



UK Border

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**Independent Chief
Inspector of Borders
and Immigration**

and Independent Monitor for
Entry Clearance Refusals
without the Right of Appeal
Annual Report for the period
1 November 2012 - 31 October 2013

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and Independent Monitor for

Entry Clearance Refusals

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Presented to Parliament pursuant to Section 50 (2) of the UK Borders Act 2007 and Section 23 (4) of the Immigration and Asylum Act 1999.

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Our Purpose

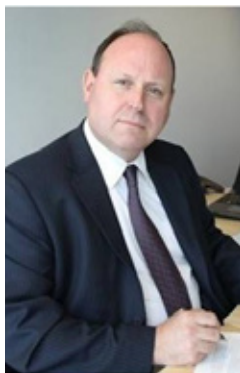
We provide independent scrutiny of the UK's border and immigration functions, to improve their efficiency and effectiveness.

Our Vision

To drive improvement within the UK's border and immigration functions, to ensure they deliver fair, consistent and respectful services.

Foreword from John Vine CBE QPM

Independent Chief Inspector of Borders and Immigration



The 7th July 2013 marked five years since the establishment of my role as the Independent Chief Inspector of Borders and Immigration. As in previous years, my inspections have significantly influenced change in this area, and I was pleased to accept the Home Secretary's offer to extend my tenure until July 2015.

This has been another productive year for the Inspectorate, in which I have published 14 reports and made 90 recommendations to the Home Office, bringing the total to over 400 since the inception of my role. The vast majority of these have been accepted, either in whole or in part, by the Home Office.

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Significantly, this year also saw the Home Secretary abolish the UK Border Agency and in its place create the UK Visas and Immigration and the Immigration Enforcement Directorates. These new Directorates joined Border Force – which had become a directorate a year earlier – returning the responsibility of delivering all border and immigration functions to the main Home Office.

There is a better chance of real improvement as it gives an opportunity to focus on fixing different parts of the immigration system

This change has not altered my remit nor my inspection programme, but it does mean that the Home Office, rather than an Agency, responds directly to all my recommendations, and is

accountable for their implementation when accepted.

Break-up of the UK Border Agency

When the Home Secretary announced the end of the Border Agency, she highlighted a lack of transparency and accountability as one of the reasons for her decision to move away from an organisation which she described as 'closed, secretive and defensive'. I have given a cautious welcome to her announcement, although it will not, in itself, fix all the problems. Nevertheless, there is a better chance of real improvement as it gives an opportunity to focus on fixing different parts of the immigration system, each of which have their individual challenges. In particular, there are deep-seated cultural issues, such as poor record keeping, which the new heads of Visas and Immigration, Enforcement and Border Force each have to address.

My inspection programme provides constructive challenge, with the aim of driving improvement across the UK's border and immigration functions. Inspections have also helped to improve transparency and facilitate greater public scrutiny. A good example was my asylum legacy report in November 2012, which informed the public about a complex and persistently difficult area of policy. Inspection has placed into the public domain facts that were either unknown or almost impossible to discover.

My inspection programme provides constructive challenge, with the aim of driving improvement across the UK's border and immigration functions

A Catalyst For Change

Historically, significant change has followed on from my inspection work and this year has been no exception. I have inspected some significant pieces of work across a broad spectrum of visas, immigration casework and Border Control. This year has seen for the first time publication of a joint report with Her Majesty's Inspectorate of Prisons

and two commissioned reports from the Home Secretary in relation to the asylum legacy.

I have found far more consistency in this area and my inspections show that border checks are generally being carried out properly

At the same time I have maintained the focus on border control, following on from the Home Office's adoption of a clear operating mandate at ports based on 100% checking of passengers. I am pleased to say that I have found far more consistency in this area and my inspections show that border checks are generally being carried out properly.

However, I feel there needs to be much more of a customer focus across borders and immigration and an improvement in the quality of the service, whether it is the passenger experience, the time that potential asylum-seekers have to wait, or the quality of decision that visa applicants experience. There needs to be greater consistency in the delivery of services, reducing, to a minimum, the sometimes wide disparity found between decisions on applications made at different locations or by different caseworkers. Line management also needs to be improved so that strategic goals are understood and supported by middle-ranking officials in their daily work.

There needs to be greater consistency in the delivery of services

Time and time again I find that data management is far too variable. The Performance and Compliance Unit – subsequently split into the Performance Unit and Compliance and Assurance Unit – was set up to ensure that the Home Office is reporting accurately on its border and immigration functions, but good record keeping will only improve if staff at the front line understand its importance as part of their job.

In my Inspection of Tier 1 applications, I was unable to assess the reasonableness of the decisions made in 42% of the cases due to a lack of retained evidence and inadequate case notes.

In my recent report on the progress being made to address the asylum backlog, I was pleased to see that caseworkers were being re-trained to give them confidence in how to decide difficult longstanding

cases and this appeared to be making a difference.

Caseworkers dealing with asylum cases have extremely voluminous and detailed files to read and absorb and often their decisions are challenged at Immigration Appeal. They need to have the confidence and expertise to make good, well-evidenced decisions.

Management Assurance

Last autumn I reported on progress being made into the backlog of asylum cases, which was the subject of one of my first reports in 2009, and an issue which has remained a prominent area of interest since the Home Office first announced plans to deal with so-called 'legacy' cases in 2006.

I have commented previously about the importance of effective governance during major business change initiatives

I found that the security checks on controlled archive cases had not been undertaken routinely or consistently since April 2011, and data-matching with other departments in order to trace applicants had not begun until April this year. This was unacceptable and at odds with the assurances given to the Home Affairs Select Committee.

Poor implementation of a policy change, coupled with poor customer service, led to lengthy and distressing delays for affected asylum-seekers.

I have commented previously about the importance of effective governance during major business change initiatives, so I was disappointed to find that a lack of governance was again a contributory factor in what turned out to be an extremely disjointed and inadequately planned transfer of work between the Case Resolution Directorate and the Case Assurance and Audit Unit (CAAU).

