



An Inspection of Nationality Casework

April-May 2014



John Vine CBE QPM

Independent Chief Inspector of Borders and Immigration



An Inspection of Nationality Casework

April-May 2014

Presented to Parliament pursuant to Section 50 (2) of the UK Borders Act 2007

December 2014



© Crown copyright 2014

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.uk/government/publications

Any enquiries regarding this publication should be sent to us at

Independent Chief Inspector of Borders and Immigration,
5th Floor,
Globe House,
89 Eccleston Square,
London, SW1V 1PN

Print ISBN 9781474113250

Web ISBN 9781474113267

ID 09121401 12/14

Printed on paper containing 75% recycled fibre content minimum

Printed in the UK by the Williams Lea Group on behalf of the Controller of Her Majesty's Stationery Office

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.

Contents

FOREWORD from John Vine CBE QPM	2
1. Executive Summary	3
2. Summary of Recommendations	7
3. The Inspection	8
4. Inspection Findings – Operational Delivery	14
5. Inspection Findings – Safeguarding Individuals	42
6. Inspection Findings – Continuous Improvement	44
Annex A: Role & Remit of the Chief Inspector	50
Annex B: Inspection Criteria	51
Annex C: Glossary	52
Acknowledgements	54

Foreword from John Vine CBE QPM

Independent Chief Inspector of Borders and Immigration



Granting British citizenship to a foreign national is a significant decision and successful applicants are expected to respect the rights, freedoms, laws and democratic values of the UK. Benefits to applicants include the right to a British passport, the ability to pass on British citizenship to children and the right to hold public office.

I found a strong focus on providing good customer service in Nationality Casework. Applications were generally decided well within the service standard and the Nationality Casework team had received Customer Service Excellence Accreditation. I was also impressed with the service provided by the Nationality Checking Service, which allowed applicants to submit their applications at a number of local authorities throughout the UK.

However, I was concerned to find that Nationality Casework was not scrutinising applications appropriately. I was particularly concerned that caseworkers were not sufficiently looking for, or taking account of, evidence of character in order to satisfy themselves that the requirements of the British Nationality Act 1981 had been met. This resulted in British citizenship being granted to applicants with very poor immigration histories.

Apart from automated police and immigration checks, virtually no other checks were conducted to establish the good character of applicants who had applied to become naturalised as British citizens. Furthermore, I was concerned that the eligibility requirements in respect of referees were disregarded and played no part in the decision-making process.

I found no evidence of any consideration being given to prosecuting applicants who had used deception to obtain British citizenship, other than in a small number of cases involving organised crime.

The Home Office must ensure that it scrutinises applications properly and enforces the requirements of the Act. The granting of British citizenship is a profoundly significant step for both the individual and the UK. It is therefore important that the Home Office applies the rules fairly and rigorously so that parliament and the public have confidence in the system.

I have made twelve recommendations for improvement.

A handwritten signature in black ink that reads "John Vine". The signature is written in a cursive, slightly stylized font.

John Vine CBE QPM
Independent Chief Inspector of Borders and Immigration

1. Executive Summary

1. Executive Summary

- 1.1 The granting of British citizenship is an important decision which confers a number of significant benefits to successful applicants. These include the right to a British passport, unrestricted entry to and exit from the UK, the right to vote and the right to hold public office. Decisions therefore need to balance effective customer service with appropriate scrutiny. We examined how effectively UK Visas & Immigration (UKVI) managed these responsibilities.

The granting of British citizenship is an important decision which confers a number of significant benefits to successful applicants

Positive findings

- 1.2 The Nationality Casework team had a strong focus on providing good customer service, as evidenced by the award of Customer Service Excellence Accreditation in March 2014.

The Nationality Casework team had a strong focus on providing good customer service

- 1.3 As part of its programme of continuous improvement, it regularly brought staff together to identify where operational and customer service improvements could be made, for example in areas such as the handling of valuable documents and dealing with customer complaints. Staff felt empowered to make suggestions for improvements and commented very favourably about the move to make all operational guidance easily accessible in one place.

- 1.4 Nationality Casework had exceeded its customer service standard in determining applications within six months throughout 2013 and our file sampling confirmed this effective performance. We also noted that automated police and immigration checks were conducted on every applicant prior to decisions being made. All applications were also sifted for cases of potential war crimes or security services interest and we found that decisions to deprive citizenship, when eventually taken, were evidence-based and reasonable in all cases.

- 1.5 Nationality Casework had created an effective partnership with local authority service providers under the umbrella of the Nationality Checking Service (NCS). This allowed applicants to have their applications checked at one of 129 locations throughout the UK, before submission to Nationality Casework. Applicants applying via NCS also had a face-to-face interview with a local government officer, who was able to flag any credibility concerns to Nationality Casework.

Nationality Casework had created an effective partnership with local authority service providers under the umbrella of the Nationality Checking Service (NCS)

- 1.6 The NCS process meant that these applications were of better quality and less likely to be refused, because applicants were advised not to proceed if they did not meet the statutory requirements or had failed to provide all of the information required. This meant that Nationality caseworkers could usually make decisions on the applications in front of them, which was in contrast to directly

submitted applications, where they would often have to suspend applications while they wrote to applicants requesting further information or the correct fee to be paid.

Areas for improvement

- 1.7 We found some cases where applicants were granted British citizenship who had very poor immigration histories over protracted periods of time, including during the qualifying period for naturalisation. Immigration law breaches included having no leave to enter or remain for long periods, whereas immigration offences included working illegally and absconding.
- 1.8 We reviewed UKVI guidance which allowed caseworkers to disregard evasion of immigration control during the qualifying period, where there was no other evidence to cast doubt on an applicant's good character. We were concerned about the application of this guidance, as it appeared to result in a 'blanket approach' being adopted by caseworkers, who were not sufficiently looking for, or taking account of, evidence of character in order to satisfy themselves that the requirements of the British Nationality Act 1981 had been met. The use of discretion by decision-makers is important and applications should be considered on a case-by-case basis.
- 1.9 We found serious breaches of immigration law and other poor immigration history, involving significant parts of the qualifying period, in the cases we sampled. While the Act provided no discretion to waive the good character requirements, guidance to caseworkers made it clear that a poor immigration history would not of itself ordinarily lead to a refusal, particularly where there was no other evidence to cast doubt on an applicant's character.
-
- We found serious breaches of immigration law and other poor immigration history, involving significant parts of the qualifying period, in the cases we sampled*
-
- 1.10 While we accept that there is a judgement to be made when interpreting the good character requirement, we believe it was wrong to disregard a poor history of evading immigration control, as evidenced in our file sample, when this occurred within the qualifying period. Our view was supported by guidance in force at the time, which set out that a history of evading immigration control could only be disregarded where the applicant met all the statutory requirements, without requiring the exercise of discretion over any other aspects.
- 1.11 We attempted to establish whether there was a policy approved by ministers which allowed for this 'blanket approach' to a poor immigration history. We were subsequently told that it was not the policy intention that the residency qualification should be waived in circumstances where immigration offences had been committed during the nationality qualifying period, other than being in the UK without leave to enter or remain. We were assured that the guidance on this important issue would be made clearer for caseworkers, to ensure that they understood and correctly assessed the impact of evading immigration control when making decisions to grant or refuse citizenship applications.
- 1.12 While there was a clear focus on customer service, Nationality Casework had not struck the right balance between this and the need to scrutinise applications thoroughly to ensure that decisions to grant British citizenship were evidence-based. While there was evidence of screening for possible involvement in war crimes/crimes against humanity, too much reliance was placed on automated criminality checks, with virtually no other checks being undertaken to assess whether applicants met the good character requirements.
-
- While there was a clear focus on customer service, Nationality Casework had not struck the right balance between this and the need to scrutinise applications thoroughly to ensure that decisions to grant British citizenship were evidence-based*
-

- 1.13 Far too much reliance was placed on self-declaration by applicants. This meant that, unless an applicant declared financial problems (bankruptcy, liquidation or debt), or declared they had practised deception or dishonesty in dealings with other government departments (i.e. tax avoidance, benefit fraud etc), no other checks were made to determine whether they were being truthful. This contrasted with UKVI's approach to decision-making on visa and settlement applications, where an applicant's financial circumstances received rigorous scrutiny. We noted there were no questions on the application form dealing with personal debt, which was compounded by a lack of caseworker guidance describing how they should investigate this issue.
-
- Far too much reliance was placed on self-declaration by applicants*
-
- 1.14 The lack of detail on the Casework Information Database¹ (CID) concerning previous applications, combined with the practice of not referring to paper files, was a real risk, because caseworkers could be unaware of information which was relevant to the applicant's character. We found a case in our file sample where the applicant had previously disclosed that they had stabbed someone to death before fleeing to the UK. However, the caseworker deciding the application was unaware of this and granted the application.
- 1.15 Granting British citizenship to such applicants is unacceptable. UKVI therefore needs to consider carefully what it can do to ensure that its caseworkers, when deciding applications for naturalisation, have access to all relevant information concerning an applicant's character.
- 1.16 Caseworkers were not encouraged to call applicants in for interview, even when there were serious doubts about their credibility, in order to help them to determine whether to grant or refuse an application. Indeed, no such facility had existed within Nationality Casework until very recently.
- 1.17 No checks of any sort were ever conducted on referees who were not British citizens. For British citizen referees, we found that police checks to determine their suitability to act as a referee were not conducted, although some limited checks were made against passport information held by Her Majesty's Passport Office (HMPO). However, these checks were meaningless because they had no impact on the consideration of the nationality application and did not result in any additional checks to determine the suitability of referees.
-
- No checks of any sort were ever conducted on referees who were not British citizens*
-
- 1.18 Our sampling also identified that in nearly a quarter of the cases we examined (28 cases - 22%), referees failed to meet the eligibility requirements because one or both referees were not persons of professional standing. Despite this, the failure to meet these requirements had no bearing on the decision-making process.
- 1.19 No attempts were made to check an applicant's criminal record in the country of nationality, despite Home Office guidance on how to obtain this from many countries around the world. The absence of such checks provided opportunities for a dishonest applicant to conceal a criminal history.
-
- No attempts were made to check an applicant's criminal record in the country of nationality*
-
- 1.20 Managers told us that even where an applicant disclosed criminal convictions overseas, it could still be difficult to refuse the application if the convictions could not be confirmed by other means. We had difficulty understanding this explanation. In our view, where an applicant discloses a criminal conviction overseas this information should be accepted and used to inform the decision, notwithstanding any difficulty of corroboration.

¹ A database used by UKVI, designed to record details of all applications for nationality (as well as other types of immigration files) and to record what has happened in each case.

- 1.21 UKVI told us about a small number of cases involving organised criminality where prosecutions had been pursued. However, we found no evidence that prosecution action was taken against individual applicants who had concealed information as part of their nationality applications. This included applicants who had their citizenship deprived or treated as a nullity² because of deception. Prosecuting applicants who have provided false information can be an effective deterrent to others by demonstrating that UKVI will not tolerate abuse of the system.
- 1.22 We identified significant delays in dealing with allegations concerning deception in order to obtain British citizenship. This meant that allegations which led to nullity action being taken took three years on average to progress. We also found that decisions to revoke leave and/or pursue removal as a result of this nullity action had not been progressed.
- *We identified significant delays in dealing with allegations concerning deception in order to obtain British citizenship*

- 1.23 We were concerned that, where an applicant had provided a forged document which was not identified by the caseworker at the time when a decision to grant British citizenship was made, a later decision had been made, when the forgery came to light, not to revoke citizenship. This was based on failure to identify the forged document at the time when the caseworker originally considered the application. This was a very poor decision.

² Nullity refers to cases where UKVI treats the citizenship as never having taken place, because it had been obtained in a false identity.

2. Summary of Recommendations

We recommend that the Home Office:

1. Ensures that the Home Secretary approves the overall approach concerning the use of discretion in cases where applicants do not meet the statutory requirements.
2. Ensures that good character checks are always undertaken in cases involving evasion of immigration control, to make sure that there is no other evidence to cast doubt on an applicant's character or standing in the community.
3. Ensures that, where applicants declare convictions overseas, this information is accepted and used to inform the decision-making process.
4. Requires applicants for naturalisation to produce criminal records disclosure documents from overseas, where these are available.
5. Ensures that caseworkers record on the Casework Information Database all information which could impact on the assessment of good character.
6. Performs random police checks on referees and takes appropriate action where the random 5% referee check on British citizens identifies inconsistencies with the information held by Her Majesty's Passport Office.
7. Introduces random checking procedures with other government departments and credit reference agencies to ensure that decision-making is not reliant solely on an applicant's declaration.
8. Ensures that applicants provide details about their financial circumstances as part of the application, and that this information is considered.
9. Ensures that, when there are serious doubts about the credibility of an application, caseworkers have the ability to call applicants in for a face-to-face interview.
10. Develops a prosecution strategy for Nationality Casework in order to deter those who attempt to obtain, or assist in obtaining, British citizenship by deception.
11. Takes action to identify and review all cases where SRU concluded that citizenship should be retained due to the original caseworker being successfully deceived.
12. Ensures that allegations are investigated promptly and any decisions to deprive citizenship or treat as a nullity, including decisions to revoke leave and/or pursue removal, are dealt with efficiently.

3. The Inspection

Purpose and aim

- 3.1 This inspection examined the efficiency and effectiveness with which applications to be naturalised as a British citizen were decided, by assessing:
- the quality of decision-making in respect of applications to be naturalised as a British citizen;
 - whether decisions to deprive British citizenship were made appropriately;
 - the extent to which fraudulent applications were identified and whether deterrent measures such as prosecution were used effectively;
 - the level of customer service offered to applicants for British citizenship;
 - the effectiveness of the Nationality Checking Service;³ and
 - the measures taken to ensure the integrity of the Life in the UK test⁴ and English language testing.

