Independent Chief Inspector of Borders and Immigration

An Inspection of Settlement Casework

February – July 2015

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Independent Chief Inspector of
Borders and Immigration

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Presented to Parliament pursuant to Section 50 (2) of the UK Borders Act 2007

November 2015

This publication is available at www.gov.uk/government/publications

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Print ISBN 9781474126014
Web ISBN 9781474126021
ID 11111501 11/15

Printed on paper containing 75% recycled fibre content minimum

Printed in the UK by the Williams Lea Group on behalf of the Controller of Her Majesty's Stationery Office

Our Purpose

To help improve the efficiency, effectiveness and consistency of the Home Office's border and immigration functions through unfettered, impartial and evidence-based inspection.

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Foreword

The term 'Settlement' describes the right to stay permanently in the UK. It is referred to as Indefinite Leave to Enter (ILE) if granted overseas or at port, and Indefinite Leave to Remain (ILR) if granted in the UK.

Settled persons are free to live, work and study in the UK without restriction, and can access public funds, including welfare benefits. A settled person has the right to apply for British citizenship after a qualifying period, and any children born in the UK to a settled person are British.

The inspection examined the efficiency and effectiveness of the Home Office's management and processing of Settlement applications. It focused on applications made in the UK and processed by Settlement Casework, part of UK Visas and Immigration Directorate (UKVI), and specifically on Tier 2, Domestic Violence, and Settlement Protection applications, because of their high volumes or complexity.

The inspection found that in the vast majority of cases Settlement applications were handled efficiently and effectively; that is in line with Immigration Rules, the UKVI Operating Mandate and guidance, published service standards and internal quality targets.

The inspection identified a small number of cases, both grants and refusals, where the Rules or guidance had not been correctly applied, and rather more where the record-keeping was deficient. This indicated a need for more training and support of caseworkers, particularly those dealing with complex cases, such as Domestic Violence applications.

At six months for a decision for straightforward postal applications, the service standard was generous. It is important that all applications, whether straightforward or complex, are progressed and resolved as quickly as possible, in particular where a refusal is likely, not least because delays in reaching a decision to revoke ILR could mean that the opportunity to remove an individual is lost.

This report makes twelve recommendations for improvement.

The report was sent to the Home Secretary on 21 September 2015.

David Bolt

Independent Chief Inspector of Borders and Immigration

Purpose

Purpose

This inspection considered the efficiency and effectiveness of the Home Office's management and processing of Settlement applications by examining whether:

- the Home Office processed settlement applications in accordance with its service standards;
- mandatory checks were carried out in all cases, and appropriate action was taken as a result of those checks;
- decision-making in respect of applications to settle in the UK was in accordance with Immigration Rules and Home Office guidance;
- the handling of postal applications and of Premium Service Centre (PSC) applications was consistent; and
- appropriate action was taken in respect of individuals refused Settlement.

Scope

The inspection involved:

- a familiarisation visit to Settlement Casework in Liverpool, during which the inspection team observed caseworkers considering settlement applications made by post and at the Liverpool PSC;
- examination of performance information and documentary evidence, including business plans, staffing information, process guidance and risk registers;
- sampling of 240 case files;
- interviews and focus groups with Home Office staff in Liverpool; and
- a focus group involving representatives of organisations that support victims of domestic violence.

The Home Office was provided with the high-level emerging findings on 8 June 2015.

1. Key Findings

What worked well

1.1 The inspection found that Settlement Casework was efficient and effective at dealing with straightforward settlement applications, and processed the vast majority of them through to a decision within published service standards and to internal quality targets. Based on the low number of formal complaints (0.8% in 2014), applicants were content with the service they received.

1.2 The UKVI Operating Mandate, introduced in November 2014, was working effectively. Mandatory checks of identity and criminal history were being completed.

1.3 Based on the files sampled, record-keeping was effective in most cases where general grounds for refusal (evidence in relation to the applicant's background, behaviour, character, conduct or associations) had been considered.

1.4 File sampling suggested decisions to refuse settlement in Domestic Violence cases were justified based on the guidance in force and the evidence presented. The complexity of, and risks associated with, this accelerated route explained the higher than average refusal rate and the lower performance in relation to the (much shorter) target time for a decision. It was in the interests of genuine applicants, and of identifying fraudulent claims, that caseworkers took the time needed to ensure that all relevant evidence had been submitted and verified.

1.5 The creation of a dedicated Status Review Unit (SRU) to decide whether to revoke Indefinite Leave to Remain (ILR) in cases where deception had been identified or was suspected was a positive move, and SRU had succeeded in raising awareness of the need to consider revocation in such cases, so that more were now being referred.

1.6 Resource planning was generally effective. Good use was made of a forecasting tool to match resource to intake. Cross-skilling had enabled Settlement Casework to respond flexibly to demand in the various application types.

Room for improvement

1.7 A small number of workable settlement cases were exceeding service standards, and over 1,200 cases had been excluded from the performance figures. In terms of the time required to make a decision, including making further enquiries, the six months service standard for postal applications was generous. File sampling identified a number of cases that had been excluded from or failed to meet the service standard because further enquiries had not been initiated at the earliest possible stage, which had they been would have made the service standard achievable.

1.8 In terms of record-keeping:

- Where the applicant was given the benefit of any doubt in relation to possible deception in gaining ILR, caseworkers needed to take greater care to record their reasoning in full.
- Settlement Casework, and especially Premium Service Centres (PSCs), needed to improve their record-keeping in respect of Tier 2 Settlement applications, in particular to provide assurance

that checks had been completed regarding absences from the UK and the production of 'specified documents', including bank statements, payslips and employers' letters.

- File sampling indicated that refusal notices did not always set out the reasons for refusal clearly, succinctly and accurately, such that applicants refused settlement could understand the basis for the decision

1.9 There were some inconsistencies in the approach to criminal cautions, which were referred to as criminal convictions in some instances. Four of ten refusals of Settlement Protection (asylum and humanitarian protection) sampled had wrongly applied a Rule that was not in force at the time of the decision and had refused on criminality grounds because the applicant had received a caution. Action was in hand to ensure that all criminal cautions would be captured during the application process. There were a small number of cases where possible deception had not been identified and considered under general grounds for refusal.

1.10 By placing significant weight on unverified evidence from support agencies that deal with domestic abuse victims, caseworkers handling Domestic Violence applications were not assessing evidence in line with current UKVI guidance.

1.11 More training of caseworkers, including refresher training, was needed in certain more specialised areas of settlement, such as Domestic Violence. Better use needed to be made of intelligence generated by caseworkers about the abuse of settlement routes to assist with settlement decision-making.

1.12 SRU was not resourced to handle the increased number of referrals it had generated. Since delays in revocation action could frustrate removal, it was important that referrals were actioned promptly and SRU needed to be resourced to ensure that this was the case.

1.13 The sample of refused Tier 2 cases indicated that in four cases where settlement had been refused, no action to progress the case towards removal had been taken.

Overall finding

1.14 Overall, UKVI was handling settlement applications well – in line with Immigration Rules, the UKVI Operating Mandate and guidance, published service standards and internal quality targets. However, the process could be speeded up for straightforward cases, and decisions taken to revoke ILR needed to be taken more quickly in order to avoid opportunities for removal being lost. The inspection identified a small number of cases, both grants and refusals, where the Rules or guidance had not been correctly applied, and rather more where the record-keeping was deficient, which called for more training, supervision and support for caseworkers

2. Summary of Recommendations

The Home Office should:

1. Ensure that:
   - all instances of possible deception are identified and fully considered under the general grounds for refusal of settlement;
   - 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.
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.
3. Put appropriate assurance mechanisms in place to prevent unclear and inaccurate refusal notices from being issued to Tier 2 applicants refused settlement.
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.
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.
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.
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.
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.
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.
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.
11. Introduce shorter service standards for straightforward postal applications for settlement.
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 within published service standards.