I was asked to conduct a follow up investigation into the CAAU by the Home Secretary and was able to report that progress had been made against my previous recommendations.

As a result of my report, over 25,000 cases were re-opened and proper data-matching against other government databases and credit reference agencies is now taking place. I was also pleased to see that the unit dealing with legacy asylum cases had been re-named the 'Older Live Cases Unit' in order to properly convey its function.

The Home Office needs to ensure that the asylum legacy is resolved once and for all, so that the new UK Visas and Immigration Directorate can move on to other priorities.

A lack of effective governance and planning from the outset was also something I found in my report on the multi-million pound e-Borders programme. The original business case for e-Borders had not anticipated risks relating to the compatibility of the e-Borders scheme with European law, nor the lack of alignment with rail and sea operations. As a result, the majority of business outcomes had not been achieved.

The Home Office needs to ensure that the asylum legacy is resolved once and for all, so that the new UK Visas and Immigration Directorate can move on to other priorities

It is clear that better management assurance and planning processes are needed from the outset in such important pieces of work to ensure that the benefits that are intended are realised.

Security Checks at Ports

Since the introduction of a new operating mandate, following on from my investigation into Border Security Checks in February 2012, I have found much greater consistency across ports in the security checks being carried out.

My inspection of Juxtaposed Controls revealed excellent working relationships between Border Force and the French and Belgian authorities when checking passengers before they arrive in the UK. All checks were being carried out properly and I was impressed with attempts being made to close the 'Lille Loophole'. I was, however, surprised to find that people found attempting to enter Britain illegally were not being fingerprinted by Border Force at Calais and Coquelles, whilst ordinary travellers are being subject to 100% checking.

It seems odd that ordinary travellers are subject to 100% checks when those travelling illegally are not subject to a regime which enables immigration authorities to know whether they have been encountered previously.

In my inspection of e-Borders, I found an expensive programme that had resulted in significant benefits for the police, but still had some way to go to deliver

many of the original benefits to immigration control that were anticipated.

Prioritisation of immigration over customs work had resulted in alerts relating to potential drug and tobacco smuggling being deleted rather than investigated. As a result, opportunities were being missed to seize illicit goods at the border. Furthermore, e-Borders data was not extensive enough to count foreign national passengers in and out of the UK.

The Home Office should define clearly what the aims of the e-Borders programme are and be transparent about what it will deliver and by when

Now that a consistent standard has been established at border control, the Home Office should define clearly what the aims of the e-Borders programme are and be transparent about what it will deliver and by when.

Making the Right Decision

I am consistently impressed by the majority of frontline staff working in borders and immigration. The staff I witnessed at juxtaposed controls and at Dover were sometimes undertaking arduous physical work in all weathers. Equally, Entry Clearance Officers working in visa sections overseas are sometimes dealing with up to 50 or 60 applications a day.

Last year I was able to report that I had seen some improvement in the quality of decision-making by staff who grant or refuse entry clearance to the UK. This year I inspected only one visa post and concentrated most effort overseas on thematic inspections of the student visa route (Tier 4), the highly skilled categories (Tier 1) of the Points Based System, and immigration applications on the basis of marriage and civil partnership.

In all three inspections I found that decision quality overall was good and the majority of decisions were reasonable, with the exception of Tier 1 entrepreneur cases. However, there still needs to be much greater consistency in the delivery of services, ensuring that it is not dependent on where an application is made or which caseworker deals with your case. I found that Tier 1 applications decided in Sheffield took eight times longer to decide than those made overseas.

Equally concerning, in marriage and civil partnership cases, was that caseworkers in the UK were granting leave where the applicant and their sponsor did not have adequate funds.

It is critical that human rights and the best interests of children are key issues of consideration in decisions which affect the lives of so many vulnerable people.

Ensuring a right first-time approach is particularly important in cases with limited appeal rights – such as all Points-based applications – where the applicant cannot easily challenge the decision. In my thematic inspection of Tier 4 of the Points-based System, I found overall decision quality was good. However, I also found cases where applicants were incorrectly refused. Immigration authorities have considerable power over people's lives, which makes any inefficiency in the handling of cases potentially distressing.

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In my joint inspection with HM Inspector of Prisons on detained casework, I found that in a quarter of cases we reviewed, insufficient progress had been made and in some cases delays were resulting in individuals being detained for longer than necessary. I was disappointed that my principal recommendation to establish an independent panel to review the cases of all individuals held for lengthy periods was rejected by the Border Agency.

The Inspectorate has a statutory remit to examine whether the users of the service are treated fairly and have their human rights respected. I found that human rights were rarely considered in applications made on the basis of marriage and civil partnerships overseas.

The Home Office also has a requirement to consider the best interests of children. I found a significant number of further Leave to Remain and Settlement cases were being refused by caseworkers in the UK, without considering the best interests of children. It is critical that human rights and the best interests of children are key issues of consideration in decisions

which affect the lives of so many vulnerable people.

In line with recommendations I have made in my reports, I am now pleased to see that the Home Office has launched a project to analyse appeal outcomes with a view to improving decision-making. I think this is an important step towards getting decisions right first time.

Continuous Improvement

My aim is that my inspection findings will assist the Home Office in driving improvement in its border and immigration functions. However, I also ensure that there is a culture of continuous improvement within the Inspectorate itself.

The Inspectorate has undergone a major turnover of staff this year, including the appointment of a number of lead inspectors. It is encouraging to see that the majority of experienced inspection staff have left on promotion back to the Home Office. This is one way in which independent inspection can improve practice on the front line. In return, I have been able to recruit and train a new cohort of individuals drawn from across government who can bring a fresh perspective to our work.

Last year I invested in a training programme for all our staff on the skills required for inspection. This bespoke inspection course was run again in early 2013 for new arrivals. The course includes training in interviewing skills, report writing, presentation skills and analysis techniques.

Following the Home Secretary's decision to abolish the UK Border Agency and bring its functions back into the main Home Office, I made further amendments to my inspection criteria to reflect this change in organisational structure. The purpose of the criteria is to bring focus and consistency to inspections, clarify the standards that I expect the UK's border and immigration functions to meet, and allow me to continue to produce reports concentrating on outcomes, with realistic and deliverable recommendations.

