



Home Office

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

'An inspection of the implementation of the Immigration Act 2014 provisions for tackling sham marriage'

August – September 2016

The Home Office welcomes the Independent Chief Inspector's (ICI) inspection into the implementation of the Immigration Act 2014 provisions for tackling sham marriage.

The Home Office has implemented a broad range of measures to effectively tackle illegal immigration, through both enforcement and compliance interventions. These include extending our powers to investigate sham marriages, the ability to revoke driving licenses, and measures which prevent illegal migrants from privately renting accommodation or opening bank accounts. Immigration Enforcement's (IE) strategy is to reduce the size of the illegal migrant population and minimise the harm caused by illegal foreign nationals in the UK. The blend of enforcement and compliance interventions is designed to impact the maximum number of individuals possible and drive up the number of illegal migrants returning to their country of origin.

We are pleased that the ICI recognises the improvements we have made to how we investigate cases, which have in turn helped to ensure the provisions of the legislation are used to better effect. We welcome the ICI's view that he is encouraged by the early results of the changes, and we will continue to build on these changes to ensure the maximum impact of the legislation is brought to bear on those seeking to abuse the marriage route.

The difficulties experienced in the early days of the referral and investigation scheme, as referenced in this report, have been largely resolved. However, despite the clear improvements that we have made, we recognise that we cannot be complacent and must continue to drive further enhancements, particularly in regard to the IT and workflow processes. We have begun to explore how we might use digital technology more and improve the use of our data to achieve this.

We welcome the recommendations the ICI has made and have already commenced programmes of work to address them.

The Home Office accepts all five of the ICI's recommendations.

Recommendations

- 1. Where the marriage is determined to be sham but is allowed to proceed because the couple has been compliant with an investigation, ensure that the couple is informed in writing of the determination to act as a deterrent.**

1.1 Accepted

- 1.2** Entering into a sham marriage for the purpose of gaining an immigration advantage is not a legal impediment; therefore we cannot legally prevent the marriage from taking place. We can however prevent those we believe have entered into a sham marriage from benefitting from the deception, by not permitting them to legally remain in the UK. We will action this recommendation by issuing a separate decision letter with the compliance letter in all appropriate cases. We have taken this approach because the Immigration Act 2014 does not provide for a decision to be made about whether the marriage is a sham, so the determination cannot therefore be included within the compliance letter. However, it is possible for us to make a decision about the genuineness of the relationship where it is part of our consideration of enforcement action, curtailment of leave or in relation to a subsequent immigration application. We will implement this without delay.

- 2. Re-communicate the aims of Part 4 of the Immigration Act 2014 to registrars and provide more feedback on the outcomes from referrals.**

2.1 Accepted

- 2.2** We recognise feedback to the GRO as an area for improvement. All cases are already individually fed back to local registration officials, as we are compelled to confirm whether or not the marriage can proceed. We will establish with the GRO and local registration officials what supplementary information is of use to them and build this into our routine response and update our guidance accordingly.
- 2.3** We have previously created and shared training material aimed at communicating the aims of the legislation with the GRO, but accept that this has to date been delivered in an ad hoc way and has been based on individual requests by local registration officials. We have already agreed with the GRO what areas they require further training on and will agree a process for delivering that training and the training material by the end of December. Dates for delivering the training will be confirmed with the GRO in January 2017.
- 2.4** We will use the training session as an opportunity to workshop future training and communications with the GRO and local authority officials. We will also seek to establish what future and regular communications they would like to see. Dependant on the outcomes of those discussions we will agree future communications and training by the end of February 2017.

3. Ensure that staff are provided with:

- **interview skills training and development to enable them to deal effectively with well-prepared sham couples; and**
- **sufficient understanding of the experiences of potentially duped and of vulnerable partners to inform effective questioning.**

3.1 Accepted

3.2 We plan to deliver better quality interviews and are committed to creating a small number of investigation hubs, into which we will route all marriage investigations. This will enable us to ensure we have the right logistical requirements, such as interview and waiting rooms available, and will have the crucial advantage of interviewing officers who are designated to this work stream. By ring-fencing staff and building a bespoke training programme linked to the key skills for the role, staff will be able to build up expertise and knowledge to become specialists in this area. This expertise will lead to more robust interviews that identify sham marriages more effectively. It will also enable trends and themes to be more effectively reported to Intelligence.

3.3 We will ensure those officers interviewing couples are well informed by making changes to how intelligence is collated and fed back to staff on the frontline. We have plans in progress to route all the feedback from interviewing officers through one single intelligence team by the end of December. By centralising the collection of this material we intend to more efficiently identify emerging themes and trends. Using this information and other intelligence about sham marriage, we will routinely review and update our guidance (including the section on suggested questions) to ensure our investigating staff are alive to current and emerging trends. We will also feed information on emerging trends and themes through the existing weekly 'dial-in', so frontline interviewing officers are kept informed of current and new themes.

4. Seek ministerial agreement to add certain nationalities to the profiling approach.

4.1 Accepted

4.2 The scheme has now been in operation for 18 months, so we now have sufficient data to conduct meaningful analysis. The analysis has already commenced and we aim to report on the types of cases and nationality groups that abuse the marriage route most frequently, by late January/early February 2017. Following these results, ministerial agreement for profiling certain nationalities will be sought if required, without delay.

5. Ensure that data is collected in relation to sham marriage in the form that enables an accurate and comprehensive evaluation of the outcomes from the Immigration Act 2014 changes and provides Ministers and Parliament with a clear picture of the threat and how it is being met.

5.1 Accepted

5.2 We are already collating statistics on a weekly and monthly basis which includes additional outcomes such as curtailment referrals, service of enforcement decisions and returns that

have occurred as a result of an investigation. These are key to demonstrating the wide ranging impact of the legislation. We will also seek to include details of criminal investigations emanating from this work-stream in that performance data by the end of December 2016.

- 5.3** By reporting this alongside UKVI outcomes, such as curtailment of leave decisions and settlement grants/refusals, we will have a clear picture for Ministers and the public on our activity, its results and the overall impact the legislation has made on reducing sham marriage. The data from UKVI is currently being collated for the analysis work so we will build in mechanisms for this to be routinely obtained and reported on from January 2017.