3. The Inspection

Background

3.1 The term 'settlement' describes the right to stay permanently in the UK. It is referred to as Indefinite Leave to Enter (ILE) if granted overseas or at a port, or Indefinite Leave to Remain (ILR) if granted in the UK. Settled persons are free to live, work and study in the UK without restriction and can access public funds[1]. A settled person has the right to apply for British citizenship after a qualifying period[2] and any children born in the UK to a settled person are British.

3.2 There are more than 50 types of settlement application, which fall under one of the following routes:

- Family: for applicants who are the family member of a person who is British, is settled in the UK, or has limited leave to remain as a refugee or as a person granted humanitarian protection.
- Work: for applicants who have completed a period of leave as a worker under Tier 1 (highly skilled worker), Tier 2 (skilled worker) or Tier 5 (temporary worker, e.g. religious/charitable) of the points-based system (PBS).
- Protection: for applicants who have completed a period of leave as a refugee or as a person granted humanitarian protection.
- Other: including applicants who, among others, are victims of domestic violence, long residence, discharged members of HM Forces and retired persons of independent means.

3.3 The majority of settlement applications are made in the UK by those seeking ILR. In 2014, of a total of 132,964 settlement applications, only 8,293 (6%) were for ILE.

3.4 For those already in the UK, applications can be made by post, or in person at a Premium Service Centre (PSC) for some routes. Settlement Casework, a unit within UKVI's Permanent Migration Directorate in Liverpool, considers settlement applications made by post. At the time of the inspection there were eight casework teams, each specialising in particular types of cases, supported by a workflow team[3]. There are seven PSCs: Belfast, Cardiff, Croydon, Glasgow, Liverpool, Sheffield and Solihull, all of which offer a same-day service.

3.5 The standard cost of a settlement application at the time of our inspection was £1,093[4], with an additional £400 charged for the premium service. Settlement Casework had an income target of £51m for 2014 (calendar year), and achieved an income of £47m.

Methodology

3.6 This inspection examined the performance of Settlement Casework, as well as the handling of some settlement decisions made at PSCs, using eight of the Independent Chief Inspector's inspection criteria.[5]

1 Public funds as defined by the Immigration Rules include: attendance allowance, carers allowance, child benefit,
2 Five years' residence in the UK or three years' residence in the UK as the spouse or civil partner of a British citizen.
3 There are now six permanent teams and one temporary team. Resources were adjusted in response to changes in forecast volumes. One work stream, Tier 2, has transferred to Sheffield.
4 The application fee increased to £1500 on 6 April 2015. A fee is not charged for settlement protection applications, for applications in respect of children who are being supported by a local authority, and in certain cases, including domestic violence, where the applicant appears to be destitute.
5 The inspection criteria used in this inspection are detailed in Appendix 2 of this report. Details of the full set of inspection criteria can be found on the Independent Chief Inspector's website at: http://icinspector.independent.gov.uk/inspections/inspection-programmes/.

3.7 Our inspection process involved:

- A familiarisation visit to Settlement Casework in Liverpool.
- An examination of performance information and documentary evidence including business plans, staffing information and process guidance.
- A file sample of 240 cases broken down as follows[6].
  - 60 grants of ILR under Tier 2 of the Points Based System (skilled workers) and 45 refusals;
  - 25 grants of ILR to victims of domestic violence and 25 refusals;
  - 40 grants of ILR under settlement protection and 10 refusals;
  - 10 cases in which ILR was revoked; and
  - 25 cases that had been deemed non-workable or non-straightforward and had been excluded from service standards;
- Conducting a focus group with representatives from organisations that support victims of domestic violence.

3.8 The on-site phase of the inspection took place between 12 and 14 May 2015. During this phase of the inspection we:

- observed staff completing domestic violence casework; and
- interviewed staff and held focus groups at Liverpool and interviewed a policy lead in London, as set out in Figure 1.

Figure 1: Staff interviewed (by grade)	
Senior Civil Servant	1
Grade 7	3
Senior Executive Officer	10
Higher Executive Officer	14
Executive Officer	21
Administrative Officer	4
Administrative Assistant	5
Total	**58**

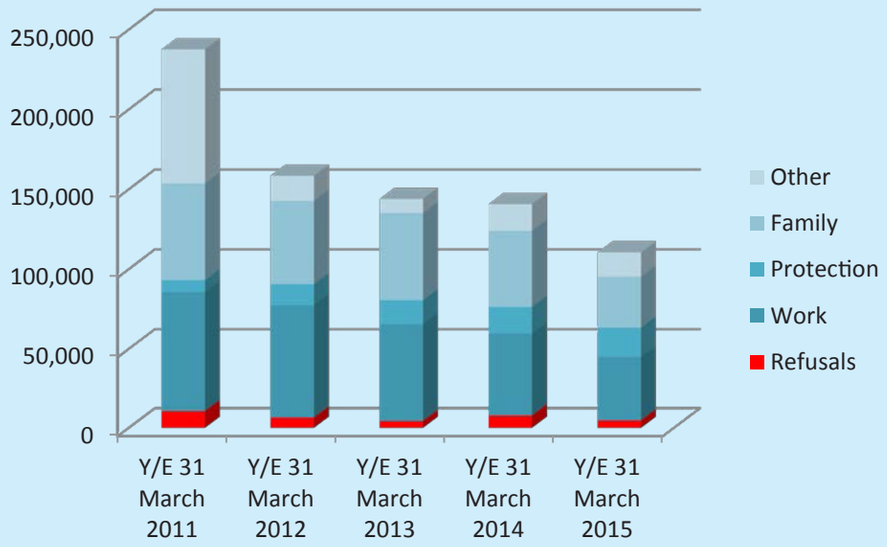
6 The breakdown was based on volumes and case complexity, and was developed in consultation with Home Office Science

4. Overall Performance

Application volumes and outputs

4.1 Figure 2 shows the number of applicants granted and refused settlement in each of the past five financial years. Through this period, the annual refusal rate remained between three and five per cent.

Figure 2: Grants and refusals of settlement[7] for years ending 31 March 2011 to 31 March 2015



4.2 In 2014/15, UKVI received a total of 93,625 applications for settlement (124,223 including dependants). In order to assess UKVI's overall performance we examined output (decisions) against intake (applications). PSC settlement input was 49,272 and output was 49,065 (both including dependants), reflecting the PSC's same-day service. The postal intake was 74,951 in the same period, and output was 81,278. The Home Office informed us, '*The difference is due to the rolling stock of applications which overlap the end of one period and the beginning of the next*'.

Productivity

4.3 Settlement Casework staff were expected to complete a certain number of cases per week. The target was adjusted according to the type of case and its complexity. Performance against the target was measured using a performance management tool called Pathfinder. Targets were reviewed regularly by management, in consultation with staff. Staff and managers agreed that the productivity target was challenging but achievable.

7 Figures are for main applicants plus dependants.

Decision timeliness

4.4 The service standard for premium applications made at a PSC is a same-day decision. The service standard for postal settlement applications is a decision within six months.[8] For straightforward applications where the applicant has met all their obligations, UKVI aims to decide 98.5% of cases within service standards.

4.5 UKVI provided us with statistics for 2014 (calendar year). The PSC target for settlement applications was not met during the first quarter: January, 95.1% within the service standard; February, 96.4%; and March, 97.4%. The target was met each month from April to December, with monthly performance ranging from 98.8% (April) to 100% (November).

4.6 The target for postal applications was met between 1 January and 30 June 2014.[9] Performance ranged between 99.4% and 99.7% of decisions made within service standard.

4.7 As at 2 March 2015, 54 cases deemed workable (i.e. not excluded from the service standards) remained outstanding after six months. Staff told us that decisions in around 20 workable cases were outstanding at the time of our on-site inspection in May 2015.