I announced in my 2013-14 Inspection Plan that I would be undertaking a series of Chief Inspector spot-check visits. These sit alongside and complement our existing portfolio of inspections. The visits provide an opportunity for me to assess whether the Home Office have implemented the recommendations they accepted from previous reports and if that change is visible on the ground. Based on my first few spot-checks, I have been

pleased to note that good progress in some key areas of service delivery is being made.

My inspections have prompted the Home Office to establish a small internal inspection team whose role is to improve areas of business in advance of an inspection. I welcome this approach. Inspection should be a catalyst for improvement and if it creates a sense of urgency to address inefficiency and ineffectiveness then this can only be a good thing.

This year I have also conducted another survey amongst a wide cross-section of the Inspectorate's stakeholders, receiving four times as many responses as last year's survey. The results were extremely positive, and showed that over three-quarters of respondents felt we were providing independent and thorough inspections, making effective recommendations and providing the public with a robust assessment of border and immigration functions.

I have been pleased to note that good progress in some key areas of service delivery is being made

Equally encouraging was that over 90% of respondents said that we were adopting a professional approach to inspection and three-quarters said that our methodology was effective. 92% also said that, whilst our reports are comprehensive, they are written in plain English and are easy to read. It can be a real challenge to simplify the technical jargon and guidance that I often encounter in some parts of immigration and border control. My reports are written in plain English and a great deal of effort goes into making sure that they are easy to read and explain things in simple terms. This is important to ensure that Parliament and the public can understand the issues involved in such a complex area as immigration. Feedback from stakeholders has indicated that shorter, more focused reports are much better received and so this year a concerted effort has been made to shrink reports to a more audience-friendly size.

In keeping with our commitment to austerity in the civil service, we continued to increase efficiencies and delivered the majority of the planned inspection programme and two additional investigations under budget. This was despite a reduction in our overall budget for the year.


Conclusion

One of the greatest challenges for the Home Office is that, the UK's immigration system is multi-faceted and complex. It needs to balance seemingly conflicting priorities, such as attracting migrants who will boost our economy and enrich our society whilst also ensuring that those with no lawful right to be in the UK are removed.

Ultimately the aim is for the Home Office to provide, not only an efficient and effective service to applicants, but also a seamless one that will give the public confidence that the UK's borders are secure

Looking forward, the Home Office should aim to develop a good basic service, consistently applied, and in which the public have confidence. Given further budget reductions, the Home Office will also need to drive out some of the inefficiencies I have found, for example in its handling of applications, so that it can deliver a good service at reduced cost.

Whilst I think that the move to different directorates will help create a distinct ethos in each one, the challenge will be to ensure that they do not operate in isolation. Ultimately the aim is for the Home Office to provide, not only an efficient and effective service to applicants, but also a seamless one that will give the public confidence that the UK's borders are secure.



John Vine

Independent Chief Inspector of Borders and Immigration

“My inspection programme provides constructive challenge, with the aim of driving improvement across the UK’s border and immigration functions”

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Role and Remit

The role of the Independent Chief Inspector for Borders and Immigration was established by the UK Borders Act 2007 to examine the efficiency and effectiveness of the functions of what was then the UK Border Agency.

The initial remit was to consider immigration, asylum and nationality issues. This was subsequently widened when the Borders, Citizenship and Immigration Act 2009 gave the Chief Inspector additional powers to look at border customs functions and contractors employed by the Agency.

The Chief Inspector is an independent public servant, appointed by and responsible to the Home Secretary. The Chief Inspector can also be called to

give evidence to the House of Commons Home Affairs Select Committee.

The Legislative Framework

Sections 48-56 of the UK Borders Act 2007 set out the legislative framework for the inspection of

the UK's border and immigration functions. In short, the Act:

- requires the Secretary of State to appoint a Chief Inspector to evaluate the efficiency and effectiveness of the UK's border and immigration functions in dealing with asylum, immigration and nationality matters;
- extends the Chief Inspector's remit to cover all UK Border Agency staff, both in the UK

and overseas;

- requires the Chief Inspector to publish an annual report which the Secretary of State places before Parliament;
- does not permit the Chief Inspector to investigate individual cases, but allows him to use such cases as evidence for wider inspections;
- provides for the Secretary of State to request the Chief Inspector to carry out an investigation into any matter regarding asylum, immigration,

customs and nationality matters; and

- requires the Chief Inspector to consult the Secretary of State regarding his inspection plans; but this does not prevent him working outside the plans where he regards this as appropriate.

Change in Title

On 20 February 2012, the Home Secretary announced that from 1 March 2012 the Border Force would split from the UK Border Agency to become a separate operational command within the Home Office.

The Home Secretary confirmed that this change would not affect the Chief Inspector's statutory responsibilities and that he would continue to be responsible for inspecting the operations of both the Agency and the new Border Force.

On 22 March 2012, the Chief Inspector of the UK Border Agency's title changed to become the Independent Chief Inspector of Borders and Immigration. His statutory responsibilities remain the same.

Break-up of the UK Border Agency

On 26 March 2013 the Home Secretary announced that the UK Border Agency was to be broken up and, under a new package of reforms, brought back into the main Home Office reporting directly to Ministers.

The Chief Inspector will continue to inspect UK immigration functions previously carried out by the Agency, border customs functions and contractors employed by the Home Office to deliver any of those functions.

Our Inspection Findings

Border security

I have undertaken four inspections in the field of border security this year. I inspected: Birmingham Airport; the Juxtaposed Controls operation in northern France and Belgium; the way in which e-Borders information was being used; and I looked at how the former Agency and Border Force worked together to deal with people at ports who were suspected of committing immigration offences.

My short-notice inspection of Birmingham Airport found that staff were carrying out all border security checks in accordance with the Operating Mandate and demonstrated excellent customer service when interacting with passengers. However, I found that conflicting guidance was in place regarding what action staff should take when intercepting passengers suspected of customs offences and when conducting covert bag searches. No central record was maintained to show occasions where covert baggage searches were carried out but no seizures were made; the absence of these records meant that no assurance could be provided to demonstrate that this power was being used in a lawful, proportionate and controlled manner.

