



Inspection of the UK Border Agency in Scotland and Northern Ireland: Representation at First-Tier Appeals in Scotland

August – November 2010



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Independent Chief Inspector of the UK Border Agency



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Foreword from John Vine CBE QPM



This inspection of representation at first-tier appeals in Scotland forms part of a wider inspection of Scotland and Northern Ireland which also includes the Agency's border operations and their work to counter abuse of the Common Travel Area.

The UK Border Agency has the responsibility not only to make decisions in immigration matters but also to defend appeals against those decisions at the Immigration Court.

UK Border Agency policy since 2006 has been to have representation in 100% of cases. This was given as an undertaking to the then Home Affairs Committee. This issue has received some publicity and I decided to take the opportunity to look at the representation at appeals in Scotland.

The Presenting Officers' Unit in Glasgow works on behalf of a number of UK Border Agency business areas by representing Home Office immigration case decisions, when appealed, in front of an independent Immigration Judge. The Unit works jointly with the Asylum Team to maximise the number of appeals that can be represented in court.

I found that the work of the Presenting Officers was generally well regarded by Immigration Court Judges. I was also pleased to see that the management of the Unit was effective, with clear targets and priorities which were understood by staff. But it was also clear that the Unit was falling far short of achieving the target of 100% attendance at appeals. The evidence from this inspection shows that representation does achieve greater confidence in the outcome of cases and increases the likelihood of an appeal being dismissed.

It is particularly worrying that the UK Border Agency target for Presenting Officer representation at court from this region is at such variance with the actual level of representation in some categories of case.

Given that the Agency does not achieve 100% representation in appeal cases, there is a clear need for national guidance to be issued by the Agency to prioritise the cases which should receive representation at appeal.

I have set out my findings, together with six recommendations, which I believe will strengthen the UK Border Agency's performance in the management of appeals.

A handwritten signature in black ink that reads 'John Vine' followed by a period.

John Vine CBE QPM
Independent Chief Inspector of the UK Border Agency

1. Executive Summary

1. The UK Border Agency (when it was the Immigration and Nationality Directorate of the Home Office) gave an undertaking to the Home Affairs Committee in 2006 to represent the Home Office in all immigration case decisions that were appealed. This target was not being met though the commitment remains extant.
2. Internal UK Border Agency targets to provide representation in court at appeal hearings related to immigration decisions (representation rates) are currently set regionally, based on risk or harm assessments. The UK Border Agency does not issue a national target. The Glasgow Presenting Officers' Unit (POU) has targets to provide representation at 100% of deportation cases, 100% of bail cases, and 100% of high harm cases: all these are being met.
3. Targets for the proportion of appeals dismissed (dismissal rates) vary by case type. The asylum dismissal rates are historically based; the bail dismissal rate is set locally, and the basis for the dismissal rate for refused visa applications made from abroad (Entry Clearance) is unclear. Although a specific target for the refusal rate of appeals has been published in the International Group Business Plan, this does not appear to be recognised in Scotland. At the time of inspection, only the dismissal rates for bail were being met.
4. There is evidence of some analysis of allowed appeals in Scotland, but little evidence of this taking place nationally. Analysis is hampered by poor quality information on the Casework Information Database (CID¹) used by the UK Border Agency.
5. Engagement with the Immigration Judges was generally good although there was little the UK Border Agency could do to influence the listing of cases according to the Tribunal Service's own priorities. Influencing case listings would improve the efficiency of the Agency. However, the Agency should continue to work with the Tribunal Service to ensure legal representatives provide appeal papers five working days in advance of the hearing, as required. The Immigration Judges confirmed the importance of having a Presenting Officer attend every appeal. On a national level, consideration is being given to reduce the number of cases requiring an appeal to be presented.
6. We noted the inefficiency caused by the late arrival of case and appeal documents from both the UK Border Agency (International Group for entry clearance cases) and legal representatives. This adversely impacted representation as the cases could not be more thoroughly prepared or, where appropriate, a case decision reversed by the Agency before the appeal was heard.

1 The Casework Information Database is an administrative tool, used by the UK Border Agency to perform caseworking tasks and record decisions

2. Summary of Recommendations

We recommend that the UK Border Agency:

1. Routinely analyses grants of bail and allowed appeals on both a national and local level in order to more effectively allocate resources and identify best practice and opportunities for improvement.
2. Sets realistic performance targets, aligned to Agency priorities and agrees the appeal dismissal rate target for International Group.
3. Issues national guidance on priorities for representation at appeal hearings.
4. Ensures accurate management information is captured on representation rates at appeals, both nationally and locally.
5. Ensures International Group provides appeal papers within the set time limit.
6. Works with the Tribunal Service to improve the provision of appeal papers by legal representatives five working days in advance of the hearing, as stated in the Practice Directions.

3. The Inspection

- 3.1 The role of the Independent Chief Inspector of the UK Border Agency was established by the UK Borders Act 2007 to examine the efficiency and effectiveness of the UK Border Agency. The Border Citizenship and Immigration Act 2009 provided additional responsibilities for the Chief Inspector to inspect former customs functions.
- 3.2 The Chief Inspector is independent of the UK Border Agency and reports directly to the Home Secretary.

Purpose and Aim

- 3.3 This inspection formed part of a wider inspection of the UK Border Agency's operations in Scotland and Northern Ireland. The terms of reference for this inspection were:
- to undertake an inspection of the Glasgow Presenting Officers' Unit.
- 3.4 We collected evidence to measure the efficiency and effectiveness of the Unit and compliance with relevant guidance and legislation.

Scope

- 3.5 The scope of the inspection involved considering:
- national and local policy and guidance concerning the Agency's representation at first tier appeal hearings for the following case types:
 - asylum appeals;
 - court recommended deportation orders;
 - entry clearances from abroad;
 - leave to enter at a port;
 - extensions of stay such as a points-based application or to stay indefinitely; and
 - bail hearings for those in detention.
 - the timescale set to list a first-tier appeal and performance of the Unit against timescales;
 - the targets for a Presenting Officer to attend first-tier appeal hearings and performance of the Unit against these;
 - how the Agency monitors the attendance of presenting officers at appeals and analyses the impact on outcomes of any change in attendance;
 - the use of asylum case workers as a resource to present their own appeals; and
 - how the POU seeks and uses feedback from the judiciary to improve the effectiveness of the appeal system.

Methodology

- 3.6 The onsite phase of the inspection took place from 22 to 26 November 2010.
- 3.7 A range of methods were used during the inspection, including:
- assessment of a wide range of evidence provided by the UK Border Agency;
 - analysis of statistical information;
 - attendance at appeal hearings;
 - examining a random sample of 200 appeal cases in depth, in particular with regard to data quality of CID, comparing this with the appeal determinations and recording any comments made by the Immigration Judges on the presence or absence of a Presenting Officer;
 - interviews and focus groups with a variety of staff; and
 - consultation with a range of stakeholders including Immigration Judges (see Appendix 2).
- 3.8 After the completion of the onsite phase of the inspection, the inspection team provided high level emerging findings to the UK Border Agency.
- 3.9 The inspection identified six recommendations for improvement to operational service delivery in the Glasgow Presenting Officers' Unit. A full summary of recommendations is provided on page 4 of this report.