4.8 Applications are excluded from service standards where they are categorised as 'blocked' or 'non-straightforward'. As at 2 March 2015, 1,277 applications were categorised as blocked or non-straightforward and had been outstanding for over six months. We examine UKVI's processing of these cases in Chapter 11.

Performance against quality measures

4.9 UKVI told us that a minimum of 2% of all settlement decisions, selected randomly by the Senior Caseworkers (SCW), were quality checked prior to despatch. Decision quality was monitored through a formal Quality Assessment process using 'QR' measures as follows:

- QR1: correct decision and in line with current rules and procedures;
- QR2: correct decision with minor errors in data, processing and/or procedures; or
- QR3: incorrect or fatally flawed decision.

4.10 The 2014/15 quality targets were to '*produce all work to a fully effective standard or above… [with an] average 98% of randomly selected decisions assessed as QR1 or QR2 [and] with a minimum 91% assessed as QR1*'. In 2014 (calendar year), 98.9% of settlement decisions were assessed as QR1.

4.11 On 1 April 2015, the 'QR' assessment system was replaced by a new system, known as QATRO, and a central quality checking team has been put in place.

Conclusion

4.12 We found that Settlement Casework was efficient and effective at dealing with straightforward settlement applications, and processed the vast majority within published service standards and to internal quality targets. However, a small number of workable cases were exceeding service standards, and over 1,200 cases had been excluded from service standards and so were not included in these figures.

8 There are a small number of exceptions, such as applications made under the Domestic Violence route and Armed Forces cases, which are subject to shorter service standards.
9 Statistics were provided up to the end of 31 December 2014. For postal applications, which have a six-month service standard, the statistical data covered postal applications made up to 30 June 2014.

5. Mandatory Checks and General Grounds for Refusal

Operating Mandate checks

5.1 UKVI introduced its Operating Mandate on 1 November 2014. It sets out the mandatory security checks to be carried out for all applications from those seeking to enter or remain in the UK. The mandatory checks for settlement applications include:

- travel document check and identity verification;
- Police National Computer (PNC) and Home Office Watchlist check;
- war crimes screening; and
- Case Information Database (CID) check for 'Special Conditions' markers.

5.2 Through our file sampling, case observations and interviews with staff, we were satisfied that the mandatory checks were being carried out in all cases. In our file sample, caseworkers had identified every instance of criminality or adverse behaviour and had made the correct decision.

5.3 However, there were a number of instances where checks had not been recorded fully on CID. For instance, in just over half of the cases sampled, CID notes did not specify that a travel document had been checked[10], or that a Special Conditions check had revealed no markers.

General Grounds for Refusal

5.4 A caseworker must consider refusing a person if there is any evidence in their background, behaviour, character, conduct or associations that they should not remain in the UK on one or more of the general grounds set out at paragraph 322 of the Immigration Rules.[11] In the case of certain general grounds refusal is mandatory, while in the case of others there is an element of discretion.[12]

5.5 Of the 55 refusal decisions we sampled, three had been refused under general grounds: two on the basis of their criminal history and one on the basis of failure to provide the evidence requested.

5.6 The general grounds had been applied correctly in all three cases, although the decision notice in one, in which the applicant had received a caution for common assault within the previous 24 months, was factually incorrect. It stated, '*…a check has been carried out…which has revealed that you do have a criminal conviction of a non-custodial sentence.*' In reality, the applicant was not convicted of an offence and had not received a sentence. While the decision to refuse was correct, the decision notice was poorly worded.

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10 We made a similar finding in our unannounced inspection of Solihull Premium Service Centre which was published in October 2015 and can be found on the Chief Inspector's website at: http://icinspector.independent.gov.uk/inspections/inspection-reports/2015-inspection-reports/

11 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/422941/20150406_Immigration_Rules_-_Part_9_final_v4.pdf. Paragraph 322 does not apply to settlement protection cases as these fall to be considered under Part 11 of the Immigration Rules, which deals with asylum-related applications. Paragraph 339R, the Rule relating to settlement protection applications, specifies circumstances under which applications should be refused, which align to some of the general grounds for refusal.

12 Mandatory refusals are set out at Paragraph 322(1-1C). The grounds under which an application should normally be refused are set out at Paragraph 322(2-12).

5.7 Cautions are captured by the wording of the general grounds. However, while the settlement application form asks whether the applicant has any convictions, spent and unspent, it does not specify that cautions should be declared. UKVI told us, '*Policy* [colleagues in the Home Office] *are already aware from other work that a question asking whether an applicant has any cautions should be asked on these forms and work has been underway (as part of a wider review of application forms) to ensure that all applicants are asked about cautions and out-of-court disposals correctly within relevant forms*'.

5.8 During focus groups with caseworkers and managers, staff stressed the importance of checking an applicant's criminal history and of applying the general grounds relating to criminality.

5.9 In the majority of cases we sampled, CID notes relating to the consideration of the general grounds were sufficient. However, based on the consideration minute, we found a small number of cases where the general grounds had not been fully considered. We identified two cases where the evidence indicated that the applicant had used deception, but the caseworker had not considered this.

5.10 In a third case, the caseworker had identified possible deception and had referred the case to a Senior Caseworker (SCW) for advice, but there were no further notes on CID to indicate why general grounds for refusal were not applied. UKVI told us, '*The application fell for refusal under the Immigration Rules and was discussed and reviewed by a SCW before the decision was served to the customer. There appears to be a sufficient element of doubt over the claim of deception and therefore the caseworker was correct not to refuse on general grounds in this case*'.

5.11 While there has to be sufficient evidence of deception in order to apply the general grounds, the notes in this case were clearly inadequate and the record on CID should have been amended to show the reasons why general grounds were not applied.

Conclusion

5.12 The Operating Mandate was working effectively. Mandatory checks were being completed in relation to identity and criminal history. There were some inconsistencies in the approach to criminal cautions. Action was in hand to ensure that all criminal cautions would be captured during the application process. Record-keeping was adequate in most cases where general grounds for refusal had been considered, but caseworkers needed to take particular care to identify and consider cases where the applicant had used deception, and to record their reasoning fully in cases where the applicant was given the benefit of any doubt in relation to possible deception.

Recommendations

The Home Office should:

Ensure that:

- all instances of possible deception are identified and fully considered under the general grounds for refusal of settlement;
- 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.

6. Tier 2

Background

6.1 Tier 2 was selected for inspection because it is a high-volume application route, particularly in Premium Service Centres (PSCs). Tier 2 of the points-based system (PBS) allows UK employers to recruit workers from outside the European Economic Area (EEA) to fill a particular vacancy they cannot fill with a British or EEA worker. Paragraph 245HF[13] of the Immigration Rules sets out the requirements for a grant of settlement as a Tier 2 migrant.

6.2 In 2014/15, there were 5,064 Tier 2 settlement applications[14] made at a PSC (14% of all PSC settlement applications), and 708 applications made by post (1% of postal settlement applications). Over the same period, the grant rate for Tier 2 settlement applications made at a PSC was 97.8%, and for postal applications it was 92.2%.

Quality of decision-making

6.3 We sampled 80 Tier 2 settlement decisions as follows:

- 40 PSC applications resulting in a grant;
- 20 postal applications resulting in a grant;
- 10 PSC applications resulting in a refusal; and
- 10 postal applications resulting in a refusal.

6.4 In order to assess decision quality we examined whether:

- the Immigration Rules and UKVI guidance had been applied correctly;
- the caseworker had fully recorded the reasons for their decision;
- refusal notices were factually correct and clearly set out the reasons for refusal;
- CID notes contained a full audit trail of the handling of the case; and
- copies of relevant documentary evidence were retained on file.

