

Independent review of the Home Office response to the mandating of DNA evidence for immigration purposes

Darra Singh OBE

February 2019



CONTENTS

ACKNOWLEDGEMENTS	2
FOREWORD	3
1. EXECUTIVE SUMMARY	4
2. INTRODUCTION	8
REQUESTS FOR DNA	8
TERMS OF REFERENCE	10
METHODOLOGY	11
THE BORDERS, IMMIGRATION AND CITIZENSHIP SYSTEM	12
LEGAL POSITION	15
POLICY AND GUIDANCE	16
3. VOLUMES AND SAMPLING	17
UK VISA & IMMIGRATION'S APPROACH TO ASSURANCE	17
THE HOME OFFICE'S INITIAL ASSURANCE APPROACH	18
THE HOME OFFICE'S SUBSEQUENT ASSURANCE	19
4. NUMBERS	28
THE THREE KNOWN COHORTS	29
FURTHER COHORTS	34
5. RESPONSE	39
THE DNA TASKFORCE	40
HOME OFFICE CONSIDERATION OF IDENTIFIED CASES	42
FINANCIAL REDRESS	42
6. GUIDANCE	45
THE PROGRAMME OF WORK	45
7. TEMPLATES AND LOCAL DOCUMENTATION	48
THE USE OF TEMPLATES BY DECISION MAKERS	48
THE SIMPLIFICATION AND STREAMLINING PROGRAMME (SSP)	49
REVIEW OF CENTRALLY HELD TEMPLATES	49
THE REVIEW OF LOCALLY HELD TEMPLATES	49
8. TRAINING AND COMMUNICATIONS	52
BICS TRAINING	52
COMMUNICATIONS	53
9. GENERAL REFLECTIONS	58
10. RECOMMENDATIONS	61
ANNEXES	64
A: LIST OF ALL MEETINGS AND VISITS	64
B: OASU RECOMMENDATIONS FROM INITIAL ASSURANCE EXERCISE OF 22 CASES	67
C: PROCESSES FOR REQUESTING AND RECORDING DNA EVIDENCE	68
D: THE REVIEW OF CENTRAL AND LOCAL GUIDANCE	71

Acknowledgements

I have been very privileged to have conducted this review with the Home Office colleagues and contractors seconded to me. Mary Halle has led the review team supported by Sarah Aspinall, Julie Hough, Chris Barnes, Cheryl Pellew and Stephen Blackmore from the Home Office. James Tweddle and Daniel Deacon were externally seconded to contribute to analysis and audit elements of the review. The combined efforts and input from this team have enabled the delivery of a complex and broad review within a short period.

I appreciate the time and discussions I have had with Wendy Williams who is leading the Windrush lessons learned review and David Bolt the Independent Chief Inspector of Borders and Immigration. Wendy Williams is conducting a lessons learned review into how members of the Windrush generation were wrongly caught up in immigration enforcement measures and why it wasn't spotted sooner, and I hope her findings, alongside this review, inform the future of the Home Office. David Bolt's views have been very valuable, not only to build up my understanding of a complex system but also how important it is that actions, when agreed by the Home Office, should be acted upon quickly to deliver improvements.

Paul Chandwani, Chief of Staff to Shona Dunn, second Permanent Secretary, has been our formal link with the Home Office and he has been respectful of our independence and assisted in progressing issues within the department. Both senior officials and junior staff across all Home Office disciplines have been interested in the review and contributed in responding to formal evidence requests and participating in various meetings. Staff from the Ministry of Defence have also been interested and open with the review. I am mindful of the effort taken by those responding to requests and the demands this has placed on departments.

Foreword

This is the review into the Home Office's response to the mandating of DNA based evidence for immigration purposes. The legal position is that the Home Office has no express legal power to mandate people to provide DNA based evidence of identity or familial relationships in support of an application, nor can their application be refused for not providing such evidence. People can, however, voluntarily provide DNA based evidence.

The review has benefited from positive engagement from civil servants. This has included senior civil servants and officials from policy, strategy, assurance and a range of decision making staff. I was keen to engage with decision makers and I am grateful for the positive way in which staff we met in Sheffield, Liverpool and Croydon responded with comments, and talked openly of their experiences of using DNA evidence in decision making. I believe the team and I have been given full access to staff, documents and information.

As a former CEO of Jobcentre Plus and two local authorities I am familiar with the complexities created by large organisations responsible for delivering high volume multi-location services. However, the immigration landscape is on a different scale. Years of legislation, complex and lengthy immigration rules, backed up by volumes of policy guidance make up the daunting system that must be navigated by decision makers to decide a person's application. This task is not helped by outdated information systems and poor data quality.

I was impressed with the commitment of the decision makers I met and their focus on getting the right outcome. Whilst the law is clear in terms of mandating DNA based evidence many have commented that the provision of DNA evidence on a voluntary basis can be very helpful to applicants. It can assist in reaching a decision much more quickly, particularly where records from the applicant's country of origin are unavailable or unreliable. There does, in my view, need to be a broader debate about the value of DNA evidence and how this can be used to speed up the system when appropriate.

Once the problem of DNA mandating came to light the Home Office worked hard, and with considerable effort, to identify the extent of the problem along with steps to prevent it happening again. They had some success. It is my view that with more appropriate professional curiosity, a greater attention to detail and better follow through on commitments, the Home Office response could have been more effective.

During the review there have been matters which have not fallen specifically into my terms of reference. In agreement with the Home Secretary and the second Permanent Secretary I have included some additional reflections to feed into the upcoming Border, Immigration and Citizenship System review.

Finally, I would like to thank the Home Office team who supported the review. In particular I want to cite Mary Halle for her insight, hard work and guidance.

Darra Singh OBE

1. Executive Summary

- 1.1 This is a report of a review commissioned by the Home Secretary on the Home Office's response to the mandating of DNA based evidence for immigration purposes. DNA based evidence refers to the report of the outcomes of DNA testing. The Home Office do not take or accept DNA samples for immigration purposes. The review has been conducted with seconded staff from the Home Office and external contractors. The evidence collected to inform the review has been sourced from Home Office staff including frontline decision makers, managers and senior officials, and from staff from other Government Departments, as well as the interrogation of Home Office Systems and management information. The Home Office does not currently have a single system casework stakeholder reference group to contact, and so evidence was sought from some specific external sources, although none was forthcoming.
- 1.2 The introduction of the review explains how the mandating of DNA based evidence within immigration decision making arose, and the legal position. It details the initial activity undertaken by the Home Office which led to this review, its terms of reference and methodology. The immigration system is briefly explained, including the volumes of applications, decision levels, performance management and the levels of guidance. It is important to note that DNA based evidence is often beneficial to both the applicant and the Home Office in speeding up decisions based on familial links.
- 1.3 In **Volumes and Sampling**, the action taken to develop and apply a sampling methodology is described. Due to the volume of cases in the system each and every case cannot be individually assessed and understandably the Home Office developed a sampling methodology. They put significant effort into working to understand the problem and assured three samples over two months. The work conducted was based on a hypothesis formed by the department and on a limited population of cases. The outcomes of the Home Office work identified that DNA based evidence has been requested and used incorrectly across different Borders, Immigration and Citizenship System (BICS) decision making units. The work confirmed that this was more than an isolated issue.
- 1.4 When developing sample populations, the Home Office should have assessed and utilised a greater range of information and applied a more appropriate degree of professional curiosity, including the use of relevant professional analytical expertise to explore options. Using better statistical methods, such as that used by the National Audit Office, would have enabled the Home Office to test a larger population without any unreasonable impact on resources. This would have captured a population more likely to include the people potentially affected by DNA based evidence and would have provided a more comprehensive assessment of the risk and likely volumes impacted. To understand the scale of the problem good practice standards for extrapolation and a better use of the sampling outcomes could have provided more robust conclusions for the department.

- 1.5 The Home Office needs to complete sampling on the larger populations identified from CID and CRS. A set of standards should be developed for how to respond to future issues that require second line assurance.
- 1.6 In **Numbers**, the review provides an account of the number of cases where DNA was mandated in the known cohorts of adult dependant relatives of Gurkhas, Afghan Locally Engaged Staff and Operation Fugal. The conclusions provided by the Home Office on the numbers were reasonable in some areas and less so in others. The work to identify the number of family units in the Gurkha cohort who provided DNA based evidence before June 2017 is satisfactory. Those administered by the MoD since June 2017 is not yet clear and the MoD are conducting work to understand this. The account of the number of families who have been part of the Afghan scheme is satisfactory and has been verified by records held by each party involved in the administration of the scheme. For Operation Fugal the numbers were less satisfactory. A lack of rigour in the management information used, both from the Home Office IT systems and locally kept information, hindered the Home Office's ability to account for this cohort. The review found additional people impacted, not identified by the department.
- 1.7 Overall the Home Office currently knows of 1,351 main applicants/family units who have had DNA based evidence requested on a mandatory basis. Of these they know 590 provided it and 339 paid for it. Improvement is needed in the use of information readily available from Home Office systems to understand who is impacted by known issues. There also needs to be a standard operating procedure in relation to data capture during a critical incident and improvement in the approach to, and application of, business rules for locally held information pertaining to migrants.
- 1.8 In **Response**, we consider the Home Office response to the DNA issue. They responded with significant effort and from October 2018 established a helpline, redress process and taskforce.
- 1.9 The Home Office response could further improve. The helpline would benefit from better publicity, clarity on opening hours, options for voicemail and email contact as well as meeting service standards for responses. The redress panel needs to ensure a consistent and fair approach is applied to all. All the decisions made and the rationale for these should be recorded on Home Office systems. Overall, there is positive intent, lots of activity however the attention to detail and follow through could be better. The Home Office should proactively contact all people they know are affected, offering financial redress where DNA based evidence was provided and if appropriate reconsider their case.
- 1.10 In **Guidance**, the review considers the programme of work to update central and local guidance relating to DNA based evidence. The Home Office responded quickly as soon as the issue was known and began to review and make changes to central guidance. A new overarching DNA policy was developed and published in November 2018.

- 1.11 There could be improvements. We believe that there are three policy documents accessible to decision makers which remain ambiguous and do not reference the new DNA policy guidance. There is some outdated guidance on local IT hubs and shared drives which needs to be removed. Work is needed to ensure that these hubs only include links to current published guidance.
- 1.12 In **Templates and Local Documentation**, we assess the review of live templates and locally held documentation. The Home Office quickly sought to review and assess central and locally held templates. Changes were made to central templates, and several templates removed or changed. Locally held templates were identified by decision making units, and many were declared as no longer in use.
- 1.13 The response could have been more effective with improved oversight and assurance of the local templates review. Whilst conducting the review we found a case where an applicant was sent a letter in January 2019 using an old template which mandated DNA based evidence. This occurred despite decision makers being trained, issued with standard wording for requesting DNA based evidence on a voluntary basis and the introduction of a senior authorisation process.
- 1.14 In **Training and Communication**, the review considers the training and communications to Home Office, and other Government departments staff on the use of DNA evidence in the immigration system. The Home Office has developed training for Home Office staff in line with the new overarching DNA policy and there are plans in place for delivery to all decision makers. Clear and specific communications were circulated when the issue first arose. Some units followed up written communications with face to face meetings which staff were very positive about.
- 1.15 More could have been done to ensure the communications went to all relevant units. Development of communication strategies for critical incidents and set standards for communicating new or significantly changed policy is needed. These communications should include all partners who are jointly administering routes or are acting on behalf of the Home Office. Regular refresher training needs to be provided and the use of DNA based evidence should form part of induction training for all decision makers.
- 1.16 We also explore the risk of the incorrect use of DNA evidence happening again. Future risk can be mitigated by improved assurance sampling, business intelligence, single system administration of BICS, capability and tools for decision makers and effective communication.
- 1.17 Finally, we make some **General Reflections** on what we found whilst conducting the review. BICS should move to a less siloed structure and could improve by acting as a single system. This could help BICS to become more person focused and apply pragmatism to decision making rather than make decisions only by route. The Home Office should continue to progress the good practice being developed on collaborative operational and policy working. People should not have their cases unnecessarily put on hold and staff need to be capable and confident in progressing

applications. Decision making needs to be more professionalised, valued and accredited to improve the quality of work. Conducting a comprehensive review of BICS service standards and the behaviour they cause will support this. Data quality and management information need to be improved. This should be underpinned with the development of a single system external reference group to help the Home Office become more transparent.

- 1.18 When the issue of DNA surfaced, the Home Office quickly acted to remedy the problem. In all large operations mistakes are likely occur. An indicator of a learning organisation is one where the opportunity is taken to evaluate the response and effectiveness of the action taken to remedy problems. There can always be improvements. Hindsight is a capability only developed with time and is a valuable resource. It is commendable that the Home Office sought an independent review. We hope our findings and recommendations are helpful to the department.

2. Introduction

Requests for DNA

- 2.1 The Home Office was first alerted to the issue that decision makers were mandating DNA based evidence on 7 June 2018 when it was asked Parliamentary Questions. On 3 July 2018 an article in the Financial Times highlighted specific cases where Home Office decision makers were mandating DNA based evidence.
- 2.2 In response to the issue the Home Office set up an internal review which was conducted by Richard Alcock. This review was focused on understanding the facts of the mandating of DNA based evidence in immigration casework and to identify remedial action.
- 2.3 Richard Alcock's review¹ provided clear evidence of the mandating of DNA by the Home Office. It reported three specific cohorts of people that were affected and made recommendations.
- 2.4 On 25 October 2018 the report was laid in the House of Commons and the Home Secretary made a statement apologising for the unacceptable mandating of DNA evidence. This statement recognised that the numbers and information had been collected at pace and still needed to be assured and further work was needed to ascertain the full scope of the issue. A new taskforce was announced, this included a helpline so people could get advice and support, and a reimbursement process for any individual that suffered financial loss.
- 2.5 The three cohorts identified were: adult dependent relatives of Gurkhas (discharged before 1 July 1997), Afghan nationals formerly employed by the UK Government, and Operation Fugal. These cohorts of people were identified due to defined processes, detailed below.

Adult Dependant Relatives of Gurkhas

- 2.6 Since May 2009, members of the Brigade of Gurkhas who were discharged from the British Army before 1 July 1997 have been able to obtain settlement in the UK on a discretionary basis as a result of their service. The initial policy included the immediate families of Gurkhas, which only applied to children who were under 18 years of age at the time of application. On 5 January 2015 the Home Office reviewed and adjusted the discretionary arrangements to allow for adult dependant relatives to be granted settlement in certain circumstances. Following the introduction of the discretionary arrangements in 2009 an increase in discrepancies was found within MoD records of Gurkhas and their close relatives. This included people being added to records that would otherwise not be eligible under the policy. The Policy team and UKVI operational staff developed guidance which included a defined process to

¹ Richard Alcock review 14 September 2018: <https://www.gov.uk/government/publications/review-into-the-requirement-for-dna-evidence-to-be-provided-in-immigration-cases>

mandate DNA tests at the applicant's own expense when there was doubt. Should they fail to provide such evidence their application could be refused.

Afghan Locally Employed Staff

- 2.7 On 4 June 2013, the Secretary of State for Defence announced a scheme to make three ex gratia offers to eligible locally employed staff (LES) who had been, or would be made, redundant as a direct consequence of the UK's military drawdown from Afghanistan. One of these offers was to relocate to the UK along with immediate family members (one spouse and children). Those who were successful obtained 5 years leave to remain in the UK, with an opportunity to apply for indefinite leave to remain at the end of that period. Upon arrival they received three months accommodation, financial and integration support. Due to the lack of robust infrastructure within Afghanistan at the time the scheme was developed, DNA testing was required by the Home Office for all those applying for this offer, with the MoD facilitating and paying for this process, using HMT authorised funds. The provision of DNA based evidence made it easier and quicker for LES to prove their immediate family relationships. Home Office Armed Forces Policy and UKVI casework teams were part of the scheme's development and operationalisation.

Operation Fugal

- 2.8 On 10 September 2015 changes were made to the British Nationality (Proof of Paternity) Regulations 2006, due to concerns about paternity abuse. Previously a birth certificate issued within 12 months of birth was deemed sufficient to establish paternity for the purposes of British Nationality applications. The new rules meant that a birth certificate naming the father will not satisfy the requirements for proof of paternity. Practically, this means that applications which were based on the father's British nationality would require further evidence than a birth certificate. As a result of these regulation changes the Home Office issued a casework instruction to UKVI FHRU staff. The instruction referenced that DNA based evidence would be acceptable proof of paternity but did not make explicit that this must be on a voluntary basis.
- 2.9 Following the regulation change, to inform the intelligence picture, Immigration Intelligence (II) undertook analysis of cases from HMPO where re-registrations of a birth certificate involved at least one non-EU parent. Operation Fugal was instigated in April 2016 to better identify the nature and scale of potential fraud in applications from people seeking to obtain British passports for children and/or leave to remain based on their paternal rights. This was a joint initiative between II, UKVI FHRU and Immigration Enforcement's Returns Preparation (RP). It sought to provide staff with a list of indicators of abuse and to allow better collation of management information for intelligence purposes. A specialist case working team was established to act as a single point of contact for all suspected cases of paternity abuse.

- 2.10 To support the operation, a process instruction was issued to staff on 21 April 2016. This set out the possible identifiers for abuse including *'refusal on the part of the father to provide DNA to substantiate the claim'*. It instructed decision makers to refer any cases of suspected or proven abuse to II via the Intelligence Management System (IMS). The process map issued to staff advised that they should *'request DNA evidence'* only once other avenues had been explored, such as credibility interviews or Equifax² checks.

Terms of reference

- 2.11 This review was commissioned in October 2018 by the Home Secretary, Rt Hon Sajid Javid MP. I was given the following terms of reference:

Further to Richard Alcock's review into the use of DNA for immigration purposes within the Border, Immigration and Citizenship system, the Home Office put in place measures to identify the scope of the issue, correct errors in operational practice and policy guidance and mitigate the risk of DNA evidence being misused again. The department required a reasonable and proportionate independent assessment of these areas.