UK Visas & Immigration

- 3.2 UK Visas & Immigration is a directorate of the Home Office with 7,500 staff based across the UK and overseas. It contributes to achieving the Home Office's priorities of securing the border, reducing immigration, cutting crime and protecting the public from terrorism.⁵ Part of its remit is to consider applications for British citizenship from overseas nationals who wish to settle in the UK permanently, and this inspection concentrated on how it discharged its responsibility in this regard.

Background

- 3.3 At the start of 2010, we undertook an inspection of five discrete areas of operation in the North-West of England. One of these areas was Nationality Group, which then formed part of the region.⁶ We examined how the unit was meeting targets in relation to the volume and timeliness of deciding citizenship applications. We also looked at checklists used by caseworkers, which set out the administrative steps they should follow. This was not a full inspection of Nationality, and as such it did not include an examination of the quality of decision-making.

Nationality Casework

- 3.4 Applications relating to nationality are handled by Nationality Casework, part of the Permanent Migration Directorate of UKVI based in Liverpool. These applications are for:

3 The Nationality Checking Service allows nationality applicants to submit their applications via local authorities that participated in the scheme. The local authority ensures that the application form had been correctly completed, copies documents and returns originals to the applicant.

4 The Life in the United Kingdom test is a computer-based test constituting one of the requirements for anyone seeking Indefinite Leave to Remain in the UK or naturalisation as a British citizen. Prior to 28 October 2013, a pass in the test satisfied the English language requirement and the requirement to demonstrate knowledge of life in the UK. Since 28 October 2013, applicants have been required to obtain an English language qualification equivalent to level B1 (CEFR) as well as pass the Life in the UK test.

5 <https://www.gov.uk/government/organisations/uk-visas-and-immigration/about>

6 The other areas were the Command and Control Unit, the Civil Penalties Compliance Team, Local Immigration Teams and an inspection of border control at Manchester Airport.

- Naturalisation as a British citizen;
- Registration as a British citizen;
- Registration as a BOTC, British Overseas Citizen (BOC), British Subject and British Protected Person; and
- Certificate of Right of Abode.

3.5 Figure 1 shows the numbers of staff in post in Nationality Casework as at 1 December 2013.

Figure 1: Nationality Casework – staff in post* as at 31 December 2013	
Administrative Assistant (AA)	140.6
Administrative Officer (AO)	167.8
Executive Officer (EO)	39.2
Higher Executive Officer (HEO)	12.8
Senior Executive Officer (SEO)	3
Assistant Director	1
Deputy Director	0.5
Senior Civil Servant (SCS)	1
Total	365.9

Note: *Full time equivalent.

- 3.6 In the calendar year 2013, Nationality Casework had an income target of £127m and achieved an actual income of £152m. Due to the value of British citizenship⁷ to the successful applicant, the application fee (£906) was significantly higher than the associated administrative costs to the Home Office (£144). This also helped to reduce fees for other application types, to support wider government objectives.
- 3.7 Figure 2 shows the number of applications for British citizenship received by the Home Office annually between 2002 and 2013, along with the refusal rate. As can be seen, there has been a steep reduction in the likelihood of an application for citizenship being refused since 2007, when the refusal rate was three times higher than in 2013. Over the same period applications for British citizenship increased dramatically from 157,057 in 2007 to 235,256 in 2013. This may be partly explained by the introduction of the Nationality Checking Service in January 2005, which ensured that unwaivable requirements were met, prior to the application being submitted to UKVI.

⁷ <https://www.gov.uk/government/speeches/immigration-and-nationality-services-change-in-fees-for-2014-to-2015>

Figure 2 : Applications for British citizenship 2002 – 2013⁸



Note: *data taken from published Home Office Immigration Statistics, January to March 2014.

3.8 In March 2014, the Permanent Migration Directorate, of which Nationality Casework was part, was awarded Customer Service Excellence Accreditation. This followed an assessment of the services offered, with a particular focus on delivery, timeliness, information, professionalism and staff attitudes.

British citizenship

3.9 British citizenship confers a number of important benefits on a successful applicant, including:

- the right to a British passport;
- unrestricted entry and exit, free of immigration control;
- the ability to pass on British Citizenship to children;
- the right to vote in local, general and EU parliamentary elections; and
- the right to hold public office.

3.10 As a further mark of the significance of the acquisition of British citizenship, successful applicants attend a citizenship ceremony and take an oath of allegiance to Her Majesty the Queen, her heirs and successors and pledge to respect the rights, freedoms and laws of the UK and to uphold its democratic values.⁹

Naturalisation

3.11 Naturalisation refers to the acquisition of British citizenship by an adult who holds or has held foreign citizenship. The legislative requirements to become naturalised as a British Citizen are provided by section 6 and schedule 1 to the British Nationality Act 1981.¹⁰ At the time of the

⁸ <https://www.gov.uk/government/publications/immigration-statistics-january-to-march-2014/immigration-statistics-january-to-march-2014>

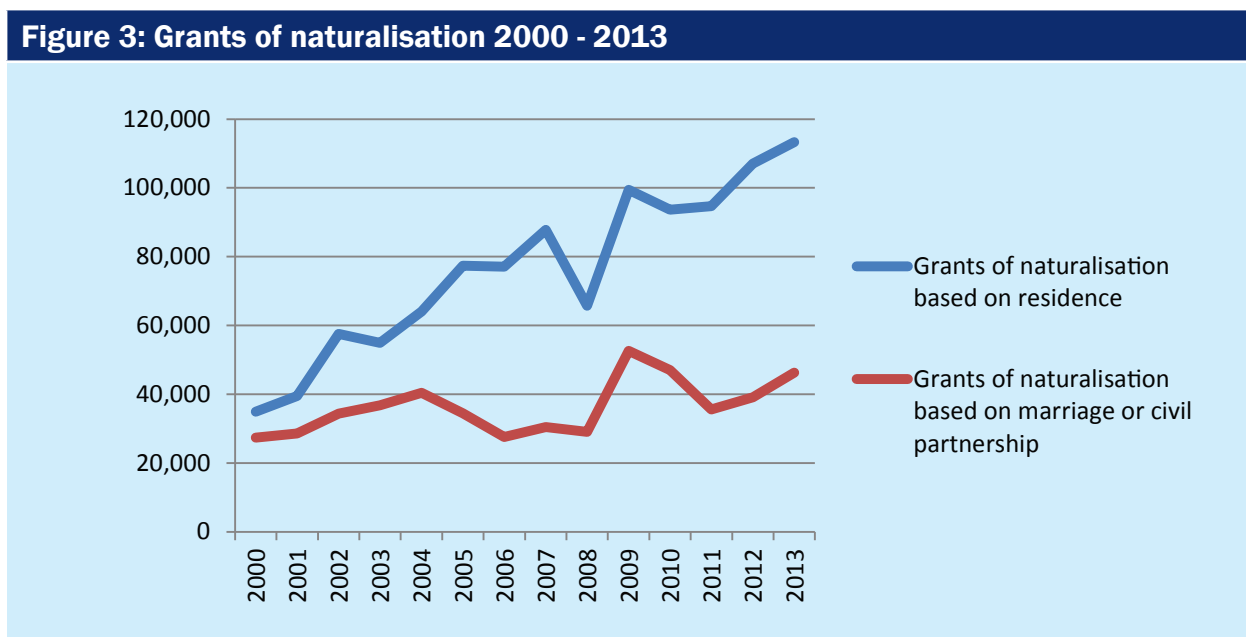
⁹ Schedule 5 British Nationality Act 1981.

¹⁰ <http://www.legislation.gov.uk/ukpga/1981/61/section/6> and <http://www.legislation.gov.uk/ukpga/1981/61/schedule/1>

inspection, there were two routes to becoming a naturalised British citizen. Adults could qualify through:

- at least five years' residence in the UK;¹¹ or
- three years' residence in the UK as the spouse or civil partner of a British citizen.¹²

3.12 Around 75% of all citizenship applications are for naturalisation. Figure 3 shows the numbers naturalised between 2000 and 2013 in both the residence category and the marriage/civil partnership category.



Note: *data taken from published Home Office Immigration Statistics, January to March 2014.

3.13 Figure 3 shows that the number of applicants granted naturalisation on the basis of residence more than tripled between 2000 and 2013 (an increase of 224%). Over the same period, the number of applicants granted naturalisation on the basis of marriage or civil partnership increased by more than half (69%).

3.14 In addition to residency requirements, in order to be successful, applicants must pay the appropriate fee. They must be over 18 years of age, of sound mind and good character. Applicants must also demonstrate that they:

- intend to live in the UK following naturalisation; and
- meet the knowledge of language and Life in the UK requirements.¹³

3.15 Nationality applicants can apply by post to the Nationality team in Liverpool. Alternatively, they can choose to use the Nationality Checking Service (NCS) to submit their applications via one of 129 local authorities around the UK. The local authority will then check that their application has been correctly completed and is accompanied by the appropriate supporting evidence, before submitting it to Nationality Casework. Applicants are charged an additional fee for this service, which varies

11 Section 6(1) and Schedule 1 British Nationality Act 1981.

12 Section 6(2) and Schedule 1 British Nationality Act 1981.

13 Applicants are required to demonstrate sufficient knowledge of language and life in the UK, which they could previously do by either obtaining English for Speakers of Other Languages (ESOL) Skills for Life qualification from an accredited college with a citizenship syllabus, or by passing the Life in the UK test. Since 28 October 2013, applicants have been required both to pass the Life in the UK test and to hold an intermediate level English language speaking and listening qualification.

depending on the local authority that is used. Figure 4 sets out the application process to be naturalised as a British citizen.

Figure 4: Naturalisation Application Process

1. Applicants complete an application form and either submit their application directly to Nationality Casework with the fee and supporting evidence, or book an appointment with a participating local authority for the Nationality Checking Service (NCS).
2. If applicants use the NCS, local authority staff check that the application form has been properly completed and ensure that the appropriate supporting documents and correct fee are attached. They also:
 - check that the unwaivable requirements have been met;
 - copy the supporting documents and return the originals to the applicant; and
 - forward the completed application, fee and copies of supporting documents to Nationality Casework.
3. The decision to grant or refuse the application for naturalisation is taken by a Nationality caseworker in Liverpool.
4. Where an application is refused, a refusal notice or letter indicating that the application has been unsuccessful is sent to the applicant (with the original supporting documents in cases relating to applications made direct to Nationality Casework).
5. In the case of a successful application, a Certificate of Naturalisation is prepared and issued to the Registration service in the applicant's local area.
6. The successful applicant attends a citizenship ceremony and is issued with the Certificate of Naturalisation, at which point they are a naturalised British citizen.

Methodology

- 3.16 The inspection used seven of the Chief Inspector's core inspection criteria.¹⁴ These are grouped under the headings of Operational Delivery, Safeguarding Individuals and Continuous Improvement. The scope of the inspection was confined to an assessment of the handling of applications for naturalisation, as these formed the vast majority of applications (around 75%) dealt with by Nationality Casework.
- 3.17 Prior to the on-site phase of the inspection, we reviewed management information provided by UKVI as well as guidance for staff and applicants. We also sampled 179 Nationality Casework files, consisting of 126 grants of citizenship, 24 refusals and 29 cases where there had been consideration of depriving citizenship or treating the grant of citizenship as a nullity. During the on-site phase of the inspection, which took place between 28 April and 1 May 2014, we:
- conducted a walkthrough of the operation to gain an understanding of the end-to-end process;
 - carried out interviews and focus groups with staff and managers from Nationality Casework and UKVI more widely; and
 - observed caseworkers processing applications for naturalisation.
- 3.18 Figure 5 provides a breakdown by grade of the Home Office staff we interviewed during the inspection.

¹⁴ <http://icinspector.independent.gov.uk/wp-content/>

Figure 5: Home Office staff interviewed

Grade	Number of staff
Administrative Assistant (AA)	6
Administrative Officer (AO)	27
Executive Officer (EO)	13
Higher Executive Officer (HEO)	13
Senior Executive Officer (SEO)	8
Assistant Director / Grade 7	4
Deputy Director / Grade 6	2
Senior Civil Service	1
Total	74

- 3.19 We also visited Brent Council offices to observe the NCS in action and observed the delivery of training by the Home Office to local government staff who were responsible for the delivery of this service; we also interviewed managers from Her Majesty's Passport Office.
- 3.20 Following the on-site activity, we requested and subsequently reviewed further management information provided by UKVI. On 9 June 2014, we presented UKVI with high-level emerging findings. The inspection identified 12 recommendations for improvement, which are set out at page 8 of this report.
- 3.21 This report was submitted to the Home Secretary on **1 September 2014**.

4. Inspection Findings – Operational Delivery

Decisions on the entry, stay and removal of people should be taken in accordance with the law and principles of good administration.

Statutory requirements

- 4.1 The legal requirements to become naturalised as a British citizen are set out in the British Nationality Act 1981. Key aspects include that an applicant must:
- be of good character;
 - meet the residence requirements, including not having been in breach of immigration laws during the qualifying period;
 - be able to communicate in English (or Welsh or Gaelic) to an acceptable degree and have sufficient knowledge of life in the UK; and
 - must be a person of full age and capacity.¹⁵
- 4.2 To determine whether Nationality Casework gave proper consideration to these statutory requirements, we sampled 150 Nationality Casework files, broken down between 126 granted decisions and 24 refusal decisions.¹⁶ The greater number of granted decisions reflected the very high grant rate for naturalisation applications. These cases were chosen randomly from the total population of naturalisation decisions made by Nationality Casework between 1 January and 30 June 2013.
- 4.3 We considered the quality of the decisions made, including timeliness. In each case we examined the requirements that an applicant for naturalisation must satisfy as set out in the British Nationality Act 1981. We particularly focussed on whether the processes within Nationality Casework were sufficiently robust to ensure that decisions to grant British citizenship were appropriate.
- 4.4 Managers told us that all decisions on applications for naturalisation were decided on the papers. We were concerned that, despite the significance of being granted British citizenship, it would be extremely rare for an applicant to be interviewed. Indeed, until recently there had been no facility within Nationality Casework to conduct interviews. However, at the time of our inspection, the family interview facility within Permanent Migration could be used, where appropriate, for interviewing an applicant for naturalisation. This facility had not been used in any of the cases in our file sample and staff and managers were only able to recall one instance of such an interview taking place.