6.5 We found that the Immigration Rules and guidance had been applied correctly in every case in our sample.

6.6 However, we found that the consideration minutes were inconsistent. Some minutes, particularly those in respect of postal applications, laid the Rules out clearly and the caseworker had clearly recorded their findings regarding where the requirements had been met or not met. But in a number of cases, particularly PSC applications, the consideration minute did not set out the caseworker's assessment and conclusions in sufficient detail.

13 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/444474/20150714_Immigration_Rules_-_Part_6A.pdf
14 Figures relate to Tier 2 General Migrant applications (main applicants) only.

Continuous period of five years - recording of absences

6.7 Paragraph 245HF(c) of the Immigration Rules states that, '*The applicant must have spent a continuous period of 5 years lawfully in the UK…'*. Paragraph 245AAA(a) states that, *"'continuous period of 5 years lawfully in the UK" means…residence in the United Kingdom for an unbroken period with valid leave, and for these purposes a period shall not be considered to have been broken where: the applicant has been absent from the UK for a period of 180 days or less in any of the five consecutive 12 month periods preceding the date of the application for leave to remain…*'.

6.8 All the grant decisions we sampled satisfied the continuous five years lawful leave requirement. However, we identified 25 out of 50 cases within our sample of PSC grants and refusals where the caseworker had not recorded their consideration of absences adequately. There were instances where no mention was made of absences at all and others where there was no list or calculation of absence days.

6.9 Caseworkers told us that they checked applicants' passports against the list of absences declared. Our sampling showed that this check had been recorded in CID notes in only one case. One further case, a refusal, had referenced this check in the decision notice. In another case, UKVI had recorded absences from the UK as 'nil' when the passport showed that there had been several trips overseas during the five-year period.

6.10 In response to one of these case studies, UKVI informed us that '*PSC have made changes to our caseworker templates which ask caseworkers to break down the absences from the UK more specifically and additionally asks if sufficient evidence of the absences has been seen*'.

Specified documents

6.11 Paragraph 245HF(e) of the Immigration Rules states, '*The applicant provides the specified documents in paragraph 245HF-SD…*', which includes bank statements, payslips and letters from employers.

6.12 In 41 of the 60 grant cases sampled and in nine of the 20 refusals, the caseworker had failed to make an adequate record of their consideration of the specified documents. For example, there was either no mention of whether all the specified documents had been submitted, or the record did not show that sufficient consideration had been given to whether the documents supplied fulfilled the requirements. This applied in 38 of the 50 PSC cases and 12 of the 30 postal cases.

Refusal notices

6.13 Five of the 20 refusal decision notices contained factual inaccuracies. These included:

- incorrect dates cited within the immigration or employment history; and
- inaccurate representation of the Rules.

6.14 In most decision notices Paragraph 245HF was reproduced in full even though the notice identified only one aspect of it as not having been met. The decision notice could have been more helpful to the applicant by specifying which provision within the Rule had not been met and citing that particular subsection only.

CID notes – audit trail

6.15 UKVI briefs caseworkers that the purpose of CID notes is to:

- record the progress of an application from receipt through to conclusion;
- detail the 'journey' of the application, including any interaction with the applicant or other interested parties; and

- enable UKVI staff to establish which stage a case has reached and propose next actions.

6.16 Following a recommendation made in our 2014 European Casework inspection[15], UKVI had reminded caseworkers of the importance of maintaining effective CID notes.

6.17 In all 20 refusals and in 58 of the 60 grants we sampled, the CID notes provided an adequate audit trail of the interactions and stage the case had reached.

Decision timeliness

6.18 The service standard for PSC cases is a same-day decision. 44 out of 50 cases in our PSC sample had a same-day decision. The remaining six cases were excluded from service standard because they were deemed non-straightforward.

6.19 The service standard for postal applications is a decision within six months (183 days). 28 out of 30 cases in our postal sample had a decision within six months. The time taken ranged from 118 to 243 days, with an average of 145 days. Two cases were excluded from service standard as they were deemed non-straightforward.

Conclusion

6.20 Based on our sampling, Settlement Casework and PSCs needed to improve their record-keeping in respect of Tier 2 settlement applications, in particular to provide assurance that appropriate checks had been conducted in relation to absences from the UK and to the provision of 'specified documents', including bank statements, payslips and letters from employers. UKVI has since addressed the absences point by changing the template for recording these.

6.21 Applicants who are refused settlement should understand the basis for the decision. Refusal notices should set out the reasons for refusal clearly, succinctly and accurately. Our sampling indicated that was not always the case.

Recommendations

The Home Office should:

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.

Put appropriate assurance mechanisms in place to prevent unclear and inaccurate refusal notices from being issued to Tier 2 applicants who have been refused settlement.

15 Our inspection report entitled, 'The Rights of European Citizens and Their Spouses to Come to the UK: Inspecting the Application Process and the Tackling of Abuse', was published on 19 June 2014 and is available on the Independent Chief Inspector's website at: http://icinspector.independent.gov.uk/inspections/inspection-reports/2014-inspection-reports/.

7. Domestic Violence

Background

7.1 Applicants for leave to enter or remain as the spouse of a British person or a person settled in the UK, if successful, are granted a probationary period of leave[16], and must show that the relationship is subsisting at the end of the period in order to qualify for settlement.

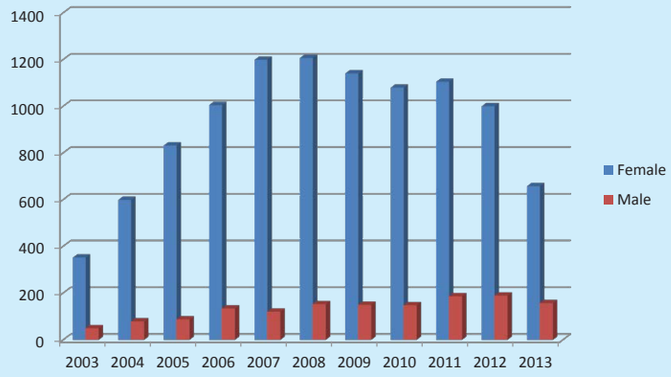
7.2 The Domestic Violence route'[17] enables applicants to qualify for settlement if their relationships have broken down permanently as a result of domestic violence[18] before the end of the probationary period. Those who qualify are granted ILR irrespective of the length of the probationary period remaining.[19]

7.3 We decided to inspect this route because the consideration required is more complex than for most other settlement applications. It may involve extremely vulnerable individuals, and the internal target for a decision is much shorter at 20 working days. In addition, there is potential for abuse[20] because settlement can be obtained quickly and the knowledge of language and life in the UK requirement that applies to other settlement routes is waived.

Overall statistics

7.4 Between 1997 and 2002 the number of Domestic Violence applications grew, though the overall figures remained low: 50 female and 9 male applicants in 2002. Figure 3 shows the numbers by gender of applications submitted between 2003 and 2013.[21]

Figure 3: Numbers by gender of Domestic Violence settlement applications submitted between 2003 and 2013



16 Before 9 July 2012, the probationary period was 24 or 27 months depending on whether the application was made in the UK or overseas. From 9 July 2012, the period was increased to five years.
17 Applicants granted limited leave as a partner of a settled person before 9 July 2012 are considered under Paragraph 289A. Those granted limited leave on or after this date are considered under section DVILR of Appendix FM of the Immigration Rules.
18 In March 2013 the Government introduced a new official definition of domestic violence which can be found at: https://www.gov.uk/domestic-violence-and-abuse
19 Unless there are criminality aspects in which case a further probationary period may be applied.
20 The Immigration Annual Threat Assessment September 2014 identified the potential for abuse of the domestic violence route to settlement.
21 GOV.UK FOI release 28890.

7.5 In 2014/15, there were 1,224 Domestic Violence applications submitted and 1,197 decisions made. The grant rate was 75%, significantly lower than the overall grant rate of 96%.