- 2.12 This assessment should:

- Ensure that the BICS has developed an appropriate sampling methodology and have applied it correctly to ensure that if further errors have been made in any part of the system in the use of DNA evidence, they will have been found. This will draw on work conducted in the first instance by the UKVI operational assurance and security unit.
- Establish an account of the number of cases where DNA evidence was improperly required within the specific cohorts of adult relatives of Gurkhas, applications from Afghan nationals formerly employed by the UK Government and within Operation Fugal; and in any further areas which emerge.
- Consider whether the Home Office response to the DNA issue (including the consideration of identified cases, and the set-up of a dedicated Taskforce and helpline) has effectively corrected errors made and is providing adequate redress where appropriate.
- Consider whether the programme of work to update all centrally and locally held guidance on the use of DNA evidence is complete and that all guidance clearly reflects the law and policy.
- Assess the UKVI-led programme to review relevant live templates and locally held documentation to confirm that they are fully compliant with the law and policy on

² Provides data on finance and demographics

the use of DNA; and provide confirmation that the process is sufficiently robust in line with the ongoing Simplification Programme.

- Assess and confirm the approach to training of, and communications with, staff on the use of DNA evidence; and the approach to managing the risk of the incorrect use of DNA evidence happening again within the immigration system. This assessment should cover all relevant Government departments, including the Home Office, Ministry of Defence, Foreign and Commonwealth Office and the Cabinet Office.

Methodology

2.13 The following approach was adopted by this review:

- We held a series of meetings with a range of senior civil servants within UK Visas and Immigration (UKVI), Immigration Enforcement (IE), Her Majesty's Passport Office (HMPO) and BICS Policy and Strategy Group. We met the Operational Assurance and Security Unit (OASU) lead several times.
- We met and held open discussions with caseworkers, senior caseworkers, middle and senior managers from UKVI and Immigration Enforcement casework teams including Family & Human Rights Unit (FHRU), European Casework, Settlement Unit, Refused Case Management (RCM) Unit, Asylum, and Returns Preparation (RP) over several visits and forums in Sheffield and Liverpool.
- We met Wendy Williams, the Independent Advisor for the Windrush lessons learnt review
- We met David Bolt, the Chief Inspector of Borders and Immigration.
- We requested written evidence from the full range of BICS areas and have carefully considered all the evidence provided.
- We invited submissions from selected external representative bodies, these were not forthcoming.
- We made a formal request for management information from the Home Office and my team met officials from Performance Reporting and Analysis Unit (PRAU) and Home Office Migration Statistics.
- We met Home Office Legal Advisors and discussed the independent QC advice received by the Home Office on the use of DNA within immigration casework.
- We observed the taskforce redress panels.
- We interrogated the internal Home Office decision systems including Case Information Database (CID) and Central Reference System (CRS), including individually reviewing over 450 cases.
- We met the Chief Casework Unit, sat with the Central Operations Helpline staff taking calls from the DNA taskforce helpline.
- We met officials from the Operational Assurance and Security Unit (OASU) several times.

(Annex A: provides a full list of the meetings and visits)

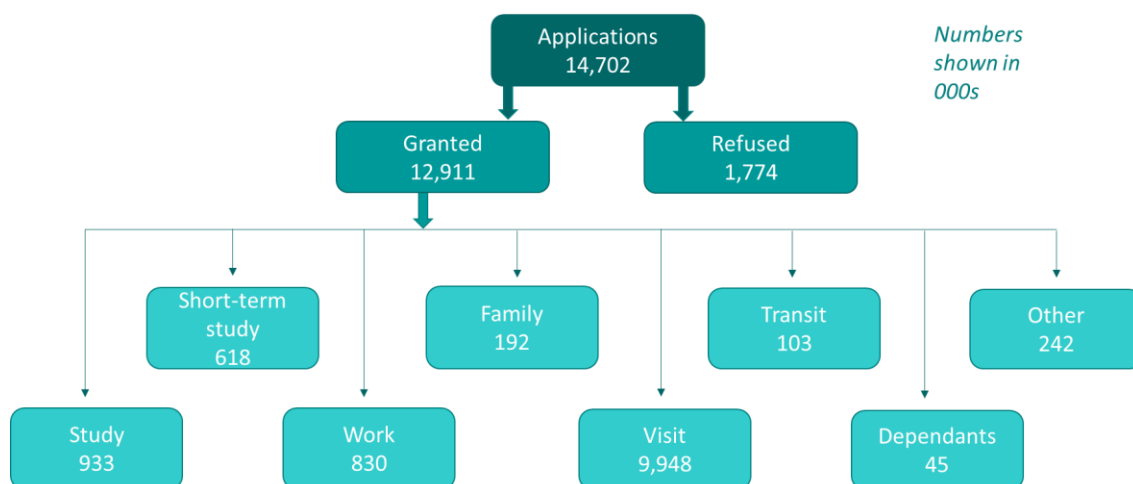
2.14 The timing of the review was a factor when considering my approach as it was running concurrently with much of the Home Office response. We developed an evidence collection programme which could flex with the changes being undertaken by the department. We also endeavoured to feedback emerging issues as the review progressed to be helpful to the department. To bring to life the complexity of cases and highlight our findings we have identified relevant case studies. These are positioned throughout the report. We considered all evidence made available to us until the report was submitted on 28 February 2019.

The Borders, Immigration and Citizenship System

2.15 The Borders, Immigration and Citizenship System (BICS) is a large international operation. Its remit and responsibilities include deciding applications for leave in the UK, control at the Border and reducing the size of the illegal population. The BICS is made up of Border Force (BF), Her Majesty’s Passport Office (HMPO), UK Visas and Immigration (UKVI), Immigration Enforcement (IE) operational directorates and the BICS Policy and Strategy Group (BICS PSG). BICS has in the region of 26,500 staff, with 9,000 of these staff in UKVI and 550 in BICS PSG. There is an ongoing process of moving all immigration decision making to the UK, although several decision making centres remain overseas at this stage.

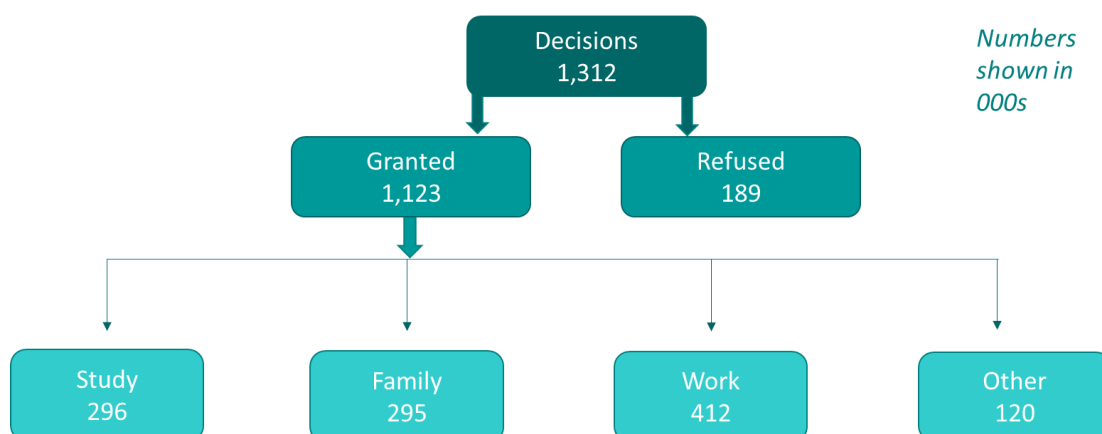
2.16 The BICS processes large volumes of people through the many routes available. The figures below show some of the volumes processed by the system. There have been 14.7 million applications made for a visa to enter the UK over the last 5 years³, and 1.3 million decisions on applications made by individuals in the UK seeking to extend their stay. Of these, 88% and 86% of applications were granted respectively.

Figure 1: Entry clearance applications received over the last 5 years



³ Immigration Statistics September 2018: <https://www.gov.uk/government/statistics/immigration-statistics-year-ending-september-2018>

Figure 2: Decisions on applications for extensions of temporary stay in the UK from non-EEA nationals over the last 5 years.



- 2.17 Of the total visa and in country applications it is noteworthy that the volumes within the family routes are a relatively small proportion of the total demand on the system. It is within these application routes where DNA based evidence is most likely to be used. For example, of the 12.9 million entry clearance applications granted, 1.49% were family visas, and of the 1.1 million in country extensions granted, 26% were through the family route.
- 2.18 The types of decisions made by the department vary in line with the types of applications. Some of the decision processes are transactional, based on set criteria and evidence and whether specific requirements are met or not. There are other decisions which are more complicated, and by nature, evidence is not always readily available and credibility assessments are made. As with most systems there is the potential for fraud and abuse.
- 2.19 There are different service level standards across the different routes, however, aside from the 8-week service standard for spouse/partner applications, the Family and Human Rights route does not have a service standard. This is of note given the instances where DNA was being sought and the volumes and pressure within this unit of UKVI. Over the last 12 months, there had been 62,072 applications received in this route and they have a work in progress of 36,520.⁴
- 2.20 The IT systems of the BICS are numerous and date back many years. The Case Information Database (CID) is used to record decisions and casework activity made in relation to people within the UK. Proviso and the Central Recording System (CRS) record decisions on applications made out of country⁵. Intelligence teams and HMPO also use different systems. None of these interact systematically and staff must

⁴ Migration Transparency Data <https://www.gov.uk/government/publications/in-country-migration-data-november-2018>

⁵ Entry Clearance Officers (ECO)s make notes on Proviso which is the server-based case working system in each Decision Making Centre (DMC). A DMC's Proviso can only be accessed/viewed in that DMC. CRS is a reference system that allows all DMC Proviso records to be viewed in any location.

access them individually to review the information held. We saw how some decision makers needed three monitors to enable them to do this.

- 2.21 There is no BICS central business intelligence system to allow for effective forecasting, collation of management information, identification of trends and critical issues. There is management information provided by the Performance Reporting and Analysis Unit (PRAU) from CID and CRS which is used to underpin a range of workflow and performance reports however these do not provide the level of management information needed. As a result, staff use locally managed spreadsheets as an attempt to bridge this gap.
- 2.22 Decision makers are usually either the junior grades of administrative officer or executive officer. First line managers, technical specialists and senior caseworkers are usually higher executive officers or senior executive officers. The BICS operates mainly at this level for decision making with the next level of case assessment made by an Immigration Judge if there is an appeal. We have been told by senior managers and decision makers that at times there is a reluctance to grant applications when the case is finally balanced. Sometimes this is due to a fear that the person making the application might commit a criminal offence in the future. Some people told us that there are cases where there may be enough evidence for the applicant to satisfy the Immigration Rules, but due to an underlying doubt in the decision makers mind the application is refused. This often leads to a right of appeal, decided by an Immigration Judge.

Case study: *Ms A entered the UK illegally between 1999 and 2004. In 2010 intelligence was received that she had stolen the identity of a British national. She was charged with 11 offences of fraud and was sentenced to 3 years and 6 months in prison. It was noted she had 5 children and had obtained fraudulent British passports for some of them. A deportation order was pursued. In August 2016 Ms A applied for leave to remain in the UK. They noted concerns about the registration of one of her children as British and said, "a decision to grant this should be made by an IJ" (immigration judge). In May 2018 she was granted leave to remain in the UK until 2020 and the deportation order was revoked.*

- 2.23 As you would expect in any large delivery operation most decision making areas operate staff productivity targets. These differ by type of decision, ranging from ten decisions a day for EU settlement cases to four a day for family and human rights cases, which are generally more complex. We were told that staff are understandably focused on meeting their productivity numbers.
- 2.24 We were also struck by how many decisions are made without the decision maker and applicant engaging in person, either face to face or on the phone. It is entirely possible for a person to move through the BICS without any human interaction. Whilst this may not be of concern where cases are clear cut and easily

understandable, it is more concerning where there is more complexity or where evidence submitted is in doubt and credibility assessments about a person's claim need to be made.

- 2.25 Staff had a variety of comments about the Home Office. Everyone we met was committed to the work of the department. There was a commonality of views about the complexity, potential for siloed working, variety in cultures and dynamics across the Home Office, and the challenges of dealing with huge volumes alongside high external and internal levels of expectation. Given the additional pressure on the department, including Brexit and the response to Windrush, we were repeatedly told that the system is significantly stretched. Many people told us the BICS recognises it is not resourced to deal with the current volumes and needs to address the issues of staff capability, staff retention and developing useable guidance. It is against this backdrop that mandating DNA based evidence without express authority occurred.

Legal position

- 2.26 The Secretary of State has, because of the Immigration Act 1971, the power to control immigration. Under section 3(2) of the Immigration Act 1971 the Secretary of State is required to lay down rules by which immigration control will be administered, known as the Immigration Rules. Since the Immigration Act 1971 there have been further acts of legislation in relation to immigration control which build upon this. In addition, the Immigration Rules have been updated and amended many times. Since 2012, after two landmark judgements, *Alvi* and *Munir*, any requirements of the Secretary of State *"which, if not satisfied, will lead to an application for leave to enter or to remain being refused"* must be included in the Immigration Rules. It is important to note that the Secretary of State is able, as a matter of discretion, to grant concessions.
- 2.27 There is no provision, within any of the immigration legislation laid since 1971 or the Immigration Rules, for the Secretary of State to mandate DNA based evidence for the purposes of immigration decision making. There was also express exclusion of DNA collection in the provisions to collect biometric information, for registration of an immigration application, made in the 2014 amendments to section 126 of the 2002 Act.
- 2.28 The legal position does allow for DNA based evidence to be used within immigration decision making when it is obtained on a voluntary basis. No conclusions can be drawn from the non-provision of DNA based evidence. The Secretary of State is also not bound to accept the existence of a familial relationship without being satisfied it is genuine.

Case study: Ms B overstayed her leave to remain in 2012 then made an application in 2014 based on being the parent of a British child. Between November and December 2014, the Home Office asked Ms B to provide DNA based evidence on three occasions. Her solicitor asked for further time to provide this due to the financial cost. The Home Office refused her application in February 2015 stating “not being able to afford a DNA test is not a reasonable excuse to fail to provide evidence”. Ms B lodged a Judicial Review and the Home Office agreed to reconsider the decision. In July 2015 she was granted leave to remain.

Policy and guidance

- 2.29 The BICS, like many organisations, uses policy and guidance to interpret the volumes of legislation and Immigration Rules. The Guidance, Rules and Forms team told us that there are approximately 3,000 pieces of policy and guidance available to staff on the Home Office intranet. This guidance ranges from single page documents to some that are over 100 pages dependent on the route and complexity. One such example is the Family Life (as a Partner or Parent) and Private Life: 10-Year Routes guidance.⁶
- 2.30 The department has set up a Simplification and Streamlining Programme (SSP) to simplify and reduce the amount of complex and difficult to understand information relating to Primary and Secondary legislation as well as the Immigration Rules. It aims to deliver a system with:
- easy to understand rules and policies,
 - clear and simple guidance for staff and the public that provides a single source of truth,
 - a reduction in number and complexity of forms,
 - templates that are easy for customers to understand and straightforward for decision makers to use.
- 2.31 The SSP is ongoing and has delivered some changes but is yet to make a notable impact on the day to day life of decision makers. We heard from several people that due to competing pressures this programme is not sufficiently resourced to achieve its aims. Given its strategic importance, this should be addressed.
- 2.32 This review now takes each of the terms of reference in turn. Each section begins with a summary, followed by our findings and recommendations.

⁶ Appendix FM 1.0b: family life (as a partner or parent) and private life: 10-year routes: www.gov.uk/government/publications/appendix-fm-10b-family-life-as-a-partner-or-parent-and-private-life-10-year-routes

3. Volumes and Sampling

Ensure that the BICS has developed an appropriate sampling methodology and have applied it correctly to ensure that if further errors have been made in any part of the system in the use of DNA evidence, they will have been found. This will draw on work conducted in the first instance by the UKVI operational assurance and security unit.

Due to the volume of cases in BICS each and every one cannot be individually assessed, and a sampling approach is needed to understand the scale of the potential problem in relation to the use of DNA based evidence. A sampling methodology was developed to understand where errors were likely to be, and it was applied to people with 'DNA' and 'request' in the CID case notes. Overall the design and application of the sampling methodology was not sufficient to identify that all errors have or will be picked up. The output of the work correctly confirms that this is more than an isolated issue.

By applying a more appropriate degree of professional curiosity, the Home Office approach could be improved by:

- Using accepted good practice, such as the approach set out by the National Audit Office, to define the target population to increase the likelihood that it includes more of the people potentially impacted. The population used was limited due to the assumptions made about the language used by decision makers to record DNA based evidence and only included cases on CID. This review undertook some work to develop more appropriate populations from the relevant Home Office systems, CID and CRS. We concluded that the target populations for CID and CRS could be 34,657 & 100,136, respectively. Using the NAO practical guide to sampling would mean 380 & 384 cases could be sampled from each of these target populations to understand the risk.
- Conducting a random sampling approach on the larger target populations. Their approach was based on a hypothesis which assumed the words decision makers used to record DNA based evidence and that the number of mentions of these keywords increased the risk of use of DNA based evidence. Targeted sampling showed that the number of keywords did not increase the risk.
- Understanding the scale of the problem by using good practice standards for extrapolation. This includes using the outcomes from target sampling and random sampling more effectively.

The Home Office should complete further assurance sampling and develop a framework including a clear methodology for how to conduct future deep dives.

UK Visa & Immigration's approach to assurance

- 3.1 UKVI has aligned its in country assurance activity with the Home Office's three lines of defence model as set out within the UKVI Operational Assurance Strategy. First

line assurance is undertaken within business areas, which expects senior caseworkers or managers to randomly sample a minimum 2% of decisions against agreed standards. Results are reported monthly to the UKVI Executive Board.