We were concerned that, despite the significance of being granted British citizenship, it would be extremely rare for an applicant to be interviewed

¹⁵ Defined in the 1981 Act as being 'not of unsound mind'. Guidance to caseworkers explains that all is expected of applicants is that 'they should be able to grasp, however dimly, the purpose of their application.'

¹⁶ We additionally looked at 29 further files where deprivation of citizenship had been considered.

The good character requirement

- 4.5 There is no definition of good character in the 1981 Act; however guidance to applicants advised that, to be of good character, they should have shown respect for the rights and freedoms of the UK, observed its laws and fulfilled their duties and obligations as a resident of the UK, including the payment of income tax and national insurance contributions.
- 4.6 The publicly available ‘Nationality Policy and Casework Instruction, Chapter 18, Annex D, The Good Character Requirement’,¹⁷ updated in December 2013, provided guidance to caseworkers about how the good character requirement should be assessed - Figure 6 refers.

Figure 6: Good Character Requirement

The decision-maker would not normally consider an applicant to be of good character where there was information to suggest that applicants:

- had not respected and/or were not prepared to abide by the law, e.g. having been convicted of a crime (either in the UK or elsewhere);
- had been involved in or associated with war crimes, crimes against humanity, genocide or terrorism;
- had financial affairs that were not in appropriate order, e.g. failing to pay tax;
- conducted activities that were notorious and cast serious doubt on their standing in the local community;
- had been deliberately dishonest or deceptive in their dealings with the UK government; or
- had assisted in the evasion of immigration control.

- 4.7 The above list was not exhaustive and the guidance made clear that an application could still be refused where there were doubts about the character of the applicant, even where the applicant’s circumstances did not fall into one of the above categories.

Criminal convictions

- 4.8 All the cases in our sample had an automated check of the applicant’s details against the Police National Computer (PNC) and the Home Office Warnings Index (HOWI), prior to the application being decided. These checks disclosed UK convictions, cautions, impending prosecutions and other intelligence held by the Home Office on applicants.

All the cases in our sample had an automated check of the applicant’s details against the Police National Computer (PNC) and the Home Office Warnings Index (HOWI), prior to the application being decided

- 4.9 Figure 7 summarises guidance on how criminal convictions and other sentences affected applications made on or after 13 December 2012 (covering the period of our file sample). Prior to this date, cautions did not count against applicants for British citizenship and only unspent convictions, as defined by the Rehabilitation of Offenders Act 1974, were taken into account.

¹⁷ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/270533/ch18annexd.pdf

Figure 7: Criminal Convictions – impact on application ¹⁸

Sentence	Impact
4 years or more imprisonment.	Application will normally be refused, regardless of when the conviction occurred.
Between 12 months and 4 years imprisonment.	Application will normally be refused unless 15 years have passed since the end of the sentence.
Up to 12 months imprisonment.	Applications will normally be refused unless seven years have passed since the end of the sentence.
Non-custodial sentence or other out-of-court disposal, recorded on criminal record.	Applications will normally be refused if the conviction occurred within the last 3 years.

- 4.10 Of the 24 refusal cases in our sample, four (17%) were refused due to a custodial sentence having been imposed and six (25%) were refused due to a non-custodial sentence. All ten refusals were made appropriately and in line with guidance on the effects of criminality on the assessment of good character. Figure 8 provides details of one of these cases.

Figure 8: Case study – Refusal on character grounds: Caution/Non custodial sentence

The applicant:

- arrived in the UK in 1999 and remained as a student until 2008 when they were granted leave to remain as the spouse of a settled person. They were subsequently granted Indefinite Leave to Remain (ILR) in March 2010.
- was convicted of benefit fraud in February 2013 and received a conditional discharge, following which they submitted an application for naturalisation in April 2013, declaring their conviction.

UK Visas and Immigration:

- refused the application in line with the good character guidance, as the applicant had received a non-custodial sentence within three years of the date of application.

Chief Inspector's comments:

- This application was rightly refused, in line with the guidance to caseworkers on the good character requirement.

Criminal convictions overseas

- 4.11 Managers told us that they were unable to conduct overseas criminality checks unless there was specific intelligence that warranted a request for information via Interpol. While we recognise that it is not possible to obtain criminal record details from every country, there are many countries which will issue their own nationals with details of criminal convictions. Indeed, the process to follow in such cases is set out by the Disclosure and Barring Service (part of the Home Office), which has produced an A to Z guide for use by employers, describing the procedure for obtaining criminal records disclosure from countries around the world.¹⁹

¹⁸ Applies to applications made on or after 13 December 2012.

¹⁹ <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

- 4.12 This guidance advises potential employers who are considering employing a foreign or UK national who has spent time abroad that ‘it is good practice to carry out criminal record checks with the authorities in the overseas country’²⁰. In our view this is good advice.
- 4.13 It would not, in our view, be unreasonable to require an applicant from one of these countries to produce a criminal record certificate when applying for naturalisation, in much the same way as a foreign national wishing to marry in the UK is required to prove, by means of official documentation, that they are free to do so. This need not delay the processing of applications, as applicants would be required to produce such evidence with their application. Such a process would provide greater assurance to the Home Office as to the character of those applying to be naturalised as British citizens.
- 4.14 We were concerned that, in cases where applicants had disclosed serious overseas criminality on their application form, managers told us it was difficult to refuse these applications on good character grounds due to the difficulty in proving that the applicant had indeed been convicted or had committed the offence as claimed. We found this reasoning difficult to comprehend, because where an applicant discloses overseas criminality on their application form, they should be taken at their word and the application decided accordingly.
- 4.15 The failure to check for criminality committed overseas, where most applicants will have spent the greater part of their lives, was also a vulnerability in the decision-making system which the Home Office should try to address. We therefore make the following recommendations.

Where an applicant discloses overseas criminality on their application form, they should be taken at their word and the application decided accordingly

We recommend that the Home Office:

- Ensures that where applicants declare convictions overseas, these are accepted and used to inform the decision-making process.
- Requires applicants for naturalisation to produce criminal records disclosure from overseas where these are available.

- 4.16 There were no examples in the 126 granted cases in our sample where the caseworker had failed to take account of a relevant conviction or other sentence which was evident from the automated PNC check. However, in one case an applicant had disclosed to UKVI, in an earlier application for asylum, that they had stabbed another individual to death in their country of nationality before fleeing to the UK where they claimed asylum. This information was not recorded on the IT caseworking system, but recorded in the paper file.
- 4.17 We asked managers why the caseworker had given no consideration to this admission in the assessment of good character. We were told that caseworkers do not routinely call for Home Office paper files relating to an applicant when deciding applications for citizenship, therefore the caseworker would not have been aware of the applicant’s admission.
- 4.18 After we raised this case with UKVI, it decided to reconsider whether it should now in fact deprive the individual of their British citizenship for failure to disclose this matter in their application to be naturalised. While we welcome this, this case highlighted a serious failing on the part of UKVI to take account of information already in its possession. Guidance for asylum caseworkers explained that persons fleeing from prosecution or punishment for a criminal offence were not normally considered to be refugees,²¹ so it is likely that this was not an isolated case.

20 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/265466/11-12-13_guidance.pdf

21 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/257426/considering-protection-pdf

(See paragraph 5.9).

- 4.19 Following our inspection, managers told us that they had randomly selected 250 cases where nationality decisions had been made and arranged for a different caseworker to review the decision, based on having sight of the Home Office paper file. They told us that none of the decisions had changed as a result of having access to the full Home Office file, although the time taken to reach a decision on the application increased by one week approximately. A further impact was a reduction in productivity from 10 cases per caseworker per day to three cases per caseworker per day.
- 4.20 Senior managers told us that, as a result of this exercise, they considered that the risk of not using the full Home Office paper file was low. However, they planned to repeat the exercise in the future to re-assess the level of risk this issue involved.
- 4.21 Due to the nature of the evidence that tends to be collected for the purposes of an asylum decision, there is a much greater likelihood that an asylum case file would disclose material concerning the commission of an offence outside the UK, as in the case in our sample. This is because fleeing persecution following the commission of an offence can be the basis of an asylum claim.
- 4.22 This approach raises potentially significant reputational risks for the Home Office, as highlighted in paragraph 4.16. We therefore consider that UKVI must ensure that all caseworkers, wherever they work, always record relevant information on CID. We therefore make the following recommendation.

This approach raises potentially significant reputational risks for the Home Office

We recommend that the Home Office:

- Ensures that caseworkers record on the Casework Information Database all information which could impact on the assessment of good character.

War crimes and terrorism

4.23 Nationality Casework conducted additional checks on applicants fitting risk profiles for involvement in war crimes. Where an applicant matched the risk profile for a war crimes check, the full Home Office file was called for and examined in order to determine if there was any information which might warrant further investigation. Following this examination, advice was sought from the War Crimes team and if the application was deemed to be of War Crimes interest, the file was passed to the Special Cases Unit (SCU) to make a decision (SCU sits within the Office for Security and Counterterrorism (OSCT)).

4.24 War Crimes checks were conducted in all appropriate cases within our sample, although we noted that the recording of the checks was open to misinterpretation and was not consistent. We pointed this out to managers, who stated that the result of the check would in future be recorded on CID, to clearly indicate those cases which had been sifted out.

War Crimes checks were conducted in all appropriate cases within our sample

4.25 In the sampled cases where checks were conducted with the security services, there were no objections to citizenship being granted on security grounds. However, we were told that in cases where an objection was raised, the file would be passed to SCU for a decision to be made.

Deception and dishonesty

4.26 Guidance to caseworkers was that an application would normally be refused where an applicant had attempted to lie or conceal the truth about an aspect of their application. An application would also normally be refused where an applicant had attempted to deceive or had otherwise been clearly dishonest in their dealings with another government department. Examples given were:

- failing to disclose any outstanding charges or convictions;
- fraudulently claiming or otherwise defrauding the benefits system;
- unlawfully accessing services, e.g. housing or health care, to which access is controlled by the immigration rules;
- providing false details in order to acquire goods or services, e.g. a driving licence; or
- providing false or deliberately misleading information at earlier stages of the immigration process, e.g. providing false bio data or claiming to be a nationality they were not.

4.27 The guidance also contained examples of the type of dishonest behaviour which would normally lead to refusal. However, we saw no evidence from our file sample that caseworkers conducted enquiries with local authorities (regarding housing abuse) or other government departments, such as Her Majesty's Revenue & Customs (HMRC) and the Department for Work & Pensions (DWP). We asked staff about this approach during the on-site phase of our inspection. We were told that caseworkers would only make such enquiries if applicants themselves disclosed an issue, or if there was specific intelligence concerning the applicant on a Home Office system.

4.28 Relying on applicants to disclose poor or dishonest behaviour, in relation to a failure to pay their taxes or receive benefits to which they are not entitled, is a dilatory approach. In our view it provides no confidence that UKVI understands the importance that is attached to the decision to grant British citizenship.

Relying on applicants to disclose poor or dishonest behaviour, in relation to a failure to pay their taxes or receive benefits to which they are not entitled, is a dilatory approach

4.29 However, we did find a number of cases in our sample where an applicant had provided false or deliberately misleading information at earlier stages of the immigration process. Figure 9 provides details of such a case.

Figure 9: Case study – Refusal on Character grounds : Deception

The applicant:

- claimed asylum in 2005 using the date of birth xx/xx/1981; the asylum claim was refused;
- was convicted of theft and assaulting a police officer and was sentenced to two months imprisonment in November 2006 and was subsequently granted ILR outside the Rules under the asylum legacy programme in September 2010;
- applied for a 'No Time Limit stamp' in April 2011 to be placed in a national passport which showed a different date of birth, xx/xx/1975. This was refused by the Home Office as they were not satisfied that the identity in the passport was the same identity as the person who had been granted ILR; and
- submitted an application for naturalisation in March 2013 again using the date of birth xx/xx/1981. The applicant declared their criminal conviction on the application form.

UK Visas and Immigration:

- considered that the use of multiple dates of birth in previous immigration applications constituted a deliberate attempt to deceive the Home Office, and refused the application; and
- indicated that it was likely that any subsequent application within the next 10 years would be refused in line with guidance, due to the applicant's use of deception.

Chief Inspector's comments:

- The decision to refuse naturalisation was appropriate due to the applicant's attempt to deceive the Home Office at an earlier stage of the immigration process. It was also appropriate to advise the applicant that any future application within 10 years of the refusal was also likely to fail, again in line with guidance.
- It was unfortunate, however, that the caseworker did not state all valid grounds for refusal in the refusal correspondence. The applicant's custodial sentence in November 2006 meant that any application for naturalisation prior to January 2014 would normally fall for refusal in line with guidance on the effect of criminal convictions. This additional ground should have been included.

4.30 In two other cases, applicants were refused for other reasons, but no reference was made to the deception in the refusal correspondence. Both applicants were therefore not advised that subsequent applications would likely be refused if made within 10 years of the refusal. Figure 10 provides details of such a case.

Figure 10: Case study – Refusal on character grounds.**The applicant:**

- arrived in the UK in January 2001 and made two applications for asylum in different identities; both claims were refused; the applicant was not removed and subsequently absconded;
- while illegally present in the UK, was sentenced to six months imprisonment in March 2008 for using a false identity to gain employment;
- was granted ILR outside the rules in March 2011, under the asylum legacy programme, on the basis of their family life in the UK; and
- subsequently applied for naturalisation in April 2013, declaring their criminal conviction.

UK Visas and Immigration:

- refused the application and notified the applicant that any application made before November 2015 would likely be refused in line with guidance on the effect of criminal convictions on applications for naturalisation; and
- made no reference in the refusal correspondence to the applicant's use of deception at an earlier stage of the immigration process and did not advise the applicant that any subsequent application made within 10 years of the prosecution would likely be refused.