I found excellent working relationships in place between Border Force, the French and Belgian authorities and the police, which meant that thousands of people who have no right to enter the UK are prevented from doing so each year

My inspection of Juxtaposed Controls found that border security checks were being carried out in compliance with the Operating Mandate and considerable effort was being made to identify those who sought to abuse the 'Lille loophole'. I found excellent working relationships in place between Border Force, the French and Belgian authorities and the police, which meant that thousands of people who have no right to enter the UK are prevented from doing so each year. I was also pleased that the operation of the Civil Penalty Scheme had improved significantly since my last inspection in 2009.

However, I was concerned that people found attempting to enter the UK concealed in freight vehicles were no longer fingerprinted by Border Force at Calais or Coquelles. Gathering biometric information such as fingerprints could assist the decision-making process if these individuals were ultimately successful in reaching the UK and went on to claim asylum.'

My inspection of the e-Borders programme found that, while it had benefited the police, enabling them to arrest thousands of suspects and wanted individuals, it had yet to deliver significant benefits to either UK border security or immigration control more generally. A key aim of the programme was to 'export the border,' which aimed to prevent passengers from travelling when they were considered a threat to the UK. This key benefit had failed to materialise, although I was encouraged to find that e-Borders high profile alerts were being used to inform deployment decisions at Heathrow to enable interception of high-risk individuals at the arrivals gate.

My inspection of the e-Borders programme found that, while it had benefited the police, enabling them to arrest thousands of suspects and wanted individuals, it had yet to deliver significant benefits to either UK border security or immigration control

Advance passenger information was also being used effectively to identify individuals who had left the UK following an adverse immigration decision.

E-Borders had not delivered the planned increases in passenger data collection, with only 65% of all passenger movements into and out of the UK being collected. This was because the business case had not anticipated risks relating to the compatibility of the e-Borders scheme with European law, nor the lack of alignment with rail and sea operations. I also noted that e-Borders data was not extensive enough to count foreign national passengers in and out of the UK.

I found that the majority of e-Borders immigration alerts issued added little value, because the information was already available to Border Force Officers at the port of arrival. Conversely, I found 649,000 matches relating to potential drug and tobacco smuggling were deleted from the system without being read, which had a significant impact on the ability of staff at the border to seize prohibited and restricted goods.

E-Borders had not delivered the planned increases in passenger data collection

In my inspection of the handling of immigration and customs offences at ports, I found a broadly consistent approach towards the investigation of offences. In immigration cases, I found that removal was a cost-effective and efficient alternative to investigation and prosecution where individuals did not claim asylum. There is, nonetheless, room for improvement. Criminal & Financial Investigation (CFI) teams kept an insufficient record of the reasons for the decisions they took in immigration cases. The management information collated on the handling of all offences was also inadequate and of inconsistent quality across the ports I inspected.

In my sample of cases where decisions had been made not to investigate people for suspected immigration offences, I found that the majority of those who claimed asylum on arrival in the UK were either granted refugee status or removed. Some, however, had waited for more than a year without initial decisions on their claims. This is unacceptable.

There was a lack of consensus between Border Force and CFI managers on the circumstances in which certain immigration offences should be referred for potential investigation. I was also disappointed that, despite numerous recommendations made in previous reports, close to two-thirds of the files that I initially requested as part of this inspection could not be located. The Home Office must do more to improve its file retention and retrieval processes.

Immigration Casework

I have undertaken five inspections that have examined the efficiency and effectiveness of the Home Office's handling of immigration cases. This has included a visa post inspection of Accra in Ghana, thematic inspections comparing decision-making abroad and in the UK on Tiers 1 and 4 of the Points-based System, a thematic inspection

of applications for Entry Clearance and Leave on the basis of marriage and civil partnerships, and an inspection of detained casework.

My inspection of the visa post at Accra found that decision quality was good. I was pleased to find a proper audit trail of decisions being kept, with documents being retained on file. This was in line with recommendations I had made in previous reports. I found, however, that the Visa Section was failing to deliver visa decisions in line with its customer service standards and that applicants at the spoke in Cameroon were not receiving the same level of service as at the Accra hub. I recommended that this be addressed. I also found poor practice in the way that complaints were handled.

I undertook two thematic inspections, comparing the operation of the Points-based System (PBS) in the UK with visa posts overseas.

I found that decisions on investor applications were reasonable in most cases, but that over a third of decisions on entrepreneur cases were unreasonable

My inspection of entrepreneur and investor applications under Tier 1 of PBS identified that applications were taking eight times longer to be decided in Sheffield than overseas. A backlog of 9,000 applications had also developed, which the Home Office had failed to anticipate. Adequate records of decisions had not been kept in more than two-fifths of the files I examined. However, where I was able to make an assessment, I found that decisions on investor applications were reasonable in most cases, but that over a third of decisions on entrepreneur cases were unreasonable. This was unacceptably high.

I was also pleased that the Home Office had launched a project to analyse appeal outcomes with a view to improving decision-making

My inspection of student applications under Tier 4 of the PBS found that decision quality was good and that requests for sponsor licences were carefully considered before decisions were made. I was also pleased that the Home Office had launched a project to analyse appeal outcomes with a view to improving decision-making. This was in line with recommendations I have made in previous reports.

However, I was concerned to find that a backlog of almost 153,000 notifications had developed, where sponsors had informed the Home Office that foreign students' circumstances had changed. In addition, the Home Office had no targets in place to manage these sponsor notifications effectively. The Home Office had launched an operation to identify and remove over-stayers, including students, but I recommended that it should treat this issue as an on-going priority.

Every year a substantial number of foreign nationals seek to enter or remain in the UK on the basis of a marriage or civil partnership to a British citizen or resident. My inspection of marriage and civil partnership applications compared decision-making at four visa posts overseas – Moscow, Bangkok, Dhaka and Kingston – with decisions made in Liverpool and Sheffield. I found that the majority of decisions on such applications were reasonable.