Submission of evidence – guidance

7.6 UKVI guidance does not specify the evidence that must be provided with a Domestic Violence application. Applicants are advised to provide as much evidence as possible to support their application. The caseworker must decide to the civil standard of proof, that is on the balance of probabilities, whether domestic violence has occurred.

7.7 Different types of evidence are weighted differently. Greater weight is attached to evidence which is independently corroborated or which confirms guilt through admission or a court judgment.

Quality of decision-making

7.8 We sampled 25 grants and 25 refusals from decisions made between 1 October and 31 December 2014. The majority of applicants in our file sample relied on uncorroborated evidence that they had suffered domestic violence, and caseworkers had to assess whether the applicant's account was credible and consistent on the balance of probabilities.

7.9 We examined whether:

- the caseworker attached the correct weight to the evidence in line with UKVI guidance;
- the overall outcome was justified based on the evidence available; and
- the caseworker recorded fully the reasoning for their decision.

Decision quality – refusal decisions

7.10 Based on the guidance and available evidence, all 25 of the refusal decisions we sampled were justified. Refusal notices were factually accurate, but could have been improved by setting out clearly the specific part of the Rule that had not been met and why. We identified six refusals where the reasoning could have been strengthened by detailing negative credibility factors, such as inconsistencies in evidence and refusal of a previous marriage settlement application.

Decision quality – grant decisions

7.11 In 15 of the 25 grants we sampled the weight applied to the evidence submitted was not in line with UKVI's guidance, and the decision to grant ILR did not appear to be justified. In a further two cases, the evidence had not been fully considered and the guidance had not been applied correctly, but the evidence that had been correctly considered was sufficient to meet the required standard of proof and the decision was therefore justified. Overall, our sampling highlighted that:

- excessive weight had been applied to unverified evidence; and
- inadequate consideration had been given to negative credibility factors.

Excessive weight applied to unverified evidence

7.12 UKVI guidance states, '*You must treat with caution all witness statements from friends or family and letters from official sources that relay unfounded reports by the applicant but do not confirm the incident. This type of evidence must be verified where possible and treated as additional evidence when you build the case background*'. We found that significant weight had been attached to this type of unverified evidence. This included letters from support agencies, which relayed the applicant's own account of abuse, rather than any independent confirmation or assessment.

7.13 Caseworkers told us they placed significant weight on letters from support agencies because of the latter's expertise in dealing with domestic abuse victims and the caseworkers' understanding that these organisations supported only genuine victims, based on what the organisations had told them. The support agencies to whom we spoke also told us they were not resourced to support non-genuine cases, and that they assessed each case.

7.14 We found that caseworkers had carried out few verification checks on cases in our sample. In 16 of the 25 grants, there was no record of any checks having been conducted with the police to verify whether an alleged incident had been reported, or whether there was an ongoing criminal investigation into the alleged perpetrator, as claimed. In a further two cases, where the applicant claimed that their case had been referred to a multi-agency risk assessment conference (MARAC), there was no record of any checks having been made with the MARAC chair, despite this being specified in UKVI guidance.

Inadequate consideration given to negative credibility factors

7.15 In eleven cases, the caseworker had failed to reference negative credibility factors in their consideration minute. Examples included:

- information about the relationship breakdown sent in by the estranged partner that contradicted the applicant's evidence;
- long delay between relationship breakdown and application; and
- trips taken by the applicant to their home country after the relationship had allegedly broken down due to domestic violence and return to the UK on each occasion using their spouse visa.

7.16 Negative credibility factors will not always justify a refusal but caseworkers are required to identify negative credibility issues within the evidence and case history to ensure a balanced and thorough consideration. They should explain in their consideration minute the weight they attached to the negative credibility issues and what effect these had on the overall assessment of whether domestic violence occurred.

Use of interviews

7.17 Domestic Violence applications are decided on the basis of the paperwork submitted. Applicants are not interviewed. In 12 of the 25 grants in our sample, we judged that an interview would have enabled the caseworker to test credibility and consistency and reach a better-evidenced decision. Caseworkers and managers told us they were receptive to the idea of interviewing provided it was targeted toward cases where an interview would add value to the assessment process.

Decision timeliness

7.18 The internal UKVI target is to decide cases, where possible, within 20 working days. Thirty-five of the 50 cases we sampled were decided within the 20 days as shown in Figure 4.

Figure 4: Decision processing times (working days)

	20 days or under	21-40 days	Over 40 days
Grants	21	1	3
Refusals	14	6	5

7.19 Caseworkers and managers were aware of the importance of processing these applications, from potentially vulnerable individuals, quickly. The target was missed in some cases because applicants

were allowed time to submit additional evidence or verification results were awaited. Of the three 'over 40 days' grant cases in Figure 4, two took 46 days and the third took 53 days. The five 'over 40 days' refusal cases took 43, 49, 52, 70 and 154 days.

Conclusion

7.20 By placing significant weight on unverified evidence from agencies providing support to domestic abuse victims, caseworkers were not assessing evidence in line with current UKVI guidance.

7.21 In certain cases, particularly where there is no corroborated evidence of domestic violence, it is likely that the caseworker's assessment of the applicant's credibility and consistency would be helped by interviewing them. The practicalities of doing so would need to be carefully managed, including equipping caseworkers with the necessary skills and ensuring that interviews did not extend the time taken to reach a decision.

7.22 Our sampling suggested that UKVI's decisions to refuse settlement in Domestic Violence cases were justified, and therefore the higher than average refusal rate could support the assessment that this route is vulnerable to abuse. At 70% (35 out of our sample of 50) within the (much shorter) target time for a decision, performance is not as high as for other settlement routes. While UKVI should aim to improve on this, it is right to take time to ensure that all the evidence has been submitted and verified, both in the interests of genuine applicants and to minimise abuse of this accelerated route.

Recommendations

The Home Office should:

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.

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 to assess the applicant's credibility with confidence.

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.

8. Settlement Protection

Background

8.1 Individuals who have been granted leave to remain in the UK on protection grounds, that is, asylum[22] or humanitarian protection (HP)[23], are entitled to apply for settlement after completing five years leave in that category. Applicants are not charged a fee and are told they can expect a decision within six months.

8.2 Paragraph 339R of the Immigration Rules sets out the requirements for a grant of Settlement Protection. The guidance states that the underlying policy objective is to ensure the UK's obligations under the European Convention on Human Rights and the Refugee Convention are met where there is a continuing need for protection in the UK, and that the path to settlement is delayed for those who have committed serious criminal offences or whose character, conduct or associations are not conducive to the public good.

8.3 This category was selected for inspection because it is a high-volume postal route. In 2014/15, there were 8,889 applications[24] for Settlement Protection (15% of total postal intake) and 9,202 decisions made. The grant rate was 95%, which is in line with the overall settlement grant rate of 96%.

Decision quality – grant decisions

8.4 We sampled 40 cases in which a decision to grant had been made between 1 October and 31 December 2014. We assessed whether:

- the Immigration Rules and UKVI guidance had been applied correctly; and
- the caseworker had fully recorded the reasons for their decision.

8.5 We concluded that in 39 of the 40 decisions to grant settlement, the Immigration Rules and UKVI guidance had been applied correctly. There was one case in our sample where there had been a material change in the applicant's circumstances, which had not been recorded by the caseworker in their consideration minute. When we raised this case with UKVI they maintained that the risk to the individual (of an 'honour' killing) had not fallen away despite having since married. Whether or not this was a correct assessment, the fact remains that no consideration was given to the change in circumstances, so the grant of settlement did not follow the guidance.

8.6 Caseworkers told us that when considering applications, they established the reason for the original grant of protection and checked whether there had been a change in personal circumstances. This was not recorded in any of the consideration minutes we sampled.

