



Independent Chief Inspector of Borders and Immigration

Annual Report for the period
1 April 2020 to 31 March 2021



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the UK Borders Act 2007

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Our purpose

To help improve the efficiency, effectiveness and consistency of the Home Office's border and immigration functions through unfettered, impartial and evidence-based inspection.

All Independent Chief Inspector of Borders and Immigration inspection reports can be found at www.gov.uk/ICIBI

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Foreword from David Neal, Independent Chief Inspector of Borders and Immigration

My appointment as Independent Chief Inspector of Borders and Immigration (ICIBI) took effect from 22 March 2021. My predecessor, David Bolt, was in post between 1 April 2020 and 21 March 2021 and this Annual Report was drafted by him. The staffing and financial figures are correct as at 31 March 2021.

For my part, I am delighted to have returned to public service in such an important and high-profile role in an area which affects us all. I am honoured that the Home Secretary has appointed me as Independent Chief Inspector, a role that is vital in monitoring and reporting on the efficiency and effectiveness of our country's border and immigration functions. I look forward to leading the team and continuing to deliver a comprehensive and high-quality inspection programme during 2021-22 and beyond.

David Neal

**Independent Chief Inspector of Borders and
Immigration**

31 March 2021

Valedictory report by David Bolt, outgoing Independent Chief Inspector of Borders and Immigration

In many respects, 2020-21 was an extraordinary year, though not in terms of ICIBI's performance against its annual objectives, which was on a par with 2019-20.

For the past five years, ICIBI's primary objective has been the same: to deliver a broadly-based and balanced programme of inspections, reflecting the range of asylum, immigration, nationality and customs functions that ICIBI is responsible for covering.

I believe that this objective was met. Thirteen inspection reports were laid in Parliament in 2020-21, one more than in 2019-20. They contained 62 recommendations, compared with 58 the previous year. The reports are listed at Appendix 1 and my overview of the key findings is at Chapter 3. The full reports can be found on the ICIBI website, together with the Home Office's formal responses to the reports and to each recommendation.

A further long-standing objective has been to improve the impact and value of ICIBI's work. Of the 62 recommendations made in 2020-21, the Home Office accepted 41 (67.2%), partially accepted 17 (26.2%) and

rejected four (6.6%). The equivalent figures for 2019-20 were 40 (69%) accepted recommendations, 14 (24%) partially accepted, and four (7%) rejected.

2020-21 brought the number of inspection reports published during my six years as Independent Chief Inspector (ICI) up to 81. In these reports, I have made a total of 440 recommendations, of which 324 (73.6%) have been accepted, 96 (21.8%) partially accepted, and 20 (4.5%) rejected.

The figures would suggest that ICIBI has been highly successful in persuading the Home Office of the need to improve the efficiency and effectiveness of its asylum, immigration, nationality and customs functions and how to achieve this. However, in 2020-21, as in previous years, the numbers of accepted and partially accepted recommendations do not tell the whole story, as the department's narrative responses were still too often caveated or non-specific in terms of what it would do to implement recommendations and by when.

The other factor affecting the impact of ICIBI's findings and recommendations on Home Office efficiency and effectiveness is the timing of publication of inspection reports and the department's responses, which are published at the same time. This should not be an issue, as it could begin implementing recommendations as soon as a completed report is sent to the Home Secretary. In practice, this seldom happens, and it is

often hard to understand why publication of a particular report has taken so long since the accompanying response indicates that nothing has moved forward in the interim.

I highlighted the problems with long delays and with the publication of several reports at the same time in last year's Annual Report, including the risks to ICIBI's credibility as an independent and effective watchdog. I have raised my concerns many times with ministers and senior officials, as have others. Despite this, of the 13 reports published in 2020-21, just two were published after eight weeks and another in week nine, which was broadly comparable with 2019-20 (one in week eight and two in week nine). The remainder ranged between 11 weeks and 53 weeks from the date I sent the report to the Home Secretary.¹ The average was 23 weeks. Three of the 13 reports were published on the same day (11 November 2020) despite the reports having been sent to the Home Secretary in March, May and September.