Chief Inspector's comments:

- While it was appropriate to refuse the application, as less than seven years had elapsed since the end of their custodial sentence, the applicant had clearly been dishonest in their earlier dealings with the Home Office, having made multiple asylum applications in different identities. The refusal correspondence should have made reference to this as an additional reason why the applicant failed to satisfy the good character requirement. The refusal should have advised the applicant that any subsequent application made within a 10 year period of the prosecution would likely be refused.

4.31 When we raised this matter with senior managers they confirmed that refusal letters should detail all reasons for refusal. They added that staff would be reminded of this requirement. We therefore make no recommendation here.

4.32 In another case the applicant had previously perpetrated a deception in an asylum application by claiming to be a citizen of Bhutan, but subsequently admitted to being Nepalese. This was clearly indicated in CID notes, but was missed by the caseworker who granted the application - Figure 11 refers.

Figure 11: Case study – Failure to take account of information known to UKVI

The applicant:

- claimed asylum in April 2001 claiming to be Bhutanese; the claim was refused in May 2001 as the Home Office was not satisfied the applicant was from Bhutan;
- submitted an appeal against the refusal, which was dismissed and appeal rights became exhausted in November 2002; the applicant was not removed and remained illegally in the UK;
- made an application in November 2004 for leave to remain as the spouse of a British national, now claiming to be from Nepal. The applicant was granted discretionary leave in January 2009 and was subsequently granted Indefinite leave to Remain in September 2012; and
- submitted an application to be naturalised in March 2013, which was granted in May 2013.

UK Visas and Immigration:

- failed to take note of the of the deception practised by the applicant when they claimed a false nationality during their asylum claim, in spite of this information being available on the electronic case working database.

Chief Inspector's comments:

- It is concerning that the case worker did not identify the applicant's use of deception when considering their application, as this information was relevant to the good character assessment. It is imperative that caseworkers make use of all pertinent information when determining if the good character requirement is met.

- 4.33 In a further case, there was strong evidence to suggest that the applicant had employed deception in an earlier application for ILR on the basis of an existing marriage to a British citizen. Their application for naturalisation strongly suggested that this was a sham marriage and that at the material time they had been living with a different partner with whom they had a number of children – these children were included on the application for citizenship.
- 4.34 Although the caseworker recognised that there were serious questions about the applicant's credibility, they failed to make any further enquiries of the applicant either in writing or face-to-face. Instead, they contacted Immigration Enforcement to determine whether there were grounds for removing the applicant from the UK. The response was that the evidence that the marriage had not been genuine was 'insufficiently unambiguous' and that even if the applicant admitted deception in obtaining ILR, they would be unlikely to be detained because they had children.
- 4.35 In our view the reference to Immigration Enforcement concerning the prospect of removal was irrelevant to the question before the caseworker, which was whether the applicant satisfied the good character requirement for naturalisation as a British citizen. There were serious doubts that they did and the caseworker ought to have made further enquiries before deciding to grant the application.
- 4.36 We asked managers in what circumstances an applicant for naturalisation would be interviewed. We were told that this would only be done in very limited circumstances, such as where there were

concerns about war crimes involvement. We were told that a marriage interview team had been set up in Permanent Migration, but in light of the comments from Immigration Enforcement, it would have been concluded that an interview would serve no purpose in this case.

- 4.37 This reasoning was flawed. The purpose of making further enquiries, either by interview or in writing, in such a case, is to determine whether the applicant satisfies the good character requirement, given the suspicion that ILR was obtained by deception. Managers at HMPO, for example, informed us that it is their practice to interview applicants for passports where there are concerns about credibility. The same facility should be available to caseworkers in Nationality Casework. The advice from Immigration Enforcement had no bearing on whether an interview was appropriate. It cannot be right that a caseworker, when faced with such circumstances, has no recourse other than to grant the application.

We recommend that the Home Office:

- Introduces random checking procedures with other government departments to ensure that decision-making is not reliant solely on an applicant's declaration.
- Ensures that caseworkers have the ability to call applicants in for a face-to-face interview when there are serious doubts about the credibility of their application.

Financial soundness

- 4.38 Guidance to caseworkers indicated that, where the decision-maker had information to suggest that it was more likely than not that bankruptcy fraud had taken place, an application should normally be refused. Such fraud could take the form of:
- concealment of assets;
 - concealment or destruction of relevant financial documents;
 - fraudulent claims; and
 - false statements or declarations.
- 4.39 The guidance provided caseworkers with details of a website²² which detailed all undischarged and recently discharged bankrupts, as well as a further site²³ listing company directors of firms which had gone into liquidation. The guidance indicated that, where an applicant stated that they had been declared bankrupt, or were a director of a company that had gone into liquidation, further enquiries should be made by accessing these websites, in order to determine whether the applicant was reckless or irresponsible in their financial affairs.
- 4.40 None of the applicants in the 150 cases in our sample had declared themselves to be bankrupt or a director of a company that had gone into liquidation. However, none of these cases had been proactively checked to determine whether the information provided by the applicants was accurate or truthful. This contrasted with the approach taken with visa and settlement applicants, where financial circumstances were thoroughly checked as part of the decision-making process.
- 4.41 The guidance failed to recognise that applicants may attempt to conceal such information from the decision-maker. Inexplicably, there was not even a question on the application form which asked about bankruptcy or liquidation, although the guidance for applicants did state that they should declare if they had been made bankrupt at any time.

The guidance failed to recognise that applicants may attempt to conceal such information from the decision-maker

22 <http://www.insolvency.gov.uk/bankruptcy/bankruptcysearch.htm>

23 <http://www.insolvency.gov.uk/>

4.42 Staff told us that it was not uncommon for applicants to conceal information on their application forms (for example, UK criminal convictions). Despite this, the Home Office had not identified the risk that applicants might also attempt to conceal other types of damaging information that might affect their application for British citizenship. As a result, opportunities were missed to introduce measures to detect applicants who concealed their true financial circumstances, for example, by conducting random financial checks with credit reference agencies.

4.43 Caseworker guidance also indicated that an application would normally be refused in cases where an applicant had deliberately and recklessly built up debts with no evidence of a serious intention to repay them. However, the guidance gave no indication to caseworkers as to how they should investigate an applicant's financial circumstances and there were no questions on the application form dealing with personal finances. As with bankruptcy and liquidation, we could not find any evidence that caseworkers had conducted any enquiries into the indebtedness of applicants.

As with bankruptcy and liquidation, we could not find any evidence that caseworkers had conducted any enquiries into the indebtedness of applicants

We recommend that the Home Office:

- Ensures that applicants provide details about their financial circumstances as part of the application in order that this information is considered.
- Introduces random checking procedures with credit reference agencies to ensure that decision-making is not solely reliant on an applicant's declaration.

Notoriety

4.44 Caseworker guidance stated that where there was evidence that a person had, by the scale and persistence of their behaviour, made themselves notorious in their local or wider community, consideration should be given to refusal. However, our file sample found no evidence that notoriety had been considered in any of the cases we examined.

4.45 We appreciate the difficulty that caseworkers face when trying to make a judgement in relation to this issue, but as this is relevant to the good character assessment, the Home Office needs to determine what checks are available to help inform this decision. For example, conducting internet searches.

Residence requirements

4.46 The residence requirements that an applicant must meet are that they:

- have been physically present in the UK on the day five years before the application was received by the Home Office (three years if married to or the civil partner of a British citizen on the date of application);
- have not have had more than 450 days outside the UK in the five-year period (270 days in the three-year period for the spouse or civil partner of a British citizen);
- have not have had more than 90 days outside the UK in the 12-month period before applying;
- are free of immigration time restrictions²⁴ on the date of application (applicants other than the spouse or civil partner of a British citizen must also have been free of immigration time restrictions in the 12-month period before applying); and
- have not have been in breach of immigration laws in the five-year period before making the application (three-year period for the spouse or civil partner of a British citizen).

²⁴ Where an applicant has been granted permission to remain in the UK for an indefinite period of time.

- 4.47 Managers told us that, where an applicant was unable to provide evidence of meeting the residence requirements in the form of passports or other official travel documents, other forms of evidence such as a letter from an employer were acceptable. We asked whether caseworkers ever sought confirmation of an applicant's absences from the UK from Border Force's e-Borders system, which holds details of air travel into and out of the UK. We were told that this was not currently done, but an assessment of the benefits of doing so would be conducted.
- 4.48 We found that the applicants in all of the cases in our file sample met the residency requirements, apart from the requirement to have Leave to Enter or Remain for the whole of the qualifying period.

Breaches of immigration law

- 4.49 It is a statutory requirement that an applicant for naturalisation under s6(1) to the 1981 Act should not have been in breach of immigration laws at any time in the period of five years ending with the date of application. This is commonly referred to as 'the qualifying period'. The qualifying period for applications under s6(2) to the 1981 Act is three years.
- 4.50 The Act provides the Secretary of State with discretion to disregard breaches of immigration law during the qualifying period, if, in the special circumstances of any particular case, she thinks it fit to do so.²⁵ A person is defined in the 1981 Act as being in breach of immigration law if they do not have:
- the right of abode in the United Kingdom within the meaning of section 2 of the Immigration Act 1971; or
 - leave to enter or remain in the United Kingdom²⁶.
- 4.51 Of the 24 refusal cases in our sample, five were refused because the applicant had been in breach of immigration laws during the qualifying period. Figure 12 provides details of one such case.

Figure 12: Case study – Application refused for breach during qualifying period

The applicant:

- claimed to have arrived in the UK illegally in April 1994 and remained in breach of immigration control until May 2010 when they applied for ILR based on their long period of unlawful residence;
- was granted ILR under the long residence rule in March 2012; and
- submitted an application for naturalisation in April 2013, which was refused.

UK Visas and Immigration:

- determined that the applicant's qualifying period was from 3 April 2008 until 2 April 2013. However, the applicant had not been in the UK lawfully from the date of their entry to the UK until the grant of ILR in March 2012.
- correctly refused the application because the applicant was in breach of immigration law during the qualifying period.

Chief Inspector's comments:

- The refusal was soundly based, as the applicant had been unlawfully resident in the UK for a substantial part of the qualifying period.

²⁵ Paragraph 2 and 4 to Schedule 1 British Nationality Act 1981

²⁶ <http://www.legislation.gov.uk/ukpga/1981/61/section/50A>

- 4.52 In relation to cases that were granted British citizenship, we found two where discretion had been applied to disregard breaches of immigration law during the qualifying period. The first case concerned an applicant who was granted British citizenship in March 2013, even though they had failed to comply with their reporting conditions for three years and three months during the qualifying period.
- 4.53 We were concerned about this decision, as guidance in force at the relevant time stated that a history of evading control could only be disregarded where the applicant met all the statutory requirements, without requiring the exercise of discretion. The decision to grant British citizenship in this case was therefore not reasonable, because discretion had been applied and there was evidence to ‘cast doubt on their character or standing in the community over the full three or five year qualifying period’.
- 4.54 Figure 13 refers to the second of these cases.

Figure 13: Case study – Failing to take account of all relevant factors leading to an unreasonable decision

The applicant:

- claimed asylum in May 1996, was refused in June 1997 and had their subsequent asylum appeal dismissed in November 1997. They then remained without valid leave until January 2002, when they applied for LTR as a work permit holder. This application was refused in April 2004. They then made an out of time application for LTR on the basis of family life in February 2005, which was never considered;
- was encountered working illegally in breach of their immigration conditions in April 2010; but was subsequently granted ILR under the legacy criteria in December 2010 on the basis of length of residence in UK and connections to the UK; and
- was granted British citizenship in February 2013.

UK Visas and Immigration:

- referred in the file minute to the applicant’s immigration history, but provided no indication as to the weight which had been attached to this information in the assessment of good character; and
- indicated that the adverse immigration history would not be taken account of where it predated a grant of ILR outside the Rules.

Chief Inspector’s comments:

- The grant of British citizenship in this case was concerning. Discretion was applied as the applicant did not have leave to enter or remain for the full qualifying period. It was therefore necessary for the caseworker to take account of evidence which cast doubt on the character of the applicant over the qualifying period (illegal working).
- This was compounded by the applicant’s poor immigration history prior to the qualifying period (13 years in the UK without valid leave), which should have been properly assessed as part of the good character requirement.

- 4.55 The residence requirements set out in Annex B to chapter 18²⁷ (paragraph 8.8), describe that this discretion only applies to a breach of immigration law during the qualifying period and that such breaches only involve ‘being here without enter to leave or remain’. It adds ‘other immigration offences, such as breaching a restriction on taking employment and harbouring other immigration offenders, should not be considered under the residence requirement, but under the good character requirement’.

²⁷ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/316735/chapter_18B_AF_Act_amendments.pdf

4.56 We therefore examined the good character requirement set out in chapter 18, Annex D,²⁸ Section 9.5, to establish what consideration is given to the commission of immigration offences during the qualifying period, such as working when not permitted to do so. The guidance says ‘the decision-maker will not normally refuse an application where the person has a history of evading control themselves, particularly where there is no other evidence to cast doubt on their character’.

4.57 We did not consider that this guidance precluded caseworkers taking account of previous poor immigration history to refuse an application. It also did not preclude them from looking at other evidence to determine whether the good character requirements were met. However, we found no evidence that caseworkers were undertaking any such consideration, with the exception of automated criminal record checks, war crimes checks and in some cases referrals to forgery specialists.

We did not consider that this guidance precluded caseworkers taking account of previous poor immigration history to refuse an application

4.58 We asked managers why the commission of immigration offences such as illegal working and absconding during the qualifying period were not grounds for refusal under the good character requirement. We were told that the good character guidance to caseworkers in force at the time of these decisions was as follows:

Prior to their application for citizenship some applicants may have a past history of themselves evading control. It may nevertheless be appropriate for caseworkers to approve their application if:

a. they meet fully all the statutory requirements without requiring the Home Secretary to exercise discretion; and

b. there is no other evidence to cast doubt on their character or standing in the community over the full three or five year qualifying period.

