



Home Office

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

'An Inspection of Family Reunion Applications'

January – May 2016

The Home Office thanks the Independent Chief Inspector (ICI) for the recommendations in his report on Family Reunion applications, and accepts all of the recommendations. Responses to the recommendations are below.

Recommendation 1: In relation to the asylum screening and interview records, ensure that:

- Asylum caseworkers are aware of the importance of capturing details of the claimant's family members; and,
- overhaul the process for retrieving interview records, so that they are made available in good time to whoever needs them

Response: Accepted.

Best practice guidance for asylum caseworkers has been updated and circulated, emphasising the need to obtain full details of the claimant's family members during the asylum process and setting out why this is important.

Work is underway to change the method of recording the details of the asylum claimant's family members on the caseworking system in a way that will negate the need to obtain a file readover or copy of the interview record, as those considering Family Reunion applications will be able to see the details of the family members on the caseworking system.

For cases prior to this change, the method of obtaining the relevant details is being reviewed, to ensure that delays are minimised.

Recommendation 2: Ensure that interviewing of Family Reunion applicants and/or sponsors is a practicable option for Visa Sections by improving access to interpreters, and review and provide guidance regarding the use of interviews to ensure best practice is consistently applied.

Response: Accepted.

UKVI is establishing a central interpretation capability. Plans are being formulated to consolidate decision making for Family Reunion applications into one team based in the UK. Once this has happened, decision makers will use this central interpretation capability where any interviews are deemed necessary. Prior to decision making being consolidated in the UK, the current regional management teams are looking at better ways of working together to assist with the provision of interpreting staff from one region to another.

The Family Reunion guidance that was published in July 2016 includes best practice for interviews. Masterclasses explaining the guidance and how to implement it are scheduled for autumn 2016.

Recommendation 3: Review its approach to DNA evidence in Family Reunion cases, including:

- funding for commissioned DNA testing where the Home Office is unable to verify documents provided by the applicant;
- deferral rather than refusal where the absence of DNA evidence is the only barrier to issuing entry clearance; and
- update guidance so that it accurately reflects the approach and applicants are clear in what circumstances they should provide DNA testing results with their application.

Response: Accepted.

The Family Reunion guidance that was published in July 2016 includes specific detail on the provision of DNA evidence.

The policy regarding DNA evidence is being reviewed by the Home Office, and the outcome of the review should be known by the end of the year. Part of the review is the consideration of allowing applications to be deferred to allow DNA evidence to be submitted, and if the Home Office should commission such testing.

Recommendation 4: In terms of decision making in Family Reunion cases:

- ensure that ECOs give full consideration to all available evidence;
- ensure that evidence relied upon in the decision is either retained or properly evidenced in the issue notes or refusal notice;
- ensure that the case record and/or refusal notice fully explains the rationale for the decision; and
- ensure that ECM reviews are effective.

Response: Accepted.

Guidance on considering Family Reunion cases was published in July 2016, and has been circulated to all decision makers. Masterclasses explaining the guidance and how to implement it are scheduled for autumn 2016. These masterclasses are where policy experts discuss with decision makers how to approach the consideration of Family Reunion applications.

Guidance relating to how decisions are recorded (issue note and refusal notices) is being reviewed and will be issued to decision makers later this year. This will make clear how to refer to evidence that has been considered, and which evidence needs to be retained.

UKVI's International Casework and Quality Assurance Team has been set up, and part of the team's remit is introducing formal quality assurance processes. These processes will include feedback mechanisms to decision makers and their management teams. This will be done using a formal digital process and will allow management teams to interrogate databases for information based on themes, posts and individuals.

A full analysis of the ECM review process is underway, and will focus on the effectiveness of it. Part of this will be formalising reviews of the quality of the process.

Recommendation 5: In relation to Family Reunion applications, review, issue clear guidance, and ensure consistent application by decision makers of:

- 'General grounds for refusal' (paragraph 320 of the Immigration Rules) might apply; and
- 'exceptional circumstances' or 'compassionate factors', in particular (but not limited to) when considering applications from spouses under the age of 18.

Response: Accepted.

Guidance has been issued to decision makers to clarify that the General Grounds for Refusal apply to Family Reunion applications.

Guidance has been revised and published to more clearly explain how and when exceptional and compassionate circumstances are to be considered. Guidance on how to consider applications from spouses that are under 18 is currently being reviewed and will be published later in the year.

Recommendation 6: Reconsider whether assurance based on a 'Review to Risk' approach gives sufficient weight to the potential humanitarian protection consequences of Family Reunion refusals. In particular, ensure trends and issues associated with particular nationalities are identified and monitored.

Response: Accepted.

The 'Review to Risk' strategies of the regional teams are refreshed regularly. In future reviews, more emphasis will be given to ensuring that part of these reviews includes a more holistic view of the cases to be reviewed. This will include better acknowledgment of the need to strike a balance between ensuring that those entitled to be reunited with family in the UK are allowed to do so, whilst refusing those that do not satisfy the rules. Regional teams have been tasked with carrying out more analysis of Family Reunion cases, to help ensure that this balance is right.

Recommendation 7: Review its internal processes, in particular the 'hand offs' between different functions, to reduce the time taken to deal with Family Reunion applications.

Response: Accepted.

Plans are being formulated to consolidate decision making for Family Reunion applications into one team based in the UK. Once this has happened, decision makers will have easier access to the initial application of the Family Reunion sponsor, and this will help to reduce any unnecessary 'hand offs'. Prior to decision making being consolidated in the UK, the current regional management teams are looking at better ways of handling these applications to ensure that cases are dealt with expediently, with the minimum of systemic delays.

Recommendation 8: Ensure that Family Reunion applications are not wrongly recorded as 'complex' when delays are of the Home Office's making.

Response: Accepted.

Guidance is clear that cases must not be marked as complex in these circumstances. It is being reviewed and will be reissued. Performance against processing times is closely monitored, including the number and reasons for cases being marked as 'complex'. Regional directors have to account for these cases in performance discussions, and close scrutiny of complex cases is inbuilt into the performance reporting system. The instruction for staff regarding complex cases is being revised and will be reissued.

Recommendation 9: Reduce the number of Family Reunion appeals and reapplications by ensuring that guidance to applicants clearly signposts what evidence they should provide with their application, and getting the decision 'right first time'.

Response: Accepted.

Guidance for Family Reunion applicants was updated and published in July 2016. It contains clear guidance on what evidence applicants can consider submitting with their application, and in common with all UKVI guidance it will be reviewed periodically to ensure that it is up to date and effective.

Recommendation 10: In relation to those Kuwaiti Bidoon Family Reunion applications from 2013 – 2015 where the Home Office has not implemented the Judges' ruling or its own undertakings to issue entry clearance, ensure that it responds quickly when reasons for the delay are sought

by those affected and that it provides as much information as it reasonably can, bearing in mind the sensitive nature of the investigation.

Response: Accepted.

All of the applications highlighted in the report have now had a decision. If a similar situation were to happen now, these cases would fall into the 'complex case handling' arrangements, which includes contacting the applicants to explain what is happening with their application when there will be a delay in processing it.