- 3.2 UKVI undertakes in country second line assurance through the Central Operations Assurance Team. The unit is independent of any specific business areas. Their second line assurance focuses on reviewing first line sampling, deep dive reviews of high risk areas and monitoring trends from third line assurance. Through this work the unit also looks to identify areas of concern to address, as well as highlighting good practice. The purpose of the UKVI Operational Assurance Strategy is to ensure that operational services deliver to specified standards and in line with guidance, legislation and legal judgements.
- 3.3 Third line assurance is provided by Home Office Internal Audit and the Independent Chief Inspector of Borders and Immigration (ICIBI). They have responsibility to provide independent scrutiny, review and testing of processes, decision making and assurance activity.
- 3.4 The current assurance for out of country applications is undertaken by Visa & Citizenship's Central Operations Team, who are separate to OASU. Their approach differs to that for in country applications with assurance mainly undertaken within the decision making teams. There are plans, along with the on shoring of all decision making to the UK, to have all UKVI decisions subject to the same assurance levels.
- 3.5 There are case decisions made in other parts of BICS which are not in response to applications. This casework occurs in Immigration Enforcement's Returns Preparation and Criminal Casework Units. The assurance work undertaken in response to the DNA issue included decisions made by these teams.

The Home Office's initial assurance approach

- 3.6 When the DNA issue first came to light, the Home Office knew that cases within Operation Fugal and the Gurkha Adult Dependent Relatives route were involved. OASU quickly undertook assurance on 22 cases: 5 Gurkha and 17 Operation Fugal, to gain an understanding of the two cohorts. This assurance considered whether: policy was followed, there was separate local guidance, and, if that varied from policy, the decision was correct, and if the decision or approach created secondary issues, such as financial hardship.
- 3.7 They concluded that the approach to paternity claim considerations and practice of requesting DNA based evidence was not aligned across UKVI. They found that the approach to considering paternity claims within the Operation Fugal cohort relied too heavily on seeking DNA based evidence.
- 3.8 They also made two further observations. Firstly, that cases were too frequently placed on hold for extensive periods of time when DNA evidence was not

forthcoming, without any apparent consideration of welfare issues for applicants. Four of the 17 Operation Fugal cases sampled were placed on hold, the longest being for 25 months. OASU note in their report that where cases are on hold they are 'invisible' to random sampling techniques and are not subject to first line assurance. They noted that this is a weakness in assurance sampling across UKVI. They felt that more was required to increase the visibility of 'holds' in casework areas so that assurance can be undertaken, and associated risks identified.

- 3.9 Secondly, it commented on the pragmatism of approach. For example, six of the cases assessed were on hold and the child in the application had resided in the UK permanently for more than seven years. This meant that they qualified for leave under the Immigration Rules and waiting for DNA evidence was not seen as purposeful⁷.
- 3.10 The assurance review was useful in surfacing significant issues and helping to inform the Home Office's response. It made nine recommendations (Annex B), some of which remain outstanding and the Home Office needs to quickly review these and incorporate them into a new BICS assurance strategy.

The Home Office's subsequent assurance

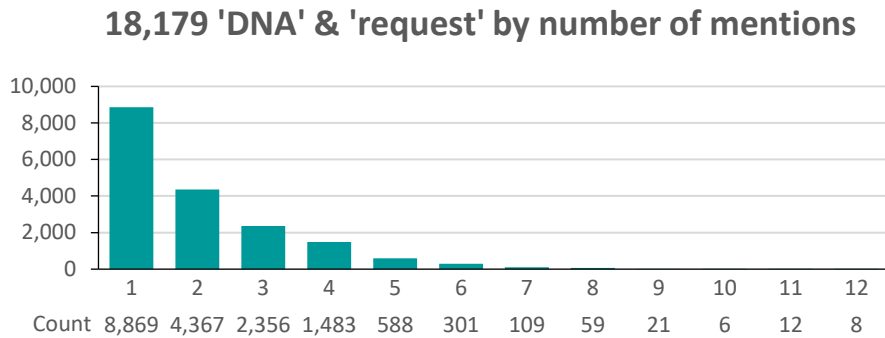
- 3.11 In October 2018 a Gold Command Group was formed to direct the Home Office response. It requested an assurance exercise to identify the scale of the DNA issue across all decision making units within the BICS and to identify any other areas of concern which required remedial action. The Performance, Reporting and Analysis Unit (PRAU) were commissioned to provide case information for possible impacted people. As DNA requests are not recorded in a searchable field within any IT system PRAU searched all case notes within CID for the letters 'DNA'. The request was solely focussed on CID, and therefore only related to people who were in the UK at the time of application. Proviso and CRS were not searched. We were told by OASU and senior managers in V&C that such a search on these systems was not possible without extensive IT development, and consequently had not been done previously.
- 3.12 OASU were commissioned to undertake further assurance activity and they devised the following questions:
- How prevalent was the requesting of DNA?
 - Can we identify the most likely cases where DNA was requested from CID notes?
 - How likely is it that a request for DNA will be the sole basis for a case decision?

⁷ It should be noted that Home Office guidance on qualifying children was updated in December 2018 after the Supreme Court's Judgement in the cases of KO (Nigeria) and others v Secretary of State for the Home Department 2018 UKSC 53 on 24 October 2018. Prior to this the position was that guidance was worded and structured such that caseworkers were refusing applications where there were such qualifying children.

- How likely is it that, where a request for DNA has been made, that a decision was incorrect?

3.13 OASU’s approach was to develop a two-part hypothesis based on where they believed the risk to be. The first part was that the decision maker would use the word ‘request’ when asking for DNA evidence. OASU worked with PRAU to refine the population of cases with ‘DNA’ in the case notes by adding in ‘request’. The results identified a population of 27,861 cases, including deleted records, dating back to 2002 when CID was created. This was further refined by removing duplicate search hits where individuals have more than one note record that matches search criteria which led to a population of 18,179 cases, relating to 15,718 people, some of whom had multiple cases. The second part of the hypothesis assumed that the frequency of the keywords, ‘DNA’ and ‘request’, increased the likelihood that DNA had been asked for.

Figure 3: OASU’s presentation of the number of mentions



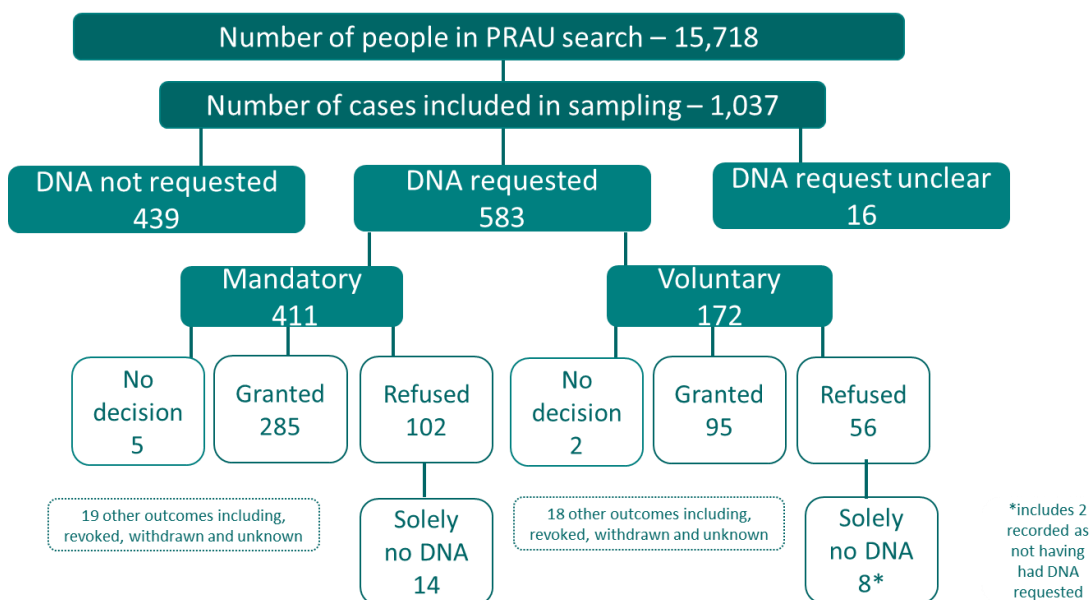
- 3.14 All further work conducted by OASU evolved from this hypothesis. Over the next two months OASU undertook three different sampling exercises of this population. They chose a 2% sample size each time, stating that this was in line with the first line assurance set out in the UKVI Operational Assurance Strategy. The Strategy is based on the October 2014 Decision Quality Framework, a methodology produced by UKVI and reviewed by Home Office Science⁸. This sets out a statistical basis for sampling and recommends a 2% level for business areas to meet desired confidence levels for first line assurance.
- 3.15 The initial 2% (360) was a targeted sample of cases that had 5-12 mentions of ‘DNA’ and ‘request’ in CID notes. The second 2% (360) was a targeted sample of cases that had 5 to 6 mentions of these keywords. The final 2% (350) was a random sample selected from the remaining cases.
- 3.16 Overall this means that 1,070 cases were selected representing 6% of the total identified population. Of these, OASU reported that 38 were identified as Operation

⁸ Home Office science group is part of the Home Office that brings together the department’s scientists, researchers and analysts.

Fugal cases. They state that these were omitted as all Operation Fugal cases were being reviewed by FHRU. For the resulting 1,032 cases (5.68%), the electronic case notes were reviewed by OASU to answer the questions they set themselves (as set out above).

- 3.17 The outcomes of the sampling were reported to be that 583 people (56%) had been asked to provide DNA evidence, 411 of these on a mandatory basis. OASU reported that 23 people were refused solely based on the lack of DNA based evidence⁹. These decisions were from Nationality, Euro, Settlement and FHRU decision making units.
- 3.18 To better understand OASU’s report, we obtained the underlying working papers, setting out their testing and results. From this we were able to filter their results to produce the following:

Figure 4: The outcomes of the OASU assurance.



- 3.19 The OASU report drew conclusions, including extrapolating the results, to assess what they called the ‘worst case scenario’. They stated that there are potentially 3,454 cases within the population they tested where DNA formed part or all of the consideration that led to a refusal. Of these there were potentially 182 cases where the outcome might have been incorrect. When they identified a decision made incorrectly, OASU worked with the relevant unit to reconsider the outcome.
- 3.20 The outcomes of the three samples were broadly consistent and therefore did not support the hypothesis that the frequency of selected keywords increased the likelihood that DNA evidence had been requested. The results of the OASU work correctly identified that the issue was not isolated and the testing of the third

⁹ The review of cases by OASU states that full assessment of each case has not been conducted, the findings are based on CID notes only and therefore cannot be relied on as a final evaluation of the data.

sample provided an indication of the potential scale of the issue in the population tested.

Assessment of their approach

3.21 The UKVI assurance strategy provides what purports to be an outline methodology for deep dives. This has three elements which are data and information gathering, fieldwork and debriefs to leaders. For the DNA deep dive OASU developed a specific response outside of the outline methodology. A different balance between the level of enquiry, pragmatism and more appropriate professional curiosity could have improved the work.

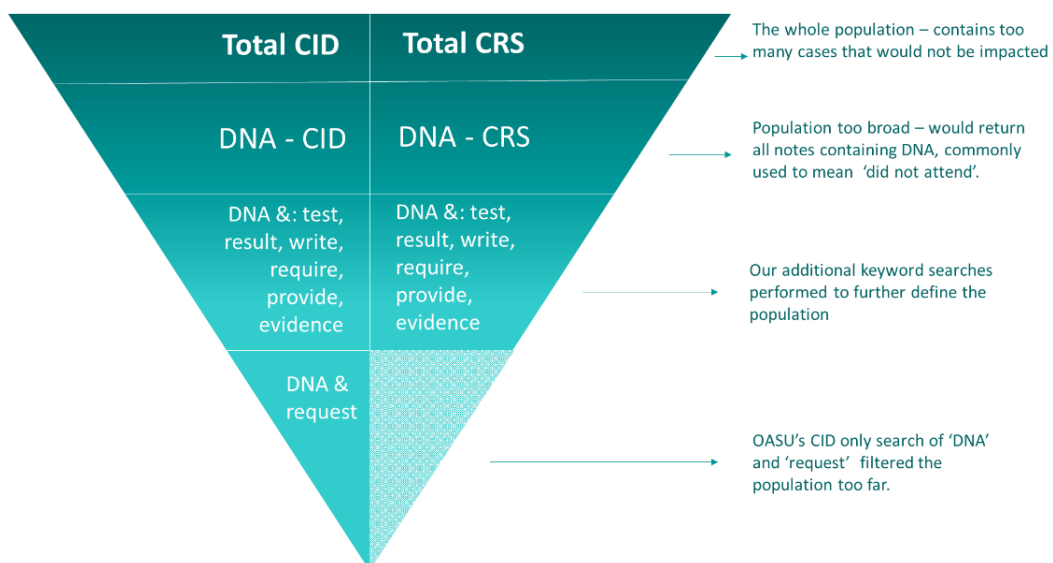
Defining the target population

3.22 When defining a target population, it is important to be reasonably confident that it will include all those likely to be impacted. In this instance, it was sensible to narrow the whole population of CID to a more targeted population. It would have been unreasonable to have included every case on CID as most of the decisions recorded would not be based on familial links and any sampling would have been of limited use. The target population needed to include those who are likely to have been asked for DNA based evidence and should have included CID and CRS.

3.23 The population used as part of the OASU work included decisions made on people in the UK with 'DNA' and 'request' in CID case notes. The use of 'request' in addition to 'DNA' significantly narrowed the population. The use of the word 'request' was not based on any evident research into language used by decision makers.

3.24 The figure below shows how a target population can be developed from the two main IT systems used by the Home Office to record immigration decisions. It illustrates why narrowing the whole population to a target population is practical to ensure that the outcomes of sampling can be used with confidence.

Figure 5: Defining a target population using CID & CRS:



3.25 We conducted some research to determine how a target population for the use of DNA based evidence in immigration decisions could be developed to identify a more appropriate population. We examined the case notes from people who called the helpline, known cases where DNA had been requested, and a dip sample of Operation Fugal cases to understand what language decision makers were recording on CID. Using the outcomes from this research we requested PRAU to run searches within CID notes for different combinations of words (each including 'DNA')¹⁰. Below are the results of the searches, showing the total number of people falling into each category, the total number of people once duplicates are removed (i.e. counting a person only once when they have multiple keywords in their case notes) and the total number of people when the data from the original PRAU search on 'request' is included¹¹:

Keyword DNA and	Number of unique person IDs
Test	22,835
Result	16,249
Writ*	5,979
Requir*	16,703
Provi*	20,229
Eviden*	24,800
Total	106,795
Total excluding duplicate IDs	33,980
Total target population (including additional unique IDs from PRAU 'request' search)	34,657

**wildcard search so results with subsequent letters are also returned e.g. writ* would return write and written.*

3.26 The outcomes from these additional enquiries indicate that different combinations of words are used by decision makers in case notes. We matched the OASU 'DNA' and 'request' population to this output, which identified 677 cases which our searched did not pick up. This shows that 'request' is used, however, it is not the most prominent and a combination of keywords is a more likely to include those affected. We believe the 34,657 as shown in the table is a more appropriate target population. Taking the time to understand the typical language used by decision makers has led us to develop a more robust population.

3.27 We were informed by senior managers in V&C that Proviso and CRS could not be searched in the same manner, and as such did not feature in OASU's work. We did

¹⁰ The search was set up such that it would return results with differing endings on the keyword, for example the search on the word 'test' would provide results with 'testing', 'tested', etc.

¹¹ Figures in tables at 3.25 and 3.27 were arrived at by the Review team after further analysis of data from record details received from PRAU.

not accept this at face value and consulted with PRAU, who undertook to explore whether this could be achieved. PRAU responded positively and were able to develop a search of CRS data with the same keywords. This produced the following:

Keyword DNA and	Number of unique person IDs
Test	10,826
Result	1,414
Request	6,828
Requir*	23,143
Provi*	51,823
Eviden*	7,974
Total	102,008
Total target population (excluding duplicate IDs)	100,136

- 3.28 For CRS, the target population which is likely to include those at risk is 100,136. As CID and CRS are different decision recording systems they should be treated as two separate populations for assurance purposes.

Calculating sample size

- 3.29 OASU's approach to sampling started as targeted and moved to random, which led to three different samples of different types being completed. A standard approach to sample calculation (as set out by the National Audit Office¹²) is to use Cochran's sample size formula. This approach defines set sample sizes against different population sizes. As a population increases the sample size changes but not at the same rate. This approach has scalable rates which provide different levels of confidence in the outcomes. For example, sample sizes with a 5% margin of error and confidence level of 95%, for various population sizes would be as follows:

Population size	Sample size
100	80
1,000	278
10,000	370
100,000	383
1,000,000	384

- 3.30 OASU's methodology led them to assure a total sample size of 1,032. As previously noted this was due to applying a 2% sample size for each of the three samples, resulting in a total sample of 5.68%. Using the sample sizes, in line with the NAO guide, would have been more effective and meant less cases could have been sampled.

¹² National Audit Office's Sampling Guide: <https://www.nao.org.uk/report/sampling-guide/>

- 3.31 A random sampling approach enables the outcomes to be used to understand the likely risk in the target population. The outcomes of target sampling cannot be used in this same way. Outcomes from target sampling can only be used to understand the risk in other cases with the same characteristics. In this case this was the number of specific keyword mentions. In practice this means that the application of the methodology to the population of 18,179 reduced the ability to quantify the scale of the problem in the target population.
- 3.32 Increases in the total population have less of an impact on the sample size, meaning that a much larger population could have been included without leading to a significant increase in the sample size required. This would in turn have provided a more accurate indication of the scale of the issue. To meet a 5% margin of error and a confidence level of 95%, the following sample sizes would be needed for each target population:

	OASU population of 'DNA' and 'request' (CID)	Our population of 'DNA' and all keywords (CID)	Our population of 'DNA' and all keywords (CRS)
Target population by unique person IDs	15,718 (18,179 cases)	34,657	100,136
Sample size	375	380	384
Total sample size	375	761	

- 3.33 This means that to complete a statistical sample of the two target populations of CID and CRS, 761 people need to have their case sampled. This is less sampling than the 1,032 completed by OASU as part of their work. It also means that OASU could have conducted a random sample of 375 to understand the risk within their target population.