However, I had a number of concerns. While the maintenance requirements of the Immigration Rules were applied correctly overseas, so that applicants were only granted Entry Clearance where the Home Office was satisfied they could live in the UK without relying on benefits, in some instances caseworkers in the UK were granting leave where the applicant and their sponsor did not have adequate funds. This was contrary to the Rules and risked placing an additional burden on the taxpayer.

I was also concerned to find that human rights were rarely considered in cases where the applicant was overseas and that specific consideration was only given to the best interests of children in one of the relevant 60 cases I examined.

The Home Office was not doing enough to learn lessons from appeals, despite the fact that a substantial proportion of its decisions on these cases were successfully challenged by applicants.

Detained cases are some of the most complex and challenging. Immigration control has to be balanced against the need to ensure that detention is only maintained where there is a realistic prospect of removal.

In my joint inspection of detained casework with Her Majesty's Inspector of Prisons (HMIP), I found that decisions to detain were generally defensible and properly evidenced. However, I also found cases where it was questionable whether the length of detention was justified or necessary. I believe

that an independent review mechanism is needed to assess the cases of individuals who have been detained for lengthy periods, as this would motivate change in the system. I was disappointed that this recommendation was not accepted by the Home Office.

Asylum

My inspection of the Case Assurance and Audit Unit identified significant failings in the handling of asylum legacy casework. I found that the security checks on controlled archive cases had not been undertaken routinely or consistently since April 2011, and data-matching with other departments in order to trace applicants had not begun until April this year. This was unacceptable and at odds with the assurances given to the Home Affairs Select Committee, which proved to be inaccurate.

I was disappointed to find that a lack of governance was again a contributory factor in what turned out to be an extremely disjointed and inadequately planned transfer of work

I have commented previously about the importance of effective governance during major business change initiatives, so I was disappointed to find that a lack of governance was again a contributory factor in what turned out to be an extremely disjointed and inadequately planned transfer of work between the Case Resolution Directorate and the CAAU.

This resulted in very poor levels of customer service, which adversely affected a number of applicants, leading to lengthy and distressing delays for affected asylum applicants, including former unaccompanied asylum-seeking children. Such was the inefficiency of this operation that at one point over 150 boxes of post, including correspondence from applicants, MPs and their legal representatives, lay unopened in a room in Liverpool.

My inspection of asylum claims made by unaccompanied children found that the Home Office worked effectively with local authorities to safeguard them. The Home Office adopted an appropriately cautious approach on the occasions when it challenged the claims of applicants to be children, only doing so where it had hard evidence that applicants were over 18 or where they appeared to be at least 25 years old. Otherwise, the Home Office accepted the formal assessment of age made

by the local authority responsible for each child.

However, I was concerned that decisions on children's applications were taking more than twice as long in the Midlands as in London. Children were less than half as likely to be granted asylum in London as in the Midlands. The Home Office could not offer a clear explanation for these inconsistencies. Given that children are a vulnerable category of applicants and need certainty about their futures, it is particularly important that their asylum claims are decided in a timely manner regardless of where they are considered. I also expect consistent standards to be applied to the decisions themselves.

My inspection of asylum claims made by unaccompanied children found that the Home Office worked effectively with local authorities to safeguard them

Home Secretary Investigations

Following my inspection of the CAAU, the Home Secretary asked me to examine what progress had been made to conclude the reopened and live cases within this unit, with a particular focus on case working, management processes and guidance, to determine whether they were now consistent and effective.

I found governance had improved in a number of areas, including management information and resources had been increased to tackle some of the challenges my inspection had identified. Caseworkers were correctly following relevant policies and guidance when making decisions and the introduction of a national quality assurance framework was also encouraging. Management and staff demonstrated a strong commitment to their work.

I considered this a missed opportunity to identify and locate applicants

However, I continued to find some cases where the information contained in paper files was not being used to trace applicants. I also found that a decision had been taken not to review Police National Computer (PNC) information, either to obtain addresses for 3,077 positive matches, or to take any action in relation to 'maybe' matches that had been identified as part of the data-matching exercise. I considered this a missed opportunity to identify

and locate applicants. Finally, work had also yet to commence on archived cases and active reviews that had been reopened as a result of positive data-matching results.

The Home Secretary also commissioned an investigation into the formation of a new Performance and Compliance Unit (PCU). In particular, she asked me to assess whether the PCU would provide an effective audit mechanism and the correct level of assurance of the former UK Border Agency to her and the Home Office Permanent Secretary.

My investigation found the PCU had the potential to improve performance and compliance across the Home Office's border and immigration functions. However, providing Ministers with accurate performance reports and the correct level of assurance depended on improving the quality of the underlying data upon which such reports were based. This was very much a work in progress at the time of my investigation.

The Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) advises me about the content and quality of material produced by the Home Office's Country of Origin Information Service (COIS) as well as making recommendations of a more general nature, including considering the country of origin content of Home Office Operational Guidance Notes (OGNs). This is an ongoing strand of my inspection work and IAGCI enjoys a constructive and productive relationship with the Home Office.

During the year, the membership of the group has been refreshed and I would like to thank the outgoing Chair, Dr Khalid Koser, for his commitment and dedication to the group and its predecessor for over 10 years. I wish him well in the future.

Under the new Chair, Dr Laura Hammond, I anticipate that the group will continue to critically inspect the content and quality of country of origin information, and to adapt, where necessary, to any change in the format or content of data sources used by the Home Office.

The IAGCI has held three meetings in this reporting period (November 2012, April 2013 and October 2013) and has considered the following:

- **November 2012** – Country reviews and OGNs for Eritrea, Somalia and Sudan and a thematic review of Children in COI material.
- **April 2013** – Country reviews and OGNs for Afghanistan, Algeria, Bangladesh and Iran.
- **October 2013** – Country reviews and OGNs for Pakistan, Albania and Iraq.

Reports from all these meetings are published on my website.