4. Background

4.1 The UK Border Agency is divided into seven business areas:

- Border Force;
- International Group;
- Immigration Group;
- Intelligence Group;
- Criminality and Detention;
- Corporate Services; and
- Strategy and Policy.

4.2 The UK Border Agency presence in Scotland and Northern Ireland comprises of Immigration Group (IG) and one command from Border Force (BF) North with responsibility for arriving passengers and goods. Immigration Group operates a regional structure comprising six regions: London and South East; East and West Midlands; North West; North East, Yorkshire and Humber (NEYH); Wales and South West; and Scotland and Northern Ireland. Each Immigration Group region is led by a Regional Director.

Immigration Group Scotland and Northern Ireland

4.3 Immigration Group teams are based mainly in offices across Glasgow and Belfast and include:

- asylum case owners (case owners specialising in the management and decision of claims for asylum);
- presenting officers (staff representing the Home Office/UK Border Agency at appeals against immigration decisions);
- public enquiry office² staff and reporting centre³ staff; and
- operational enforcement office staff⁴.

4.4 The Presenting Officers' Unit for Scotland is based in Glasgow city centre. Presenting Officers represent the Home Office/UK Border Agency in all first-tier appeal cases. This is the first stage in the appeal process against an immigration decision made by the Agency. An appeal can be lodged in the following circumstances:

- if the UK Border Agency intend to remove the person from the United Kingdom;
- if removal would be against the Agency's obligations under the 1951 United Nations Convention Relating to the Status of Refugees;
- if the decision was not in line with the Immigration Rules;
- if the decision was not in line with the law;
- if the Immigration Rules allowed the person who made the decision to exercise their own judgement on the circumstances of the case and their judgement could have been exercised differently;
- where a person believes they have been subject to race discrimination; or

² Locations where enquiries and in-country visa applications can be made

³ Locations where immigration offenders are required to report on a regular basis

⁴ Also based in Aberdeen and Edinburgh, who deal with "in-country" enforcement activity

- if the decision is against the appellant's rights under the European Convention on Human Rights or it would be against the appellant's rights for UK Border Agency to remove the appellant from the United Kingdom because of that decision.
- 4.5 The appeal hearing is chaired by an Immigration Judge. Hearings are usually informal, although the proceedings do have the force of law. During the hearing, the Judge asks the appellant or representative to outline their case and call any witnesses. The Judge then asks the Presenting Officer to do the same. At the end of the hearing, the appellant or their representative and the Presenting Officer can make a final statement.
- 4.6 For the purposes of this report, the cases referred to are defined as follows:
- Bail case – An application to be released on bail from a person detained under the Immigration Acts.
- Asylum case – An asylum appeal can be made by a person whose claim to be under threat in their own country has been rejected by the UK Border Agency.
- Deportation case – An appeal against a deportation order that has been issued requiring that person to leave the United Kingdom.
- Economic and Family Migration case – An appeal against an entry clearance refusal in this category where the person has applied from abroad to enter the United Kingdom.
- Human Rights – A human rights appeal is where a person claims their basic human rights have been breached.
- Points-based System (PBS) – An appeal against an application refused under the PBS outside of the UK and which has a limited right of appeal to the First-tier Tribunal.

5. Inspection findings – how does the UK Border Agency receive and develop intelligence?

General criterion:

- The borders are secured and immigration is controlled for the benefit of the country.

Specific criteria:

- There are clear and realistic performance targets to drive improvement
- There are effective arrangements to manage demand so as to reduce existing backlogs and minimise future backlogs

Introduction

- 5.1 Appeals heard at the Glasgow Hearing Centre can be presented either by a Presenting Officer or by an asylum case owner from the Asylum Team. The majority of asylum cases are presented by the Asylum Team, although if there are not enough asylum case owners available, the cases can be represented by a Presenting Officer in addition to their own cases. These are agreed in advance by the managers of the Presenting Officers' Unit and the Asylum Team.
- 5.2 The hearings are listed by court room and it is usual for a Presenting Officer to represent all the appeals in that room. Asylum cases are normally listed separately, but other case types can be mixed and are scheduled together based on their complexity as assessed by the listing clerks.
- 5.3 Case types include Asylum, Entry Clearance, Economic and Family Migration, Deportation, Human Rights and Points-based System (PBS). In addition, the Agency may have risk assessed the appellant and allocated a harm rating⁵. A detainee of any case type may also apply for bail.

Representation Rates – Targets and Priorities

Cases Represented by the Presenting Officers' Unit (POU)

- 5.4 We found that the undertaking given to the Home Affairs Committee in 2006 by the then IND (Immigration and Nationality Directorate) "*to provide 100% representation at appeals*" was not being met. This commitment is still extant.
- 5.5 This undertaking was acknowledged by staff in both Glasgow and the Central Appeals and Litigation (CAL)⁶ Team who have overall responsibility for appeals within the Agency. It was also re-iterated by the Immigration Judges who expressed concerns over the level of representation. One judge told us that the presence of a Presenting Officer "*makes all the difference in the world*", with the effect that the hearing is fairer to both sides in the appeal process.
- 5.6 The Government's acknowledgement in 2006 that a number of foreign prisoners had been freed without being considered for deportation led to an increase in detained cases and caseworking. This resulted in a rise in appeal and bail applications.
- 5.7 According to CAL, the decision on setting representation rates rests with the regions. Regional Directors have autonomy to decide which appeals should be represented but should consider the risk or harm rating as a minimum. We found this to be the case in Scotland and Northern Ireland and the Glasgow POU.

⁵ The harm rating is the scale against which the UK Border Agency rates individuals, with a rating of A, B or C, with A being those who most likely to cause harm to the public

⁶ Central Appeals and Litigation is responsible for driving a programme of continuous improvement and change on appeals and litigation for the UK Border Agency. CAL also manages live Upper Tier Tribunal cases and Judicial Reviews