22 Asylum is granted to individuals who have demonstrated that they have a well-founded fear of persecution in their country of nationality by reason of one or more of the 1951 Refugee Convention grounds, that of race, religion, nationality, political opinion or membership of a particular social group. They are granted five years' leave to remain.
23 Humanitarian protection is granted to applicants who have demonstrated that they are at risk of inhuman or degrading treatment in their country of nationality but for a reason other than one of the 1951 Refugee Convention grounds.
24 8,889 refers to main applicants only. There were 9,155 applications if dependants are included.

8.7 UKVI managers told us that they were intending to develop a bespoke training package for settlement protection caseworkers so that they could assess whether a change in circumstances might affect the applicant's continuing need for protection. Cases identified would be referred to Status Review Unit (SRU) to consider removing protection status.

Decision quality – refusal decisions

8.8 We sampled 10 cases, in which a decision to refuse had been made between 1 October and 31 December 2014. We assessed whether:

- the Immigration Rules and UKVI guidance had been applied correctly; and
- the decision notice clearly set out the reasons for refusal.

8.9 All 10 cases were refused settlement under Paragraph 339R(iii) of the Immigration Rules, that is on criminality grounds, but were granted further leave to remain for three years. The Immigration Rules and UKVI guidance had been applied correctly in six of the cases.

8.10 We assessed that the decisions in four cases were unfair as they should not have been refused under the Rule in force at the time of decision. Up to 27 February 2015, Paragraph 339R(iii)(d) stated:

The requirements for indefinite leave to remain for a person granted asylum or humanitarian protection…. are that:
…
the applicant has not:
…
been convicted of an offence for which they have received a non-custodial sentence or other out of court disposal that is recorded on their criminal record, unless a period of 24 months has passed since they received their sentence.

8.11 The four cases involved applicants who had received cautions within two years of the date of the decision on their settlement application. At the time of decision, cautions were not grounds for refusal under Paragraph 339R(iii) of the Immigration Rules. This paragraph was changed with effect from 28 February 2015 to include cautions.

8.12 The reasons for refusal letters were inaccurate or incomplete in five of the ten cases we sampled, including the four cases discussed above. In the fifth case, while the refusal was justified the refusal letter referred to two suspended sentences incorrectly as 'custodial sentences'.

Decision timeliness

8.13 49 of the 50 applications in our sample of Settlement Protection cases were decided within UKVI's six month service standard. The time taken ranged from 79 to 199 days, with an average of 99 days.

8.14 UKVI excluded the one case that was not decided within six months from the service standard because of a pending prosecution, and it could not make a decision until the result of the criminal proceedings was known. The case was monitored closely and a decision to refuse the application was made three weeks after the date of the conviction.

Conclusion

8.15 Based on our sampling, the Immigration Rules and UKVI guidance were being applied correctly and

consistently in the case of Settlement Protection grants, but not in the case of refusals, where there was room for improvement in both decision-making and recording of decisions.

Recommendation

The Home Office should:

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.

9. Revocations and Action Following Refusal

Revocation and invalidation of ILR

9.1 ILR can be revoked when a person:

- is liable to deportation or administrative removal but cannot be deported or removed because of the UK's obligations under the Refugee Convention or the European Convention on Human Rights (ECHR); or
- ceases to be a refugee because of their own actions.

ILR can be invalidated when a person:

- has obtained leave by deception.

ILR is automatically invalidated when a person:

- is deported from the UK, as the result of a criminal conviction.

Status Review Unit

9.2 The Status Review Unit (SRU) was established in October 2012 and forms part of the Complex Casework Directorate. SRU began dealing with revocations and invalidations in April 2013 (deportation cases are managed by a separate team). The revocations team within SRU consists of a team leader, senior caseworker, HEO liaison officer and four caseworkers.

9.3 SRU completed 10 revocations/invalidations of ILR in 2013 and 36 in 2014.

File sample

9.4 We sampled 10 cases, where ILR had been revoked or invalidated between 1 October 2013 and 31 December 2014. In six of these, we were unable to establish from the CID notes when they had been referred to SRU to consider revocation. In the four cases where we were able to establish the referral date, the time taken to revoke leave was 16, 37, 83 and 308 days. The last of these was delayed while necessary further enquiries were made.

9.5 In nine of the 10 cases in our sample, revocation was not considered until at least one year after deception was discovered, the longest gap being almost seven years. In the tenth case there had been five months between the discovery of deception and consideration of revocation. Figure 5 is an example where there was a significant delay.

Figure 5: Case study: Significant delay between discovery of deception and revocation

- On 27 October 2005, the Home Office granted the individual ILR, following a period of exceptional leave to remain (ELR) granted because he had been accepted as a minor (that is under 18 years of age).
- On 26 July 2007, the police visited his home and found his Algerian driving licence, which showed that he was seven years older than he had claimed and therefore had not been a minor at the time of the original ELR grant.
- On 2 December 2007, an immigration officer referred the case for consideration of revocation and removal after interviewing the individual under caution.
- On 15 July 2009, 7 April 2011 and 10 October 2011, the individual made applications to the Home Office in his true identity.
- On 16 October 2014, the case was referred to SRU.
- On 20 November 2014, SRU revoked ILR, but granted Limited Leave on the basis of Article 8 of the ECHR because he had a British partner with whom he had two children.

Independent Chief Inspector's comments

There was clear evidence that this individual had used deception to secure his initial grant of leave. However, the Home Office took almost seven years to revoke his ILR. As a consequence of the delay, any opportunity for removal was lost.

Referral volumes and SRU resources

9.6 Before SRU took on revocation considerations in April 2013 there was no dedicated resource to deal with such cases. Staff had been unclear how and where to refer them.

9.7 SRU had sought to raise the profile of the Unit, including delivering presentations to UKVI, Immigration Enforcement and Border Force staff. As a result, it had seen an increase in referrals. At the time of our on-site inspection in May 2015 it was receiving around eleven per week, and had 492[25] outstanding. The team within SRU dealing with revocation cases comprised two fully-trained caseworkers, plus two undergoing mentoring. Fully-trained caseworkers were expected to make three revocation decisions per week. Consequently, the volume of cases awaiting action was growing. Managers recognised under-resourcing as a risk and told us that steps were being taken to scope out the recruitment of additional caseworkers.

Action taken following revocation

9.8 The outcomes of the 10 cases sampled are shown in Figure 6.

Figure 6: Outcomes of cases in revocations sample

Outcome	Number
Limited leave to remain granted	3
Extradited to face criminal charges overseas	1
Appeal allowed – ILR retained	1
Ongoing appeal/litigation	2
Outstanding asylum application/submissions	2
Reconsideration required	1
Total	**10**

25 This figure includes referrals for revocation of refugee status as well as referrals for revocation of settlement.

9.9 The three cases granted further limited leave to remain were granted on the basis that they had British children and that, in accordance with Article 8 of the ECHR, which protects the right to family and private life, it would be disproportionate to remove them. In all three cases, the children had been born after the Home Office became aware that deception had been used to gain ILR.

9.10 In one of these cases, the applicant had been refused citizenship on 17 February 2012 because of his deception, but ILR was not revoked until 27 June 2014. In the meantime, in February 2013, the applicant's British partner gave birth to a child. If revocation had followed on promptly from the refusal of the citizenship application this applicant might have been removable.

9.11 We asked the Home Office for the number of ILR revocation cases that had been removed since 1 January 2014 and were provided with details of 44 individuals. Our analysis showed that 20 of these were either not removal or deportation order cases, or the removal had taken place before 2014 and they had been refused LTE and removed having tried to re-enter in 2014. Of the 44 only 24 individuals had been removed since 1 January 2014 as a direct result of revocation or deportation action, and only four of these removals were directly attributable to actions taken by SRU.

