



Home Office

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

'An inspection into Removals'

October 2014 – March 2015

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

We are grateful to the Independent Chief Inspector for recognising our success in ensuring voluntary return for an increasing number of those in the UK illegally and for identifying areas where improvements might be made throughout the removals process. As the Independent Chief Inspector recognises, we have continued our focus on arresting and removing illegal migrants but also transformed our approach to reach a much wider range of illegal migrants. This means there are now real consequences for those entering the country unlawfully or failing to comply with the permission given to stay. We have done this by developing our measures to deter and prevent illegal immigration, such as limiting access to current accounts, tackling illegal working, preventing those here illegally accessing private sector contracts, revoking driving licences, recouping money for the NHS from chargeable patients and working with local authorities to ensure that illegal migrants are unable to access local authority support. In parallel, we have already made significant process improvements in sharing data and in how our teams work together to pursue enforced removals.

The report from the Independent Chief Inspector identifies a number of areas where we can make further improvements. We accept 5 and partially accept 2 of the 7 recommendations. The response to each individual recommendation is below.

1. Recommendation 1: Ensure that Immigration Enforcement (ICE) teams and Reporting Centre staff are aware of and promote all options for voluntary return.

1.1. Accepted

- 1.2. We recognise there is more work to do to ensure consistency amongst our staff in the way we promote voluntary return. At the beginning of 2016, we will roll out a new integrated Voluntary Returns Service to provide a single contact point for anyone in the illegal migrant population who is thinking about departing. This will be a tailored service, built around the particular circumstances of the individual, including any vulnerabilities.
- 1.3. The new service will create solutions to ensure returns take place, from arranging travel documents to the provision of medical escorts (if required), educational resettlement or business start-ups in the country of return. These services will be described with a simple message of 'we will help you to return to avoid enforcement action'.
- 1.4. In line with the creation of an integrated Voluntary Returns Service, over the last 12 months the team responsible for this area has delivered training and support across front line offices ensuring that compliance, voluntary returns, interventions and sanctions are at the forefront of staff minds when dealing with offenders.
- 1.5. We have also rolled out voluntary return training to selected reporting centres nationally, trialling a revised approach based on behavioural insights. It will focus on how reporting centre staff engage with reportees in relation to voluntary return options. In addition to testing whether the training is sufficient, it will allow IE to analyse the impact of the new approach on the level of returns. It will also allow IE to assess whether amendments to business processes are also required to make sure the training has the most impact ahead of a national roll out.

2. Recommendation 2: In relation to Assisted Voluntary Returns (AVR). a) Incentivise AVR by including it in ICE team targets.

2.1. Accepted

2.2. A voluntary return, avoiding arrest and detention, is a more efficient use of Home Office resource. Rightly, the number of voluntary returns is therefore included in ICE Team targets. We are currently reviewing our Performance Management Framework and developing accompanying targets for the 2016/17 reporting year in line with a business wide transformation programme to maximise efficiency and effectiveness. We will consider this recommendation further in line with this review.

2.3. **b) Ensure that any policy changes around eligibility or the operation of AVR are discussed with the Scheme Administrator in sufficient time for them to be able to communicate the changes effectively to potential users of the scheme.**

2.4. **Accepted**

2.5. Part of the strategy to build an integrated Voluntary Returns Service will see the provision of AVR move from being provided externally to becoming part of the integrated service delivered by the Home Office. This will afford us greater flexibility to work through our own outreach channels, including ICE teams, and it means we can ensure that the service is clearly explained to potential users.

3. **Recommendation 3: Improve communication between the National Removals Command (NRC) and ICE teams and Reporting Centres, ensuring it meets the business needs of all parties in terms of its timeliness and value to operational planning, and including feedback from NRC on referred cases where removal has occurred. Use a reduction in instances of individuals being arrested by ICE teams but not accepted into detention as a measure of improved communication.**

3.1. **Partially Accepted**

3.2. Immigration Enforcement has already made progress since the inspection and will continue to improve communications between caseworking units, ICE teams and the NRC, to ensure collective efforts are maximised.

3.3. Since the inspection, the NRC's involvement in ICE tasking structures has been formalised to ensure detention capacity and priorities are fed in directly whilst work is being planned and allocated. This is supplemented by the NRC daily briefing on detention capacity and subsequent amendments to priorities where applicable. Priorities are set at the National Tasking Board (NTB) whose role was refreshed in July 2015 to align strategic priorities with capacity across the business.

3.4. Day-to-day, NRC engage with operational leads to determine priorities for operations by projecting expected encounters against availability of detention space. A NRC representative attends monthly Regional Tasking Boards in all 3 regions, which serves the dual purpose of NRC gaining an understanding of the extent of operational activity over the coming months, as well as operational teams gaining an understanding of any forthcoming limitations to detention capacity. As part of that forum, NRC also advise on other areas of interest, such as upcoming documentation schemes which helps to focus operational activity.

3.5. Going forward, the newly created Strategic Operations Command within Immigration Enforcement will ensure we have much better consistency of operational tasking nationally. This will enable NRC to better predict the impact of operations on the detention estate and conversely what any disruption to the estate will have on planned operations.