- 5.8 At the end of 2007 case owners and senior managers in the Scotland and Northern Ireland region discussed the case types which should be represented since resource constraints meant that UK Border Agency could not represent every appeal. The decision was to focus on the national priorities of high harm and legacy asylum⁷ cases. The following local targets for 100% representation were introduced:
- deportation cases;
 - bail cases; and
 - high harm (Harm A) cases.
- 5.9 These priorities and targets have been regularly reviewed at the monthly local Strategic Operational Meeting (SOM) attended by Scotland and Northern Ireland senior managers. This feeds into the Business Assurance Group to review staffing levels and risks. The targets set in late 2007 have not changed following the reviews by the Strategic Operational Meeting.
- 5.10 Regions have varying priorities depending on their caseloads, dispersal of asylum cases and the location of Immigration Removal Centres⁸. Glasgow POU has a high number of bail cases due to bail applications from Dungavel Immigration Removal Centre.
- 5.11 There is no current national guidance on targets or priorities and no comparison with other regions. Staff understand the targets and priorities set locally. Balanced scorecards⁹ from other regions are available, but there is no direct liaison in order to compare targets or achievements.
- 5.12 Some staff thought there were too many local variations in case type volumes to have national targets on representation and dismissal rates. Other staff thought that national targets would benefit the Agency in allowing national comparisons. Such comparisons would be beneficial.
- 5.13 At the start of 2010, the Presenting Officers' Unit projected that 11.5 Presenting Officers would be required to provide 100% coverage of appeals. The staffing level was 6.6 Presenting Officers at the time of inspection with resource constraints meaning that this was unlikely to increase.
- 5.14 Management information showed that 100% of high harm, deportation and bail cases had been represented in Glasgow. In order to achieve the 100% representation of bail and deportation cases, managers were using ex-Presenting Officers or those staff with presenting experience in addition to the 6.6 Presenting Officers in post.
- 5.15 Once the top priorities of deportation, high harm and bail had been met, staff were allocated to medium harm cases and entry clearance refusal cases.
- 5.16 We were provided with the minutes of the Unit's performance management meetings in May, July and September which showed that performance was being reviewed against targets.
- 5.17 International Group¹⁰ cases have a low priority which means a low level of feedback on the outcome of appeals is provided to visa posts. Presenting more cases would lead to greater feedback to Entry Clearance Managers (those endorsing the decisions on applications overseas) and help improve the quality of decisions. Staff told us that they considered a lack of representation impacted on dismissal rates, and cited the number of Entry Clearance appeals which were not represented and which tended to be allowed. This is considered later in the report.

7 Legacy asylum cases are those that were not included in the New Asylum Model

8 Immigration Removal Centres are holding centres for foreign nationals awaiting removal or deportation following a failed application, or awaiting decisions on their asylum claims

9 A management tool used to measure performance

10 International Group is the overseas arm of the UK Border Agency responsible for running visa operations

5.18 Without national guidance and leaving discretion entirely to regional directors, there is a danger that entry clearance cases will always be lower down the list of priorities of representation at the first-tier appeal court.

Asylum Appeals Cases

5.19 The New Asylum Model (NAM) was introduced in 2007. Each new asylum application was placed with a single case owner to deal with every aspect from the beginning to the end of a case. At this time, the target for asylum appeal dismissal rates was set at 85%, based on an expected high dismissal rate due to the case owner representing appeals against their own decisions. The UK Border Agency target for representation of asylum cases has been set at 95%. Responsibility for achieving these targets was shared between the asylum case workers and the POU in so far as POU staff may be needed to represent some asylum cases.

5.20 However, we noted that there was not a “*clear and consistent approach to when it [the Home Office] will not be represented at asylum appeal hearings*” as raised by the Independent Chief Inspector in his report “Asylum: Getting the Balance Right?” published in February 2010¹¹.

5.21 In March 2010, the priorities for attending asylum appeals were published by Scotland and Northern Ireland managers as (in descending priority):

1. *Cases with an identified risk of self-harm*
2. *Cases that have been flagged by case owners as requiring a presenting officer to attend*
3. *Cases which are identified by their Harm Matrix scoring to have a high harm A rating (risk to the public)*
4. *Cases where the appellant is deemed as removable, either because passports are available or travel documentation can reasonably be obtained for the country of origin*
5. *Cases being heard in the same court as Case Management Reviews¹²*

5.22 However, most Presenting Officers were restricted by the structure of the court lists and heard every appeal in a particular court. This meant it may not have been possible to strictly prioritise every case for representation as they had to represent all those with targets and then every other case in that court on that day.

5.23 Presenting Officers felt it was very important to be able to cross-examine the appellant in asylum appeal hearings where there is an emphasis on credibility. Presenting Officers told us Immigration Judges had a tendency to ask open questions, whereas they would ask questions specifically to obtain detailed answers to explore credibility issues.

5.24 Staff told us that representation for all case types was a question of fairness for the appellant, as well as a factor in the quality of the decision made by the Immigration Judge. Given the structure of the hearing, it is important that the Immigration Judge can hear the appeal presented both by the appellant or their representative and the Presenting Officer.

5.25 From our sample of 189 appeal hearings, we found that the Immigration Judges made 85 comments in relation to whether a Presenting Officer attended, or not. The majority of comments (56) were neutral, such as merely noting the presence or absence of a Presenting Officer. However, there were five positive comments where the presence of a Presenting Officer was seen to be an asset to the hearing, and 24 negative comments regarding the absence of the Presenting Officer with many referring to the lack of cross-examination of the appellant. In some of these comments, Judges expressed considerable concern about the effect that lack of cross-examination had on the outcome of the case, as seen in the examples below.

¹¹ http://icinspector.independent.gov.uk/wp-content/uploads/2010/03/Asylum_Getting-the-Balance-Right_A-Thematic-Inspection.pdf

¹² A stage in the asylum process prior to the first tier hearing

Immigration Judge comments

“Unfortunately, despite the fact that this jurisdiction operates in what is essentially an adversarial system, the Home Office elected not to attend the hearing before me. As such, the Appellant’s evidence is unchallenged on the various matters where her credibility was challenged in the refusal letter.”

“As there was no Presenting Officer, I did not have the benefit of hearing any submissions on behalf of the Respondent but I am nevertheless proceeding on the basis that the Respondent wishes to rely on the refusal letter in full.”

“Because the Respondent was not represented, the Appellant was not cross-examined.”

“The appellant was not subject to any cross-examination as no Home Office Presenting officer appeared.”

“Regrettably there was no representative from the Home Office at the Hearing and I did not have the benefit of hearing Professor A dealing with any questions which a Home Office representative might have found to be relevant nor did I have the benefit of a submission from the Home Office taking into account the expert report of Professor A and his evidence at the Hearing.”

We also found some positive comments from the Immigration Judges demonstrating their belief in the value of representation at appeal:

“I agree with the Presenting Officer that little weight could be placed on that letter.”

“I was persuaded by the cross-examination of the Presenting Officer . . .”

Representation Rates Management Information

- 5.26 Information on representation rates is calculated from local data which is manually collated. CID, the UK Border Agency’s casework database, does not accurately record or collect Presenting Officer attendance that could be used for management information.
- 5.27 The locally generated management information for 2009–10 showed representation rates at around 50% for first tier appeals, well short of the 100% representation rate undertaking given to the Home Affairs Committee.
- 5.28 Locally there was a view that national management information was not routinely collated or made available. The Unit had been informed centrally that their representation rates were 95%. However, data collated by the POU in Glasgow from the manually recorded court lists revealed a representation rate of 67% in September, and a year to date representation rate of 45% for 2010. Managers were unsure as to how the 95% rate had been calculated and we are concerned that this does not reflect the true representation rate in Scotland.
- 5.29 We refer to more general aspects of data quality from paragraph 5.45 onwards.