Extrapolation

- 3.34 Once the outcomes of the sampling were known OASU extrapolated the findings across the population of 18,179. Extrapolation can legitimately be undertaken and provide a reasonable indication of the scale of the problem within the 18,179 cases. OASU's attempts to extrapolate the results are therefore appropriate, but the methodology applied could have been improved.
- 3.35 The first two samples were chosen due to the frequency of the keywords and not on a random basis. This means that OASU's subsequent extrapolation approach over the rest of the population was not robust. The outcomes of the targeted sampling can only be extrapolated over cases with the sample characteristics and not the full population.

- 3.36 When extrapolating in their report OASU used the title ‘worst case scenario’ and this was misleading. OASU’s work was attempting to demonstrate what the impact would have been if the first two samples represented the full population. The worst case would be that every unsampled case (especially those refused) had been mandated to provide DNA and an incorrect decision made. It is more appropriate to report the results of the testing with clear explanations of the assumptions made.
- 3.37 A more suitable approach to extrapolation would have been to use the results from the third sample and extrapolate this across the remainder of the population. Whilst there are several ways that sample results can be extrapolated, the simplest is the straight-line approach. This approach assumes the sample represents the rest of the population and the findings will be in the same proportion.
- 3.38 From OASU’s work it is possible to extrapolate the results from sample 3 and combine with the known outcomes from sample 1 and 2. To do this we have taken the total sampled number from sample 1 and 2 (720) away from the 18,179 population. The outcomes from sample 3 can then be extrapolated over this remaining population (17,459). The table below shows some of these extrapolated numbers:

Category	Sample 3 results	Sample 3 extrapolated	Sample 1 & 2 results	Total extrapolation	OASU’s extrapolation
DNA requested	167	8,427	415	8,842	10,180
DNA requested on a mandatory basis	108	5,450	303	5,753	6,908
Granted when DNA mandatory	74	3,734	211	3,945	Not reported
Refused - DNA mandatory, refusal based on lack of DNA evidence	11	555	38	593	Not reported
Refused - DNA voluntary, refusal based on lack of DNA evidence	7	353	22	375	Not reported

- 3.39 The table above shows that the OASU approach led to a higher extrapolated result for those that had DNA requested on a mandatory basis. This demonstrates the impact of extrapolating target sample results across a population with different characteristics. By extrapolating the sample 3 results over the population and adding the results of samples 1 and 2, a more reliable estimate can be produced.

Recommendation 1: The Home Office should complete further assurance sampling on the use of DNA based evidence, in the two target populations of CID and CRS.

Recommendation 2: The Home Office should develop a framework and methodology for BICS second line assurance deep dive reviews. This should include guidance on:

- **Scoping a review and setting objectives,**
- **Defining a sample population,**
- **The expected approach to sample testing populations,**
- **Extrapolating results to the wider population, and**
- **Drawing conclusions and next steps.**

4. Numbers

Establish an account of the number of cases where DNA evidence was improperly required within the specific cohorts of adult relatives of Gurkhas, applications from Afghan nationals formerly employed by the UK Government and within Operation Fugal; and in any further areas which emerge.

The legacy Home Office case management systems are not set up to be able to facilitate an accurate response to emerging issues such as DNA. They cannot always identify the scale of the affected cases and easily instigate remedial action. The lack of reliable management information and business intelligence on some issues stifles the department's ability to respond effectively.

The Home Office initially focused on providing an account of the numbers within the Gurkha and Operation Fugal cohorts. They consider these numbers to be 51 and 591 respectively. All applicants with children within the Afghan LES scheme were subject to DNA based evidence processes and no numbers had been provided for this cohort. The review has found the Home Office account of the number of cases impacted to be satisfactory in some areas and not in others.

For the Gurkha cohort the review is satisfied that the Home Office assessment of 51 people represents 19 families that had DNA requested. This review identified that 58 people within 18 family units provided DNA evidence before the decision making moved to the UK in June 2017. One family (4 people) did not supply this evidence and as a result were not given leave. The process for obtaining DNA based evidence for some adult dependent relatives continued and was administered by the MoD. The MoD told us that this process was administered jointly on behalf of the Home Office and the MoD until November 2018. The Home Office believe that it did not ask or instruct the MoD to obtain DNA based evidence on its behalf. The MoD are currently working on the numbers of people they asked for DNA based evidence since June 2017. They will be assessing who was asked to provide it solely for Home Office, MoD, or joint purposes. The Home Office has no records of this. The total number of people impacted in this cohort remains unclear and more work needs to be done.

This review established that 251 family units within the Afghan LES route provided DNA based evidence. We are satisfied with this number having assessed the records of Cellmark (the DNA testing provider) and Home Office locally held spreadsheets.

The Home Office account of Operation Fugal numbers is not satisfactory and after completing some more comprehensive analysis of Home Office systems the review has found an additional 61 people in the Operation Fugal cohort. The Home Office figures were inconsistent in recording people or cases. The Home Office 591 figure relates to 587 people, bringing the overall number of people for Operation Fugal to 648. Of these 442 people had DNA requested, of which 64 were initially refused and 348 granted.

As the Home Office developed their response three additional cohorts emerged. The Home Office provided the review with information which showed that 32 people contacted the

helpline, OASU assurance identified 411 people who were mandated to provide DNA and 678 records were identified by the business. The Home Office has not cross referenced the cases identified by the business with all other cohorts. After completing this cross referencing, 322 people were already included in one of the previous cohorts and 60 were duplicates. This resulted in 296 additional people identified by the business, of which 214 had DNA mandated. Overall, this means that the Home Office knows of 1,351 main applicants/family units that have been affected.

The Home Office needs to work with the MoD to develop a full account of the Gurkha cohort and assess the OASU cohort for those that provided DNA evidence and refer them for financial redress. They need to improve record keeping and develop a standard operating procedure (SOP) for data recording outside of main systems to be invoked during a critical incident and best practice business rules for local records pertaining to migrants. When problems occur a more comprehensive review of Home Office existing IT systems should be completed.

The three known cohorts

- 4.1 The Home Office initially identified three cohorts where DNA had been mandated. These cohorts were identified during the department's internal consideration of the Parliamentary Questions and Financial Times article, with operational managers being asked to draw on their knowledge and experience of when DNA has been used within their unit's decision making processes.
- 4.2 The Home Office's case management systems, CID and Proviso, are limited in their ability to produce comprehensive management information. As a result, operational teams create and maintain local spreadsheets to record and monitor local cases. The Home Office identified these three cohorts using local records held on spreadsheets. Annex C details the processes for requesting and recording DNA evidence in each cohort.

Ex-Gurkha Adult Dependant Relatives (ADR)

Process of requesting and recording DNA

- 4.3 The Kindred Roll is the record kept by the MoD of all serving Gurkhas and their close relatives. At the implementation of the ADR route the number of requests for additions to the Kindred Roll was very high and fraud was suspected. To help reduce this risk the Visa & Citizenship team in New Delhi and Home Office policy officials developed the process of using DNA based evidence to support the assessment of entry clearance applications. During this time the team developed stringent approval and record keeping processes. This included the need to obtain approval from an Entry Clearance Manager, a higher grade to the decision maker, before a request for DNA evidence could be made and maintaining a local case log of all such requests.

- 4.4 The MoD saw the requests for additions to the Kindred Roll significantly reduce when the DNA process was implemented. The MoD continued to administer the DNA process to keep the integrity of the Kindred Roll. The MoD told us this assisted them as they use the Kindred Roll to administer pensions for spouses and children under 23 as well as the Home Office for immigration purposes. The Home Office believe that it did not ask or instruct the MoD to obtain DNA based evidence on its behalf. We found that since the MoD started to administer the process the Home Office has continued to wait for the outcome of this and the updated Kindred Roll record to use in their decision making.
- 4.5 We were told by the MoD that they are currently working through the numbers of people they have asked for DNA based evidence, including which requests they believe were for Home Office purposes and those solely for the MoD. This therefore remains unclear. Neither the Home Office nor MoD currently hold a consolidated record of individuals who had DNA based evidence requested of them by the MoD for immigration purposes since June 2017.

Steps taken by the Home Office to establish an account of the number of cases

- 4.6 The Visa & Citizenship (V&C) team used the Gurkha caseworking log to identify the cases where the New Delhi team had requested DNA evidence. This identified 51 records. To consider the completeness and accuracy of that log, V&C obtained further information from the International Organisation for Migration (IOM) who facilitated the DNA testing. This sets out a record of DNA testing undertaken by Cellmark, the local approved provider, and is considered a robust, independent record to help validate the number of reported cases.
- 4.7 The Home Office is confident that the 51 Gurkha records detailed on the local records is a complete account of all such cases on the basis that:
- No other Gurkha cases have contacted the helpline
 - The local guidelines for Gurkha ADR applications mandated the use of the case log to record DNA requests
 - The IOM DNA spreadsheet do not contain any additional cases.
- 4.8 The 51 records include 10 Gurkhas, 8 spouses and 33 children. Of the 51 people, 38 were issued visas, and 13 were initially refused. The refusals related to: six people on grounds other than DNA, four (one family unit) solely because they did not provide DNA, and three for several reasons, including the outcomes of DNA evidence. The seven refusals relating to DNA evidence were reassessed by the Home Office: the family of four have been contacted and granted leave, two were granted at appeal, and one has been refused again for reasons that did not involve DNA based evidence.

Independent assessment of the identified cases

- 4.9 To consider the accuracy of the number of cases identified by the Home Office, we have considered the Gurkha caseworking log, the IOM DNA spreadsheet and have reviewed the cases on CRS.

- 4.10 We found the Home Office's account of 51 cases to be partially correct. Reconciliation of the spreadsheets established that the 51 records related to 19 family units, of which 18 provided DNA. Of the 18 family units that provided DNA, 17 are on the IOM DNA spreadsheet. We assessed all 19 families on CRS, which holds the results of the DNA tests including identifying those who submitted DNA samples. This confirmed that within the 18 families, 58 people provided DNA based evidence.
- 4.11 There are several discrepancies between the Home Office Gurkha caseworking log, the IOM DNA spreadsheet and the records held on CRS. The IOM records identify 41 people as having provided DNA evidence. This is 17 people less than on CRS. This is due to ten parents being in the UK for testing and seven people being missed off IOM records in Nepal. Of the seven, one was a parent in Nepal not applying for a visa, and six visa applicants that relate to three different families: a family of three, a family with one child not on IOM records and a family with two children members not on IOM records.
- 4.12 There is a difference of 10 people between the IOM DNA spreadsheet and the Gurkha caseworking log. Four do not feature as they did not provide DNA evidence. This leaves a discrepancy of six people across the two records, three from one family, and three from two other families. Steps should be taken to reconcile CRS against caseworking logs to include details of all family members who provided DNA samples. Reconciliation should also take place with other third-party records to ensure accurate record keeping and identify discrepancies. This should be undertaken on a regular basis to improve the integrity of the data held.
- 4.13 The review is satisfied that the number of family units in the Home Office data is correct, up until June 2017. The Home Office has requested information on the number of DNA tests mandated by the MoD including those solely for immigration purposes, since June 2017.

Afghan Locally Employed Staff Ex-Gratia Scheme

Process of requesting and recording DNA

- 4.14 The Afghan LES scheme was administered by the MoD and several Home Office teams. DNA was requested for all family units applying to relocate to the UK. MoD would initiate the testing, which was facilitated by IOM and tested by Cellmark. The Home Office have not previously provided an account of the number of individuals in this cohort that had DNA requested.

Independent assessment of the identified cases

- 4.15 The Home Office LES Spreadsheet contains the records of all LES who applied to relocate to the UK. As well as recording all applications made, the LES spreadsheet was utilised for other specific purposes. Most notably the records were used by the UKVI resettlement team to arrange accommodation, financial and integration support upon arrival in the UK. We consider this to be a reasonable record of the number of cases in this scheme. The LES spreadsheet records that the Home Office have concluded 439 LES applications, representing 1,287 individuals since June 2013.

- 4.16 Applicants without children were not required to provide DNA and the LES spreadsheet does not clearly identify complete family units, or which individuals provided DNA evidence. The Home Office receives regular reports from Cellmark of all DNA tests undertaken, which shows that there are 251 family units where a DNA test has been undertaken.
- 4.17 The Home Office do not periodically reconcile the Cellmark records to the LES spreadsheet. This review did reconcile the two spreadsheets and identified: 241 of the families identified in the Cellmark records appear on the Home Office spreadsheet as completed applications, one family has an outstanding application, eight families have disengaged from the offer after DNA was provided and one family does not appear on the LES spreadsheet.
- 4.18 The reconciliation of this data has been complex, primarily due to the use of different reference numbers to refer to the same person. This review has used the LES and Cellmark spreadsheets to provide the account of the numbers of Afghan LES that have had DNA requested. The Home Office should ensure the one case identified above is recorded correctly on the LES spreadsheet.
- 4.19 The Home Office told us that there have only been two refusals in this scheme, which were not based on the DNA evidence provided. We examined these refusals and can confirm that they were refused for other reasons.

Operation Fugal

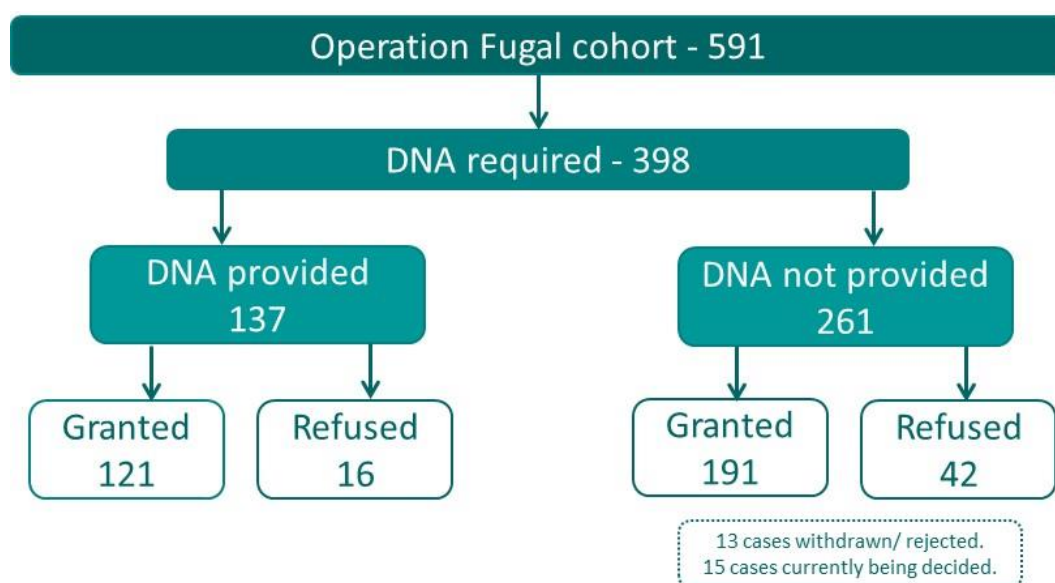
Process of requesting and recording DNA

- 4.20 A decision maker would request DNA evidence if they suspected paternity abuse and were not satisfied with the evidence provided. The template letter used to do this sets out that if the evidence was not provided their application would be refused. The casework instruction directed decision makers to make a note on CID and make a referral to the intelligence team and Operation Fugal casework team.

Steps taken by the Home Office to establish an account of the number of cases

- 4.21 In seeking to establish an account of the number of cases within Operation Fugal, FHRU identified two spreadsheets that were used by decision makers to record cases deemed to fall within the Operation. In doing so, they identified 591 records, of which 398 had DNA requested.
- 4.22 Following the Alcock review FHRU established a taskforce to review the 591 records, providing regular management information to senior managers. We have used the performance data of 08 February 2019 to create the following figure.

Figure 6: the volumes of where DNA was requested and the initial outcomes of these cases¹³



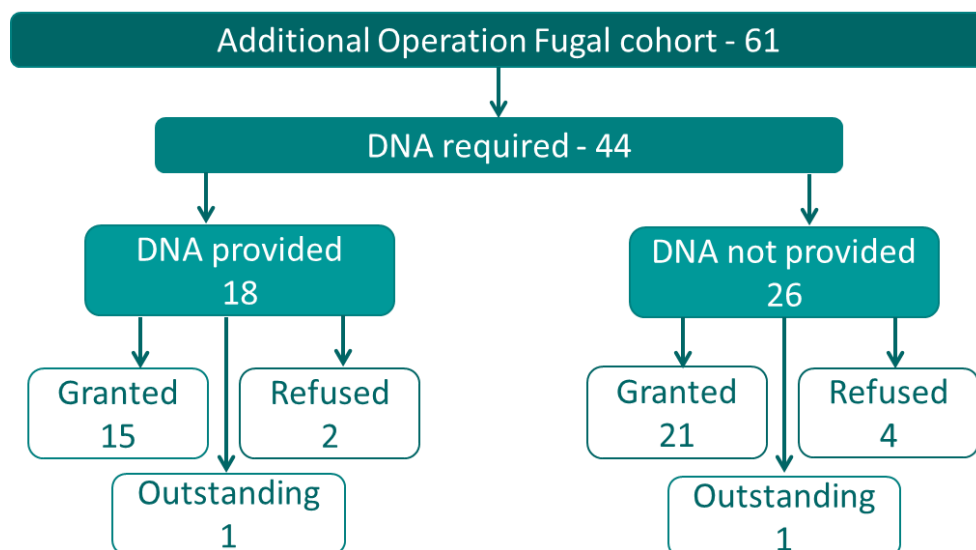
Independent assessment of the identified cases

- 4.23 Our assessment of the spreadsheet established that the 591 figure relates to 587 main applicants and 591 applications. There was no consistent approach to when they recorded people or applications, as both were used.
- 4.24 We found the approach taken to identify this cohort was not sufficiently comprehensive. The casework instruction set out a process for decision makers to follow. This included the recording of Operation Fugal cases on both CID, IMS and local spreadsheets and sending files to a specific team and electronic file hold. Given the detail and clarity in the casework instruction, we obtained records of all the relevant data sources to understand the full account of people in this cohort. We therefore obtained and interrogated the following reports:
- all cases that contained the word 'fugal' in the case or person notes on CID
 - all referrals held on the Intelligence Management System with the word 'fugal' within it
 - all cases on CID with a special condition flag 'Op Fugal'
 - all cases allocated to a hold named CLS11 - the electronic file hold on CID for all cases managed by the team (CLS19) established to process Operation Fugal cases.
- 4.25 These reports returned records for 330 additional people. We reviewed each of these people on Home Office systems to assess if they were an Operation Fugal case. This identified an additional 61 people that are part of Operation Fugal and four people who had DNA mandated outside of this operation. One of these people just

¹³ The FHR Fugal Performance Pack of 08 February 2019 indicates that 24 of the refused cases that had DNA required have since been reconsidered, 7 of which have been granted.

had DNA mandated in January 2019, we flagged this to the business for immediate remedial action.