3.6. We do not accept, however, that the volume of cases rejected for detention by the gatekeeper is, of itself, a robust measure of effectiveness in communication between the

NRC and ICE. The reasons for a case being rejected are numerous and many do not indicate a breakdown of communications. However, we will ensure that better data on the reasons for rejection are captured in the management information framework for Immigration Enforcement performance and tasking.

4. Recommendation 4: Put robust monitoring of the new (as at 2015) arrangements for handling further submissions in place to ensure that the backlog of refused asylum further submission cases is cleared by the end of 2015/16 and that the five day target for dealing with new further submissions is being met.

4.1. Partially Accepted

- 4.2. In December 2014, UK Visas and Immigration amalgamated all post Appeal Rights Exhausted asylum casework into the Complex Casework Directorate, based in Liverpool. The effect of the December 2014 change is that the Asylum Casework Directorate is now able to focus exclusively on initial asylum decisions.
- 4.3. In addition, with effect from 30 March 2015, the Home Office requires failed asylum seekers who wish to lodge further submissions in support of a fresh claim to do so in person at the Further Submissions Unit based in Liverpool. Prior to 30 March 2015, this requirement only applied to failed asylum seekers who had first claimed asylum before March 2007. The aim of this change is to provide a more effective customer service by making faster decisions on further submissions, granting protection more quickly to those who need it and referring for removal those who have no right to be here.
- 4.4. These changes, coupled with Complex Casework Directorate completing its programme of work to review and decide pre March 2007 cases, ensure there is dedicated resource in place to decide cases in the existing stock of further submissions from failed asylum seekers. It will also decide new submissions quickly, wherever possible within 5 days of their being lodged.
- 4.5. Whilst the aim is to decide all cases as soon as possible, the Home Office has made no commitment to have completed the entirety of the pre-30 March stock by the end of 2015/16. Resources will continue to be allocated in a balanced manner between those failed asylum seekers with no leave to remain who have made further submissions and those failed asylum seekers who were granted a limited period of leave following their asylum application being refused and who have outstanding applications for Further Leave.

5. Recommendation 5: Review absconder guidance to ensure it is in line with what the Home Office considers appropriate in light of capacity, priorities and the impact of absconding on the effectiveness and efficiency of each part of the removals process. Promulgate and put assurance mechanisms in place to ensure the new guidance is followed consistently, and that decisions whether and how to pursue absconders are not left to local judgement.

5.1. Accepted

- 5.2. The Home Office is committed to preventing absconding and locating absconders in line with their level of harm and other strategic priorities. We have already commenced a review of approach and related guidance in this area, in addition to the hostile environment making it far less attractive for absconders to remain in the UK illegally. Once new absconder guidance has been completed, it will be communicated to IE staff and formal assurance processes established to ensure that consistent practice is followed.

6. Recommendation 6: Set an appropriate range of performance targets for the Family Returns Process (FRP), to include the balance of effort devoted by Family Engagement Managers (FEMs) to asylum and non-asylum cases, ensuring that sufficient effort is devoted to asylum cases to effect a reduction in the overall number of such cases in the FRP. Reallocate routine tasks not requiring HEO grade FEMs in order to make optimum use of their specialist training.

6.1. Accepted

- 6.2. A key function of the Family Returns Process is to promote and maximise a culture of compliance to encourage voluntary returns. Families should only be arrested and subject to an ensured return as a last resort and it is important that this emphasis is reflected in the unit's performance targets.
- 6.3. The Family Returns Team (FRT) will accept and progress all cases which meet their published acceptance criteria. There has been a significant increase in voluntary departures managed by FRT, which reflects our strategic aims and the significant outreach work. However this has not come at the expense of dealing with failed asylum seeking (FAS) families. The FRT's ability to conclude asylum cases is dictated by the flow of suitable cases from asylum casework teams, which is currently around 25% of weekly intake. The FRT deal as a priority with every suitable asylum case tasked to it; over 55% of families who are currently allocated to a FEM and are progressing through the FRP have had a previous asylum claim.
- 6.4. A number of the non-asylum cases in the FRP are supported by Local Authorities. The Home Office has given its commitment to working closely with these councils directly through the No Recourse to Public Funds (NRPF) Network. By encouraging these families to return home and restricting access to local authority support for families who have no lawful basis to remain in the UK, we will reduce the burden on the taxpayer.
- 6.5. The FRT collect and analyse management information on a range of variables regarding the family returns process and use this to prioritise and understand the impact of interventions being made. We are also working with colleagues in the Performance Reporting and Analysis Unit (PRAU) to verify the number of families in the work streams which flow into the family returns process in order to agree proportional sub targets for FAS and non-asylum families, in consultation with UKVI colleagues.
- 6.6. We also recognise the need for FEMs to utilise their specialist training in a way that delivers maximum impact. That is why EO and AO field officers complete the majority of voluntary returns work, allowing FEMs to concentrate on more complex cases progressing to the latter stages of the family returns process.

7. Recommendation 7: Ensure that it puts in place as soon as possible an appropriate policy covering how to deal with non-compliant children within the Family Returns Process (FRP), and issue practical guidance to those staff whose roles involved direct contact with children.

7.1. Accepted

- 7.2. Current Home Office policy states that physical intervention can only be used on children for the prevention of harm. This restriction on the circumstances in which physical intervention may be used is currently under review.