Appeal Dismissal Rates

Presenting Officer Cases

- 5.30 A dismissal rate target of 85% for deportation cases was introduced for the first time in 2007-08 by Scotland and Northern Ireland. This target was reviewed and maintained at the end of 2008 and was being met at the time of the inspection.
- 5.31 There are no appeal dismissal rate targets for other case types (Entry Clearance, Economic and Family Migration, Human Rights and Points-based System).

- 5.32 A target of 75% appeal dismissal rate appears in the International Group Business Plan 2009-10 although it is not clear how this target has been generated and whether it has been negotiated with Immigration Group regions nationally. This is considered in the Progress Against Targets section at paragraph 5.43 of this report. It was unclear whether the Regional Director was aware of the target. The POUs were unaware of this target.
- 5.33 As there are no targets for International Group cases, the POU does not try to represent 100% of cases. A dismissal target rate of 60% had been locally discussed as reasonable, however the dismissal rate was running at 34% in the current financial year. Even a 60% target seems ambitious because, at the time of inspection, the actual dismissal rate was 34%.
- 5.34 There had been a 30% drop in dismissed appeals for entry clearance refusals (from 65% to 35%) and some analysis had been undertaken of the reasons for the drop. There had also been a recent increase in attendance to address this reduction. This increase was only recent and no analysis had been completed on whether there had been an impact on dismissal rates.
- 5.35 At the time of the inspection, the dismissal rates for September were: 70% for deportation cases, 76% for asylum cases and 35% for entry clearance cases.

Bail cases

- 5.36 Bail cases have a 100% representation rate target, with a dismissal rate target of 80% which was set locally in 2008-09. This continues to be a high proportion of the work, with court bail days rising from two per week in 2008 to four per week in 2010.
- 5.37 Trends are analysed by a senior manager and reported to the Strategic Operational Meeting (SOM) e.g. repeat bail applications, number of bail courts. However, more in-depth analysis would benefit the Unit to gain greater insight into the reasons bail was granted.

We recommend that the UK Border Agency:

- routinely analyses grants of bail and allowed appeals on both a national and local level in order to more effectively allocate resources

Asylum Appeals

- 5.38 In 2005, a dismissal rate of 85% was set as a national target for asylum cases based on good defensible decisions being made with proper training. This was thought to be an appropriate target for asylum cases under the New Asylum Model (NAM). At the time of inspection, dismissal rates were 82% for represented asylum appeals and 70% for unrepresented cases.
- 5.39 The original NAM, where seven or eight case owners would be in court per day with a high chance of being able to present their own cases, was replaced in 2009 by NAM+¹³. An officer is now scheduled to represent cases in court for two weeks, but this means that they rarely present their own cases, although they can request that their own cases are presented.
- 5.40 Figure 1 shows the local analysis by Scotland and Northern Ireland of asylum appeal outcomes between April 2010 and September 2010.

¹³ NAM+ was officially formed on 1 May and is responsible for two main areas of work: The NAM+ Programme (assessing UK Border Agency's performance against the new asylum model) and the NAM+ Business as Usual Operations.

Figure 1: Local analysis of asylum outcomes between April 2010 and September 2010

	Number of Appeals Cases	Allowed	Dismissed
Asylum	128	26 (20%)	102 (80%)
POU	75	11 (15%)	64 (85%)
Subtotal presented	203	37 (18%)	166 (82%)
No Presenting Officer	250	74 (30%)	176 (70%)
Totals	453	111 (24.5%)	342 (75.5%)

- 5.41 The dismissal rate for presented appeals was 82% compared with a 70% dismissal rate for appeals which were not presented. We comment further on this in paragraph 5.52.
- 5.42 The data for this analysis had to be manually prepared by local managers from court information logs. We were told that CID is inaccurate as the Presenting Officer field defaults to the name of the person inputting the data. The Presenting Officer may not be known at the time the data is entered, and may change for the actual hearing.

Progress Against Targets

- 5.43 Figure 2 summarises the position on performance against targets and includes the target source for both appeal representation and appeal dismissal rates.

Figure 2: Progress against targets (in %) Jan – Aug 2010¹⁴

	Appeal Representation Rate			Appeal Dismissal Rate		
	Set by	Target	Achievement	Set by	Target	Achievement
Asylum	National	95	96	National	85	80
Bail	Local	100	100	Local	80	85
Harm A	Local	100	100		-	-
Deportation	Local	100	97	Local	85	70
Entry Clearance		-	-	Local ¹⁵	60	34
Economic & Family Migration		-	44		-	-
Human Rights		-	54		-	-
PBS		-	47		-	-

- 5.44 There is an inconsistency between targets and priorities. Targets should support the achievement of the UK Border Agency's priorities but some priorities are case specific (eg. potential for self-harm, or high harm cases) but are not measured and formally reported on, others are case types which are measured. Some case types have no targets, or, in the case of Entry Clearance cases, have a dismissal rate target but not a representation rate target.

¹⁴ Data provided by the UK Border Agency

¹⁵ Rate set in the International Group Business Plan is 75%

We recommend that the UK Border Agency:

- sets realistic performance targets, aligned to Agency priorities and agrees the appeal dismissal rate target for International Group.
- issues national guidance on priorities for representation at appeal hearings

Data Quality

5.45 We examined data quality across both non-asylum and asylum case types. 200 files were requested from UK Border Agency, with the request analysed by the outcome of the first tier hearing and whether the appeal was for asylum. 11 files were either not provided or not in scope (not first tier appeals or not heard at Glasgow) and therefore 189 files were sampled.

Figure 3: File sampling

	Allowed asylum		Dismissed asylum		Allowed non-asylum		Dismissed non-asylum	
	Requested	Sampled	Requested	Sampled	Requested	Sampled	Requested	Sampled
Number of cases	50	45	50	50	50	49	50	45

- 5.46 In the majority of cases sampled, there was no clear audit trail on CID allowing the progress of the appeal case to be clearly followed including progress in respect of receipt of appeal bundles. It was not therefore possible to assess whether the appeal bundle was received in enough time for the Presenting Officer to properly prepare.
- 5.47 Data was either incomplete or did not show the history of the appeal case, in particular, the presence of a Presenting Officer. This information had to be taken from the determinations¹⁶ which are an accurate source as they are an account of the hearing.
- 5.48 The determinations reported whether a Presenting Officer (PO) was present in all 189 cases sampled, whereas CID only reported PO presence (or absence) in 47 cases (25%). In four cases, the data entered on CID was incorrect when checked against court determinations. There is a major variance between data collated locally and that held centrally on CID which may account for the incorrect reporting of representation rates as noted in paragraph 5.28.