Figure 7: Additional 61 Operation Fugal records and their outcomes



4.26 Of the 26 that did not provide DNA evidence, the average time taken to decide these cases was 143 days, with the longest being 1,047 days. One remains outstanding since February 2017. Whilst on hold these people will be subject to checks on their immigration status when attempting to access services such as healthcare, housing, banks and DWP benefits. Those who had no leave at the time of their application could have these services denied.

Case study: Ms C claimed to have entered the UK in the back of a lorry in November 2013. She was served papers as an illegal entrant in June 2014, the same month in which she was fingerprinted in France attempting to enter the UK illegally. She gave birth to twins in August 2014 and made an application for leave to remain in November 2015 claiming the children's father was British. The decision maker had doubts about the claimed paternity due to the date of the fingerprints in France. Ms C claimed to be in regular contact with the father. In February 2016 she was asked to provide DNA based evidence of the children's paternity and stated she had no contact with him and could not therefore provide the DNA based evidence. A referral was made to HMPO who concluded in November 2016 that there was not enough evidence to revoke the children's passports. The case was placed on hold. In January 2018 it was referred to Operation Fugal. It was not until December 2018 that Ms C was granted leave to remain.

Further cohorts

4.27 A further three cohorts emerged. These were the OASU testing sample, those who called the helpline and cases identified by the business units in BICS.

OASU assurance identified cases

- 4.28 As noted earlier in the report, OASU undertook a sampling exercise of 1,032 cases, and identified that 411 had DNA mandated. It did not identify how many of the 411 went on to provide DNA evidence to the Home Office. Further work should be undertaken to identify those that provided DNA and ensure these cases are referred to the ex-gratia team for financial redress.

People identified through the helpline

- 4.29 The helpline was set up following the Home Secretary's statement to the House on the DNA issue, enabling people to come forward to discuss their circumstances in respect of being asked to provide DNA to the Home Office.
- 4.30 When a person calls the helpline, their details are recorded on a local spreadsheet, and a referral sent to the Chief Casework Unit (CCU). CCU call the applicant back and undertake a review of their case to identify whether it requires reconsideration, and/or a referral to the ex-gratia team for consideration of financial redress. CCU record the outcomes of this on a local spreadsheet.
- 4.31 The way information is recorded, including person IDs, across the two spreadsheets was inconsistent and incomplete. The review commissioned a return from the taskforce on the records received from the helpline and actions taken on them to be able to provide an account of these cases.
- 4.32 This return, dated 6 February 2018, identified that 32 individuals have contacted the helpline. Of these 32 people, 25 were identified solely through this route and did not feature in other cohorts of which 14 had DNA requested on a mandatory basis and four records are incomplete. Three of these 14 people had made out of country applications, with 11 being in country applications.

Business identified cases

- 4.33 In October 2018 a communication was issued to Senior Civil Servants asking decision making units to identify any cases where DNA evidence had been requested. They were instructed to send these to a central collation point, the Chief Casework Unit, who would make an assessment on whether the decision should be reconsidered, and/or referred to the ex-gratia team for financial redress.
- 4.34 The instruction gave no set methodology on how to undertake this exercise. We were told by FHRU that it was a case of 'fishing' them out, trawling through team email inboxes and other local spreadsheets to find references to DNA.
- 4.35 The spreadsheet held by the Chief Casework Unit contains multiple tabs, one including the information on the helpline cases, and then various tabs which appeared to be collating the information obtained from the different decision making units. There was no set structure to the spreadsheet, or explanation on what data was within each tab. Given the varying levels of data within this spreadsheet it was not possible to reconcile the information to provide an account of all the cases

identified by the business. There was no collated management information on this cohort.

- 4.36 To overcome this, we developed a template spreadsheet with set drop down options and asked the taskforce to populate this with the with a record of the cases that have been identified. The return contained 678 records. The set drop downs options, had been removed, and free text inserted, hindering the consistency in records obtained. In some instances, every family member was recorded, in others just the main applicant.
- 4.37 The review team cleansed this information, removing 60 duplicates and 322 records which already featured within the three known cohorts, the helpline and the OASU assurance sample. This left 296 additional people identified by the business, set out in the table below:

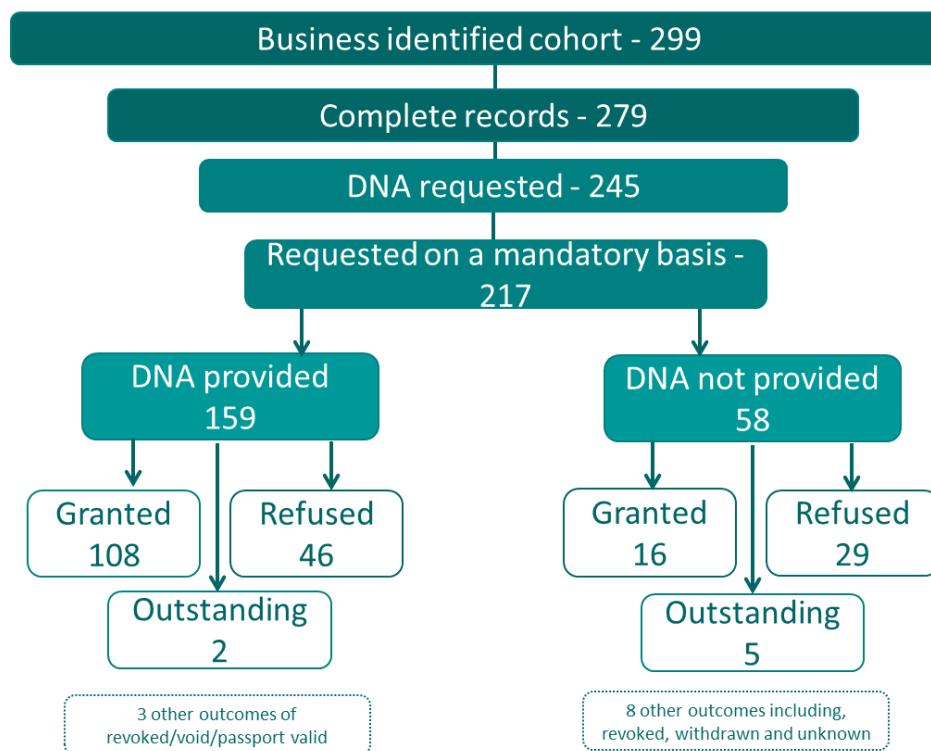
Identifying unit *	Number identified	No. that had DNA mandated
Appeals & Litigation Service	20	<i>Records incomplete</i>
European Casework	11	1
Family Human Rights Unit (FHRU)	181	166
FHRU & HMPO	4	1
FHRU & IE	1	1
HMPO	22	6
Immigration Enforcement	48**	37
Nationality	4	0
Resettlement	3	0
Visa & Citizenship	2	2
Total	296	214

**Some cases were identified by multiple units*

*** includes one case identified by the review team that had DNA mandated in January 2019*

- 4.38 We identified a further four individuals during the review, which have been referred to the taskforce to add to this cohort. The diagram below sets out how many of the 299 cases had DNA requested of them, and their associated outcomes.

Figure 8: The outcomes of the business identified cohort



- 4.39 When seeking to provide an account of these six cohorts we have reviewed many local spreadsheets. This has been more difficult than we would have expected. They have been incoherent in structure, chaotic in data gathering, varied in recording methods and lacking logical version control. This led to a lack of confidence in the information provided. The review sought additional reports to supplement the local spreadsheets, actions which could have been taken by the business areas themselves to provide more accurate and robust management information.
- 4.40 From reviewing these records, the table below sets out the total numbers within each cohort of main applicants or family units that have had DNA mandated, and how many provided DNA based evidence. This does not include the number of individuals in each family unit who would have provided DNA evidence to be tested as part of the request made. For example, an Operation Fugal application might involve a family of five people. This is not recorded in any of the management information.

Cohort	No. of main applicants/family units	No. that provided DNA
Gurkha	19	18
Afghan LES	251	251
Operation Fugal	398 + 44	137 + 18
Helpline	14	8
OASU	411	Unknown
Business identified	214	158
Total	1,351	590

4.41 This shows that the Home Office is aware of 1,351 main applicants/family units that have been affected by this issue. Of these 590 are known to have provided DNA evidence, of which 339 paid for it themselves (MoD funded the Afghan LES scheme and OASU information is incomplete). The Home Office should proactively contact and offer financial redress to these 339 people and those identified by OASU.

Recommendation 3: The Home Office should complete more work to gain a full account of each cohort. This includes working with the MoD to ascertain how many adult dependent relatives have had DNA based evidence mandated for immigration purposes and which OASU identified cases provided DNA based evidence and should receive financial redress. They should consolidate all identified cohorts into one performance management pack, representing the totality of people impacted.

Recommendation 4: The Home Office should develop a standard operating procedure (SOP) for data recording outside of main systems to be invoked during a critical incident response which:

- requires Gold Commanders to engage relevant experts in the department in the development of data/MI for the incident
- ensures information is recorded, where possible, on immigration IT systems to support operational and audit accountability
- ensures that when main IT systems cannot provide the necessary data, experts should be employed to create standalone systems

Recommendation 5: The Home Office, in recognition that staff currently need to use local spreadsheets to record and analyse data, should improve locally held data quality by developing a toolkit of business rules for all local record keeping pertaining to migrants which includes:

- A staff guide on how to record information on spreadsheets. It should:
 - set out the approaches that can be taken to ensure the right data is collected first time round, reducing the duplication of reviewing records.
 - encourage staff to question whether their spreadsheet will answer the likely questions that could be posed.
 - set out how to ensure that local spreadsheets adhere with the Data Protection Act and the General Data Protection Regulation.
 - set out an assurance process for local spreadsheets.
 - include how to reconcile local spreadsheets with live records on a frequent basis with any differences investigated and resolved as soon as possible.
- A model spreadsheet including:
 - common fields for all spreadsheets containing case information.
 - data validation to ensure the consistency of recorded information, which in turn will allow for more effective management information reporting.
 - the person ID (or VAF for overseas cases) must appear in all spreadsheets as a minimum.
 - a front sheet which sets out what data is included and version control.

5. Response

Consider whether the Home Office response to the DNA issue (including the consideration of identified cases, and the set-up of a dedicated Taskforce and helpline) has effectively corrected errors made and is providing adequate redress where appropriate.

The Home Office response to the DNA issue focused on establishing processes to identify cases, correct errors and provide redress. In October 2018 they formed a cross BICS strategic Gold Command to get a grip of the issue and established the helpline, redress process and taskforce. The intentions and corresponding activity in the response were commendable. Some of the people we talked to told us that it would have been better if the Gold Command had been set up earlier and began its activity when the issue arose and worked concurrently to the Alcock Review.

The response could be improved in the following ways:

- The taskforce – a programme management approach to the work of the taskforce would ensure that the strategic intent is more effectively delivered. A greater focus on the collation of management information of all known cohorts, consistent processes for people impacted and clear records of all activity which are reconciled regularly should feature in future responses.
- The helpline - improved publicity, clarity on opening hours, options for voicemail and email enquiries and achieving service standards should be implemented.
- The redress panel - improved administration, record keeping and a senior Chairperson.

The Home Office should improve record keeping and ensure a single system response for people identified. All cases known to the Home Office should be proactively contacted, assessed for financial redress and if appropriate reconsidered. All cases that have been refused or are outstanding in relation to DNA evidence, should be checked if they have been impacted by enforcement action, including removal and compliant environment measures.

- 5.1 The Home Office's response to the DNA issue started with the Internal Review, which reported on 14 September 2018. On 22 October 2018 a BICS wide 'Gold Command' was established to address the issues raised and take forward further work. This structure, often used in response to critical incidents, has a 'gold commander' who sets strategic direction to a defined group with clear defined roles who deliver and report back.
- 5.2 The Gold Command initially met daily, and moved to twice weekly, running for 6 weeks until it was dissolved on 7 December 2018. They sought to address the key findings of the internal review. The programme of work included but was not limited to: directing sampling from OASU, submitting new guidance for clearance,

establishing the DNA taskforce, developing the approach to financial redress and conducting Immigration Enforcement activity checks on a cohort of identified cases.

- 5.3 The Gold Command delivered a range of quick and effective actions. They put in place key activities and provided regular updates to the Home Secretary.
- 5.4 We were told that the pace of activity in BICS slowed while they waited for the findings of the Internal Review. The initiation of Gold Command saw the department begin a more coordinated response and activity gained pace. Bringing people together from all relevant BICS units to work through challenging issues was the key to this. We were also told by a number of people that setting up Gold Command earlier, perhaps to run concurrently with the Internal Review, would have provided the opportunity to start work to identifying cases and developing solutions in July 2018 rather than waiting until October 2018.

The DNA taskforce

- 5.5 The taskforce was established by Gold Command and led by the Deputy Director for the Family and Human Rights Unit. The remit of the taskforce was broad, with Gold Command commissioning it to: manage the outstanding Operation Fugal cases, process any other cases identified and provide advice and support to any previous or potential people impacted. As the taskforce evolved they added to their remit.
- 5.6 The DNA taskforce comprised of the FHRU taskforce established on 18 October 2018, call handlers from the in-house UKVI call centre and three UKVI Chief Caseworker Unit (CCU) staff.

Helpline

- 5.7 On 25 October 2018 the DNA taskforce established a helpline for people who believed they had been affected to contact the Home Office and apply for redress. The helpline team took the initial details from the caller, referred to CCU or COT who reviewed the case and called the person back. The Home Office promoted the helpline on social media and details were sent to MPs. The opening times of the Helpline are not the same as those reported to the Home Secretary.
- 5.8 At the start of this review, we found that the helpline was not well publicised. We were told by decision makers in Sheffield that they had to google the Home Secretary's Written Ministerial Statement to find the number. Following representations by the review team the promotion of the helpline has now been improved through a dedicated GOV.UK page.
- 5.9 As of 22 February 2019, there had been a total of 95 calls to the helpline. Over 35% of these were repeat calls representing a significant degree of failure demand. Many of these were from people chasing a response. One person has called nine times for an update on his case but has not yet been given a concluding response. Fourteen callers were chasing financial redress payments. This type of failure demand

represents poor customer service and puts additional pressure on the department. We were surprised that calls to the helpline were low, especially considering the number of people potentially impacted by this issue. An answer phone or email facility to make the service accessible to people overseas or who may be working should be considered alongside the existing helpline number.

Identifying cases

- 5.10 Following the Alcock internal review, substantial efforts were put into better understanding the Operation Fugal cohort. A review of each case on the Home Office list was conducted to determine if the decision required reconsideration and to make decisions on the 'on hold' cases. FHRU set up a team to manage this, referred to as the FHRU Taskforce. The FHRU Taskforce provided weekly management information to senior managers which tracked the progress of the Operation Fugal cases being reviewed.
- 5.11 The Gold Command asked all BICS decision making units to identify cases where DNA had been requested. Cases identified went to the CCU to decide if they required decision reconsideration or financial redress.
- 5.12 The reporting against these cases, and the additional cohorts referenced in Chapter 4 was inconsistent and without any coordinated oversight. FHRU reported cases they identified within their weekly reporting and CCU had some records of their activity. As previously detailed the business identified 678 additional cases. We cleansed and reconciled this data to establish that 296 additional cases have been identified by the business. There are no overarching records of how many of these were contacted for an offer of redress or decision reconsideration. Improved administration, including clear lines of responsibility, assured MI reporting, feedback processes and project and risk management would have been beneficial.

Identifying Immigration Enforcement activity

- 5.13 When UKVI refuse a person's application, and they have exhausted their appeal rights, their case flows to Immigration Enforcement (IE). This action instigates the individual's personal data being shared with a range of Government Departments who review their eligibility to key services such as tax credits, driving licences and DWP benefits. The lack of lawful status in the UK also means that they could be denied access to services such as banking, health and housing providers. These actions are intended to encourage the individual to either return voluntarily to their country of origin or to regularise their stay in the UK and are known as 'compliant environment measures'. Their case is also reviewed by IE Returns Preparation who assess whether a person is suitable to progress for enforced removal by the Home Office.

- 5.14 Due to the potential consequences a person can face when their case is refused Gold Command asked IE to review what, if any, action had been taken on the Operation Fugal cohort.
- 5.15 IE checked this cohort and reported to Gold Command that none had been detained, returned, or subject to Home Office instigated compliant environment measures. It is not possible to quantify how many people were affected by the measures instigated by a third party, such as a bank, hospital or landlord, either after a negative decision, or during the period that they were on hold. Since the IE checks commissioned by Gold Command on the Operation Fugal cases no further checks been conducted.

