



Home Office

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

**'A Short Notice Inspection of the Tier 4
Curtailment Process'**

June – September 2015

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

UK Visas and Immigration (UKVI) plays a vital role in maintaining a robust and transparent immigration system, and supporting the delivery of the Government's commitment to keeping the UK safe and secure by controlling immigration. UKVI is pleased that the Independent Chief Inspector's (ICI) report on the Tier 4 curtailment process recognises the positive developments since its previous inspection of Tier 4 casework in 2012.

The ICI was complimentary of the dedicated team that has been established following the previous inspection, which has resulted in a significant reduction of outstanding Tier 4 notifications from 153,000 in March 2012 to approximately 7,000 in June 2015.

UKVI is grateful to the ICI for highlighting potential areas for improvement, including the recommendations that it should consider implementing revised quality assurance processes. UKVI agrees with the findings in this area and has already begun to implement new quality assurance procedures on the Curtailment Team.

The Home Office accepts or partially accepts eight of the ICI's recommendations, but rejects one on introducing service standards.

The Home Office response to the recommendations:

1. Find a workable solution to providing Tier 4 licensed sponsors with direct feedback on the quality of their SMS notifications, with a view to achieving a significant reduction in the number of unnecessary notifications submitted each year.

1.1 Partially accepted

- 1.2 UKVI partially accepts the Independent Chief Inspector's recommendation. UKVI acknowledges sponsors' eagerness to receive feedback on actions taken following their notification to the Home Office and this is something that is being investigated from a data protection perspective.
- 1.3 It is anticipated that a new caseworking system, Integrated Platform Technology (IPT), will provide the Home Office with numerous new capabilities which may include a reporting function back to sponsors informing them of a status change following a notification. IPT is still in the early stages of development, and whilst UKVI is seeking such functionality, it cannot be confirmed that this will be viable.
- 1.4 Current IT systems do not allow us to provide an automated feedback mechanism and to rectify this would mean significant and expensive changes to IT systems which are about to be replaced.
- 1.5 UKVI continues to work with the education sector to ensure its understanding of the Sponsorship guidance and its requirements in terms of reporting activity to UKVI. This continued joint working will educate sponsors on reporting only the necessary information required by UKVI.

2. Maintain a record of the quality assurance of the sifting process for SMS notifications in order to evidence its effectiveness in ensuring that cases are not being incorrectly sifted 'out' as not requiring consideration for curtailment or any other action.

2.1 Accepted

- 2.2 UKVI accepts the Independent Chief Inspector's recommendation and it is currently being implemented by the Curtailment Team. A new process has been established to ensure that a minimum of 2% of those cases sifted out as being "No Further Action" are reviewed by a manager.
- 2.3 A proportion of these checks will then be subject to a secondary check by a team leader.
- 2.4 All checks completed will be recorded on the sifting spreadsheet and stored locally on the team's shared drive to enable closer compliance monitoring.

3. Ensure that the assurance regime for Tier 4 curtailment covers the correct application by caseworkers of all relevant Immigration Rules and Home Office guidance (including the UKVI Operating Mandate), and that it informs the training and individual feedback provided to caseworkers.

3.1 Accepted

- 3.2 UKVI accepts the Independent Chief Inspector's recommendation. A new quality assurance process is being implemented to ensure a minimum of 2% checks are undertaken. A proportion of the initial management checks will then be subject to a secondary check by a team leader.
- 3.3 A new process has been developed to ensure individuals receive feedback on their cases and any issues or errors are fed back to the team and included in training material. A dedicated note has been created and placed on our caseworking system to provide an audit trail of checks undertaken on curtailment cases by all managers.
- 3.4 In addition, a full day refresher training session has been held to refresh caseworker knowledge on all aspects of curtailment caseworking. Following this, a revised curtailment training package was created which has since been used successfully with new starters in the unit.
- 4. Publish service standards for the curtailment consideration process that:**
- **take account of the 10 day deadline imposed on licensed sponsors for the submission of SMS notifications; and**
 - **drive the efficient use of resources.**
- 4.1 Rejected**
- 4.2 UKVI rejects this recommendation. Notifications received cover a variety of subjects and involve individuals with a range of immigration statuses. These notifications can vary in complexity. Upon receipt of a notification, UKVI often needs to undertake additional checks and investigations prior to taking curtailment action. This means that any service standard set would need to be significant in length to allow sufficient time for these investigations to be completed.
- 4.3 It should be noted that the 10 day deadline for sponsors is the time allowed for them to report to UKVI on any action taken against an individual; it is **not** the time that the sponsor has to undertake the action they wish to against the individual.
- 4.4 There is currently a facility on the Sponsor Management System (SMS) to enable sponsors to check that the Home Office has received the notification they submitted. This facility can be found on the "Report student activity – activity history" screen.
- 4.5 To raise awareness of this facility, UKVI will ensure that a bulletin is placed on the SMS notice board which is available to view by all sponsors. UKVI has also promoted this facility in a newsletter sent to Premium Tier 4 sponsors on 26 February 2016. Whilst this does not guarantee a notification will be dealt with within a specified time period, it does provide some reassurance to sponsors that their notification has been received and is being considered, and that no further action is required on their part.
- 5. Issue clear instructions to caseworkers in relation to the closing of cases, and the referral of cases to issuing Entry Clearance Officers for cancellation, based on Advance Passenger Information (API) indicating that a Tier 4 student has departed the UK, or the absence of an API record of an individual in possession of a Tier 4 visa having entered the UK, and ensure these instructions are followed consistently.**