¹⁶ The written decision of an appeal made by the Immigration Judge

Figure 4: Data quality – Representation rates

	Cases in which PO was noted as present	Cases in which PO was noted as not present	Total cases
Allowed asylum cases			
CID	4	14	18
Determination	13	32	45
Dismissed asylum cases			
CID	5	1	6
Determination	22	28	50
Allowed non asylum cases			
CID	3	12	15
Determination	18	31	49
Dismissed non asylum cases			
CID	5	3	8
Determination	22	23	45
Totals			
CID	17	30	47
Determination	75	114	189

- 5.49 The file sampling demonstrates the poor data quality of CID records. Managers cannot rely on the data to provide information on which cases a Presenting Officer was present. Indeed, one of the senior staff members described this situation in the following way: *“The fact that we cannot automatically configure reports through CID is frankly a joke. I should be able to request from CID all appeals listed at Glasgow from 01/09/2010 - 30/09/2010 with their outcomes and instantly have raw data to analyse – but I can’t and instead have to manually collect data on a case-by-case basis”*.
- 5.50 It should be noted that both internal and external stakeholders rely on this data, e.g. the Criminal Casework Directorate (CCD), the Litigation and Appeals Management Directorate (LAMB) and the Special Immigration Appeals Commission (SIAC)

We recommend that the UK Border Agency:

- ensures accurate management information is captured on representation rates at appeals, both nationally and locally.

- 5.51 Information from appeal determinations was used to analyse whether there was a difference in allowed and dismissed appeal rates according to the presence or absence of a Presenting Officer as set out in Figure 5.

Figure 5: Dismissal rates

PO present	No. cases sampled	Percentage attended
Allowed asylum cases		
13	45	29%
Dismissed asylum cases		
22	50	44%
Allowed non asylum cases		
18	49	37%
Dismissed non asylum cases		
22	45	49%

5.52 Although there are many factors affecting the outcome for each individual appeal, Presenting Officers attended dismissed cases more frequently. This was true for both asylum (44% vs 29%) and non-asylum (49% vs 37%) cases. Our findings support the local more detailed analysis of asylum appeals (see paragraph 5.41) where the absence of a Presenting Officer could have had an impact on the Immigration Judge's decision in some individual cases.

Central Appeals and Litigation (CAL)

5.53 The functions of CAL, set up in April 2010, are:

- appeals advice: central resource giving advice on complex cases;
- training: provides and co-ordinates training on all appeals types, nationally; and
- analysis: analysing management information and investigating trends identified.

5.54 CAL confirmed that the target of 100% attendance at appeals remains in place. They are looking at options to reduce the number of appeals that have to be heard in court. These options include secondary legislation to refine the rights of appeal and make it an exhaustive list only; and consideration of removing the Case Management Review stage of the asylum process in order to bring forward hearing dates and reduce costs.

5.55 Current analysis taking place by CAL includes:

- analysis of in-country appeals;
- regional differences in representation rates in order to identify opportunities to share good practice;
- monitoring adjournments with a view to increase the quality of bundles, to reduce the number of adjournments; and
- reasons for allowed appeals.

This final piece of work would support our first recommendation on analysis.

5.56 In November 2010, CAL set up an online Presenting Officer feedback forum which is being used, but not being analysed. They are working to improve management information as it is a known risk.

Processes and procedures including quality of decision making and consistency of approach

General criterion:

- Reviewing and evaluating information so that improvements can be made

Specific criteria:

- UK Border Agency evaluates the impact of its services and processes and seeks ways to improve them continuously

5.57 Managers in Glasgow were visible and encouraged innovation. Staff said they felt encouraged to participate and offer ideas to make the operation more productive and efficient.

5.58 The recent co-location of the Asylum Team and the POU Team had improved the working relationship, enhancing understanding of each other's priorities. There was regular formal and informal contact between the managers and staff of the two teams; the managers of the teams speak daily.

5.59 Monthly POU performance meetings were taking place to assess and support improved performance against targets. Outcomes of these meetings included:

- amending priorities in July 2010 to provide greater representation for entry clearance refusals once 100% representation rates for deportation and bail cases had been achieved;
 - increasing quality assurance on deportation cases as targets were not being met; and
 - quality assessment of decisions in deportation cases.
- 5.60 However, staff told us that there was little engagement with other regions, although there was an awareness of performance through the monthly analysis reports. Staff should be encouraged to make use of the national Presenting Officers' forum (see paragraph 5.56) to benefit from communication with other units.
- 5.61 Managers said that they have tried to arrange for the Tribunals Service to list cases in order of UK Border Agency priorities, but the Tribunals Service have their own priorities to meet in terms of length of case and allocation to the Immigration Judges. This issue has been raised by senior managers at user meetings and via stakeholder meetings.
- 5.62 Asylum staff told us they had not seen any national analysis of representation compared with outcomes, despite this issue having been raised previously by the Chief Inspector. It was confirmed that this analysis is to be undertaken by CAL. In April 2010, the Glasgow Asylum Team began producing a monthly analysis report of cases scheduled for hearings at the Tribunal in Glasgow. Among the early recommendations of the monthly report was that analysis should be conducted of determinations where the Tribunal overturned the refusal of asylum and allowed the appeal by the claimant. In October 2010, a report titled "Glasgow Asylum Team Allowed Appeals Analysis October 2010" was prepared by a UK Border Agency manager analysing allowed appeals where the determination was received by the Asylum Team in the period 20 September to 1 October 2010. We encourage such internal analysis.
- 5.63 This analysis showed that 87% of appeals were dismissed for the 42% of cases that were represented. Conversely, only 72% were dismissed of the 58% of non-represented cases. This is comparable to the case findings set out in paragraph 5.52 which revealed a 15% difference in dismissal rates between represented and non-represented asylum cases and a 12% difference for non-asylum cases.
- 5.64 Although their initial sample was small, it did identify that at least one of these decisions by the Immigration Judge was *"strongly influenced by failure to provide a HOPO [Home Office Presenting Officer]"*. It is also noteworthy that in nine of the ten cases, *"the legal representative failed to comply with the standard direction that all documents to be relied on at the hearing must be submitted no later than five days before the full hearing. In six of those cases the legal representative brought forward information that had previously been unavailable to the caseowner in making their decision. In four of the six cases, the additional information had a significant bearing on the final decision of the Immigration Judge."*
- 5.65 We fully concur with the Agency's recommendation in its own report that *"[the] UK Border Agency should strive to ensure that legal representatives comply with the practise directions and supply paperwork no less than five days prior to the hearing. This would allow the UK Border Agency to consider withdrawing the asylum refusal in cases where the evidence is persuasive. Withdrawing decisions to refuse refugee status would have the direct result of reducing the allowed appeal rate."* In addition, this would also save time and costs to the court, the appellant and the Agency.
- 5.66 The Glasgow Immigration Practitioners Group (GIPG) told us there was a lack of clarity over who presents asylum appeals – whether it was the Asylum Team or the POU. This confusion presented practical problems with the POU refusing to accept bundles for asylum cases. POU would then represent the case but have no papers. The recent co-location should alleviate this confusion.