4.59 This guidance could not, in our view, justify the decision to disregard the issues we identified in these two cases (illegal working and absconding from immigration control). This was because neither applicant met all of the statutory requirements, as they did not have leave to enter or remain in the UK for the full qualifying period. This meant that discretion had been applied in order to grant them citizenship.

This guidance could not, in our view, justify the decision to disregard the issues we identified in these two cases (illegal working and absconding from immigration control)

4.60 We questioned managers about this further and were told that, in practice, this guidance was interpreted as meaning that an application would not be refused where an applicant had a history of evading immigration control, where there was no other evidence to cast doubt on their character. They said that this practice was now reflected in an updated version of the good character guidance, issued in December 2013, which sets out that:

The decision-maker will not normally refuse an application where the person has a history of evading control themselves, particularly where there is no other evidence to cast doubt on their character.

28 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/270533/ch18annexd.pdf

4.61 The change in the guidance means that when assessing character, caseworkers no longer have to take account of whether all other requirements are met, without the exercise of discretion, when deciding whether evasion of immigration control should lead to refusal of an application. They do, however, still have to exercise judgment in deciding whether an application should be refused or not, and despite deletion of the reference to the qualifying period, the guidance still contemplates that other evidence of character will be relevant to that decision.

4.62 Nationality Casework appeared to us to be taking a ‘blanket approach’ to cases involving evasion of immigration control. Given the serious issues concerned, we attempted to establish whether there was an approved policy on such an approach. This has not, to date, been established to our satisfaction.

Nationality Casework appeared to us to be taking a ‘blanket approach’ to cases involving evasion of immigration control

4.63 Our finding that applicants were granted British citizenship, when they had ignored immigration control over protracted periods of time during the qualifying period, is a serious matter. We consider that, where discretion was applied to disregard breaches of immigration law during the qualifying period, a poor immigration history was relevant to the assessment of character under the previous guidance and should have been taken into account when deciding whether applicants met the good character requirements.

4.64 In conclusion, we believe that applicants may have been granted British citizenship who were not of good character. We therefore make the following recommendations.

We believe that applicants may have been granted British citizenship who were not of good character

We recommend that the Home Office:

Ensures that:

- the Home Secretary approves the overall approach concerning the use of discretion in cases where applicants do not meet the statutory requirements;
- good character checks are always undertaken in cases involving evasion of immigration control, to ensure that there is no other evidence to cast doubt on an applicant’s character or standing in the community.

Referees

4.65 The naturalisation application form provided by UKVI on its website required an applicant for naturalisation to provide two referees. Both the application form and guidance to applicants clearly stated that:

- one referee should be a person of any nationality who has professional standing, e.g. minister of religion, civil servant, or a member of a professional body, e.g. accountant or solicitor (who is not representing you with this application); and
- the other referee must be the holder of a British citizen passport and be either a professional person or over the age of 25.

4.66 The top of the referees’ page of the application form stated: Your referees should read page 11 of the guide to confirm that they are eligible. Checks will be carried out to ensure that referees meet the requirements below and their signatures are genuine, and we may contact them as part of our enquiries. Referees were then required to sign a declaration which set out a number of requirements, including that they had known the applicant personally for more than three years, that they were not a relative, solicitor or agent of the applicant and that they had not been convicted of an imprisonable

offence in the last 10 years. Other criteria also applied to the declaration, most notably that:

- they would advise the Home Office of any reason why the applicant should not be naturalised; and
- to the best of their knowledge the personal details provided by the applicant were correct.

4.67 The application form informed referees that they were liable for prosecution, resulting in a penalty of up to three months imprisonment or a fine not exceeding £5,000, or both, if they knowingly or recklessly made a false declaration. Given the stringency of the referee requirements and the detailed nature of the checks implied by the application form and guidance to applicants, we were surprised to find that:

- referees were never contacted to verify that they had agreed to act as a referee, to determine their suitability, or to check that they had sufficient knowledge of the applicant; and
- checks were not conducted to determine if referees had been convicted of an imprisonable offence in the last ten years, despite the guidance to applicants indicating that such an individual would not be accepted as a referee.

4.68 Our file sampling also revealed that in nearly a quarter of the 126 granted cases (28 cases - 22%), either one or both referees did not meet the referee requirements because they were not persons of professional standing. In none of these cases was this referred to either on the file minute or on CID. We noted that the failure of the referees to meet the prescribed requirements appeared to have no bearing on the outcome of the application. Figure 14 provides an example of such a case.

Figure 14: Case study – Referees did not meet eligibility requirements

The applicant:

- entered the UK in August 1999 and claimed asylum. The application was refused in February 2000, but the applicant failed to leave the UK and in 2010 was granted ILR outside of the Rules under the asylum legacy programme, based on the private and family ties they had established during this period;
- submitted an application for naturalisation in December 2012, but neither referee were persons of professional standing, as one was a chef and the other a care coordinator; and
- was granted British citizenship in January 2013, despite the referees not meeting the professional standing requirement.

UK Visas and Immigration:

- stated that applicants were asked to provide referees in order that the decision-maker could be satisfied about their identity and it was not usual practice to assess the suitability of referees unless further enquiries were appropriate, e.g. where the applicant's identity was in doubt.

Chief Inspector's comments:

- The application form makes it clear that the role of referees is not simply to verify identity but to inform the Home Office of any reason why the applicant should not be naturalised. In other words, by signing the form the referee is endorsing the suitability of the applicant to become a British citizen.
- Remains concerned that UKVI was not assessing whether referees met the requirements when deciding applications for naturalisation, given their role in endorsing the suitability of the applicant to become a British citizen.

- 4.69 The explanation provided by UKVI was difficult to reconcile with the unambiguous guidance to referees on the application form. This set out that the referee requirement was designed to provide a degree of confidence to the decision-maker in respect of both the identity and good character of the applicant. UKVI's approach was also in sharp contrast to that of HMPO, who told us that checks on countersignatories were an extremely important part of the consideration of an application for a British passport and that in all cases the signature and passport details of the countersignature would be checked against details held on the HMPO database.
-
- The explanation provided by UKVI was difficult to reconcile with the unambiguous guidance to referees on the application form*
-
- 4.70 Despite UKVI's failure to routinely check the suitability of referees, we were told that there was a target to conduct checks of 5% of British citizen referees against details held on HMPO's database. This involved a comparison of the passport number, provided on the nationality application form, with details held on the HMPO database.
- 4.71 We established that 1,690 naturalisation applications were checked against the HMPO database between April 2013 and March 2014 (just under 1%). Our file sample of 150 cases supported these findings, with two checks being conducted, representing just over 1%. Although this fell far short of the 5% target, managers appeared to be unaware of this failing. However, after the on-site phase of our inspection managers confirmed that the 5% target was now being met.
- 4.72 We were provided with details of 1,700 cases where checks on British citizen referees had been conducted by UKVI, against the HMPO database, between June 2013 and May 2014. In 122 cases (7%) these checks revealed that either the British citizen referee had not provided a passport number or that the passport number provided did not match details held by HMPO.
- 4.73 We randomly selected 25 of these 122 cases (20%) to determine what further action had resulted given the outcome of these checks. We found that, even in these cases, no further checks were made by caseworkers to verify that the referees' details were genuine and that the stated referees had agreed and were qualified to act in that capacity. We also noted that the outcome of the HMPO check had no bearing on deciding the credibility of the application, Figure 15 refers.
-
- We found that, even in these cases, no further checks were made by caseworkers to verify that the referees' details were genuine*
-

Figure 15: Case study – Details of referee discrepancy

The applicant:

- entered the UK as a working holiday-maker on 28 April 2005 and was subsequently granted further leave to remain as a student and as a work permit holder until 2012, at which time they were granted ILR; and
- submitted an application to be naturalised as a British citizen in June 2013 and was granted in August 2013.

UK Visas and Immigration:

- randomly selected the application to check the British citizen referee details against HMPO's database, but were unable to match the referee's passport number with details held by HMPO;
- conducted no further enquiries concerning the referee and granted the application.

Chief Inspector's comments:

- It is difficult to see the purpose of the HMPO database checks if no further action results irrespective of the outcome of the check.
- As a minimum, prior to the application being decided, the British citizen referee in this case should have been contacted to obtain the passport details, to verify that they had agreed to act as a referee and to determine their suitability to act in that capacity.

4.74 Staff also informed us about a case where an applicant had admitted to fabricating the referee details on their application. This had only come to light after the applicant was found to be using forged documents. Examples such as this demonstrate that some applicants will provide false information in support of their nationality applications. This in turn emphasises the importance of performing robust checks to identify and deal with deceptive applications.

4.75 To summarise, in those cases where one of the referees was not a British citizen, no checks of any sort were ever conducted, for example a police check. In the case of a British citizen referee, the only check undertaken was against the HMPO database (conducted in less than one in every 200 applications). Even then, the check was pointless, as it:

- had no impact on the consideration of the application (and was not referred to either on the file minute or on CID); and
- never led to any additional checks to determine suitability.

4.76 Managers told us that the requirement for referees in citizenship applications would be reviewed in due course because of the plan to introduce biometric capture as a means of verifying identity. This would reduce the assessment of good character in an application for naturalisation to little more than a PNC and HOWI check. This is not commensurate with the importance of a decision to grant British citizenship to a foreign national, in our view. We therefore make the following recommendation.

We recommend that the Home Office:

Performs random police checks for referees and takes appropriate action where the random 5% referee check on British citizens identifies inconsistencies with the information held by Her Majesty's Passport Office

English language and Life in the UK requirement

4.77 Applicants aged 65 or over, as well as those with physical or mental conditions which prevented them from meeting the language and Life in the UK requirement, could apply for an exemption by ticking the appropriate box on the application form. In all other cases the English and life in the UK requirement could be satisfied by:

- having an approved ESOL qualification; or
- having passed the Life in the UK test.²⁹

4.78 We found that all of the applicants within our sample either met the English language and life in the UK requirement or discretion was appropriately exercised by the caseworker.

²⁹ A more rigorous English language requirement was introduced in October 2013.

Age and sound mind requirement

- 4.79 We were satisfied that all of the applicants in our file sample were aged 18 or over on the date they made their nationality application.
- 4.80 The 1981 Act provided discretion to waive the sound mind requirement in a particular case where it was considered in the applicant's best interests for naturalisation to be granted, despite the applicant's inability to understand fully what was involved. However, the application form did not require an applicant to declare that they were of sound mind and in all cases within our file sample the applicant was assumed to be of sound mind by the caseworker.
- 4.81 In the case of applications submitted via the Nationality Checking Service, the service provider always asked if the applicant was of sound mind and recorded the answer on the Client Care Record, a copy of which was forwarded to Nationality Casework with the application.
- 4.82 It was possible for the service provider to flag up to the caseworker in Nationality Casework any concerns about mental capacity on the Client Care Record. In all of the cases within our file sample which were submitted via the NCS the applicant declared themselves to be of sound mind and this was not questioned by the service provider.

Reconsideration

- 4.83 Although there is no statutory right to appeal against a refusal of an application for naturalisation, a disappointed applicant can seek reconsideration of the decision upon payment of a fee of £80. This fee is retained if the refusal is maintained, but if the original decision was overturned it is used to cover the cost of the citizenship ceremony.
- 4.84 According to guidance made available to refused applicants, they could apply for their decision to be reconsidered in cases where:
- the correct requirements or criteria were not used to decide the application;
 - the application was refused due to a lack of response to enquiries:
 - when a response had in fact been received;
 - where the application was decided without allowing the applicant sufficient time to respond to enquiries; or
 - the application was refused for failing to respond to enquiries, but the applicant was genuinely unaware of the enquiries.
 - the application was refused due to a criminal conviction which was later quashed on appeal or where the applicant was not the person convicted of the offence; or
 - Nationality Casework failed to take account of relevant documents or information in their possession when the decision was made.
- 4.85 The reconsideration form completed by applicants required them to state the grounds on which the decision was being challenged. We were told that when a reconsideration request was received it was reviewed by a senior caseworker to determine if there were grounds to re-open the case.
- 4.86 Management information provided by UKVI shows there were 1,590 requests for reconsideration submitted between January 2013 and January 2014. Of these just under a third were re-opened (491 cases - 31%). Given the limited grounds on which an application for reconsideration could be made, it was difficult to reconcile this figure with the very low wrong decision rate based on UKVI's own quality assurance checks, which we cover in greater detail in the section on Quality Assurance.

Timeliness

- 4.87 Nationality Casework's published service standard was to decide 95% of applications within six months³⁰. Figure 16 shows Nationality Casework's performance against this service standard for each quarter of 2013.

Figure 16: Nationality Casework – Performance against service standard 2013*	
Month	Percentage of applications decided within service standard.
January to March 2013	98%
April to June 2013	97%
July to September 2013	98%
October to December 2013	98%

Note: *Data provided by UKVI

- 4.88 Our file sample confirmed that Nationality Casework was meeting this service standard - Figure 17 refers.

Figure 17: Nationality Casework – Timeliness of decision-making		
	Grant	Refusal
Number of initial decisions sampled	126	24
Number of decisions made within service standard	122 (97%)	23 (96%)
Average time taken between receipt of application and decision (calendar days)	50	44
Shortest time between receipt of application and decision (calendar days)	9	17
Longest time between receipt of application and decision (calendar days)	541	475
Overall percentage of cases decided within service standard	97%	

- 4.89 While this was a good performance, we noted that the six-month target did not appear to be very challenging.

³⁰ Since 1 January 2014 the service standard has been to decide 98.5% of workable cases within six months.

Customs and immigration offences should be prevented, detected, investigated and, where appropriate, prosecuted.

Deprivation and nullity decisions

- 4.90 To measure performance in this area, we examined 29 Nationality Casework files, assessing how efficiently allegations were dealt with and whether the actions taken by caseworkers were timely and in accordance with policy and guidance in this area. The 29 cases we selected were chosen at random from the total population of decisions made between 1 January and 30 June 2013 and resulted in:
- 14 decisions to treat a grant of citizenship as a nullity;
 - 5 decisions to deprive a British citizen of citizenship; and
 - 10 decisions not to take any further action.