Membership

Membership of the IAGCI was refreshed in April 2013, with some long-standing members stepping down and some new members being appointed. I express my gratitude both to those who stepped down for their service and to new members for agreeing to contribute their time and expertise to the work of the panel. Members receive no financial recompense.

The group is made up of academics and organisations operating in the country information and / or refugee fields.

- Independent members

Dr Khalid Koser (Chair) (Geneva Centre for Security Policy, London University) – Until April 2013

Dr Laura Hammond (Chair from May 2013) (School of Oriental and African Studies) – reappointed until April 2015

Dr Christopher McDowell (City University, London) – until April 2013

Dr Ceri Oeppen (University of Exeter) – reappointed until April 2015

Dr Elena Fiddian-Qasmiyeh (Refugee Studies Centre, University of Oxford) – reappointed until April; 2015

Dr Mike Collyer (University of Sussex) – reappointed until April 2015

Professor Heaven Crawley (University of Swansea) – appointed in May 2013 until April 2015

Dr Patricia Daley (University of Oxford) – appointed in May 2013 until April 2015

- Organisational representatives

Mr Andrew Jordan (First Tier Tribunal, Immigration and Asylum Chamber) – reappointed until April 2015

Ms Blanche Tax (UNHCR, Geneva) – reappointed until April 2015

Ms Harriet Short (Immigration Law Practitioners' Association – ILPA) - appointed in May 2013 until April 2015

Meetings are also attended by representatives of the Home Office, and independent experts at the discretion of the IAGCI Chair.

Further details, terms of reference, minutes and reports from the IAGCI can be found on my website at <http://icinspector.independent.gov.uk/country-information-reviews/>

Working in Partnership

A key part of my work involves engaging and consulting with a wide range of stakeholders who have an interest in the UK's border and immigration functions. These stakeholders help to inform, support and challenge my inspection programme.

In the past year I have actively continued to maintain constructive relationships with as many interested parties as possible, ranging from the passenger and freight carrying companies to interest groups promoting the welfare of vulnerable migrant groups.

Stakeholder Forums

I currently host three regular stakeholder forums. Members of these forums are able to discuss my inspection reports, bring key issues to my attention and suggest proposals for my inspection plan and priorities.

- **Refugee and Asylum Forum** This forum provides regular opportunities for refugee and asylum stakeholders to discuss their views with me. This is the longest-running forum, which was established in 2009 and meets three times a year.
- **Aviation Stakeholder Forum** This forum brings together key aviation stakeholders, including airlines and airport operators. The forum was established in October 2011 and meets twice a year.
- **Seaports Stakeholder Forum** This forum was also established in October 2011, and brings together key seaport stakeholders, such as port operators and ferry companies. I created this, and the Aviation forum, to ensure that I was considering important views on border control, which was a key feature of my reports this year. The forum meets twice a year.

Inspectorate Reference Group

In October 2010, I established the Inspectorate Reference Group to act in an independent advisory capacity, reacting to challenges and suggesting ways forward as the Inspectorate develops. The

Inspectorate Reference Group meets three times a year and I appoint its members for a period of two years. Issues of interest include:

- our organisational structure;
- our ways of working;
- how we relate to other organisations;
- how we respond to financial challenges; and
- internal training requirements.

Stakeholder Outreach

I carry out a number of speaking engagements in my capacity as Independent Chief Inspector of Borders and Immigration and I find these opportunities useful for sharing and increasing understanding of the work of the Inspectorate with interested stakeholders. Over the last 12 months, I have given presentations to the Association of Colleges, the British Red Cross, the Home Office and the Royal College of Physicians, to name a few.

Ongoing Consultation

Aside from the established forums and speaking engagements, I carry out ongoing consultations with stakeholders to help define the scope of inspections.

I conducted a survey with refugee, asylum and human rights stakeholders to provide information for the asylum support inspection. Similarly, I consulted multi-national corporations and immigration advisers during the scoping of my inspection on Tier 1 Investor and Entrepreneur applications.

These stakeholder consultations have proven to be both valuable and constructive and I intend to conduct more in the future.

Joint Working

Early in the inspection year, I published a joint inspection report with colleagues from HM Inspectorate of Prisons, on the subject of immigration casework in removal centres.

Stakeholder Survey 2013

This year I have also conducted another survey amongst a wide cross-section of the Inspectorate's stakeholders. These included Parliamentarians, refugee and asylum support organisations, aviation and port operators, immigration and security academics and Home Office staff, as well as the general public.

We received an excellent response – 271% up on our 2012 survey. The results were extremely positive and below are some of the key findings:

Our Work

- three-quarters of respondents said we provided independent and thorough inspections and made effective recommendations for improvement;
- 80% said we were independent, professional, influential and accessible;
- over 95% said we were inspecting the most important functions of immigration and border control; and
- over 70% said our methodology was right.

Our Reports

- over half had read every one or most of our reports in the last year;
- over 90% said our reports were easy to read; and
- over 80% said they were the right length.

Stakeholder Engagement

- over three-quarters said we were proactive when it came to stakeholder engagement;
- almost half said it was easy to contribute to the inspection process. This is particularly pleasing as we have such a wide and diverse stakeholder group.

People and Resources

Diversity

The 2011-12 Annual Report noted that many of the staff who had been with the Inspectorate since it was established were moving on and the same has continued during 2012-13.

The year has seen two campaigns to recruit Inspectors and Inspection Officers and, as a result, more than 87% of the posts within the Inspectorate are now filled by their second or even third incumbents.

This year's new starters have come from a variety of backgrounds including the Home Office, Her Majesty's Inspectorate of Constabulary and Her Majesty's Revenue and Customs.

ICIBI staff profile, September 2013

- 38% female, 62% male
- 24% are black/minority ethnic (BME)
- 24% of staff are under 35 and 21% are over 50.
- 7% worked compressed or part-time working patterns.

Training and Development

The bespoke inspection course developed in conjunction with Westminster Explained in 2011 was run again in early 2013 for new arrivals. The course includes training in interviewing skills, report writing, presentation skills and analysis techniques. In addition to this, individuals have attended courses on subjects ranging from performance measurement and management to project management and I attended a summer school on forced migration at the Refugee Studies Centre in Oxford.