- 5.67 The GIPG's preference was that all appeals were represented by the Secretary of State. If this was not possible, they would therefore welcome clear policy guidance as to which type of appeal the Secretary of State should be represented at and notification in advance if no Presenting Officer would attend and the reasons why. Clear published guidance on priorities for representation would alleviate these ambiguities.
- 5.68 The GIPG would also welcome analysis of the impact of the absence of a Presenting Officer on outcomes, and feedback from stakeholders to help improve the appeals system.
- 5.69 The Northern Ireland Law Centre also stated that the absence of a Presenting Officer may appear to compromise the Judge's independence as they consequently may undertake cross-examination. Furthermore, they commented that the Tribunals Service has noted that the absence of a Presenting Officer means that the adjudication *'inevitably lacks focus'*, which can be unfavourable for all parties.

General criterion:

- Corporate Health – UKBA is a high performing, customer-focused workforce, delivering its strategic objectives.

Specific criteria:

- The agency is operating efficiently and effectively, by ensuring appeals are appropriately represented and by maintaining good working relationships with stakeholders, including the judiciary.

- 5.70 There was little evidence of stakeholder engagement with the judiciary, although there were bi-annual user group meetings arranged by the courts for all service users including interpreters, legal representatives and the UK Border Agency where any issues could be discussed. However, one of these meetings was taking place during the time we were onsite, but one manager was not aware and therefore did not attend.
- 5.71 We were told that informal feedback from the Senior Immigration Judge was provided, together with case specific feedback to UK Border Agency staff and representatives. There were also occasional meetings between senior managers and the Senior Immigration Judge.
- 5.72 The manager of the Tribunal Service works closely with UK Border Agency managers with respect to court hearings and any ad hoc requirements for short notice changes. Close contact was maintained despite the move by the UK Border Agency away from the court building.
- 5.73 Appellants or their representatives attend the Agency's office to hand in papers. Administrative staff who meet them have received training in diversity, complaints handling and dealing with the public.
- 5.74 Agency staff and Immigration Judges would prefer Presenting Officers to have greater autonomy and to be able to concede the case at the appeal stage. They are unable to do so for entry clearance refusals, and are reliant on written direction from a senior case worker in other cases; otherwise they have to present the appeal. This lack of autonomy results in a waste of resources for all parties.
- 5.75 The tight timescales for preparation also exacerbate this discord. If a Presenting Officer is only preparing the case the day before the appeal is to be heard, there may not be enough time to refer back to the case owner for a decision on whether to continue to defend the case.
- 5.76 Staff told us that representation was a question of fairness for the appellant, as well as a factor in the quality of the decision by the Immigration Judge. This was given weight by the number of Entry Clearance appeals which were not represented and which tended to be allowed.
- 5.77 There is a risk that appellants have a different chance of being successful at appeal depending on whether or not a Presenting Officer is present. The UK Border Agency should establish their position on representation underpinned by analysis, accurate Management Information and clear published guidance. This will give appellants, stakeholders and the public the assurance of a consistent approach.

6. Inspection Findings – Processes and procedures including quality of decision making and consistency of approach

General criterion:

- Decisions are timely.

Specific criteria:

- Prompt case allocation allows staff to make timely decisions.

- 6.1 Practice Directions¹⁷ issued by the Tribunals Service stipulate that the appellant’s bundle has to be served five working days before the full hearing. However, we were told by asylum case owners that 90% of appeal bundles are received less than three days before the hearing date.
- 6.2 The UK Border Agency should ensure that they engage in all matters regarding the Practice Directions, especially the requirement of the legal representative for the applicant to provide the appeal bundles five days in advance of the hearing. This would allow a thorough review of the appeal prior to the appeal hearing.
- 6.3 If the case worker is going to represent the case and the appeal bundle has not been received in time, they will contact the representative. This can act as a prompt for the representative to prepare the bundle as they now know the appeal is to be represented by the Home Office.
- 6.4 Representatives may present new information in the bundle. If the bundle is received late, this removes the possibility that the case owner may reconsider the decision which would result in the appeal not being required. This has an impact on the efficiency of the process with time wasted for all parties.
- 6.5 In the published Asylum Team priorities, it is noted that: *“Unfortunately there are very few occasions where the legal representatives comply with the practice directions and supply the appellant’s bundle five working days prior to the scheduled hearing. If the Asylum Team could guarantee that all bundles were received prior to the scheduled hearing then selection of case presentation could be assessed solely on merit”*. Again, there is an impact on all parties in terms of time wasted.
- 6.6 The POU confirmed that this also happened in their cases, but was less of an issue. They could ask for an adjournment if the new evidence was particularly complex e.g. a Medical Foundation report¹⁸.
- 6.7 The Agency understood the need to raise this problem with the Immigration Judges and that Presenting Officers can request that late evidence is dismissed, but acknowledge that the Immigration Judge is extremely unlikely to agree to this.
- 6.9 We were told, and observed, that Presenting Officers often had to present cases of all types when no bundle had arrived; the officers were reliant on the papers being provided by the Immigration Judge or the representative on the day.

¹⁷ Practice Directions are issued by the Tribunals Service and set out procedures in order to achieve uniformity.

¹⁸ The Medical Foundation for the Care of Victims of Torture write reports to document and interpret the injuries of survivors of torture.

6.10 The Team's main concern was the problem with appeal bundles not arriving for Entry Clearance refusals. This had been raised numerous times at at least Regional Director level without effect. Incomplete or only partially complete appeal bundles restricted the Presenting Officers ability to represent the decision, and influenced whether or not the case was represented. This was felt to have a significant impact on the poor dismissal rate for Entry Clearance cases, currently running at only 34%.

We recommend that the UK Border Agency:

- ensures International Group provides appeal papers within the set time limit
- works with the Tribunal Service to improve the provision of appeal papers by legal representatives five working days in advance of the hearing, as stated in the Practice Directions

Appendix 1

Inspection Framework and Core Criteria

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

Section 1 – High level outcomes of the business

1.1 General Criterion: The borders are secured and immigration is controlled for the benefit of the country. The specific criteria are shown in Figure 1.

Specific criteria:

1.1(a) There are clear and realistic performance targets to drive improvement

1.1(e) There are effective arrangements to manage demand so as to reduce existing backlogs and minimise future backlogs

1.3 General criterion: Reviewing and evaluating information so that improvements can be made. The specific criterion is shown in Figure 2.

Specific criterion:

1.3(c) The UK Border Agency evaluates the impact of its services and processes and seeks ways to improve them continuously

1.4 General criterion: Corporate Health – UK Border Agency is a high performing, customer-focused workforce delivering to its strategic objectives. The specific criterion is shown in Figure 3.