Background

- 4.91 At the time of our inspection the 1981 Act gave UKVI the power to deprive an individual of citizenship³¹ where the citizenship was obtained by fraud, false representation or concealment of a material fact or where the deprivation was conducive to the public good and the individual would not be made stateless as a result.³²
- 4.92 We were told that a naturalised person who went on to commit a serious crime could in theory be deprived of citizenship on conducive grounds, but this had never been done as there was no agreed policy on the type of case where this would be appropriate. However, the policy was being re-examined at the time of our inspection and a number of cases involving very serious criminality had been identified in readiness to test this provision once the policy was finalised.
- 4.93 UKVI could also treat the grant of citizenship as a ‘nullity’ in line with a series of court rulings starting in 1980.³³ This was only possible where an applicant had obtained citizenship in a false identity. When such cases came to the attention of UKVI, it was entitled to:
- treat the grant of citizenship as having never taken place; and
 - inform the applicant that they had never been granted British citizenship.
- 4.94 The Status Review Unit (SRU), part of Complex Casework Directorate, took over responsibility for dealing with allegations of fraudulently obtained citizenship in late 2012. They were responsible for investigating allegations concerning fraud, false representation or concealment of a material fact. Following an investigation, a caseworker could either:
- pursue deprivation of citizenship under section 40;
 - treat the grant of citizenship as a nullity; or
 - take no further action.
- 4.95 Prior to this, all such allegations were dealt with by the Nationality Deprivation Team. However, between 2008 and 2012, these allegations were not progressed pending the outcome of ten

31 Section 40(3) British Nationality Act 1981

32 On 28 July 2014, section 66 of the Immigration Act 2014 was commenced which provided further provision for deprivation under the British Nationality Act 1981 – <http://www.legislation.gov.uk/ukpga/2014/22/section/66/enacted>

33 R -v- SSHD and Governor of Horfield Prison ex p Sultan Mahmood [1980] 3 WLR 312 (Court of Appeal)

deprivation test cases which were being heard in the Asylum and Immigration Tribunal First Tier. As a result SRU inherited a backlog of approximate 1,100 cases, which had reduced to around 400 cases at the time of the on-site phase of our inspection. Figure 18 provides details of the decisions made by SRU between October 2012 and February 2014.

Figure 18: SRU decisions between October 2012 – February 2014		
Outcome	Number of decisions	% of total decisions
Deprivation	16	3%
Nullity	183	40%
No further action	262	57%
Total	461	100%

- 4.96 Managers informed us of the legal position that, where a deprivation order was made, applicants would be left without any form of status in the UK. This meant that previous grants of ILR had no effect. In respect of nullity decisions, applicants would revert to the status that they held prior to obtaining citizenship.
- 4.97 Managers also told us that work would then need to be undertaken to consider whether immigration enforcement action should follow on from any successful decision to deprive or nullify British citizenship. However, our file sample showed that no further action had been taken to review the original ILR decision in any of the nullity cases in our sample.
- 4.98 Consideration of enforcement action in nullity cases will doubtless be made more difficult because of the very long delays associated with these decisions, which on average took three years to conclude following receipt of the allegations.
- 4.99 Managers said these delays were the result of casework being put on hold while ten test cases on deprivation made progress through the appeal system. However, these test cases did not prevent UKVI from identifying those cases where there was either sufficient evidence to pursue nullity action or insufficient evidence to pursue the allegation further. This was because there was no statutory right of appeal in relation to nullity decisions. Figure 16 shows that the overwhelming number of cases (445 cases - 97%) could and should have been dealt with much more efficiently and effectively. We therefore make the following recommendation.

The overwhelming number of cases (445 cases - 97%) could and should have been dealt with much more efficiently and effectively

We recommend that the Home Office:

Ensures that allegations are investigated promptly and any decisions to deprive citizenship or treat as a nullity, including decisions to revoke leave and/or pursue removal, are dealt with efficiently.

Nullity decisions

4.100 There was strong evidence of the use of a false identity in each of the 14 cases that we examined. We therefore concluded that the decisions to treat these grants of citizenship as a nullity were reasonable. However, we were concerned about the time it took to make these decisions, when measured against the receipt of the original allegations, as detailed below:

- The quickest decision took 32 days;
- The longest decision took 2,174 days; and

- The average time taken was 1,042 days (approximately three years).

4.101 In 12 of the 14 cases, the applicants had falsely claimed to be citizens of Kosovo when they were in fact Albanian citizens. In some of these cases the applicants had compounded the deception by changing names and dates of birth. The deception most often came to light when spouses applied for entry clearance and disclosed the applicants' true identities. Entry clearance staff would then refer the matter for possible deprivation/nullity action. In order to ascertain the applicants' true details, SRU made enquiries with the authorities in both Kosovo and Albania. Figure 19 provides details of one of these cases.

Figure 19: Case study – Naturalisation treated as a nullity

The applicant:

- claimed asylum as a minor, stating that they were a citizen of Kosovo. The asylum claim was refused in November 1999;
- was granted ILR in April 2004 and applied for naturalisation in March 2005, which was granted.

UK Visas and Immigration:

- received information in June 2009 from the applicant's spouse indicating that he was a citizen of Albania;
- requested confirmation of this information with the Albanian authorities and sought mitigation from the applicant in April 2010;
- made a decision to treat the grant of naturalisation as a nullity in February 2013, but had taken no further action to review the applicant's immigration status as at the date of the inspection and had had given no consideration to the question of prosecution for obtaining a grant of citizenship by deception.

Chief Inspector's comments:

- This case involved an individual who had abused the asylum system by making false claims concerning their nationality. It was therefore appropriate to treat the grant of naturalisation as a nullity.
- The decision to treat the grant of citizenship as a nullity took nearly three years from establishing that the applicant had provided false details regarding their nationality – this was unacceptable.
- A further year had elapsed after this decision was taken and still no further consideration of the applicant's status in the UK had been undertaken.
- No action had been taken to consider prosecution on deception grounds, which in itself can be used as an effective deterrent tool by communicating that such activity will not be tolerated.

4.102 We asked managers why these enquiries had not been made by the caseworkers making the original naturalisation decisions. We were told that, when the original decisions were made, the abuse of the immigration system by citizens of Albania posing as Kosovan had not been identified, but that such enquiries were now routinely undertaken.

4.103 In another case, a citizen of Pakistan had claimed asylum in a false identity in 2006, but following refusal had failed to leave the UK. The applicant was granted ILR in 2010 and was naturalised as a British citizen in 2011. However, the applicant's spouse arrived in the UK in 2011 carrying details of the applicant's true identity. An entry dating back to 2006 on the IT system used by visa officers

overseas noted that the applicant had in fact claimed asylum in a false identity and that they had previously been issued with a visa in their true identity.

- 4.104 We asked why the caseworker had not been aware of this deception when considering the application for citizenship. We were told that caseworkers in Nationality Casework did not have access to the IT system used by visa officers overseas. We consider that UKVI should ensure that nationality caseworkers have access to all relevant information, especially that already held by other areas of UKVI, when considering any type of applications made in the UK, including those for naturalisation.
- 4.105 We were told that SRU works with other government departments, including DWP, to cease any state benefits that the subject may have been in receipt of and thus help to impel the subject to leave the UK of their own accord.
- 4.106 It was therefore disappointing that no further action had been taken to consider whether it was appropriate for the 12 individuals concerned to retain their ILR, or whether enforcement action was appropriate, despite the nullity decisions having been taken up to 12 months before the on-site inspection.

Deprivation decisions

- 4.107 We sampled five cases where a decision was taken to deprive an individual of citizenship. As with the nullity cases, we were satisfied that the decisions to deprive were evidence-based and reasonable in all five cases. In three of the five cases, the decision to deprive was based on grounds of national security. Figure 20 provides details of one of the two remaining cases.

Figure 20: Case study – Deprivation of citizenship

The applicant:

- entered the UK with a student visa in September 2005 and then married a British national in the UK in January 2006. Following their marriage, the applicant applied to change the category of their visa to that of a spouse of a British national. This application was granted in April 2006; and
- was granted ILR in April 2008 on the basis of their marriage and subsequently applied for citizenship in October 2008, which was granted in January 2009.

UK Visas and Immigration:

- received an allegation from an individual from outside the UK who claimed to be the applicant's husband, confirming they were still legally married and had children together. The allegation also stated the marriage in the UK had been contracted for a fee;
- investigated this allegation with officials in the country in question and established that the applicant was married and also noted that the dates of absence from the UK provided by the applicant on their nationality application form showed that they were present in the overseas country on the date of their traditional church wedding;
- contacted the applicant in December 2013 to answer the allegation of bigamy. The applicant sent a signed affidavit denying the allegation, but provided no other evidence to show that the allegation was spurious. With the evidence available to the Home Office, the applicant's denial was not accepted and their citizenship was deprived in July 2013; and
- when the applicant appealed this decision, refused the appeal in May 2014.

Chief Inspector's comments:

- It was entirely appropriate to deprive the applicant of citizenship as they had provided false information and concealed information material to their application, which in turn led to the grant of British citizenship.

Decisions to take no deprivation / nullity action

4.108 We sampled 10 cases where SRU received an allegation about the use of deception to obtain citizenship, but where no further action was taken. In seven of these cases we were not satisfied that the decision to take no further action was reasonable, principally because the investigation of the allegation was not sufficiently thorough. There were often obvious further lines of enquiry which should have been pursued. For example:

There were often obvious further lines of enquiry which should have been pursued

- checking travel histories recorded by the e-Borders system or undertaking checks with employers to determine the veracity of the allegation; or
- visiting premises or circulating details of applicants on HOWI in order to locate them to establish any mitigating circumstances.

4.109 In other cases, there was sufficient information to justify calling the applicant in to be interviewed, but this action was not taken. Figure 21 provides an example of a case where we consider that the decision taken by SRU was inappropriate.

Figure 21: Case study – Deprivation case where no further action was taken

The applicant:

- submitted an application for naturalisation in January 2011 with a passport containing counterfeit immigration stamps.

UK Visas and Immigration:

- granted naturalisation in February 2011, despite no evidence that ILR had been granted;
- discovered in May 2012 that the passport submitted by the applicant contained forged immigration stamps and referred the case for deprivation action in June 2012; and
- concluded that citizenship should be retained as the caseworker had accepted the stamps as genuine when making their original decision.

Chief Inspector's comments:

- The decision not to deprive citizenship in this case was clearly unreasonable because the applicant used a passport that contained counterfeit immigration stamps – the fact that the caseworker originally accepted these counterfeit stamps is irrelevant as the applicant had committed an immigration offence (as well as a criminal offence) which fell clearly within the terms of Section 40 of the 1981 Act.

4.110 After we pointed this poor decision out to SRU, they indicated that they would review it. They also added that they had now put a control in place that required caseworkers to obtain Higher Executive Officer approval for any cases where they were minded to make a 'do not deprive' decision on the basis of previous 'error' by the Nationality caseworker.

We recommend that the Home Office:

Takes action to identify and review all cases where SRU concluded that citizenship should be retained due to the original caseworker being successfully deceived.

- 4.111 Our file sampling identified that of 72 applications made directly to Nationality Casework in Liverpool, in 61 cases they failed to retain copies of documents (84%). Some managers and staff were not concerned about this and explained this was due to time constraints in the decision-making process. However, staff who worked with cases involving deprivation and nullity told us that the failure to retain copies of documents often hampered their work when deciding whether to take deprivation or nullity action. For example, they considered it would have been useful to see what information had been submitted and seen at the time when naturalisation had been granted. The practice adopted by Nationality Casework was also at odds and inconsistent with the practice of retaining documents in relation to NCS cases.
- 4.112 We referred to the importance of retaining relevant supporting documents in our inspection report on the Visa Section in Abuja. We also made recommendations about this in our inspection reports on the Visa Sections in Guangzhou, Amman, Istanbul, and Africa.³⁴ These recommendations were accepted, so we expect Nationality Casework to implement the retention of relevant supporting documents that it receives directly from applicants. This will also ensure that it operates consistently, regardless of whether applications are made directly or through NCS. For this reason we do not repeat this recommendation.

Prosecutions

- 4.113 The prosecution of those attempting to abuse UK immigration laws can be an effective deterrent to others who may be tempted to do the same. Guidance to applicants and referees made clear the potential consequences of deliberately providing false information in an application for naturalisation.
-
- The prosecution of those attempting to abuse UK immigration laws can be an effective deterrent to others who may be tempted to do the same*
-
- 4.114 However, we found no evidence that prosecution action was taken against any of the applicants who had concealed information as part of their nationality applications. We therefore asked managers in what circumstances those attempting to obtain citizenship by deception would be prosecuted. We were told there had been a prosecution of ringleaders involved in a criminal enterprise to obtain British Citizenship by deception, but it was not the practice to pursue prosecution of individual applicants.
- 4.115 No prosecution of referees for making false statements had taken place either, despite the specific reference to this in guidance to caseworkers.³⁵ This was not surprising, as virtually no checking of details provided by referees was conducted and even where these checks were conducted, no further action was taken. The lack of any follow-up action meant there was no opportunity to identify referees who had made false statements, or to identify applicants who had provided false referee information.
- 4.116 None of the applicants who had their citizenship deprived or nullified had faced any type of prosecution. We therefore asked SRU when prosecution was pursued in such cases. We were told they were working with Immigration Enforcement in this regard, and had successfully prosecuted four Albanian nationals who had sought to obtain leave to enter by deception. However, the priority
-
- None of the applicants who had their citizenship deprived or nullified had faced any type of prosecution*
-

³⁴ These inspection reports can be found on the Independent Chief Inspector's website at <http://icinspector.independent.gov.uk/>

³⁵ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/270533/ch18annexd.pdf

of Immigration Enforcement was to pursue prosecutions linked to organised immigration crime. We therefore make the following recommendation.