9.12 SRU managers told us that once revocation action had been taken cases were forwarded to Removals Casework to progress to removal. Removals Casework assessed removability in line with its usual criteria, including availability of travel documentation. Cases in which ILR had been revoked were not prioritised over other cases. SRU managers said that only a small percentage of revocation cases were removed. They were planning to increase their involvement in the removals tasking process to try to ensure greater priority was given to their cases.

Prosecutions

9.13 The Home Office informed us that no prosecutions had been pursued against individuals who had used deception to obtain settlement. Decisions whether to prosecute were taken by the Criminal and Financial Investigation Teams whose priority was organised criminal groups. UKVI managers said that consideration was being given to introducing financial penalties, particularly in respect of those who had employed deception but who could not be removed because of ECHR provisions.

Action taken following settlement refusal

9.14 We sampled 25 cases where settlement under Tier 2 had been refused between 1 April 2013 and 31 March 2014. We did this to assess whether cases had been progressed appropriately following refusal. Of the 25 cases:

- 16 had extant leave or were subsequently granted leave to remain;
- four had an appeal ongoing or an application outstanding;
- one had made a voluntary departure; and
- four remained in the UK with no lawful basis of stay.

9.15 None of the four cases without a lawful basis of stay had been progressed towards removal. Of the four individuals: one had been contacted to ask if they had made plans to depart; one had been issued with reporting restrictions; one had exhausted all appeal rights in March 2014, but no action had been taken since; and in the last case, no action had been taken since leave to remain expired in January 2015.

Conclusion

9.16 The creation of a dedicated team to deal with the revocation of ILR was a positive move, as was raising awareness of it within the Home Office. However, this had led to an increased volume of referrals that SRU was not resourced to handle. Since delays can frustrate removal, it is important that the decision to revoke is made promptly and SRU should be resourced to do this.

9.17 The sample of refused Tier 2 cases indicated that no action to progress the case towards removal had been taken in four cases where settlement had been refused. Failure to follow up refusals with appropriate action means that individuals remain in the UK without the right to do so.

Recommendations

The Home Office should:

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.

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.

10. Resources

10.1 As at 8 March 2015, Settlement Casework had 157.31 full-time equivalent (FTE) staff. This included 30 FTE casework support staff, including the workflow team. The percentage of agency staff stood at 26.08 FTE (16.58%) and fixed term staff at 18.48 FTE (11.75%). UKVI managers informed us that they intended to replace agency staff with fixed-term appointments. PSC staff handle a range of applications, and there was no reliable way of producing an FTE figure for PSC settlement caseworking.

Resource planning

10.2 Staffing levels were based on intake forecasting, using a tool known as the Intake Volumetric Register.

10.3 Application volumes were forecast to remain flat for the year ending 31 March 2016. At the time of our inspection, managers were satisfied with their current level of resources and believed these were sufficient for the 2015/16 financial year. Resource requirements would be reviewed quarterly. The staff we spoke to were also satisfied that their teams were adequately resourced.

10.4 Staff were allocated to work on certain types of cases, but had been cross-trained on the other types and could be redeployed to respond to peaks and troughs in application volumes across the different settlement routes.

Training

10.5 In 2014/15, UKVI introduced core skills learning. The core skills learning for decision-makers consists of 34 modules, which cover topics such as safeguarding, data protection, equality and diversity, customer service, immigration law and caseworking.

10.6 Settlement Casework had a Learning and Development plan in place and had conducted a Skills Analysis in January 2015. Most staff to whom we spoke were satisfied with the training they had received, but some said that it had not gone far enough.

10.7 Managers and staff told us that awareness sessions for Domestic Violence caseworkers were delivered approximately five years ago by victim support agencies[26] and awareness in legal issues delivered by the National Centre for Domestic Violence (NCDV). Since then, there had been no refresher sessions provided by victim support agencies.

10.8 Staff in SRU told us they had received one week of training focused on protection issues. They said that they would value formal training on considering revocation cases, and additional training on considering Article 8 of the ECHR. Managers acknowledged that the current training was insufficient and told us they planned to develop a formal training package for SRU caseworkers.

Relationship between caseworkers and Intelligence Hub

10.9 The National Intelligence Thematic Hub was established in March 2014 and is located in Liverpool. At the time of the inspection, the Hub sat within Immigration Enforcement. On the basis of our

26 Southall Black Sisters, Eaves and Rights of Women.

analysis of the evidence provided by UKVI and our subsequent interviews with staff and managers, we found that:

- the Hub had adopted a strategy of increasing reliance on caseworkers to provide intelligence, rather than relying on unsolicited information sent in by members of the public;
- a dedicated intelligence team had been created to liaise with caseworkers in Permanent Migration and the Liverpool PSC and to increase the profile of the Hub; and
- as a result, the number of referrals from caseworkers had increased.

10.10 The reporting from caseworkers had helped intelligence staff and managers to recognise that some settlement work streams were subject to abuse. However, other than alerts and trends published on the Permanent Migration Information Portal, no risk profiles were in place, and no intelligence tools had been produced specifically to assist with settlement decision-making.

Conclusion

10.11 We concluded that resource planning was generally effective. Good use was made of the forecasting tool to match resource to intake. Cross-skilling of caseworkers had enabled Settlement Casework to respond flexibly to changes in demand in the various application types.

10.12 Training was effective as far as it went, but there was a need to provide more training and to keep it refreshed in certain more specialised areas, such as Domestic Violence casework.

10.13 The intelligence generated by caseworkers regarding the abuse of settlement routes was not being used as effectively as it could be to assist with settlement decision-making.

Recommendation

The Home Office should:
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.

11. Service Standards and Continuous Improvement

Service standards

11.1 Most settlement applications are straightforward and some categories of application can be considered quickly. Most Tier 2 settlement applications fall into this category and can be decided in less than half a day. The majority of settlement protection applications can also be decided within the same time-frame.

11.2 Therefore, we asked UKVI why the service standard for all postal applications was six months, given that most applications were straightforward. Managers told us that the six-month standard had been in place for some time, but they were looking at reducing it. 'Shadow' service standards had been trialled on some routes. Subsequently, UKVI told us that its six-month service standard compared favourably with other advanced western economies, such as Australia and the USA.

Exclusion from service standards

11.3 Applications are excluded from service standards where they are categorised as 'blocked' or 'non-straightforward'. Cases are deemed 'blocked' if they cannot be worked for a legitimate reason, such as a pending prosecution. Cases are deemed 'non-straightforward' if they cannot be processed quickly, for example if information is awaited from the applicant or an interview is required.

11.4 We sampled 25 blocked/non-straightforward cases to establish the reason why they were excluded, whether this was reasonable and whether the appropriate authorisation had been obtained. We also assessed whether applicants had been kept informed of the progress of their application. The reasons for exclusion from service standards are shown at Figure 7.

Figure 7: Reasons for exclusion from service standards within our sample

Reason	Number
Intelligence operation (ESOL cases)	18
Pending prosecution	2
Further enquiries/verification checks required	3
Marriage interview required	1
Unresolved policy issue	1
Total	**25**

11.5 According to UKVI guidance, 23 cases in our sample required Senior Caseworker (SCW) authorisation to be excluded from the service standard. Of these, we found that 22 had been correctly authorised. In one case, the CID notes stated that it had been excluded because there was a pending prosecution, but it was unclear from the notes whether SCW authorisation had been obtained.

11.6 While all 25 cases sampled had cited valid reasons, in line with UKVI guidance, to exclude them from service standard, there were three cases where we believed more could have been done to bring

them within the service standard. In one case the need for a marriage interview could have been identified more quickly, and in the other two cases further enquiries could have been made earlier in the process.

11.7 Letters informing applicants that their application would not be considered within six months were sent out in seven out of 25 cases. In five of the seven the applicant was provided with a revised date for completion, and in two of these five they were contacted again when the revised date was missed.

