations:

1. Ensures that the Home Secretary approves the overall approach concerning the use of discretion in cases where applicants do not meet the statutory requirements.

1.1 Accepted

1.2 We have published tighter guidance on the lawful residence requirement. In future, those who have not been lawfully resident for the full qualifying period will not meet the statutory requirement, other than in very limited circumstances.

1.3 In addition, revised guidance on good character requirements has been agreed with Ministers for use by caseworkers, especially when considering somebody with a history of non-compliance with the immigration system, particularly – illegal working and absconding.

2. Good character checks are always undertaken in cases involving evasion of immigration control to ensure that there is no other evidence to cast doubt on an applicant's character or standing in the community.

2.1 Accepted

2.2 We have made it clearer in the guidance for caseworkers that residence and good character requirements are two separate tests. Applicants with irregular immigration histories will not generally meet the statutory lawful residence requirement until they have

completed the relevant period of lawful residence. In addition, immigration non-compliance is a factor to be considered as part of the good character assessment. Operational procedures and training materials will be updated to underline the importance of each test and how they should be applied by the caseworker.

- 2.3 We have tightened our risk profiling to ensure that any cases involving historic non-compliance receive additional scrutiny. The Home Office has also been building data links with other Government Departments and we are accelerating the roll out of this new capability to further strengthen the system for checking and validating good character and compliance. We will also be making greater use of targeted credibility interviews.

3. Ensures that where applicants declare convictions overseas, these are accepted and used to inform the decision making progress.

3.1 Accepted

- 3.2 The ICI was critical of a statement by individuals that we would not refuse an application on the basis of a self-declared overseas offence. It is not the case that we would ignore self-declaration of criminality. We have reaffirmed to caseworkers that we should regard self-declaration of overseas offences and convictions as a reason for refusal.

4. Requires applicants for naturalisation to produce criminal records disclosure from overseas where these are available.

4.1 Accepted in part

- 4.2 As the report acknowledges all applicants are checked against the Police National Computer (PNC) here in the UK.
- 4.3 We recognise the need to increase scrutiny of criminality self-declarations provided by applicants. The Home Office will look at options initially to verify a sample of self-declared offences using existing international data sharing mechanisms and consider whether to test a requirement on applicants to provide a certificate or certificates from other countries to outline any criminal history.

5. Ensures caseworkers record all information on the Casework Information Database which could impact on the assessment of good character.

5.1 Accepted

- 5.2 We accept that UK Visa and Immigration caseworkers should record key data in a readily-accessible way and all casework information which could impact on the assessment of good character should be accessible. We will identify appropriate good character information that can be utilised on the Caseworker Information Database to support caseworkers' decisions.
- 5.3 In parallel to this, we will also be introducing a suite of new and enhanced checks in addition to existing security checks already in place. These will include the wider recall of

full HO paper records in higher risk cases, the use of targeted credibility interviews and the validation of declarations made in the application process. This will allow a fuller assessment of good character.

6. Performs random police checks for referees and takes appropriate action where the random 5% referee check on British citizens identifies inconsistencies with the information held by Her Majesty's Passport Office.

6.1 Accepted

6.2 The Home Office UKVI will seek to strengthen the validation of information provided by referees. Following the ICI's report, we are revising our processes to ensure that wider checks are carried out as the ICI recommended, with appropriate follow up action where the checks cast doubt on an application. We will expand the current checks of a sample of referees to include validation of referees' details, including criminality checks. This may also lead to prosecution of a referee where the application involves an attempt to deceive.

7. Introduces random checking procedures with other government departments and credit reference agencies to ensure decision-making is not reliant solely on an applicant's declaration.

7.1 Accepted

7.2 The Home Office has been developing the capability to conduct checks with other Government Departments such as HMRC and DWP and also with credit reference agencies. In the coming 6 months we will start to introduce these enhanced checks across nationality casework.

8. Ensures applicants provide details about their financial circumstances as part of the application in order that this information is considered.

8.1 Accepted in part

8.2 The Home Office will review the information that is required from applicants about their financial circumstances to the extent that such details are relevant to the consideration of the good character requirements; but it is not accepted that tests around maintenance and accommodation requirements are appropriate, in the same way as they are for applicants for entry clearance. When considering an entry clearance application, the Home Office is seeking to ensure that a visa holder will not become a burden on the taxpayer. However, at the naturalisation stage, an applicant will already have secured permanent residence in the UK and is entitled to access the same benefits and services as a British citizen, therefore maintenance and accommodation is a less relevant consideration.

- 9. Ensures caseworkers have the ability to call applicants in for a face to face interview, when there are serious doubts about the credibility of an application.**
- 9.1 Accepted**
- 9.2 Interviews will be used to supplement and test information gained from enhanced checking, where further assurance or clarification is required.
- 10. Develops a prosecution strategy for Nationality Casework in order to deter those who attempt to obtain or assist in the obtaining of British citizenship by deception.**
- 10.1 Accepted**
- 10.2 The Home Office will review its current approach to prosecuting individuals who attempt to abuse our nationality laws through concealment of material facts or submission of forged or fraudulently obtained documentation.
- 11. Takes action to identify and review all cases where SRU concluded that citizenship should be retained due to the original caseworker being successfully deceived.**
- 11.1 Accepted**
- 11.2 The Home Office has already implemented this recommendation. The Home Office reviewed all cases where the Status Review Unit (SRU) had concluded that citizenship should be retained. We found three instances where the original caseworker had been deceived. The Home Office will undertake deprivation action in these cases.
- 12. Ensures that allegations are investigated promptly and any decisions to deprive citizenship or treat as a nullity, including decisions to revoke leave and/or pursue removal, are dealt with efficiently.**
- 12.1 Accepted**
- 12.2 It is noted in the report that decision making on deprivation casework was previously placed on hold pending the outcome of a number of test cases that were being heard by the Immigration and Asylum Tribunal. The test cases are now resolved and there is a dedicated resource in place to investigate and decide all cases where nullity or deprivation action may be appropriate.