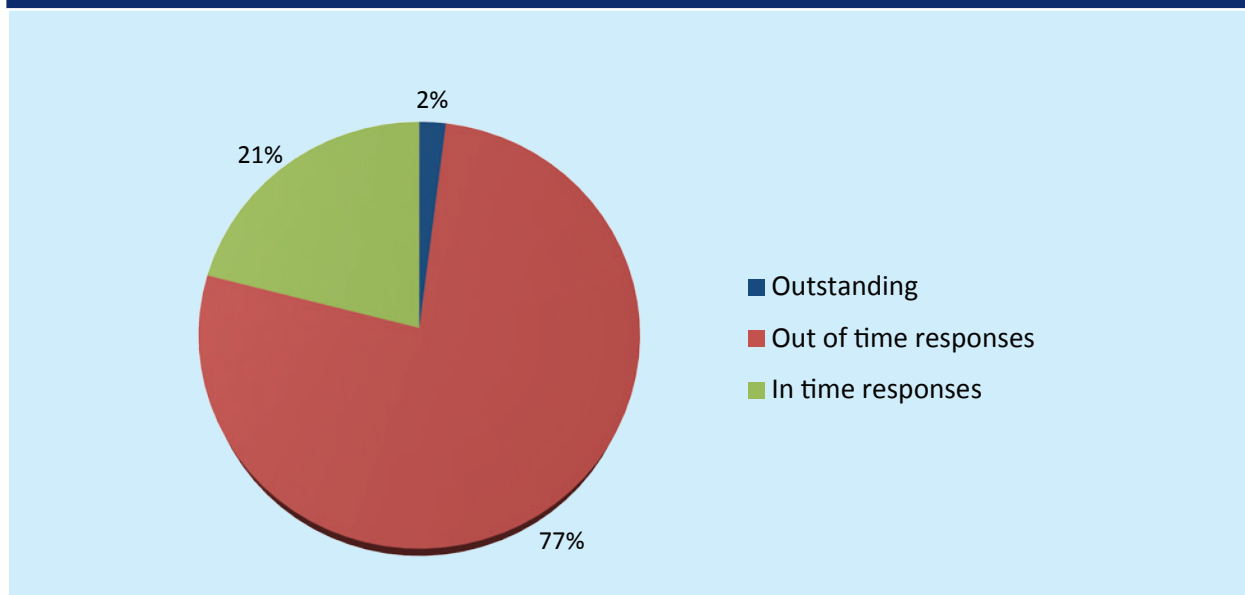
We recommend that the Home Office:

Develops a prosecution strategy for Nationality Casework in order to deter those who attempt to obtain or assist in the obtaining of British citizenship by deception.

Complaints procedures should operate in accordance with the recognised principles of complaints handling.

- 4.117 Complaints relating to the service provided by UKVI were routed from a central complaints unit based in Croydon and allocated to a regional hub. In the case of Nationality Casework (along with other areas of Permanent Migration), complaints were handled by the North West Responder hub. Once a complaint was received, the hub referred to an on-site complaints handling team for investigation or to clarify details, before drafting a response. We established that all on-site staff who were required to respond to requests from the hub had completed a complaints handling course.
- 4.118 Nationality Casework's service standard for responding to complaints was set at 20 working days in line with the rest of UKVI. Between January and December 2013, Nationality Casework had only achieved this target in 112 out of a total of 538 complaints (21%). This fell considerably short of their service standard, with nearly four-fifths of complaints being responded to out of time (77%). Figure 22 refers.

Figure 22: Performance against 20 day response target



Note: Data provided by UKVI

- 4.119 From the data it was evident that there were deficiencies in the complaints handling process, which in terms of response rates indicated that the majority of complainants received a poor level of service.
- 4.120 Nationality Casework, along with other areas of Permanent Migration, had introduced Quality

Circles³⁶ to examine locally how complaints were handled and to ensure that there was consistency amongst the different areas. The inspection team noted that discussions were taking place within Permanent Migration and with the North West Responder hub to discuss how complaint handling could be improved.

- 4.121 As a result of the Quality Circles, working groups met monthly to discuss complaints and review trends, which had allowed Nationality Casework to identify key complaint themes - Figure 23 refers.

Figure 23: Types of complaints received in 2013.

Theme of complaint	Number of complaint
Delay	296
Poor communication	232
Administrative processes	154
Service availability	54
Lost Documents	45
Incorrect Information	38
Complaint handling	33
Rudeness	3
Unfair treatment	1
Physical environment	1
Total	857

Note: Data provided by UKVI

- 4.122 The top two themes of complaints were ‘delay in decision-making’ and ‘poor communication’. It is encouraging that Nationality Casework sought to identify the key causes of customer dissatisfaction. However, this information will only improve the delivery of service to customers if it is robustly analysed to help formulate appropriate measures.

It is encouraging that Nationality Casework sought to identify the key causes of customer dissatisfaction

- 4.123 The poor performance in responding to customer complaints was striking, given the focus on good customer service in general. This is an issue that Nationality Casework will need to resolve quickly. We made a recommendation concerning the need to respond to complaints within published service standards in our inspection report on the Visa Sections in Abu Dhabi and Islamabad. We have also previously recommended that any cases that are not resolved within the target period are actively managed and resolved promptly³⁷. These recommendations were accepted so we do not repeat them here.

The poor performance in responding to customer complaints was striking, given the focus on good customer service in general

³⁶ Staff forums on specific issues designed to generate ideas for improvement.

³⁷ http://icinspector.independent.gov.uk/wp-content/uploads/2010/07/Lessons-to-learn_The-UK-Border-Agency's-handling-of-complaints-and-MPs-correspondence.pdf

5. Inspection Findings – Safeguarding Individuals

All individuals should be treated with dignity and respect and without discrimination in accordance with the law.

- 5.1 Our file sampling found no evidence that staff were making decisions that discriminated against applicants. This view was reinforced from our findings from the focus groups and from observations we conducted while on site. Staff also confirmed that they had undertaken the mandatory equality and diversity training and had refresher training regularly. As a result they were clear about the standards expected of them.
-
- Our file sampling found no evidence that staff were making decisions that discriminated against applicants*
-
- 5.2 Staff were committed to delivering a strong customer service. They informed us that if an applicant had not provided all relevant documents, they would not refuse the application on this basis. Instead, they would write out to the applicant to request the missing information, such as evidence to demonstrate presence in the UK during the qualifying period.
- 5.3 We observed good working practices regarding the payment for naturalisation applications. Staff advised us that where an applicant submitted a higher amount than the specified fee, they only processed the correct fee. In addition, when an applicant submitted less than the fee, staff wrote to them requesting the outstanding balance in order to give them an opportunity to provide the correct amount. This was good customer service.
- 5.4 External stakeholders such as the Nationality Checking Service (NCS) shared the Home Office's desire to deliver a high level of service to applicants. Local authority staff had direct access to a dedicated nationality team who were available to offer advice to applicants (800 calls per week). This service was popular amongst staff and applicants, as while the NCS fee would not be refunded, applicants who did not meet all the mandatory requirements were told this and so could withdraw their application.
-
- External stakeholders such as the Nationality Checking Service (NCS) shared the Home Office's desire to deliver a high level of service to applicants*
-
- 5.5 This discouraged most applicants from submitting their application, which in turn meant that they did not lose the fee that was payable for the naturalisation application (£906). Managers considered this to be fair practice and an example of good customer service, as it gave applicants all the relevant information to help them make an informed decision.
- 5.6 Caseworkers told us that NCS staff retained client care records which detailed any additional questions that local authority staff had asked applicants. They added that these records were useful when complaints were received, as they were able to verify the contents of the complaint against the client care record.

- 5.7 Managers told us that local authorities issued their own guidance on equality and diversity. Nonetheless, they had not observed any behaviour to indicate that their standard fell short of the Home Office's policies on equality and diversity. In fact, managers cited an example demonstrating that local authorities had a good understanding of their obligations under the Equality Act, when a deaf applicant was provided support at one of their NCS centres.
- 5.8 In addition, managers advised us that contractors for Life in the UK were expected to adhere to Home Office standards and an Equality Impact Assessment had been undertaken to ensure that all contractors handled cultural sensitivities appropriately.

Personal data of individuals should be treated and stored securely in accordance with the relevant legislation and regulations.

- 5.9 Staff had a good awareness of their responsibilities regarding the treatment of personal data. Staff and managers confirmed that they had undertaken the mandatory e-learning course on Information Management and had regular refresher training courses.
-
- Staff had a good awareness of their responsibilities regarding the treatment of personal data*
-
- 5.10 A well-established data protection policy was in place, which included measures such as operating a clear desk policy, with files and documentation being locked away in secure storage holds at the end of each day. Staff told us that when they were only able to partially complete a file, authority would be sought from a manager to lock these files in their own personal lockers, in order to complete them the following day. The clear desk policy was monitored through regular office sweeps by a dedicated security team and by managers from time to time.
- 5.11 Certain areas of the unit had restricted access to staff with the appropriate clearance, such as the fee processing centre. Staff in this section advised us that this was in order to safeguard an applicant's financial details.
- 5.12 Staff were aware of the importance of identifying the identity of members of the public or other stakeholders before divulging personal information over the telephone. This was achieved by screening the caller through asking a number of security questions.
- 5.13 Passports and other official documents which accompanied applications were logged in and recorded onto a database for auditing purposes. This helped to deal with queries that arose about misplaced documents. Managers informed us that, in order to mitigate the loss of official documents, a local staff instruction was in place to ensure that caseworkers only worked on one naturalisation application at any given time. In addition, when misplaced documents were found, a secure document bank was used to store these documents until the owners of the document could be located.
- 5.14 While these measures were in place, it remains concerning that in 2013 Nationality Casework received 45 complaints about lost documents. This would suggest that processes regarding the valuable documents which Nationality casework handles are not sufficiently stringent. UKVI may wish to investigate the reasons underlying the loss of so many documents, to ensure that processes are as robust as they should be.
- 5.15 Once documents such as passports had been seen, they were returned to applicants by second class postal delivery. This is an unsecure method which provided applicants with no possibility of tracking

their documents. It also potentially compromised their identity, if the documents were lost in the post. There is some indication that UKVI had recognised this, as discussions were ongoing on this issue. However, at the time of writing this report no formal process had been established.

- 5.16 Given the high fee imposed on applicants and the importance of valuable documents confirming an applicant's identity, we did not consider it unreasonable for the Home Office to ensure that valuable documents were returned through a more secure method. Alternatively, UKVI could explore adopting a process similar to that used by HMPO, where applicants are charged an additional fee to have their documents returned to them via secure delivery.
- 5.17 A new initiative was introduced in October 2013, where if an applicant applied for naturalisation as the spouse of a British national, the spouse provided a certified copy of their passport and staff verified the holder through a data sharing agreement with HMPO. This measure allowed spouses to retain their passports and reduce the likelihood of their passport being misplaced.
- 5.18 Local instructions were in place to ensure that nationality files did not contain restricted information, such as police reports. This policy was observed being practised amongst staff. However, our file sampling found two files which contained restricted police reports. A more rigorous quality assurance procedure is required, to ensure that retention of personal data is in compliance with legislation.
- 5.19 Managers stated that feedback was not routinely given to individuals who made allegations or provided information indicating that an applicant had used deception when acquiring British citizenship. Managers explained that this was to prevent the identity of the individual being exposed and compromising their safety.
- 5.20 NCS confirmed that they did not retain any personal information or documents relating to applicants who used their services. This was largely due to their staff having had sight of the original documents. They advised that only in the rarest occasions would there be a need to retain an applicant's documents, and where they did, the documents would be returned to the applicant by special delivery.

6. Inspection Findings – Continuous Improvement

The implementation of policy and processes should support the efficient and effective delivery of border and immigration functions.

Customer service

- 6.1 There was a clear commitment within Nationality Casework to improve the delivery of service to its applicants. This had resulted in Nationality Casework (along with Settlement Casework and European Casework) receiving a Customer Service Excellence Award in March 2014. This award identified that there was a strong corporate commitment to putting the customer at the heart of service delivery and the inspection team saw a number of initiatives being implemented as evidence of this accreditation.
- There was a clear commitment within Nationality Casework to improve the delivery of service to its applicants*
- 6.2 Firstly, a number of Quality Circles had been set up to identify where operational and customer service improvements could be made. This included reviewing:
- the handling of valuable documents – identifying better ways of handling and tracking documents to mitigate the loss of valuable documents;
 - complaints handling – discussions about the nature of complaints received (this was supported by an in-house complaints team, which had been set up to analyse complaints, learn from mistakes and identify where improvements could be made); and
 - getting the basics right – discussions surrounding what should be incorporated into a local charter of standards to improve service delivery for both internal and external customers.
- 6.3 Applicants who provided an email address on their application form were also invited to complete a Customer Satisfaction Survey. Encouraging customer feedback was a positive step and one that should be welcomed. However, UKVI may wish to consider whether this approach should be extended to other customers who may not have supplied an email address.
- 6.4 In January 2014, Nationality Casework’s published service standard was revised from 95% of all cases being decided within six months (182 days) to 98.5% of all workable cases within six months. Our file sampling showed that, on average, straightforward applications generated a decision considerably earlier than the published service standard. While the service standard had been made more challenging, we did not consider that it was sufficiently challenging.
- 6.5 UKVI had also taken steps to improve its communication with customers making nationality applications, by ensuring that they were informed of any delays which resulted in the six-month target not being met.

6.6 We were informed that discussions were taking place at a senior level to roll out ‘mystery shopper’ exercises, similar to those undertaken by Border Force. If this assurance measure is implemented, it will give Nationality Casework a better insight into their customer’s experience.

Quality assurance

6.7 Customer service excellence requires not only timeliness in decision-making but that a public body does everything it can to ensure the quality of its decision-making. In other words, UKVI should take all necessary steps to ensure that it gets its decisions right first time. Besides ensuring that its decision-makers are properly trained, UKVI also needs to have systems in place to provide confidence that the decisions made by its staff are made in accordance with legislation, policy and guidance governing its work.