11.8 In one case, which was excluded because of the need for further enquiries, the applicant was not notified of the delay in dealing with their case. The remaining 17 applicants were not informed of a delay on the instruction of the Immigration Intelligence Directorate as they were linked to the ESOL intelligence operation.[27]

11.9 Within our Tier 2 sample, we noted that eight applications had been excluded from the service standard. In two of these cases, both postal applications, we assessed that the applications could have been processed within six months. An example is given in the case study at Figure 8.

Figure 8: Case study: Postal application excluded incorrectly from service standard

The applicant:

- submitted his application by post on 2 June 2014;
- failed to enclose his passport, though the application form indicated that the passport had been included; and
- did not submit his Life in the UK test certificate.

UKVI:

- on 12 June 2014, noted that no passport had been submitted with the application;
- on 14 November 2014, wrote to the applicant's legal representative requesting that the passport and Life in the UK test certificate be submitted within 14 days; and excluded the case from service standards on the same day citing 'Customer Delay'; and
- on 8 December 2014, refused the application after receiving no response from the applicant or his representative.

Independent Chief Inspector's comments:

This application fell outside the service standard by one week and could easily have been decided within the six-month service standard had UKVI acted sooner to request the missing evidence.

11.10 Managers said that they had identified, through the Continuous Improvement project (see below), cases where they could have identified issues earlier. One example was pending prosecution cases, which were now identified and monitored by the workflow team rather than being allocated out to caseworkers. However, managers were reluctant to carry out a pre-allocation sift on all cases. Caseworkers also had reservations about a pre-allocation sift, saying it risked double-handling as the sifter would have to examine all the papers in order to assess whether further enquiries were necessary.

27 The operation involved the identification of possibly fraudulent English language test certificates.

Continuous Improvement

11.11 Settlement Casework commenced its Continuous Improvement (CI) project in May 2014. CI Champions were appointed and initial work included:

- a review of the end-to-end process; and
- a pulse survey.

11.12 Measures introduced as a result of CI activity have included:

- standardisation of workflow practices, including standardisation of case allocation and 'bring forward' (BF) systems;
- roll-out to teams of best practice on refusal implementation; and
- improved communication, including creation of team information boards, regular team information board meetings, and a weekly newsletter containing all relevant process/policy changes.

11.13 Most staff engaged with the CI project. Staff awareness sessions were held in November 2014. The staff whom we spoke to felt it was easy for them to raise ideas for improvement and that these received due consideration by managers.

11.14 Staff also commented positively about the Permanent Migration Information Portal, which was introduced to store centrally all up-to-date caseworker process guidance, policy instructions and information notices.

11.15 A Health Check survey[28] conducted in May 2015, as a follow-up to the July 2014 Pulse Survey, showed a higher proportion of positive responses in most areas. Whether the Settlement Senior Management Team had a clear aim and objective for the future of Settlement was up from 56% to 73%, while whether feedback was received on suggestions was up from 51% to 65%.

11.16 There were marked improvements in the proportions of staff who felt they had the opportunity to contribute their views before decisions affecting them were made (up from 35% to 48%), and those who felt that change was managed well (up from 40% to 55%), but in both cases this still represented only around half of those surveyed.

Customer Service Excellence

11.17 Permanent Migration, of which Settlement Casework forms a part, was awarded Customer Service Excellence accreditation in April 2014.

11.18 Permanent Migration was then reassessed as part of the accreditation process for the whole of UKVI Immigration Casework, which was awarded Customer Service Excellence on 14 February 2015.

Complaints

11.19 The Home Office definition of a complaint is, '*Any expression of dissatisfaction about the services provided by or for the Home Office and/or about the professional conduct of Home Office staff, including contractors*'. There were 722 complaints made in respect of settlement applications during 2014 (calendar year). There were 93,712 settlement applications over the same period. The average response time for complaints was 20.55 working days, just outside the 20 working day target.

28 Completed by 74% of Settlement Casework staff.

11.20 On a monthly basis, UKVI produces a top 20 list of customer issues with a view to addressing them where it can. The information is taken from MPs' correspondence, official complaints and contact centre data. We were provided with data for February 2015, but this was not broken down to show specific settlement casework issues.

11.21 Customers chasing progress on their application was one of the most common issues identified. The Customer Status Updates Project is piloting regular automated email updates to the customer. An email is sent to acknowledge receipt of the application and then a monthly email is sent to inform the customer that the application is still under consideration.

Conclusion

11.22 Based on the number of complaints and Permanent Migration's Customer Excellence accreditation, the service provided is already of a high standard, and Settlement Casework is actively seeking to improve it through its Continuous Improvement project. However, we concluded that the current six months service standard for postal applications was not challenging. Some cases were excluded from or failed to meet service standards because further enquiries had not been initiated at the earliest possible stage; if they had been the service standard would have been achievable. While pre-allocation sifting of all applications may not be the most efficient use of resources, the targeted use of sifting to accelerate the types of cases found to be creating delays and difficulties is an important tool in meeting and improving service standards.

Recommendations

The Home Office should:

Introduce shorter service standards for straightforward postal applications for settlement.

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 within published service standards.

Appendix 1:
Role and Remit of the Chief Inspector

The role of the Independent Chief Inspector ('the Chief Inspector') of the UK Border Agency (the Agency) was established by the UK Borders Act 2007 to examine and report on the efficiency and effectiveness of the Agency. In 2009, the Independent Chief Inspector's remit was extended to include customs functions and contractors.

On 26 April 2009, the Independent Chief Inspector was also appointed to the statutory role of independent Monitor for Entry Clearance Refusals without the Right of Appeal as set out in Section 23 of the Immigration and Asylum Act 1999, as amended by Section 4(2) of the Immigration, Asylum and Nationality Act 2006.

On 20 February 2012, the Home Secretary announced that Border Force would be taken out of the Agency to become a separate operational command within the Home Office. The Home Secretary confirmed that this change would not affect the Chief Inspector's statutory responsibilities and that he would continue to be responsible for inspecting the operations of both the Agency and the Border Force.

On 22 March 2012, the Chief Inspector of the UK Border Agency's title changed to become the Independent Chief Inspector of Borders and Immigration. His statutory responsibilities remain the same. The Chief Inspector is independent of the UK Border Agency and the Border Force, and reports directly to the Home Secretary.

On 26 March 2013 the Home Secretary announced that the UK Border Agency was to be broken up and brought back into the Home Office, reporting directly to Ministers, under a new package of reforms. The Independent Chief Inspector will continue to inspect the UK's border and immigration functions, as well as contractors employed by the Home Office to deliver any of these functions. Under the new arrangements, the department UK Visas and Immigrations (UKVI) was introduced under the direction of a Director General.

Appendix 2: Inspection Framework and Core Criteria

The criteria used in this inspection were taken from the Independent Chief Inspector's Core Inspection Criteria. These are shown in Figure 9.

Figure 9: Inspection criteria used.
Operational Delivery
1. Decisions on the entry, stay and removal of individuals should be taken in accordance with the law and the principles of good administration.
2. Customs and immigration offences should be prevented, detected, investigated and, where appropriate, prosecuted.
3. Resources should be allocated to support operational delivery and achieve value for money.
4. Complaints procedures should operate in accordance with the recognised principles of complaints handling.
Safeguarding individuals
5. All individuals should be treated with dignity and respect and without discrimination in accordance with the law.
8. Personal data of individuals should be stored securely in accordance with the relevant legislation and regulations.
Continuous Improvement
9. The implementation of policies and processes should support the efficient and effective delivery of border and immigration functions.
10. Risks to operational delivery should be identified, monitored and mitigated.

Acknowledgements

We are grateful to UKVI for its co-operation and assistance during the course of this inspection, and appreciate the contributions from staff and stakeholders who participated.

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ISBN 978-1-4741-2601-4