Home Office consideration of identified cases

- 5.16 CCU are the part of the taskforce reviewing cases identified through the helpline and decision making units. When a person calls the helpline their details are passed to the CCU, (with Gurkha cases being passed to V&C Central Operations Team) for a call back within 48 working hours. CCU call the individual back to get information about their case. They assess helpline and business identified cases along with the case records and make a decision on whether the case needs to be reconsidered and /or if financial redress is appropriate. In addition to this, FHRU undertake reconsideration of their own identified cases, and OASU are referring cases deemed to be requiring a reconsideration to the original decision making team for review.
- 5.17 To date there have been 12 cases referred by CCU, and 20 by OASU back to the decision making unit for reconsideration of the original decision. There are no agreed timeframes for this action to take place and we are not aware of any management information on the outcomes from these referrals.
- 5.18 CCU are not recording their decisions, including any onward referral, on CID. They stated this was due to a concern that people might face enforcement action as a result but were unable to qualify why this would be the case. The lack of record keeping is more likely to create a risk of enforcement action. Any enforcement officer assessing the person's case on CID would believe there were no outstanding considerations on a person's application and that enforcement action was appropriate. We raised our concerns with CCU, with the Head of the Taskforce, and the second Permanent Secretary's office.

Financial Redress

- 5.19 In cases where people have provided DNA evidence without express authority the Home Secretary in his statement to the House said, "*we will be looking to reimburse any individual who has suffered financial loss because we required DNA evidence when we should not have done so*". On 19 November 2018 Gold Command sent a submission to the Home Secretary and the Immigration Minister proposing a payment for financial redress of £600 for any person who had suffered financial loss.

The Home Office utilised existing mechanisms for ex-gratia payments to enable financial redress to be implemented quickly.

- 5.20 The Home Office came to the redress figure of £600 based on the cost of a test in a small number of existing cases, at an average cost of around £500. This total reflected the broad cost of obtaining DNA evidence plus an element of a discretionary consolatory payment recognising the mishandling of these cases. The submission proposed the payments be made reactively to those who contact the helpline or other business areas, and proactively to those who are known to have been required to provide DNA evidence and did so. It stated the cases should be dealt with expediently, payments made quickly, and require no further evidence unless the individual seeks more than £600.
- 5.21 The taskforce recognised that not all claims for compensation were clear cut and established a panel on 19 December 2018 to consider complex cases. My team was able to observe these panels in operation. The membership comprises the DNA taskforce members (including CCU) and members of the ex-gratia team. The panel membership was expanded to include HMPO, Asylum, European casework, Settlement, Visas & Citizenship, Appeals Litigation Service and Immigration Enforcement but all members do not regularly attend. The panel is not chaired by a senior manager.
- 5.22 The panel is a positive step to ensure complex claims are considered consistently. The efficiency of the administration of this process needs to be improved. The frequency of meetings is not set in a regular pattern and had inconsistent attendance from different units. There were no minutes or records of decisions from the panels. Some people's claims have been carried over to future meetings due to the relevant panel member not attending and there has been a lack of clarity around additional payments.

Case study: Ms D applied for further leave to remain in March 2016 on the basis that the father of her three children was British. She had previously given a different name for the father of her children. DNA based evidence was provided which established that the British national was the father of two of her children. In December 2018 she made a claim for financial redress, asking for additional money to cover the cost of travel and accommodation. She did not provide receipts due to the passage of time. The ex-gratia team checked the costs of the DNA tests on the providers website. This was not done for other people applying for redress. The case was discussed at the redress panel. Ms D was offered £495 for the DNA test with additional payment to cover the costs of travel and accommodation and a consolatory payment of £250.

- 5.23 People referred for financial redress are sent an offer letter. There is no comprehensive record or oversight of the issue of these letters across the cohorts.

This has led to a case where the same person has been provided with 2 offer letters. In addition, there has been an inconsistent approach for people identified by different routes. The FHRU Taskforce and Gurkha operational team have proactively contacted people from the Operation Fugal and Gurkha cohorts to offer financial redress. All other cases have not yet been afforded the same remedial action in line with the submission to the Home Secretary stating that proactive contact would take a *'forward leaning approach and err on the side of the customer'* on all known cases.

5.24 As of 28 February 2019, we are aware that 174 main applicants/family units have received financial redress, at a total cost of £105,108.

Recommendation 6: The Home Office should proactively contact all the people they know who have been affected by the mandating of DNA based evidence. They should be provided with offers of financial redress where DNA evidence was obtained and reconsideration of their application where appropriate.

Recommendation 7: The Home Office should ensure those that have been refused or put on hold due to DNA based evidence are checked for enforcement activity including detention, removal and proactive compliant environment measures.

Recommendation 8: The Home Office should make improvements to the DNA taskforce including:

- improve the publicity and access to the DNA helpline by introducing methods of contact such as email, answer phone message services and clarify opening times
- the administration of the redress panel, introducing record keeping of decisions and a senior Chairperson
- recording decisions and referrals made by CCU on Home Office systems
- collating comprehensive records of outcomes of reconsiderations
- improved management information on the overall number of people affected.

6. Guidance

Consider whether the programme of work to update all centrally and locally held guidance on the use of DNA evidence is complete and that all guidance clearly reflects the law and policy.

The Home Office reviewed and updated central guidance quickly once the issue was known, as well as developing new overarching DNA guidance. The new guidance is clear both on how to request DNA lawfully and how to use this evidence, or lack thereof, in immigration decision making. There has also been improved collaborative working between operational and policy teams in developing this guidance.

The action taken could have been further improved with more attention to detail. There remain three pieces of central guidance which we believe are ambiguous and do not reference the new DNA policy. The guidance in local hubs and shared drives still includes some old guidance which is incorrect.

The Home Office should update the remaining central guidance documents with clear language and reference to the new DNA policy guidance. They should quickly put in place improved management and reviews of local hubs in all BICS areas to ensure they only include links to policy on Horizon or policy and operational authorised process documents.

- 6.1 When the Home Office first became aware that it had no express authority to request DNA evidence it identified that there were policy guidance and instructions that contained advice to decision makers on the use of DNA. A programme of work to amend or remove these was instigated, led by the Home Office Policy team.
- 6.2 In parallel to this work the Home Office also developed new overarching guidance on the use of DNA in immigration decision making. It was intended to be the sole policy source on DNA evidence which all other guidance products could build on and reference. This guidance document underwent unprecedented levels of scrutiny by operational, policy officials and Home Office lawyers and was ultimately signed off by the second Permanent Secretary and Home Secretary.

The programme of work

- 6.3 Policy and operational teams were commissioned with identifying and reviewing the central and local guidance and caseworking instructions relevant to their area of responsibility. Those that were not compliant with the department's legal powers were either to be removed from GOV.UK and the staff intranet and archived or updated to ensure compliance with law and policy.
- 6.4 Central guidance is developed by policy teams to enable decision makers to navigate Immigration Rules and policy. It is published on GOV.UK and on the internal staff intranet. Local guidance refers to documents developed by operational teams, often

to set out the processes referred to in central guidance in more detail. Such documents are held on local servers, or hubs and are not published.

- 6.5 This work identified seven central guidance documents and five local guidance documents that required review and amendment. Annex D sets out those documents and the resulting actions taken on each one.
- 6.6 When assessing whether guidance documents now clearly reflect the law and policy we met Home Office Legal Advisors (HOLA) and have also seen the QC advice which the department has received. The legal position provided is reflected in the new overarching DNA guidance¹⁴. There remain, however, three central guidance documents we believe need updating:
- The Nationality policy guidance ‘children of unmarried parents’: three references to DNA evidence being provided in relation to demonstrating or disproving paternal links.¹⁵
 - The Asylum policy guidance ‘Dublin III regulation’: references ‘...it is not essential for DNA evidence to be provided in every case, as within the list annexed to the Implementing Regulation the issue of DNA evidence is mentioned in the context of it being necessary only in the absence of other satisfactory evidence to establish the existence of proven family links’.¹⁶
 - The Asylum policy guidance ‘family reunion: for refugees and those with humanitarian protection’: reference that the onus is on the applicant to prove familial relationships and as part of this ‘they may wish to submit a DNA test’.¹⁷
- 6.7 We believe these documents remain ambiguous and open to interpretation. They have not been updated to clearly state that DNA evidence can only be asked for on a voluntary basis. They also do not link to the new DNA policy guidance, which provides standard wording for decision makers to invite DNA evidence voluntarily.

Local Hubs

- 6.8 We were told by decision makers how the staff intranet, Horizon, is difficult to navigate. This has led to many operational units developing local hubs. Typically, this is an area on a local shared drive, with an excel platform that links to forms, templates and guidance. Staff welcome these tools because they are accessible and help to ensure they can find what they need quickly. My team were able to review some of the hubs in use and found two that contained versions of guidance which were incorrect as they have been archived and replaced. The Home Office is aware

¹⁴ DNA policy: <https://www.gov.uk/government/publications/dna-policy>

¹⁵ Children of unmarried parents: <https://www.gov.uk/government/publications/children-of-unmarried-parents-nationality-procedure-guidance>

¹⁶ Dublin III regulations: <https://www.gov.uk/government/publications/dublin-iii-regulation>

¹⁷ Family reunion guidance: <https://www.gov.uk/government/publications/family-reunion-instruction>

of the risk posed by incorrect guidance being available to decision makers on local hubs, and steps should be taken to mitigate this.

Recommendation 9: The Home Office should update the Nationality policy guidance 'children of unmarried parents', Asylum policy guidance 'Dublin III regulation' and 'family reunion: for refugees and those with humanitarian protection' to ensure they clearly reflect the law and new policy guidance.

Recommendation 10: The Home Office should ensure all decision making units in BICS establish mechanisms to assure, review and maintain the content of their local hubs regularly and take steps to remove all archived guidance documents.

7. Templates and Local Documentation

Assess the UKVI-led programme to review relevant live templates and locally held documentation to confirm that they are fully compliant with the law and policy on the use of DNA; and provide confirmation that the process is sufficiently robust in line with the ongoing Simplification and Streamlining Programme.

The Home Office worked to identify centrally and locally stored templates which were incorrect. Centrally stored templates were updated or removed, and we believe one remains ambiguous where the text does not clearly state that the provision of DNA based evidence must be voluntary. As part of the UKVI led programme to review live templates and locally held documentation six were declared as still being in use. Some of the documents declared were copies of letters issued to applicants. We have reviewed four of these, and the Home Office were unable to provide two of them. No other assurance took place.

The department has a Simplification and Streamlining Programme which aims to improve processes and reduce bureaucracy for applicants and staff. The UKVI led programme was not, in our view, delivered in line with the SSP and has not fully completed its work to review relevant live templates and locally held documentation.

The response would have been improved with better attention to detail and follow through on plans. After this work concluded an old and incorrect template letter was used to mandate DNA evidence in January 2019.

OASU's intentions to ensure future second line assurance and sampling reviews assess letters and templates is welcomed. This needs to include local hubs and drives.

The Home Office should amend the wording on the ambiguous centrally held template and ensure that the letters declared, and any source templates, are removed or updated on local hubs.

The use of templates by decision makers

7.1 BICS staff use templates to form the basis of letters and decision documents relating to a person's case. They help to provide consistency and ensure correspondence reflects current policy. Templates are stored in central systems such as DocGen on CID and as such are live as out of date ones are removed. Policy, operational and legal approval must be obtained before any changes are accepted and uploaded onto such systems. Local templates are those that are held on team hubs or personal shared drives and are not subject to central oversight or the same level of control.

The Simplification and Streamlining Programme (SSP)

7.2 The Simplification and Streamlining Programme (SSP) is a BICS wide programme that seeks to simplify and reduce the amount of complex and difficult to understand information relating to primary and secondary legalisation as well as the Immigration Rules. In relation to templates, it is:

- Working to deliver fewer, clearer templates in advance of migrating them to the case working system that supports DocGen replacement (ATLAS)
- Working with stakeholders to review the content on decision letters to develop simplified set of principles and then implement them against the remaining set of templates held.

Review of centrally held templates

7.3 When the DNA issue was known, the BICS Policy team reviewed centrally held letter templates relating to the use of DNA. A search of CID found 11 templates with references to DNA, nine of which were DocGen templates and two which related to unnumbered documents showing requests for further information. They reviewed and made changes to the incorrect and ambiguous templates. We examined these templates and found that six had been removed from DocGen and four had been amended to remove all references to DNA. One remained unchanged.

7.4 The unchanged template (ASL.3200: GPP Recommendation Minute) in our view remains ambiguous about the use of DNA. This template is intended for use by resettlement decision makers. It stated, *'record and consider results of DNA tests'* and *'Cases that should only be provisionally accepted for resettlement are those that meet the resettlement needs criteria but require one of the following...DNA results outstanding'*. We have raised our concerns with the policy lead.

The review of locally held templates

7.5 Following the findings of the Richard Alcock Internal Review, OASU forwarded a request to BICS Directors and Deputy Directors to check for locally held documentation, including letters, templates saved offline and local guidance. They were asked to declare any relevant templates and details of them. We believe that this is the UKVI led programme referred to in our terms of reference.

7.6 The returns stated that five locally stored templates had been used by teams considering out of country applications, all of which were declared as no longer being in use. In country teams declared a total of 20 templates or letters that referenced DNA. Of these 14 were declared as no longer in use and six were still in use. Those still in use included five from IE Returns Preparation and one from HMPO. OASU collated the returns and informed us that no further action was deemed necessary, with no templates of concern being in use. We requested copies of all declared templates.

- 7.7 Of the six templates declared still in use, five were letters issued on ICD 1100 which is a blank, free text letter template used by decision makers. The remaining document was a HMPO 'DNA offer letter' which invites applicants to provide DNA based evidence on a voluntary basis.
- 7.8 OASU were not able to provide two of the five letters declared by IE Returns Preparation. Our examination of the three they provided found that two were individual application refusals where DNA based evidence was referenced in the decision and one was a request for the provision of DNA based evidence. No work has been undertaken to investigate the source of these letters and ensure that any templates used to produce them have been removed from local hubs.
- 7.9 We have reviewed several of the local hubs used by decision making units. In one local hub we found a template letter (ICD 1932) referring to the requirement for DNA based evidence. As noted earlier we also found a case where DNA was mandated from an applicant in January 2019. The wording used in the letter reflected that used in templates that we were told had been removed from local hubs. There remains a risk that local hubs or staff drives contain out of date template letters and documentation.

Case study: Ms E arrived as a visitor to the UK in 2013. Six months later she applied for leave to remain on the basis of her biological father being British. In August 2018 Ms E claimed to have had a child with the man she originally claimed was her father. The decision maker sought her managers permission to invite Ms E to provide DNA based evidence. The authorisation was not forthcoming. The decision maker had received training and briefing on the correct approach to invite DNA on a voluntary basis. On 28 January 2019 she wrote to Ms E stating that the Home Office "requires further, up to date, accurate information...including: recent DNA test results". The review team identified this case and notified the relevant senior manager. The DNA request letter was withdrawn, and it was decided that sufficient evidence had already been provided to grant the applicant leave.

- 7.10 The UKVI led programme has not provided full assurance that all live templates and locally held documentation are compliant with the law and policy on the use of DNA based evidence. The declaration of documents on local hubs and drives has not been followed through to ensure that any out of date or incorrect templates are either removed or updated. OASU have plans to ensure that operational assurance activity now reviews and assesses any letters and templates used in cases. This needs to include all local hubs and drives to identify local templates that are not compliant with DNA guidance.
- 7.11 The UKVI programme did not include objectives to bring the work in line with the aims of the SSP. It did not involve those running the SSP, it did not amend templates to be clearer and there was no engagement with stakeholders.

Recommendation 11: The Home Office should complete the UKVI led review of locally held documentation. They should ensure that all templates held on local hubs and drives that refer to DNA based evidence are removed. Any required local documentation on local hubs should link to the new DNA policy guidance and be signed off by policy and operational leads.

Recommendation 12: The Home Office should amend template ASL.3200 to ensure that it does not state or imply that DNA evidence is required and is in line with the new DNA policy guidance.

8. Training and Communications

Assess and confirm the approach to training of, and communications with, staff on the use of DNA evidence; and the approach to managing the risk of the incorrect use of DNA evidence happening again within the immigration system. This assessment should cover all relevant Government departments, including the Home Office, Ministry of Defence, Foreign and Commonwealth Office and the Cabinet Office.

The Home Office has developed, and started to deliver, training to decision makers on the use of DNA based evidence in immigration decision making. There was an initial communication when the issue first arose. Frontline decision makers were positive about the clarity of communication and the face to face senior manager briefings which occurred in some units.

The response could have been improved by ensuring all of BICS were made aware of the issue and instructed on what to do. Quicker and clearer communications to the MoD, who were involved in the administrative processes, was needed. They were unaware they needed to stop requiring DNA based evidence until October 2018. When the new overarching DNA policy was launched a more targeted communication to decision makers would have ensured all those making decisions knew about and understood the new policy.

In the future the Home Office should develop clear communication plans in response to critical incidents and the launch of new or significantly changed policy. These should ensure that all key internal and external partners are informed and use a variety of communication methods so that required action is understood and taken.

Future risk can be mitigated by improved: assurance sampling, business intelligence, single system administration of BICS, capability and tools for decision makers and effective communication. This should be underpinned by moving to a less siloed structure.

BICS Training

- 8.1 Decision making in BICS can be complex, with numerous pieces of legislation, policy and guidance that decision makers need to apply. Each BICS unit has training plans and mentoring schemes in place for new staff. Given the diversity and complexity of decision making, training varies greatly in duration between units, ranging from 3 days classroom training in European Casework to 5 weeks classroom training in Asylum.
- 8.2 Usually when there are policy or process changes each decision making unit decides on how staff are trained. This varies depending on the significance of the change. It ranges from communications via email, face to face briefings, workshops or classroom training.

