



Home Office

The Home Office response to the Independent Chief Inspector of Border and Immigration's re-inspection of the Administrative Review process.

January - March 2017

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

We are pleased that the Independent Chief Inspector for Borders and Immigration (ICI) has acknowledged the improvements that have been made in the Administrative Review case working areas within the Home Office since the last inspection. In particular, it is pleasing to note that six of the original fourteen recommendations have been closed. We recognise the work needed to close the remaining eight across all three work areas that have been inspected, namely, UKVI In-Country, Border Force and UKVI International. We are grateful that the ICI acknowledged that the handling of Admin Review considerations by the In-Country team had improved considerably and it is noted that they felt progress had been slower for overseas and at the border case working areas.

We are grateful to the ICI for highlighting the further work that is required in addition to what has already been done to demonstrate delivery of an efficient, effective and cost saving replacement for the previous appeals mechanism and their suggestion of appointing one senior responsible owner (SRO) for the Administrative Review system.

It is important to recognise that whilst there is some congruence with the two UKVI areas, Border Force reactively consider these decisions at port as part of their function in securing the UK borders. On that basis, it would make sense to allow Border Force operations to continue to manage the process as they do currently and consider the question in the context of UKVI operations.

The current position in UKVI is that a request for a review of a decision made in country under the Points Based System is undertaken within Immigration and Protection Directorate and a request for a review of an overseas entry clearance decision is dealt with by Visas and Citizenship Directorate. The Administrative Review decision making that was previously done overseas has recently been repatriated to the UK. Now that repatriation is complete, UKVI will consider whether all Administrative Review decisions can be made in a single unit. In the meantime, UKVI will appoint a single SRO with responsibility for holding both sides (in country and overseas) to account and ensuring coordination and consistency of process.

As this re-inspection involved three different work areas within the Home Office and highlighted points particular to these areas, there follows a more specific response from each of the three areas involved.

UKVI (In-Country) Response

We are pleased that the ICI has recognised the significant improvements made to the in-country administrative review operation since the initial Inspection Report published on 26 May 2016, and that these have been reflected in this report.

The Re-Inspection found that the handling of in-country ARs had 'improved considerably' and of the 14 recommendations made, only three remain open for the in-country team, of which only one relates specifically to in-country handling (recommendation 3). The ICI made positive comments about the improved training, performance management and quality assurance delivered within the in-country team were welcome. It was also pleasing that the improved feedback mechanisms instigated by the in-country team with the initial case-working teams and litigation operations were recognised explicitly within the ICI report.

We are grateful to the ICI for identifying areas for further improvement for in-country, notably in relation to case notes on rejected applications. The Manchester in-country team has already instigated measures to address these issues, and will not be complacent in seeking further improvements in addition to those that have been made in the last 12 months.

Of the remaining two points outstanding (recommendations 10 & 14), these both cut across broader Home Office. Taking each in turn, the prioritisation of processing times of applications within in-country is currently undertaken in line with the original Statement of Intent that was made in conjunction with the Immigration Bill (2013). The Statement of Intent defined Admin Review applications were to be considered within 28 days of the application being made, which means the operations are compliant with policy guidelines. The final point (14), relates to how both Admin Review and the original immigration decision are assessed for improvements, including learning from when Pre-Action Protocols (PAPs) or Judicial Review (JR) cases are conceded. We are pleased that the report acknowledges that the in-country team has worked hard to ensure that quality assurance and litigation data is now used to improve decision quality in this area.

However this recommendation has been left open by the ICI as they state further work is required by the Home Office to demonstrate that it had delivered an 'efficient, effective and cost-saving replacement for the previous appeals mechanisms'. We can confirm to the ICI that we are undertaking analysis of the changes made to appeals and Administrative Review and we expect to publish the findings in due course.

Border Force

We are pleased that ICI acknowledged the progress made by Border Force in the way that it handles administrative reviews, since its last inspection. They found in particular that administrative review decision makers were knowledgeable, policy was comprehensive and regularly maintained and that independence and separation of reviewer to original decision makers was being maintained.

Following the last inspection Border Force carried out a systematic review of the administrative review processes in place across each region to ensure that they were open, independent and robust. Border Force Heathrow established a central case work unit in June 2017 which is now responsible for reviewing all administrative review applications and other Border Force regions have introduced improvements to ensure their processes continue to be open and independent.