5.1 Accepted

- 5.2 UKVI accepts the Independent Chief Inspector's recommendation. The closure of cases where a migrant has left the UK and their leave has been curtailed is now undertaken by the National Removals Centre (NRC) which has its own dedicated guidance.
- 5.3 On a monthly basis, any cases which have been actioned as a curtailment and API checks show the migrant to be out of the UK, are sent to the NRC for consideration of case closure in line with its processes.
- 5.4 With regards to the cancellation of entry clearance cases, a clear process has been defined and was communicated to the Curtailment Team at the refresher training session on 7 December 2015.

6. Treat cases that attract a curtailment not pursued (CNP) decision because the individual is an overstayer or has a period of leave remaining that is shorter than their permitted period of grace and curtailment would have no practical effect in the same way as curtailed cases.

6.1 Partially accepted

- 6.2 UKVI partially accepts the Independent Chief Inspector's recommendation. As with any aspect of the immigration system, it is not appropriate to treat all individuals the same regardless of compliance or behaviour. To implement this recommendation entirely would involve giving migrants with less than 60 days extant leave *additional* leave up to 60 days which would be perverse given these migrants have had their sponsorship withdrawn.
- 6.3 UKVI will, however, consider a range of measures to more proactively monitor such cases, ranging from writing to the individuals concerned to remind them of their leave dates and responsibilities, to using exit checks data to identify CNP cases amongst the overstayer cohort and to tackle this in line with agreed processes, to considering changes to the policy regarding curtailments to ensure it is more appropriately tailored according to risk. Some such measures will require wider consultation and UKVI commits to keeping the ICI informed as this work develops.

7. Take the necessary steps to identify and locate those individuals amongst the c.71,000 curtailment not pursued (CNP) cases decided between 1 April 2013 and 31 March 2015 who have remained in the UK illegally, with a view to effecting their removal.

7.1 Accepted

- 7.2 UKVI accepts the Independent Chief Inspector's recommendation. At present CNP cases are treated the same as other cases in which curtailment is not a consideration and as such their leave expires naturally and they are expected to return home or extend their leave in another category. In order to identify those that did not, UKVI will run details of the 71,000 cases referenced in this report against Home Office systems to confirm how many have left the UK and how many have extended their leave compliantly and therefore have a continued right to be here. The remainder will be run against external systems, following the process previously adopted for Older Live Cases that was reviewed by the National Audit Office, to establish whether they have a continuing footprint in the UK. Those that do will be subject to a range of escalated interventions and hostile environment measures to prompt compliance and, where necessary, enforce removal.

8. **Review the flow of cases referred to Capita to eliminate cases bouncing back as unworkable, including those that should have been closed based on Advance Passenger Information (API) and those curtailed cases where the period of grace has not expired when referred.**
 - 8.1 **Accepted**
 - 8.2 UKVI accepts the Independent Chief Inspector's recommendation. Advance Passenger Information (API) is routinely used as part of the curtailment process, using a bulk check facility to verify whether the migrant is still in the UK before undertaking curtailment of leave that would cause their records to be counted in the Migration Refusal Pool (MRP). In the event that there is an outbound API match, the process is for the Case Information Database to be updated by UKVI and this will prevent the record from entering the MRP and passed for consideration of contact management by Capita.
 - 8.3 The nature of the MRP is such that cases only enter the MRP at the point where a migrant's grace period expires (which allows for them to submit an appeal where appropriate).
 - 8.4 Curtailment staff have been reminded to ensure the process implemented is adhered to in order to ensure that departed cases do not enter the MRP.
9. **Review whether the priority currently given to Tier 4 curtailed cases within the Immigration Enforcement national prioritisation matrix is appropriate.**
 - 9.1 **Accepted**
 - 9.2 UKVI accepts the Independent Chief Inspector's recommendation. Students are already included in the priorities matrix and it is important to note that the cohorts listed are not in priority order. The relative position of a group on the matrix does not equate to that group being of a relatively lower priority than another.
 - 9.3 Where specific exercises are required to target a particular group, UKVI works with Immigration Enforcement to ensure that appropriate prioritised activity takes place.