Specific criterion:

1.4(d) The UK Border Agency is operating efficiently and effectively, ensuring appeals are appropriately presented to preserve the efficiency of the appeals system and have good working relationships with stakeholders, including the judiciary (tailored criterion)

Section 2 – Process and procedures including quality of decision making and consistency of approach

2.3 General criterion: Decisions are timely. The specific criterion is shown in Figure 4:

Specific criterion:

2.3(b) Prompt case allocation allows staff to make timely decisions

Appendix 2

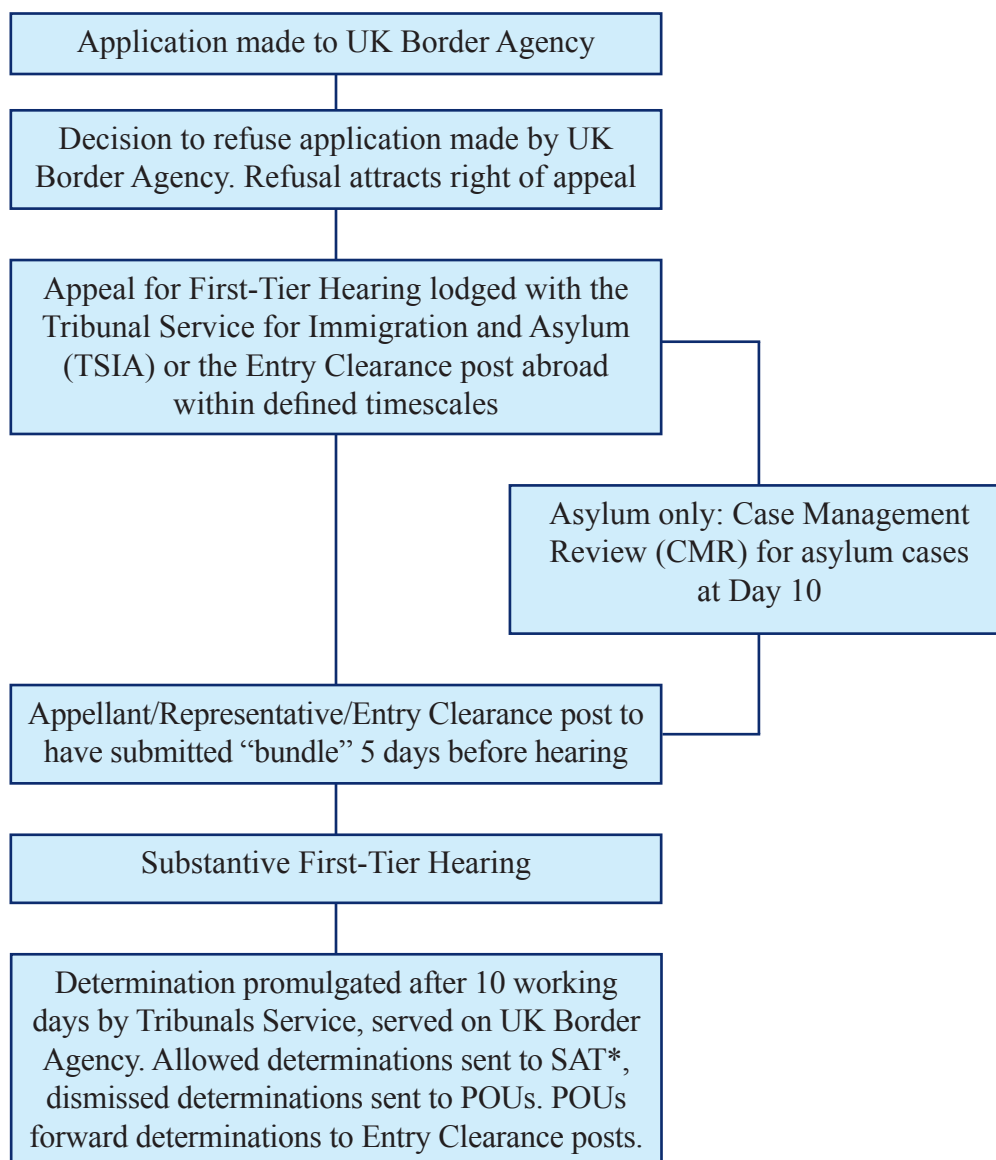
List of stakeholders

During the inspection, we contacted and consulted with a wide variety of stakeholders as listed below.

- Refugee Council
- Asylum Aid
- the Glasgow Immigration Practitioners Group
- the Judiciary of Scotland
- International Organisation for Migration
- Scottish Legal Aid Board
- Justice Department of the Scottish Executive
- Northern Ireland Law Centre

Appendix 3

Appeals Process Map (up to first-tier decision)



*SAT: Special Appeals Team

Appendix 4

Glossary

Term	Description
A	
Agency	Refers to the UK Border Agency
Asylum and Immigration Tribunal (AIT)	See Special Immigration Appeals Commission and First-tier Tribunal (Immigration and Asylum Chamber)
Audit trail	Chronological list of events
B	
Border and Immigration Agency (BIA)	The name of the agency responsible for immigration functions prior to the creation of the UK Border Agency.
Border Force	Part of the UK Border Agency, responsible for air, sea and
C	
Casework Information Database (CID)	The Casework Information Database is an administrative tool, used by the UK Border Agency to perform caseworking tasks and record decisions.
Case Owner	The UK Border Agency term for an official within the New Asylum Model (NAM), responsible for processing an asylum seeker's claim from start to finish. A Case Owner's role includes deciding whether refugee status should be granted, refused or temporarily granted based on all the evidence presented. Case Owners also handle the latter part of the process including appeals, organising support, integration or removals from the UK. Case Owners are also found in the Case Resolution Directorate at Senior Executive Officer level and oversee several teams of Case Workers responsible for 'legacy' cases.
Case Worker	The UK Border Agency term for an official, usually at Executive Officer level, responsible for processing both legacy and NAM cases that have not been concluded after six months.
Central Appeals and Litigation (CAL)	Central Appeals and Litigation is responsible for driving a programme of continuous improvement and change on appeals and litigation for the UK Border Agency. CAL also manages live Upper Tier Tribunal cases and Judicial Reviews.
Criminal Casework Directorate (CCD)	UK Border Agency directorate responsible for managing cases involving foreign national prisoners.
D	
Director	Senior UK Border Agency manager, typically responsible for a directorate, region or operational business area.