As well as formal training, the Inspectorate has a programme of exit interviews and handovers to ensure that skills and lessons learnt are passed on to remaining staff and this is run in conjunction with an induction programme for newly arriving staff.

Resources

In line with the cuts across the Civil Service, the Inspectorate's 2012/13 budget fell another 5% to £2.82 million. However, once again, we managed to increase efficiencies and deliver the majority of the planned inspection programme and two additional investigations under budget.

The Inspectorate continued to promote and enforce a culture of austerity to ensure that we complied with all the financial aims of the civil service. This allowed us to deliver the year's business for £2.37million, £450,000 under budget.

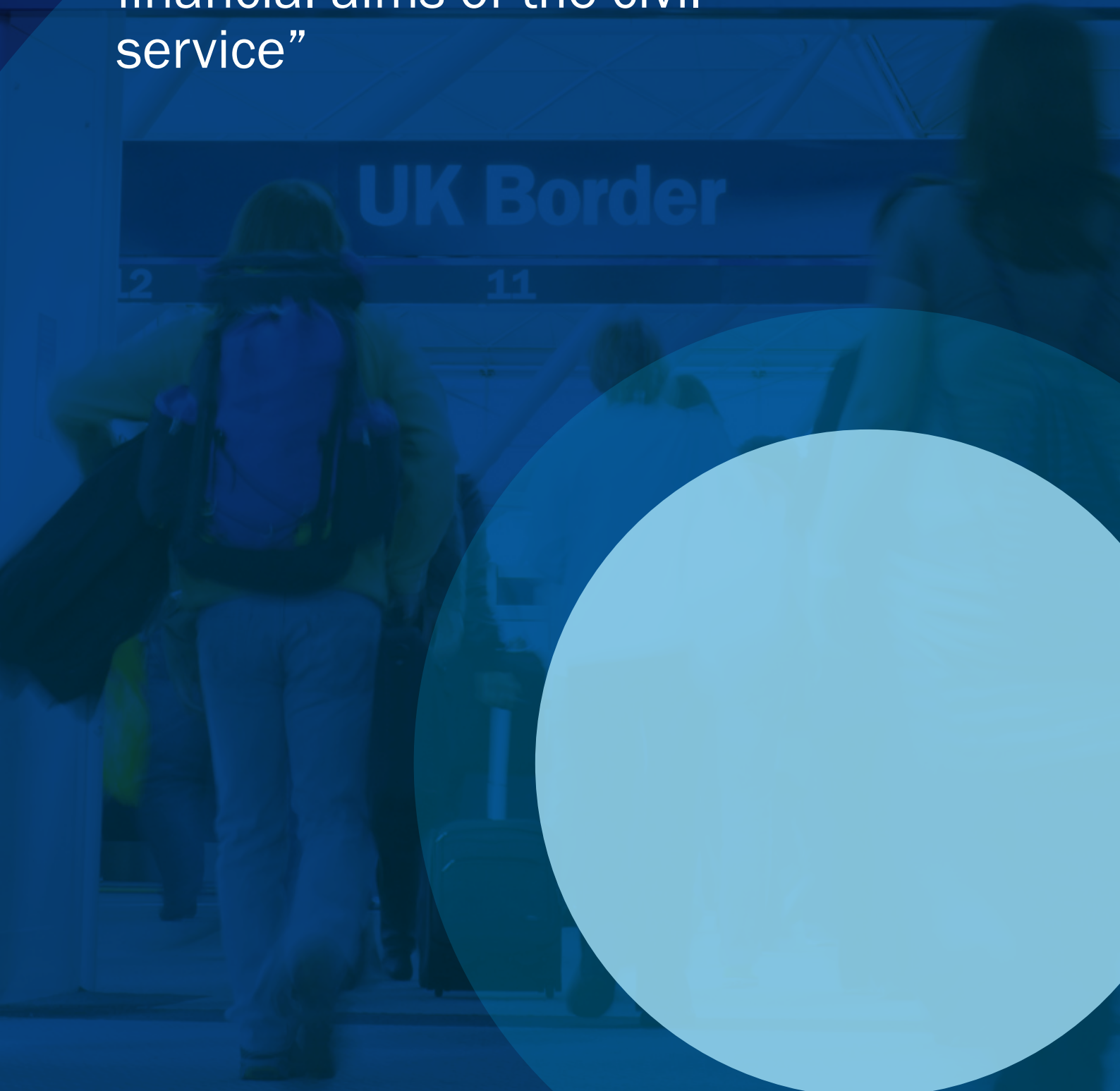
As in previous years, the Inspectorate has focused the majority of its resources on the frontline inspection operations with a minimal but very efficient back office structure.

The number of staff in the inspectorate decreased by three, to 29, during the year. The reduction comprising of one from the back office, one Assistant Chief Inspector and one Inspection Officer.

The 2012 – 2013 period covered by this report saw the inspectorate conduct:

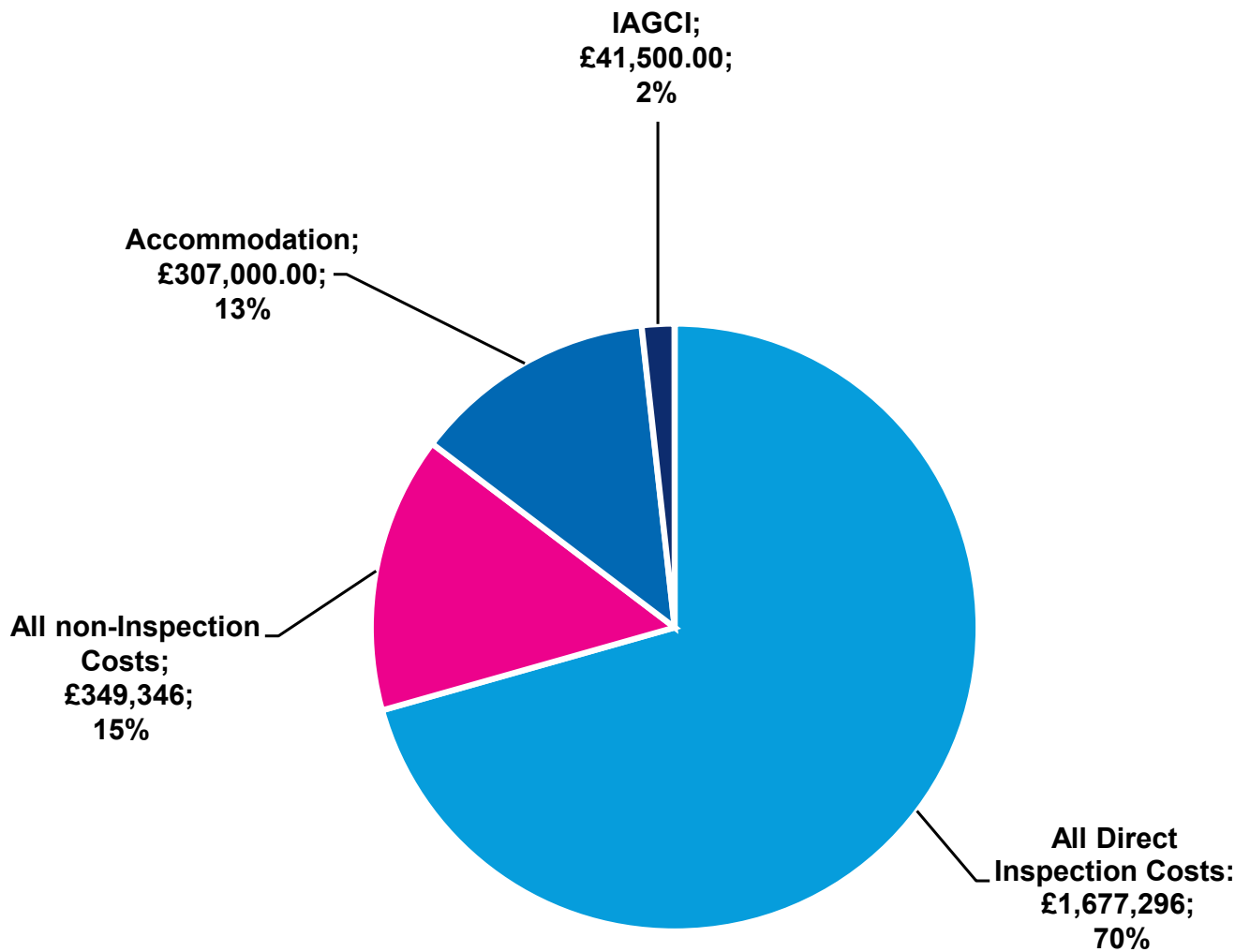
- 11 inspections, including one joint inspection with HMIP;
- two investigations, one into the progress made migration cases and the other into the establishment of the Performance and Compliance Unit; and
- three spot-check visits to the Public Enquiry Office in Croydon, the Command and Control Centre in Manchester and the East Midlands Reporting Centre.

“The Inspectorate continued to promote and enforce a culture of austerity to ensure that we complied with all the financial aims of the civil service”



Appendix 1

Expenditure for the 2012-13 financial year



Appendix 2

Reports published November 2012–October 2013

Inspection Reports

1. An inspection of the UK Border Agency's handling of legacy asylum and migration cases (November 2012)
2. An inspection of Tier 4 of the Points-based System (November 2012)
3. A short-notice inspection of decision-making quality in the Accra Visa Section (December 2012)
4. The effectiveness and impact of immigration detention casework (December 2012)
5. An inspection of how the UK Border Agency and Border Force handle customs and immigration offences at ports (January 2013)
6. An inspection of applications to enter, remain and settle in the UK on the basis of marriage and civil partnerships (January 2013)
7. A Short-Notice Inspection of Birmingham Airport (February 2013)
8. An Investigation into the Establishment of the Performance and Compliance Unit (May 2013)
9. An investigation into the progress made on legacy asylum and migration cases (June 2013)
10. An Inspection of Juxtaposed Controls (August 2013)
11. Independent Chief Inspector of Borders and Immigration spot check visits (August 2013)
12. An Inspection of applications to enter and remain in the UK under the Tier 1 Investor and Entrepreneur categories of the Points-based System (September 2013)
13. 'Exporting the border'? – An inspection of e-Borders (October 2013)
14. An Inspection into the Handling of Asylum Applications made by Unaccompanied Children (October 2013)

Independent Advisory Group on Country Information Reports

- Evaluation of the Country of Origin Report on Libya, April 2012
- Evaluation of the Country of Origin Report on Sri Lanka, April 2012
- Evaluation of the Country of Origin Report on Vietnam, April 2012
- Evaluation of the Country of Origin Report on Eritrea, November 2012
- Evaluation of the Country of Origin Report on Somalia, November 2012
- Evaluation of the Country of Origin Report on Sudan, November 2012
- An analysis of the coverage of issues related to children in Country of Origin Reports
- Evaluation of the Country of Origin Report on Afghanistan, April 2013
- Evaluation of the Country of Origin Report on Iran, April 2013
- Evaluation of the Country of Origin Report on Algeria, April 2013
- Evaluation of the Country of Origin Report and Operational Guidance Notes on Bangladesh, April 2013

Review of the UK Border Agency's Operational Guidance Notes (OGN)

- Review of the Operational Guidance Notes for Libya, April 2012
- Review of the Operational Guidance Notes for Sri Lanka, April 2012
- Review of the Operational Guidance Notes for Vietnam, April 2012
- IAGCI's comments on the OGN reviews of Libya, Vietnam and Sri Lanka

- Review of the Operational Guidance Notes for Eritrea, November 2012
- Review of the Operational Guidance Notes for Somalia, November 2012
- Review of the Operational Guidance Notes for Sudan, November 2012
- IAGCI's comments on the OGN reviews of Sudan, Somalia and Eritrea
- Review of the Operational Guidance Notes for Bangladesh, Afghanistan and Iran, April 2013