Border Force Operational Assurance are developing an administrative review policy assurance to address the issues highlighted by there-inspection around record keeping, quality assurance review procedures and lessons learned activity. A review of all admin review cases is being undertaken in conjunction with regional assurance managers to establish whether administrative reviews are being conducted thoroughly and whether feedback and lessons learned activity are being recorded and shared appropriately. This will conclude in November 2017 and any further activity will be managed by the Operational Assurance Action Group which oversees all Border Force lessons learned activity. Border Force are also carrying out a review of guidance to assess whether a refresh is required and briefing will be provided to staff to reinforce the need for accurate record keeping and to ensure all substantive issues raised by applicants are fully addressed. This will be concluded by August 2017.

UKVI (International) Response

We are grateful to the Independent Chief Inspector for highlighting potential areas for further improvement on the work already completed in our area and accept the Independent Chief Inspector's views on the following points:

Notwithstanding a delay in transitioning all overseas Admin Review's (AR) to the International Casework and Quality Assurance Team (ICQAT), UKVI was compliant with Home Office guidance that a different person to the initial decision maker carried out the AR in all cases. The re-inspection team identified that the work was underway to transfer the remaining overseas

AR's to the by the end of April 2017. This transfer is now complete and all overseas AR's are processed by ICQAT ensuring a separate, dedicated team of reviewers, therefore meeting the original recommendation. The re-inspection team opined that a full re-consideration of the original decision by the AR reviewer might be impacted by UKVI's document retention policy, to retain documents only relevant to the original decision. ICQAT AR reviewers will continue to conduct a full re-consideration of the decision including full referral to retained documents. ICQAT AR reviewers also have the option to seek further information from the applicant or sponsor to enable a full reconsideration to be completed.

We accept the Independent Chief Inspector's view that record keeping in some cases was insufficient in justifying the outcome of the review. We also accept the view that determining whether all substantive issues had been addressed was impacted by the absence of the AR being retained. Whilst the re-inspection team noted anecdotal comments from Entry Clearance Managers on reviewing certain aspects of a case only and that such a practice could mean that AR reviewers were not correcting all errors in every instance or conducting the required full reconsideration, we have considered that the ICI team did not find evidence when reviewing the sample that confirms that all errors were not being corrected. All overseas ARs are now processed centrally by the International Casework and Quality Assurance Team (ICQAT), ensuring greater consistency. Guidance will be re-circulated to ICQAT AR reviewers reminding them of the AR case-work requirements on record-keeping.

We accept the Inspectors' views that there was an absence of formal process to prioritise AR applications. All overseas ARs are now processed centrally by the International Casework and Quality Assurance Team (ICQAT), ensuring greater consistency. ICQAT have processes in place to prioritise AR applications based on factors such as course start dates. A record of this is kept within the ICQAT AR Decision Log which formalises the process. We will continue to review the effectiveness of this approach and refine appropriately.

We accept the Inspectors' views that of the 50 cases examined there was no recorded evidence of quality assurance having been undertaken. All overseas AR's are now processed centrally by the International Casework and Quality Assurance Team (ICQAT), ensuring greater consistency. Since the creation of ICQAT three thematic reviews have been undertaken by the team and the findings have been shared with visa decision making centres globally. An overseas Decision Quality Framework (DQF) has been designed akin to that used by the in-country QAT team. The DQF is one of a suite IT products being developed to improve existing quality assurance processes across all post decision routes. The DQF product is currently in IT development, pending testing which is scheduled to take place during the latter part of June 2017.

Finally we accept the Inspectors' views that ICQAT had taken a number of steps to ensure that the learning from AR outcomes and quality assurance is recorded and shared. The transferring all remaining overseas AR's to ICQAT was completed in April 2017. This provides a global oversight of AR outcomes and will support more comprehensive DQ analysis and effective feedback loops. A suite of IT products, a Queue Management System (QMS), Decision Quality Framework (DQF) and an MI Reporting Tool are being developed to facilitate this. The QMS is currently under testing and the DQF (as reported above) is scheduled for testing in the latter part of June 2017. The MI Reporting Tool will follow. Once these products are fully integrated, ICQAT will have a platform to be able to draw enhanced MI and quickly identify and respond to trends driving changes to the assurance program. These IT products are agile in nature and will be used for all post decision routes including PAPs and JRs which ICQAT plan to transfer from overseas by the end of 2017.