E	
European Economic Area (EEA)	The European Economic Area (EEA) was established on 1 January 1994 following an agreement between the member states of the European Free Trade Association (EFTA) and the European Community, later the European Union (EU). Specifically, it allows Iceland, Liechtenstein and Norway to participate in the EU's single market without a conventional EU membership. In exchange, they are obliged to adopt all EU legislation related to the single market, except legislation relating to agriculture and fisheries.
Executive Officer	Lower management grade. Equivalent grades exist in the UK Border Agency, including Officer and Immigration Officer.
F	
First-tier Tribunal (Immigration and Asylum Chamber)	A tribunal where applicants with the right of appeal, can appeal against asylum and immigration decisions made by the UK Border Agency. It is independent of the Home Office and is part of the Tribunals Service. It is presided over by an Immigration Judge and the UK Border Agency is often represented by Presenting Officers defending the decision of Case Owners. It replaced the Asylum and Immigration Tribunal (AIT) on 15 February 2010.
G	
Grade 7	Senior manager, subordinate to Grade 6, superior to a Senior Executive Officer.
Grade 6	Senior manager, subordinate to the Senior Civil Service, superior to Grade 7.
H	
Harm Agenda	The scale against which the UK Border Agency prioritises which cases should be removed first, putting more resources into removing those who may cause more harm to the public such as foreign national prisoners.
Hearing	The appeal to the First-Tier Tribunal (Immigration and Asylum Chamber) where the appellant can present their case to an Immigration Judge.
Hearing Centre	The location of the courts for hearing the appeals.
Higher Executive Officer (HEO)	A management grade. Equivalent grades exist within the UK Border Agency, including Higher Officer and Chief Immigration Officer.
Home Affairs Committee (HAC)	The Home Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Home Office and its associated public bodies.
Home Office	The lead government department for policies on immigration, passports, counter-terrorism, policing, drugs and crime.
Humanitarian Protection (HP)	A form of immigration status afforded to a person who does not qualify as a refugee but can show that there are substantial grounds for believing that if they were returned to their country of origin, they would face a real risk of suffering serious harm. Serious harm means either the death penalty; torture or inhuman or degrading treatment or punishment; or a serious and individual threat to a person's life or safety in situations of armed conflict.
I	
Immigration Group	Part of the UK Border Agency responsible for regional operations and in-country decisions, including asylum.
Immigration Judge	Appointed by the Lord Chancellor to preside over the First-Tier Tribunal and decide appeals made by clients and legal representatives on behalf of their clients against the UK Border Agency decisions.

Independent Chief Inspector of the UK Border Agency	The role of the Independent Chief Inspector of the UK Border Agency was established by the UK Borders Act 2007 to examine the efficiency and effectiveness of the UK Border Agency. The Chief Inspector is independent of the UK Border Agency and reports directly to the Home Secretary.
International Group	The overseas arm of the UK Border Agency, responsible for running visa operations in 135 countries. Formerly known as UK Visas.
International Organisation for Migration (IOM)	An intergovernmental organisation which runs a number of return schemes for failed asylum seekers who voluntarily return to their country of origin.
J	
Judicial Review (JR)	The means through which a person or people can ask a High Court Judge to review the lawfulness of public bodies' decisions.
K	
Key Performance Indicators (KPIs)	The means by which the UK Border Agency evaluates its success in a particular area.
L	
Listing (of appeal)	The order in which appeals are heard in the court.
Local Enforcement Office (LEO)	An office consisting of case workers, reporting centre staff and operational enforcement staff whose role is to remove those with no right to remain in the United Kingdom.
Local immigration team (LIT)	A LIT is a local team undertaking as many functions as practicable at a local level in a defined area within a region. They undertake key enforcement roles in their locality. LITs build on the work carried out by the best local enforcement offices but have a wider remit to encompass community engagement beyond enforcement.
M	
Management Information (MI)	Data on which management decisions can be made.
Medical Foundation for the Care of Victims of Torture	A registered charity established for and dedicated to the treatment of torture survivors.
N	
New Asylum Model (NAM)	The end-to-end case management system for processing asylum applications made after 4 March 2007. See also 'Case Owners'.
Non-Suspensive Appeal (NSA)	The term used to describe the policy of certifying a claim as clearly unfounded. A decision to certify means that the UK Border Agency can remove the applicant, who can then appeal only from outside the UK, and therefore the appeal does not 'suspend' removal.
Non-visa nationals	A national or citizen of any country that is not listed on the UK Border Agency website (Appendix 1 of the Immigration Rules). A non-visa national does not need a visa to come to the United Kingdom for less than six months, unless it is a requirement of the immigration category under which they are entering. A non-visa national coming to the United Kingdom for more than six months will need a visa.

P	
Points Based System (PBS)	The UK Border Agency's system of ensuring that only those with the right skills or the right contribution can enter or remain in the United Kingdom to work or study.
Presenting Officer	The person representing the Home Office/UK Border Agency (the Respondent) at appeal.
Presenting Officers' Unit (POU)	The unit at which the Presenting Officer is based.
R	
Regional Director	Senior manager responsible for one of the six Immigration Group regions.
Regionalisation	The creation of six UK Border Agency immigration regions.
S	
Senior case worker/ case owner	The UK Border Agency term for an official, usually at Senior Executive Officer level, responsible for a team of case owners and/or case workers.
Senior Executive Officer	A management grade, subordinate to Grade 7. Equivalent grades exist within the UK Border Agency, including Senior Officer and Her Majesty's Inspector.
Special Appeals Team (SAT)	The UK Border Agency team responsible for deciding whether to challenge an adverse appeal decision.
Special Immigration Appeals Commission (SIAC)	SIAC deals with appeals against decisions made by the Home Office to deport, or exclude, someone from the UK on national security grounds, or for other public interest reasons. It also hears appeals against decisions to deprive persons of citizenship status.
Substantive Interview	The second reporting event in the New Asylum Model process for case owners where applicants are asked a number of questions on all aspects of their claim and are invited to provide further evidence. Often lengthy in duration, the interview is designed to give an asylum seeker the opportunity to support their claim and the case owner evidence to form the basis for a reasoned decision to grant or refuse.
Suspensive appeal	An appeal exercised within the UK where the appellant has the right to remain in the UK until the appeals process has been concluded.
T	
Time Served Foreign National Prisoner	A foreign national prisoner who has completed their sentence but does not have a legal right to live or remain in the UK. They may continue to be detained in a prison or Immigration Removal Centre.
U	
UK Visas	Ran visa operations at overseas locations. One of the legacy organisations that made up the UK Border Agency and is now known as International Group.
United Kingdom and Islands	The United Kingdom is made up of England, Scotland, Wales and Northern Ireland. The Channel Islands and the Isle of Man are not part of the United Kingdom. The geographical term 'British Isles' covers the United Kingdom, all of Ireland, the Channel Islands and the Isle of Man.
United Kingdom Border Agency	The agency of the Home Office responsible for border control, enforcing immigration and customs regulations. It also considers applications for permission to enter and stay in the UK, including nationality and asylum applications.

United Nations High Commissioner for Refugees	The United Nations High Commissioner for Refugees has a mandate to lead and coordinate international action to protect refugees and resolve refugee problems.
V	
Visa Nationals	<p>Visa nationals are those who require a visa for every entry to the United Kingdom. A visa national is a national of a country listed on the UK Border Agency website (Appendix 1 of the Immigration Rules). Some visa nationals may pass through the United Kingdom on the way to another country without a visa, but in some circumstances they will require a direct airside visa or visitor in transit visa. Visa nationals must obtain entry clearance before travelling to the United Kingdom unless they are:</p> <ul style="list-style-type: none">• returning residents;• those who have been given permission to stay in the United Kingdom and, after temporarily leaving the United Kingdom, return within the duration of that permission to stay;• school children resident in a European Union member state who are on an organised school trip from a general education school and accompanied by a teacher.

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