- 8.3 BICS Policy developed the new DNA training in conjunction with legal advisers and operational units and this has been used to form the basis of a training package for decision makers. Prior to this the use of DNA based evidence was not specifically referenced in any training.
- 8.4 Between December 2018 and February 2019, the BICS Policy team delivered this new training to unit representatives via a mix of face to face, teleconferences and group sessions. This included the policy leads for MoD Gurkha and Afghan LES schemes. The geographical and thematic spread across BICS has meant this was not a simple task. A smart survey was designed to be completed after the sessions to test understanding of the learning and provide feedback. This led to a revision of the training and clarification on the use of the term 'exceptional circumstances' within the policy.
- 8.5 Each BICS unit is responsible for identifying existing staff that required this training, and to incorporate it into training for new staff. BICS Policy and operational units have worked well together and at pace to complete the initial phase of training and have plans to roll this out to over 3,000 staff. Overall the response to the training was positive.
- 8.6 The issue of mandating DNA based evidence was found in most BICS decision making units, including in country and out of country processes. It is therefore appropriate to ensure that training plans, now and in the future, include delivery of DNA training to BICS decision makers, regardless of grade or decision unit. Establishing central oversight of unit training plans and monitoring of delivery against these would improve governance.

Communications

Internal Communications

- 8.7 The first communication followed the Financial Times article on 3 July 2018 when an email was issued by OASU to selected senior civil servants (SCS) within UKVI. This email was clear and comprehensive, setting out:
- an authorisation process for DNA requests
 - an instruction to cease all mandatory requests
 - an instruction to cease refusals solely on the basis of a failure to supply DNA
 - a process to review refusals where DNA is a factor in refusing cases.
- 8.8 This email was not issued to all SCS responsible for decision making units within UKVI (Refused Case Management were not included), nor was it issued to decision making units across BICS and relevant partners such as the MoD.
- 8.9 Further dissemination of this message was left to individual units to action. FHRU were prompt in communicating with their staff through emails, team briefs and senior manager open floor meetings. Staff from this unit were positive about the

communication they received, particularly hearing from senior managers and they valued the time taken to reassure staff.

- 8.10 V&C also quickly communicated with staff, issuing an Operational Process Instruction (OPI 779) on 23 July 2018 and adding this to their intranet system Sharepoint. These communications stated that all DNA requests must cease. It did not include the new authorisation process in place for decision makers wanting to invite DNA based evidence on a voluntary basis. We have not seen any evidence of other decision making units issuing a casework instruction on DNA evidence so promptly.
- 8.11 Gold Command sent a global (Home Office wide) email on 25 October 2018 on behalf of the first and second Permanent Secretaries. For some BICS staff we met, this was the first time they had been made aware of the issue other than the information they had seen in news coverage.
- 8.12 We have spoken to staff from many areas. They told us that they found local communications more effective than national, as these provided an opportunity to discuss the impact of changes for them. Staff also told us that they did not always read global emails. Comments made by staff included:

They often don't apply to me.

I prefer a team discussion if it is important.

Targets mean we don't have time to read.

- 8.13 There was evidence of positive communication in some decision making units, which meant staff who could attend the sessions fully understood the message and had a chance to discuss what it meant for them. This was not consistent across all BICS decision making units and more could have been done to ensure all relevant staff were aware and understood the issue. There was no internal communication plan developed.

Communications with Other Government Departments

- 8.14 The other Government Departments (OGDs) referred to in the terms of reference of this review were not all involved in the administration of DNA based evidence processes. The Foreign and Commonwealth Office (FCO) and Cabinet Office (CO) had some involvement in the development of the Gurkha and Afghan LES schemes but were not involved in the administration of them. The MoD work with the Home Office to administer the Gurkha and Afghan LES schemes.
- 8.15 The communication to the MoD on the DNA based evidence process was poor and unclear. MoD leads were copied into several email exchanges with the Home Office. These emails did not contain any clear direction to stop DNA processes or to check if they were correct. Both the Gurkha and Afghan LES policy leads at MoD told the

review that it was not until the Home Secretary's statement in October 2018 that they realised the DNA processes they were administering were impacted. This meant that DNA based evidence continued to be administered by the MoD. This meant it did not stop until October 2018 for the Afghan LES and November 2018 for the Gurkha scheme after officials had taken legal advice.

Communication of the new DNA policy guidance

- 8.16 On 8 November 2018 the Home Office published the new DNA policy guidance on its main intranet site (Horizon) and GOV.UK. There was no communication plan for the publication of the new policy and dissemination to staff was varied and for some limited. Publication of the second version of the DNA policy on 31 December 2018 was more proactive, with a Horizon news story. In January 2019 we contacted decision makers we had met during the review to ascertain their knowledge of the new version of the policy. We found that some were unaware there was a new version.
- 8.17 We were told that there had been a missed opportunity to communicate the new policy internally and the department had been too focused on external publication. There had been a reliance on members of the Gold Command group to communicate the new policy to internal staff, and we were told that this was not enough. The department is trialling a new Policy Assurance Framework (PAF) which aims to provide greater assurance on the way in which policy is developed, implemented, communicated and evaluated. It is designed to complement existing processes and ensure information is captured and recorded consistently throughout the lifecycle of policy development. This was not used for the development and communication of the new DNA policy.

Managing the risk of incorrect use of DNA evidence happening again

- 8.18 The Home Office has done a lot to address the DNA issue including assurance sampling, identifying cases, developing and updating guidance, reviewing and removing templates and training staff. Despite this a decision maker, who had received briefings and training issued an incorrect letter January 2019 using an old template which mandated the provision of DNA based evidence. The possibility that decision makers will still have access to these out of date documents, within a system that deals with large volumes of complex applications, means that the risk of this happening again cannot be completely removed.
- 8.19 When assessing and confirming the approach to mitigating risk for the future we have focused on some key areas. These are in line with the terms of reference for the review, our findings and recommendations.
- 8.20 **Assurance sampling.** An improved, whole system assurance strategy is needed for all decision making. There needs to be greater emphasis on the outcomes of first and second line assurance to actively improve the decision outcomes and the time

taken to reach these. This should include a continued focus on units where risk of DNA based evidence has been found to be high. More understanding is needed on the reasons decision makers believe they need DNA based evidence, given that many of the cases put on hold went on to be granted without this being provided.

- 8.21 **Business intelligence.** The department needs to improve its business intelligence and management information. Whilst this is partly reliant on the IT systems available, improved business rules for locally held records pertaining to migrants and risk management would support this. This should include cases being progressed in line with publicly made statements. Management information on those impacted by the DNA issue should include all cohorts, the status of redress consideration and outcomes. The Home Office should use the full range of information available and the ongoing risk should be included in relevant risk registers until the risk is fully mitigated.
- 8.22 **Administration and managing BICS as a single system.** We were told about effective collaboration between policy, operational and legal teams in the Home Office's response to the mandating of DNA but this was weakened by siloed working. Even with a DNA taskforce there has been limited single system response and poor MI and governance. Improved programme management is needed to keep delivery focused. Being open to input from external partners and stakeholders is key to developing the way the department works, especially in the family and human right routes.
- 8.23 The BICS Hub will have a key role in this, both to coordinate responses and to help ensure appropriate contributions are in place. For DNA they did develop an action plan with the work being delivered by different areas.
- 8.24 **Build staff capability and provide policy, guidance and templates which help decision makers.** The system needs to be focused on concluding cases as quickly as reasonably possible and granting when there is evidence to do so without deferring to the appeal system. During the review we found many cases which have been granted after significant delays when no additional evidence was submitted. This needs to be engineered out of the system so that staff are confident, able and supported by the right tools and strong leadership.
- 8.25 **Communication.** More is needed to ensure there is effective communication within BICS. This includes robust plans which can be implemented at times of crisis. The BICS needs to value internal communications more and create feedback loops to ensure the intention becomes an operational reality.
- 8.26 The findings and recommendations in this report are intended to reduce the risk of incorrect use of DNA based evidence occurring. Improvements can be made quickly. Due to the volumes of applications and staff in the BICS there will remain some risk to the department in the future.

Recommendation 13: The Home Office should train all current and future immigration decision makers, regardless of grade, in requesting and use of DNA evidence. Records of staff trained should be kept and monitored.

Recommendation 14: The Home Office should develop a critical incident communication strategy for BICS to employ when potential risks are known to ensure that all relevant senior leaders, staff and OGDs are aware in a timely manner. This should include organograms and distribution lists which are up to date, reliable and comprehensive. Communications should be a mix of formal, informal, structured and unstructured.

Recommendation 15: The Home Office should develop a communication strategy for all new or amended policies to ensure decision making units are aware of, and understand, new policy and/or changes and how to implement them.

Recommendation 16: To manage the risk of incorrect use of DNA evidence happening again the Home Office should ensure that they integrate DNA based evidence in their approach to first and second line assurance sampling, all current and future decision maker training, up to date guidance and templates to be used by decision makers.

9. General reflections

- 9.1 During this review we talked to numerous civil servants in different parts of the system. We also reviewed a range of documents. There are several points which are not formally related to the terms of reference but are worthy of recording. This is particularly appropriate given ongoing internal discussions about the future review of the BICS.
- 9.2 The work of the Home Office is highly complex, especially the Border, Immigration and Citizenship System. The department is made up of several business units governed by legislation, policy and guidance which can lead to silos and fragmented decision making. Each application is considered by the relevant unit in BICS, with many people applying under different application routes over time with multiple decisions made, there is an absence of a person focused approach. We were told that there is a desire to deliver the responsibilities of BICS as a single system. I suggest several points below which should, in my view, form part of the future BICS review.
- 9.3 On assurance we found that the levels of first line assurance varied between units and that the minimum 2% checks were not being completed. We also found some units were selecting the 2% for first line assurance by nationality. We did not see any specific strategy or related equality impact assessment concerning this practice. The 'holds' in BICS decision making units need to be assured to ensure they are visible and cases are not put on hold with no activity taken. A BICS assurance strategy needs to evolve and respond to business needs.
- 9.4 The initial assurance by OASU commented on the pragmatism of approach, identifying that people could have been granted under different Immigration Rules during the period they were on hold while awaiting DNA evidence. This resonated with the views expressed by the decision makers and senior officials we met. They believed the system was too linear. Decision making was restricted to only consider cases within the application route the person applied, despite sometimes believing they may be granted in another route. Decision makers need to be empowered and equipped to make decisions on the person they are considering, not just the application form in front of them.
- 9.5 We were told that UKVI CCU have recruited a lead on training and accreditation. Part of their remit will be looking at professionalising the decision making roles, which is a welcome step. We hope this includes all BICS decision making teams and be approached as a single system requirement to develop a more flexible workforce. The skills required for decision making also need to be more valued to improve the quality of outcomes and staff retention.
- 9.6 When speaking to Home Office staff there were mixed views on the working relationships between policy and operations. Some reported a disconnect. We were

told by operational staff that they did not think guidance is written in a way that they can use in their day to day work. This too often leads to local products being issued to interpret the policy intent into an operational context, but which fail in their objective. The number of new and amended guidance documents across BICS is vast, making it difficult for decision makers to keep up. We were told by policy makers that it is difficult to test and implement guidance with those who use it as they are under pressure to move quickly on to the next task.

- 9.7 We were told about good practice and the recent steps taken to improve relationships between policy and operational teams within BICS. For the introduction of the new EU Settlement Scheme, policy staff have been co-located with operational teams, sitting together to process applications and test the policy intent against the operational reality. Asylum Deputy Chief Caseworkers spoke favourably about their working relationships with their policy colleagues, being able to work through issues collaboratively and at pace when they arise.
- 9.8 Some senior managers also spoke positively about the Strategic Policy Forum established within Immigration Enforcement. This forum brings the right people together from policy and all operational units at a senior level who review existing policy, decide on policy and operational focus, and plan for the future.
- 9.9 There is work to be done to make these working level relationships more successful across the BICS and for the Home Office to be satisfied that policy intent is reflected in operational delivery. Focus, time and effort needs to be directed to strengthen working relationships to achieve this and to mitigate the risk of local guidance documents being created to fill perceived gaps.
- 9.10 The work of the Home Office is one that faces considerable public and political scrutiny. It is therefore vital that there are agreed published service standards by which its performance can be measured. Not all units have published service standards and the lack of these in certain casework units leads to inconsistent service to applicants. The future BICS review needs to ensure that there are standards and targets across its core areas that allow senior managers to focus resources that maximise its performance whilst also providing transparency to the public.
- 9.11 Several senior officials told us more is required to identify, and address, cross system issues as soon as possible. The creation of the Warning and Reporting Group within the BICS hub could help with this and enable the department to respond rather than react to issues.
- 9.12 More is needed to improve and manage external relationships and ensure that there is transparency and external input into the BICS. It was of note that there was no reference group for the family and human rights route. While there are active groups

for some areas, the business would benefit from single system reference group to provide a cross BICS input, enabling the department to be more transparent.

- 9.13 We hope our findings, recommendations and general reflections are helpful to the department now and it incorporates the lessons learnt.

10. Recommendations

Recommendation 1: The Home Office should complete further assurance sampling on the use of DNA based evidence, in the two target populations of CID and CRS.

Recommendation 2: The Home Office should develop a framework and methodology for second line assurance deep dive reviews. This should include guidance on:

- Scoping a review and setting objectives,
- Defining a sample population,
- The expected approach to sample testing populations,
- Extrapolating results to the wider population, and
- Drawing conclusions and next steps.

Recommendation 3: The Home Office should complete more work to gain a full account of each cohort. This includes working with the MoD to ascertain how many adult dependent relatives have had DNA based evidence mandated for immigration purposes and which OASU identified cases provided DNA based evidence and should receive financial redress. They should consolidate all identified cohorts into one performance management pack, representing the totality of people impacted.

Recommendation 4: The Home Office should develop a standard operating procedure (SOP) for data recording outside of main systems to be invoked during a critical incident response which:

- requires Gold Commanders to engage relevant experts in the department in the development of data/MI for the incident
- ensures information is recorded, where possible, on immigration IT systems to support operational and audit accountability
- ensures that when main IT systems cannot provide the necessary data, experts should be employed to create standalone systems

Recommendation 5: The Home Office, in recognition that staff currently need to use local spreadsheets to record and analyse data, should improve locally held data quality by developing a toolkit of business rules for all local record keeping **pertaining to migrants** which includes:

- A staff guide on how to record information on spreadsheets. It should:
 - set out the approaches that can be taken to ensure the right data is collected first time round, reducing the duplication of reviewing records.
 - encourage staff to question whether their spreadsheet will answer the likely questions that could be posed.
 - set out how to ensure that local spreadsheets adhere with the Data Protection Act and the General Data Protection Regulation.
 - set out an assurance process for local spreadsheets.

- include how to reconcile local spreadsheets with live records on a frequent basis with any differences investigated and resolved as soon as possible.
- A model spreadsheet including:
 - common fields for all spreadsheets containing case information.
 - data validation to ensure the consistency of recorded information, which in turn will allow for more effective management information reporting.
 - the person ID (or VAF for overseas cases) must appear in all spreadsheets as a minimum.
 - a front sheet which sets out what data is included and version control.

Recommendation 6: The Home Office should proactively contact all the people they know who have been affected by the mandating of DNA based evidence. They should be provided with offers of financial redress where DNA evidence was obtained and reconsideration of their application where appropriate.

Recommendation 7: The Home Office should ensure those that have been refused or put on hold due to DNA based evidence are checked for enforcement activity including detention, removal and proactive compliant environment measures.

Recommendation 8: The Home Office should make improvements to the DNA taskforce including:

- improve the publicity and access to the DNA helpline by introducing methods of contact such as email, answer phone message services and clarify opening times
- the administration of the redress panel, introducing record keeping of decisions and a senior Chairperson
- recording decisions and referrals made by CCU on Home Office systems
- collating comprehensive records of outcomes of reconsiderations
- improved management information on the overall number of people affected.

Recommendation 9: The Home Office should update the Nationality policy guidance ‘children of unmarried parents’, Asylum policy guidance ‘Dublin III regulation’ and ‘family reunion: for refugees and those with humanitarian protection’ to ensure they clearly reflect the law and new policy guidance.

Recommendation 10: The Home Office should ensure all decision making units in BICS establish mechanisms to assure, review and maintain the content of their local hubs regularly and take steps to remove all archived guidance documents.

Recommendation 11: The Home Office should complete the UKVI led review of locally held documentation. They should ensure that all templates held on local hubs and drives that refer to DNA based evidence are removed. Any required local documentation on local hubs should link to the new DNA policy guidance and be signed off by policy and operational leads.

Recommendation 12: The Home Office should amend template ASL.3200 to ensure that it does not state or imply that DNA evidence is required and is in line with the new DNA policy guidance.

Recommendation 13: The Home Office should train all current and future immigration decision makers, regardless of grade, in requesting and use of DNA evidence. Records of staff trained should be kept and monitored.

Recommendation 14: The Home Office should develop a critical incident communication strategy for BICS to employ when potential risks are known to ensure that all relevant senior leaders, staff and OGDs are aware in a timely manner. This should include organograms and distribution lists which are up to date, reliable and comprehensive. Communications should be a mix of formal, informal, structured and unstructured.

Recommendation 15: The Home Office should develop a communication strategy for all new or amended policies to ensure decision making units are aware of, and understand, new policy and/or changes and how to implement them.

Recommendation 16: To manage the risk of incorrect use of DNA evidence happening again the Home Office should ensure that they integrate DNA based evidence in their approach to first and second line assurance sampling, all current and future decision maker training, up to date guidance and templates to be used by decision makers.