6.8 Our file sampling found no evidence that decisions to grant or refuse an application for naturalisation underwent any quality assurance (QA) prior to being issued. This was because there was no record of such checks on either the paper file or CID. However, managers told us that 2% of decisions were selected throughout the year and assessed by an EO caseworker who looked at the following areas:

- End-to-end consideration of the application;
- Documents produced during the consideration process; and
- IT caseworking records.

6.9 We were told that these checks were recorded on a separate spreadsheet rather than on the paper file or CID. In addition, we were told that all decisions made by new caseworkers were checked until they were considered fully competent. Figure 24 shows that the 2% QA check was exceeded in each quarter of 2013/14.

Figure 24: Performance against 2% QA target 2013/14*

Quarter	Percentage of applications quality assured
1 - April - June	2.3%
2 - July - September	2.5%
3 - October - December	3.3%
4 - January - March	2.6%

Note: *Data provided by UKVI. In reality an even greater number of checks were conducted because this data did not include the 100% checks conducted in respect of new caseworkers.

6.10 The QA system employed in Nationality Casework had three quality ratings (QR) which were generated automatically when the EO caseworker completed an electronic Quality Assessment form. These were:

- QR1 – 100% correct, documents seen, file minutes correct;
- QR2 – Minor errors but not material to the decision to grant or refuse; and
- QR3 – Wrong decision.

6.11 Figure 25 provides a breakdown of QA checks conducted in 2013/14 by quality rating.

Figure 25: Quality assurance checks on decisions in 2013/14		
Rating	Number of QA checks	% of QA checks by rating
QR1	6199	95.25
QR 2	268	4.12
QR 3	41	0.63
Total	6508	100

Note: *Data provided by UKVI

6.12 This shows that Nationality Casework assessed that just over three decisions in every 500 were incorrect. However, this was difficult to reconcile with the number of decisions subsequently re-opened following reconsideration and with our own file sampling which identified a number of issues, as set out earlier in this report.

6.13 UKVI should consider conducting some analysis to determine whether the numbers of reconsideration requests re-opened are linked in any way to faulty initial decision-making, or whether such cases are re-opened for other reasons, for example where further information is provided which was not available to the caseworker at the time the decision was made.

Communication with staff

6.14 Staff advised us that, while managers held meetings and provided updates and guidance via email, they would prefer more regular meetings, particularly at times when significant policy changes took place. On a positive note, staff informed us that managers encouraged dialogue and interaction with their teams. The net effect of this was that staff felt valued and empowered to actively contribute ideas and put forward suggestions to improve processes. This positive relationship was reinforced when the views of staff had been listened to and implemented.

Staff felt valued and empowered to actively contribute ideas and put forward suggestions to improve processes

6.15 A recent initiative, the portal system, allows all operational guidance to be accessed on one database. This has been widely welcomed by case working staff as it has remedied the labour-intensive nature of looking for up-to-date guidance as was the case with the previous system, where information was widely dispersed.

Operational resources

6.16 Following changes to the knowledge of Life in the UK requirement, which necessitated more in-depth checks, caseworking staff found that the decision-making process was taking longer and making existing targets very difficult to meet. Managers acknowledged that targets needed to be changed. They added that a submission had been made to senior managers to bring the target down from 10.5 to 10 decisions a day. They considered that this revised target was more realistic and would allow staff to make more checks.

6.17 A similar initiative was adopted for staff in the Case Creation team, whose responsibility was to undertake provisional checks and upload cases onto CID in preparation for caseworkers to make decisions. The targets for the Case Creation team had been reduced from 18 to 17 cases a day. Staff considered that this had addressed some of the difficulties they faced in meeting challenging targets.

- 6.18 Despite this, it was difficult to accept that reducing the decision-making target by half a decision a day would have a material impact on staff making better quality decisions, given that on average the reduction would only give staff an additional two to three minutes on the remaining 10 decisions.
- 6.19 During the inspection, caseworking staff advised us that they had recently undergone refresher training in forgery detection. However, some staff members noted that prior to this training, the last time they had classroom-based training of this type went as far back as five years previously. Whilst it is encouraging that recent forgery training had taken place, we consider that in order for staff to keep up to date with trends and have the relevant skill-set to perform their role, a more structured and regular training programme should be put in place.
- 6.20 Following the successful partnership between NCS and Nationality Casework in relation to naturalisation applications, discussions have taken place with local authorities about outsourcing further leave to remain and settlement applications, to mirror this model. Staff at the NCS considered this to be a natural extension of the ongoing relationship. They also considered that extending this partnership would deliver wider benefits in combating benefit and housing abuse.
- 6.21 In the interests of preventing and detecting fraud, plans were underway to roll out biometric capture as part of the new Immigration Act. This will allow UKVI to access biometric data of applicants when considering applications for naturalisation, cross-referencing existing data to ensure that applicants applying for British citizenship do so in their own identity. This measure, once implemented, will provide caseworkers with greater confidence concerning the identity of applicants, one of the reasons that applicants were currently required to provide two referees.
- 6.22 Staff identified areas of work where they had concerns. These included poor IT systems, such as CID and file tracking systems, which they considered hampered productivity. Staff complained that these systems often crashed, resulting in a loss of work which added to their existing pressures. Staff said that, while managers were aware and sympathetic, these concerns had been ongoing for a number of years and they had seen little improvement in the IT systems that they used.
- 6.23 Staff also expressed concerns about insufficient desk space, which often resulted in some staff waiting around until desks became available. When this occurred, managers tried to relocate them to other parts of the building, but this was not always possible as some parts of the building only permitted access to staff with the appropriate security clearance.

Intelligence

- 6.24 During the inspection, we learned that a new unit was being set up to act as the central point of contact for intelligence collection within Nationality Casework. Prior to this, one individual had acted as the single point of contact, which was largely considered to be insufficient for the business area.
- 6.25 Staff considered that intelligence collection had previously been poorly resourced. Some expressed views that a culture existed within Nationality Casework which thought that abuse rarely occurred, because applicants had already been through the immigration system, therefore abuse would have been identified at earlier stages. These staff considered that attitudes were changing owing to several high-profile cases. The Intelligence hub at Nationality Casework would be modelled on other successful Intelligence units within the Home Office.
- 6.26 The new intelligence unit had set up an inbox for caseworkers to make referrals. This would allow caseworkers, who received allegations directly, to notify the intelligence unit accordingly.

Risks to operational delivery should be identified, monitored and mitigated

- 6.27 Our file sampling identified four cases where information, directly related to the consideration of naturalisation, could only be located on the Home Office file. However, as Nationality caseworkers did not generally request Home Office files, relying instead on CID, potentially relevant information was missed in the decision-making consideration.
- 6.28 We asked senior managers to consider if their current approach represented a risk to the integrity of the decision-making process. Following the on-site phase of our inspection they told us they had reviewed their current practice and were satisfied that their existing approach was efficient and proportionate, given their assessment that the risk was low. However, we remained concerned with this approach and the potential risk to which it exposes the Home Office (paragraphs 4.21 and 4.22).

Life in the UK tests

- 6.29 Potential risks concerning the abuse of Life in the UK computer-based tests had been recognised, and efforts were underway to mitigate these risks. The delivery of the test was administered by Learn Direct on behalf of the Home Office, through a network of centres.
- 6.30 We were informed that previously applicants were allowed to select a test centre of their choice. An analysis of data indicated that applicants were travelling significant distances to complete their test at a specific centre, and investigations concluded that the staff at the centre were colluding with applicants in committing fraud. As a direct result, the booking system was strengthened to give applicants the option of only five centres where they could take the test, based on a postcode check.
- 6.31 The Home Office have developed an Integrity Action Plan for the Life in the UK Computer based Testing. This document laid out additional key risks and sought to embed safeguards into the model. Some of the initiatives are as follows:
- Build forgery detection capabilities – providing staff with magnifying and ultra-violet light source equipment to examine documents;
 - Fraud detection training – staff at the centre have been provided with an e-learning forgery training package by the National Document Fraud Unit. In addition, classroom-based training was scheduled to be delivered in June 2014 to test centre managers;
 - Fingerprint recognition systems – discussions were ongoing about the use of this technology to improve identity verification;
 - Poster campaign – to be displayed at the test centres and on the website, drawing applicants' attention to penalties associated with fraud; and
 - Introduction of lockers and CCTV equipment – to prevent candidates from using electronic devices to obtain answers.
- 6.32 These measures were overdue in our opinion, but will go some way to mitigating the risk of fraud in connection with the Life in The UK test.

Potential risks concerning the abuse of Life in the UK computer-based tests had been recognised, and efforts were underway to mitigate these risks

Nationality Checking Service

- 6.33 Views on whether the NCS presented a gap in the system where forged documents could go unidentified were largely dismissed by staff and managers at Nationality Casework and by NCS staff, who considered the risk to be minimal owing to the requirement of face-to-face interaction. They considered that the 45-minute interview, which formed part of the service, provided an additional safeguard, as the applicant would be required to confirm their identity to local authority staff.
- 6.34 The overarching view was that NCS acted as a deterrent against those who wished to circumvent the system through the use of a forged document. While the inspection team did not see any statistical evidence to support this view, it considered that this approach would help to identify abusive applications.
- 6.35 UKVI provided training on forgery detection to NCS staff, although this training focused mainly on imposters. Staff and managers at NCS informed us that they would welcome additional forgery training if it equipped them to perform their roles more effectively.

Annex A: Role & Remit of the Chief Inspector

The role of the Independent Chief Inspector ('the Chief Inspector') of the UK Border Agency (the Agency) was established by the UK Borders Act 2007 to examine and report on the efficiency and effectiveness of the Agency. In 2009, the Independent Chief Inspector's remit was extended to include customs functions and contractors.

On 26 April 2009, the Independent Chief Inspector was also appointed to the statutory role of independent Monitor for Entry Clearance Refusals without the Right of Appeal as set out in section 23 of the Immigration and Asylum Act 1999, as amended by section 4(2) of the Immigration, Asylum and Nationality Act 2006.

On 20 February 2012, the Home Secretary announced that Border Force would be taken out of the 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 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. The Chief Inspector is independent of the UK Border Agency and the Border Force, and reports directly to the Home Secretary.

On 26 March 2013 the Home Secretary announced that the UK Border Agency was to be broken up and brought back into the Home Office, reporting directly to Ministers, under a new package of reforms. The Independent Chief Inspector will continue to inspect the UK's border and immigration functions, as well as contractors employed by the Home Office to deliver any of these functions. Under the new arrangements, the UK Visas and Immigrations department (UKVI) was introduced under the direction of a Director General.

Annex B: Inspection Criteria

The criteria used in this inspection were taken from the Independent Chief Inspector's Inspection Criteria, revised and updated in August 2013. Figure 26 refers.

Figure 26: Inspection criteria used for this inspection

Operational Delivery

1. Decisions on the entry, stay and removal of individuals should be taken in accordance with the law and the principles of good administration
2. Customs and immigration offences should be prevented, detected, investigated and, where appropriate, prosecuted.
4. Complaints procedures should operate in accordance with the recognised principles of complaints handling

Safeguarding Individuals

5. All individuals should be treated with dignity and respect and without discrimination in accordance with the law
8. Personal data of individuals should be treated and stored securely in accordance with the relevant legislation and regulations.

Continuous Improvement

9. The implementation of policy and processes should support the efficient and effective delivery of border and immigration functions.
10. Risks to operational delivery should be identified, monitored and mitigated.

Annex C: Glossary

Term	Description
A	
Assistant Director	Senior manager within the UK Visas and Immigration, equivalent to a civil service Grade 7 position.
B	
Biometrics	All applicants are routinely required to provide ten digit finger scans, a digital photograph and signature when applying for settlement or an extension of stay.
C	
Complaint	Defined by the UK Border Agency as ‘any expression of dissatisfaction about the services provided by or for the UK Border Agency and/or about the professional conduct of UK Border Agency staff including contractors’.
Customer	Defined by the former UK Border Agency as ‘anyone who uses the services of the Agency, including people seeking to enter the United Kingdom, people in detention and MPs’.
Customer Service Excellence	The Government’s customer service standard, replaced the Charter Mark initiative.
D	
Data Protection Act 1998	The Data Protection Act requires anyone who handles personal information to comply with a number of important principles. It also gives individuals rights over their personal information.
Director	Senior UK Visas and Immigration manager, typically responsible for a directorate, region or operational business area.
Director General	Senior Civil Servant at the head of UK Visas and Immigration.
E	
e-Learning	Computer-based training course.
H	
Home Office	The Home Office is the lead government department for immigration and passports, drugs policy, crime, counter-terrorism and police.
I	

Immigration Rules	The Rules laid before Parliament by the Home Secretary about the practice to be followed in regulating the entry into and stay in the UK of people subject to immigration control.
L	
Leave to Remain	Permission given to a person to reside within the UK for a designated period.
R	
Regional Director	Senior manager responsible for one of the former six Immigration Group regions
S	
Settlement	Application to settle in the UK on a permanent basis, also known as Indefinite Leave to Remain.
U	
United Kingdom Border Agency (UKBA)	The Agency of the Home Office formerly responsible for enforcing immigration and customs regulations. Its Agency status was removed on 31 March 2013 and its functions returned to the Home Office to form two new bodies.
UK Visas and Immigration	One of the two operational commands set up under the direct control of the Home Office in place of the UK Border Agency which was broken up on 26 March 2013. From 1 April 2013 this department handles all overseas and UK immigration and visa applications.

Acknowledgements

We are grateful to UK Visas and Immigration for its help and co-operation throughout the inspection and appreciate the contributions of all staff and stakeholders who participated in the inspection process.

Assistant Chief Inspector: **Garry Cullen**

Lead Inspector: **Cliff Buckley**

Inspection Officers: **Foizia Begum**
Akua Brew-Abekah

If you would like further information about this inspection, please contact the Independent Chief Inspector of Borders and Immigration.

Email: chiefinspectorUKBA@icinspector.gsi.gov.uk

Website: www.independent.gov.uk/icinspector/contact

ISBN 978-1-4741-1325-0



9 781474 113250