Annexes

A: List of all meetings and visits

Date	Unit	Who	Location	Attended by
20 Nov 2018	Home Office: Office for Security and Counter-Terrorism	Richard Alcock, CBE Chief Operating Officer	Home Office HQ	Darra Singh & Team
20 Nov 2018	BICS Strategy	Simon Bond, Director	Home Office HQ	Darra Singh & Team
21 Nov 2018	Secretary of State	Rt Hon Sajid Javid	Home Office HQ,	Darra Singh & Team
22 Nov 2018	UKVI FHRU	Caseworking staff	Sheffield	Darra Singh & Team
26 Nov 2018	UKVI V&C	Simon Hayes, Director	Home Office HQ	Darra Singh & Team
26 Nov 2018	UKVI Immigration Protection	Sean Palmer, Director	Home Office HQ	Darra Singh & Team
27 Nov 2018	Minister of State for Immigration	Rt Hon Caroline Nokes	Home Office HQ	Darra Singh & Team
28 Nov 2018	IE National & International Operations	Marc Owen, Director	Home Office HQ	Darra Singh & Team
30 Nov 2018	UKVI FHRU	Various staff	Sheffield	Review Team
4 Dec 2018	UKVI Operational Security and Assurance Unit	Angela Perfect, Deputy Director	Home Office HQ	Darra Singh & Team
5 Dec 2018	UKVI FHRU	Various staff	Sheffield	Review Team
5 Dec 2018	DNA Helpline	Various staff	Croydon	Review Team
5 Dec 2018	Performance Reporting and Analysis Unit	Various staff	Croydon	Review Team
5 Dec 2018	UKVI Chief Casework Unit	Various staff	Croydon	Review Team
6 Dec 2018	UKVI Appeals & Litigation Services	Chief Caseworker	Telephone	Review Team
6 Dec 2018	UKVI Asylum Operations	Chief Trainer	Leeds	Review Team
7 Dec 2018	UKVI Nationality	Deputy Director & various staff	Liverpool	Review Team
10 Dec 2018	UKVI FHRU	Various staff	Sheffield	Review Team

10 Dec 2018	UKVI FHRU	Taskforce staff	Sheffield	Review Team
10 Dec 2018	Performance Reporting and Analysis Unit	Various staff	Sheffield	Review Team
10 Dec 2018	UKVI Asylum Operations	Family Reunification (Overseas)	Sheffield	Review Team
11 Dec 2018	UKVI Operational Security and Assurance Unit	Various staff	Home Office HQ	Review Team
13 Dec 2018	UKVI Operational Security and Assurance Unit	Deputy Director	Home Office HQ	Review Team
13 Dec 2018	Independent Chief Inspector for Borders & Immigration	David Bolt, Chief Inspector	London	Darra Singh & Team
13 Dec 2018	Independent Adviser to Windrush Lessons Learned	Wendy Williams	London	Darra Singh & Team
14 Dec 2018	UKVI Asylum Operations	Chief Caseworker	Telephone	Review Team
17 Dec 2018	UKVI Euro/Settlement	Gabi Monk, Director & various staff	Liverpool	Review Team
18 Dec 2018	UKVI Operational Security and Assurance Unit	Angela Perfect, Director	Home Office HQ	Darra Singh & Team
18 Dec 2018	BICS Policy	DNA Policy Lead	London	Review Team
18 Dec 2018	UKVI V&C	Assistant Director, Gurkhas Scheme	Sheffield	Review Team
18 Dec 2018/ 12 February?	UKVI V&C	Assistant Director, Afghan LES Scheme	Sheffield	Review Team
18 Dec 2018	UKVI V&C	Tom Greig, Director & various staff	Sheffield	Review Team
20 Dec 2018	UKVI Immigration & Protection	Chief of Staff	Home Office HQ	Review Team
7 Jan 2019	Home Office Legal Advisers	Senior Lawyer	Home Office HQ	Review Team
8 Jan 2019	BICS Strategy	Emily Weighill	Home Office HQ	Darra Singh & Team
9 Jan 2019	Home Office Legal Advisers	Immigration and Asylum Legal Team	Home Office HQ	Review Team
9 Jan 2019	Data Protection Office	Various staff	Home Office HQ	Review Team
9 Jan 2019	UKVI Euro/Settlement UKVI Asylum & RCM	Various senior managers, middle	Liverpool	Darra Singh & Team

		managers & decision makers		
15 Jan 2019	UKVI Chief Casework Unit	Chief Caseworker Unit Senior Manager	Home Office HQ	Darra Singh & Team
15 Jan 2019	BICS Policy: Identity, Security & Enforcement Policy	Alison Samedi, Deputy Director	Home Office HQ	Darra Singh & Team
15 Jan 2019	Immigration Enforcement	Tyson Hepple, Director	Home Office HQ	Darra Singh & Team
15 Jan 2019	2PUS	Shona Dunn	Home Office HQ	Darra Singh & Team
15 Jan 2019	HMPO	Karen Abdel-Hady, Deputy Director	Home Office HQ	Darra Singh & Team
16 Jan 2019	UKVI V&C	Entry Clearance Manager, New Delhi	Telephone	Review Team
16 Jan 2019	UKVI V&C	Gurkha Team staff	Home Office HQ	Review Team

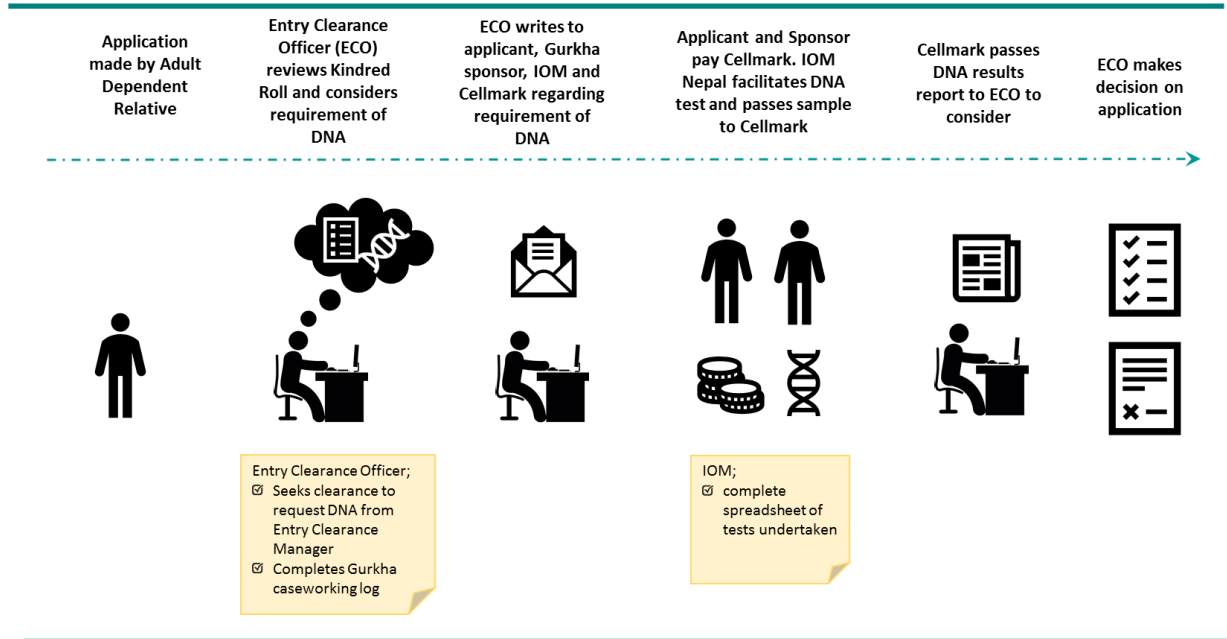
B: OASU recommendations from initial assurance exercise of 22 cases

Recommendations

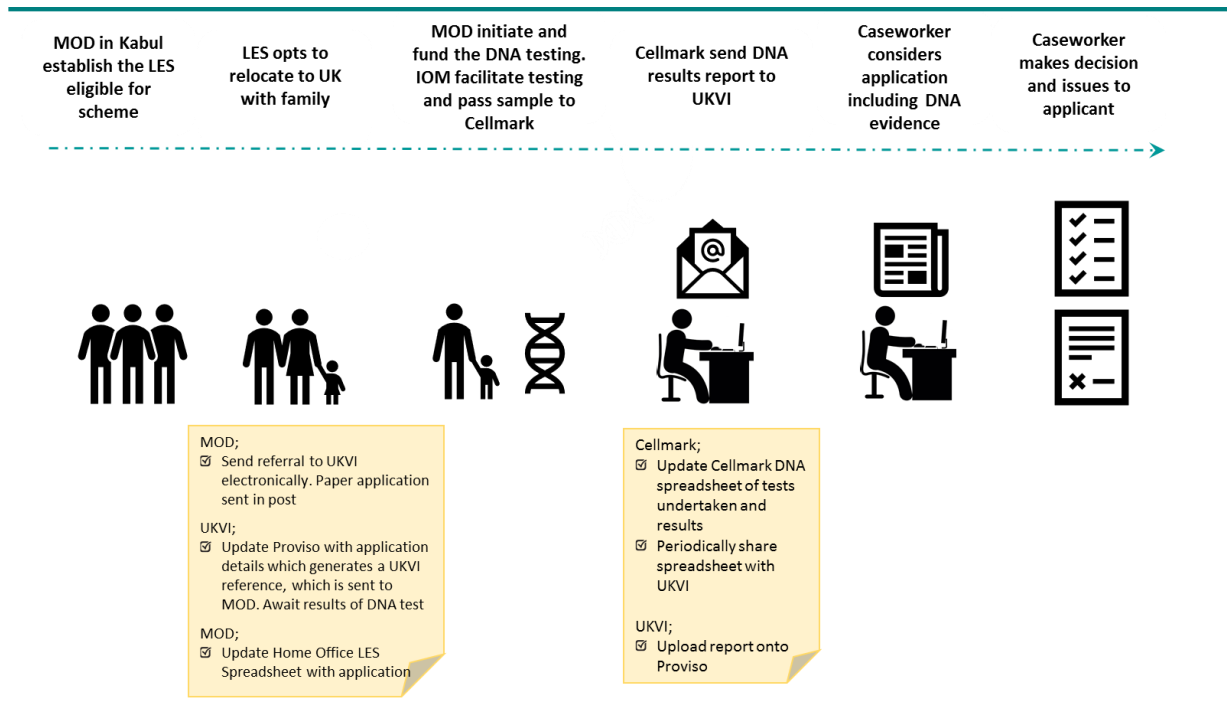
1. Improve the accessibility of published Policy and Guidance for cases of suspected paternity abuse, including Op Fugal. Also see recommendation 6
2. Ensure instruction is in place for the entire end to end process of the decision making for Op Fugal cases so that it is clear how cases will be managed and monitored to conclusion.
3. Provide caseworkers with clear guidance on CID record keeping for these cases ensuring consistency of approach.
4. Consider reviewing the indicators of paternity abuse to reflect the Quarterly Threat Assessment and support the targeting of specialist action.
5. Ensure that Policy, Guidance and Casework Instruction clearly directs caseworkers to consider alternative means of determining a case in the absence of DNA evidence being provided.
6. Develop robust policy and guidance on the way in which DNA should be requested and ensure that this aligns as appropriate across BICs. Ensure that this is supported by model letters and by FAQs documents for applicants.
7. Ensure that cases are not placed on hold indefinitely or for extensive periods of time and, where DNA or other evidence is not provided, use alternative means as necessary to decide a case through credibility assessment and in a timely way.
8. Consideration be given to review HMPO decision making processes on passports applications ensuring that standards of proof applied align with UKVI and that documentation issued is a trusted form of evidence.
9. Work with the Chief Caseworker Unit to develop an approach for escalating and deciding cases where there are exceptional circumstances which may warrant a discretionary approach, leave outside the rules, and discretionary leave, or where there are other UKVI case-working avenues for the applicant which should be explored

C: Processes for requesting and recording DNA evidence

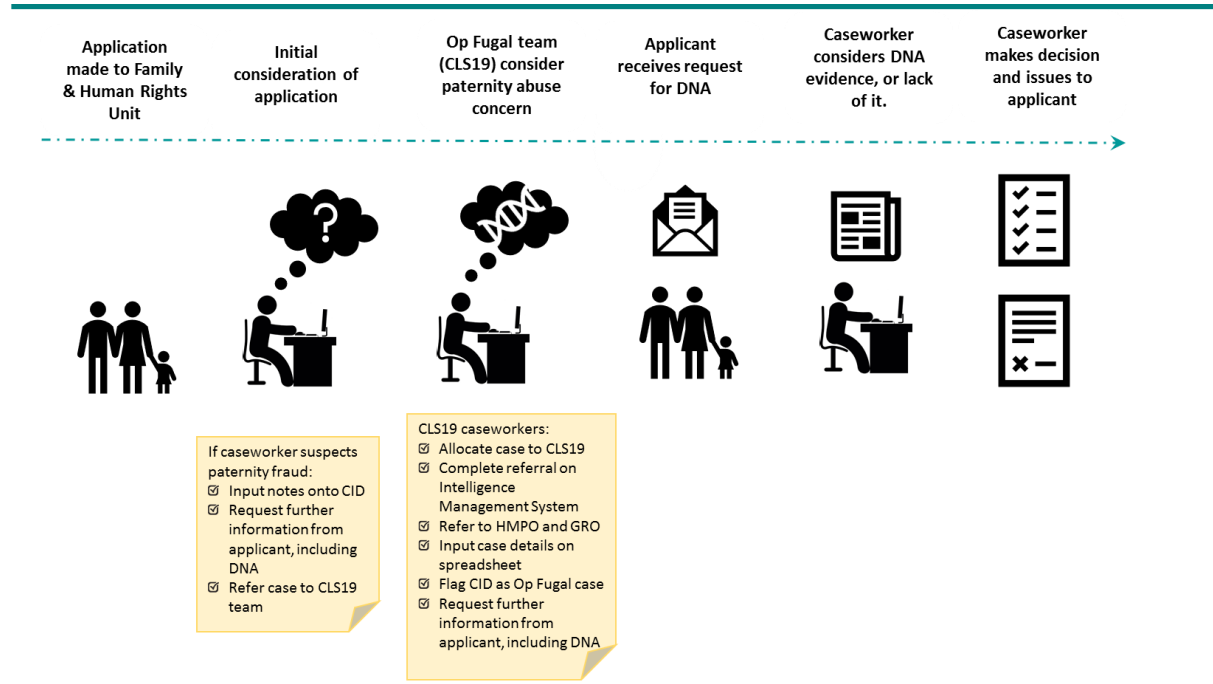
Ex-Gurkha Adult Dependant Relatives (process until June 2017)



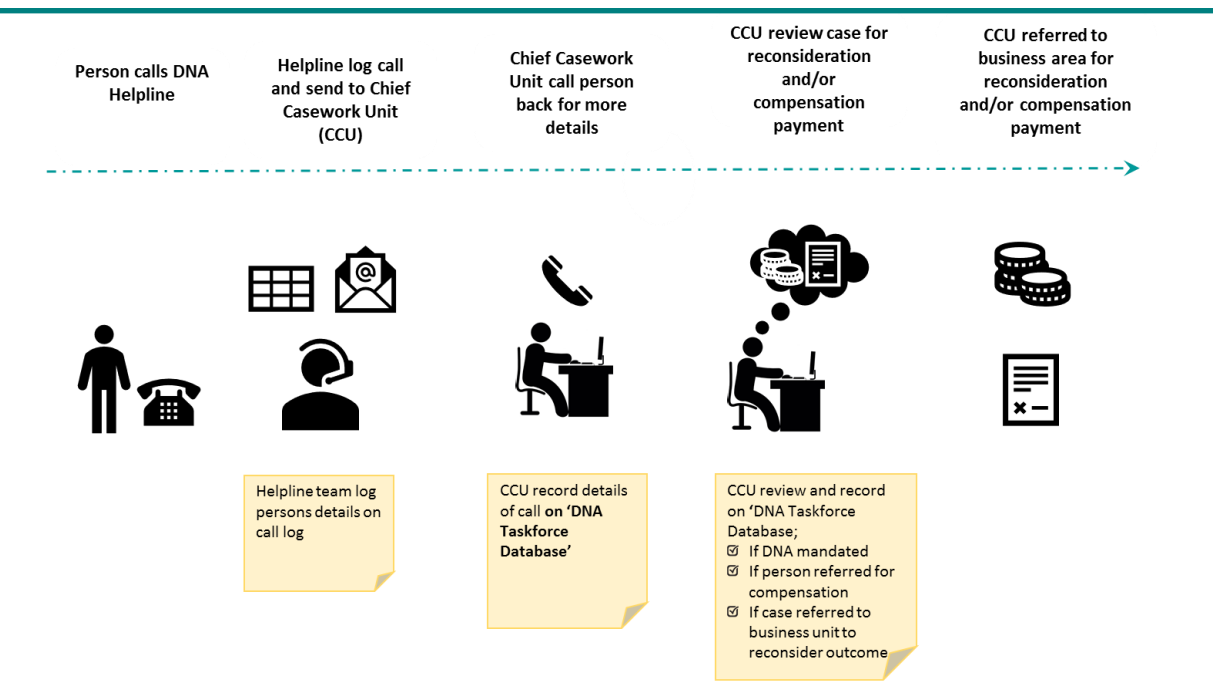
Afghan Locally Engaged Staff



Operation Fugal



Helpline



Business identified

Instruction issued to decision making units to identify cases where DNA had been requested

Teams reviewed files, emails and local records to identify cases

Cases collated centrally on a spreadsheet



D: The review of central and local guidance

Area	Guidance Document	Is it central or local Guidance?		Updated?	Current position	
		Central (published)	Local (un-published)		Clearly reflects law	Clearly reflects policy
Nationality	Nationality Notice 04/15		ADP	Archived		
	Registration as a British Citizen: children	ADP		✓	✓	✓
	Registration as a British Citizen: children of British Parents	ADP		✓	✓	✓
	Children of unmarried parents	ADP		✗	✗	✗
Asylum	Dublin III regulations	ADP		✗	✗	✗
	Family reunion	ADP		✗	✗	✗
Armed Forces	Gurkhas discharged before 1 July 1997 and their family members	ADP		✓	DNA reference removed	DNA reference removed
	Annex K: DNA Policy (internal process guidance)		ADP	Archived		
	Afghan Locally Engaged Staff – case handling process		ADP	✓	✓	✓
European	EEA family permits EUN02	ADP		Archived		
Family	Deciding family claims with suspected false paternity claim		ADP	Archived		
	Op Fugal – Paternity abuse referral process instruction		ADP	Archived		