As in previous years, ICIBI's objectives included building and maintaining effective working relationships with the Home Office and improving ICIBI's engagement with external stakeholders. Both objectives were largely met in 2020-21, although in reality they can only ever be a 'work in progress'.

¹ 11, 12, 16, 17, 24, 26, 35, 39, 43 and 53 weeks.

Stakeholder engagement is covered in more detail later in this Report, but it was encouraging that during 2020-21 the list of external stakeholders with whom ICIBI has established a relationship continued to grow, particularly in the refugee and asylum field. This also led to more opportunities to meet and speak with asylum seekers and others with ‘lived experience’ of the functions ICIBI inspects. For example, from the end of 2020, with the help of (new to ICIBI) stakeholder groups, I was able to develop a dialogue with residents and former residents of Penally Camp and Napier Barracks. Their first-hand accounts of life in the camps and of the wider asylum process were particularly powerful and instructive.

I continued to meet periodically with Home Office Directors General (two of whom took up post during 2020-21) and, though we did not always agree, I found them to be open to challenge and constructive, as ever. ICIBI’s Senior Sponsor changed mid-year, when the Second Permanent Under Secretary² was seconded to the Department of Health and Social Care, and the Permanent Under Secretary (PUS) took on the role. While there were fewer meetings as a result, this did not cause any issues. At the working level, relationships between inspection teams and the Home Office business areas being inspected were variable, but ICIBI was well-supported by the Home Office Pre-Inspection

2 Also responsible for the Border, Immigration and Citizenship System (BICS).

Team, which was always ready to intervene and smooth out problems.

I did not have a meeting with the Home Secretary during 2020-21 but did meet the Minister for Future Borders (twice) and the Minister for Immigration Compliance and Justice (once). In March 2021, I reiterated to both the importance of having more regular meetings with my successor to hear inspection findings and recommendations earlier and at first-hand, since this will make the process more dynamic and capable of affecting change.

However, overall performance aside, 2020-21 was different.

On a personal level, I did not expect to be the Independent Chief Inspector (ICI) throughout 2020-21. My five-year appointment was due to end in April 2020, but in March I was asked by the Home Secretary if I would continue in post until October to cover the recruitment of a new ICI. I was happy to agree, not least as it meant I would be able to see through a number of inspections where reports were either awaiting publication or not yet finalised. And, it gave me more time to ensure that ICIBI would be handed over in “good shape”, including getting the clutch of new inspectors who joined in 2020 fully up to speed.

In April 2020, I published an updated Inspection Plan, including six new inspections. While the six would begin

before October 2020, I expected that my successor would need to pick up the bulk of this work. In the event, in October I was asked if I would agree to a further extension, if necessary until the end of 2020-21, and by March 2021 most of these inspections had reached the report drafting stage, while all of the completed inspection reports I had sent to the Home Secretary had been published.

On 15 March 2021, the Home Secretary formally announced that David Neal would take up the role of ICI with effect from 22 March 2021.³ In my last weeks I was able to spend some time with David discussing the role and to share my experiences. I was also able to introduce him to the various stakeholder fora.

For my staff, 2020-21 was a more than usually challenging year. The ever-changing COVID-19 picture meant that nothing was certain or stayed fixed and this put a strain on everyone. ICIBI staff were no exception. In addition, there were a number of major changes in prospect that would directly affect them (a new ICI, an independent review of the inspectorate's role and remit, and ICIBI's relocation as part of the government's 'Places for Growth' agenda) but there was little concrete information about who, what, where or when. Over the course of my six years as ICI, I have been grateful to all of my staff for their hard work and the support they

³ <https://www.gov.uk/government/news/new-independent-chief-inspector-of-borders-and-immigration-appointed>

have shown me, but during 2020-21 I was particularly grateful for their resilience and good humour and also for their flexibility.

Because of COVID-19 restrictions, from March 2020 it was not possible to use ICIBI's offices and, like many other businesses, including large parts of the Home Office's Borders, Immigration and Citizenship System (BICS), the inspectorate had to learn to work remotely. Notwithstanding some technical issues, which reduced over time, videoconferencing quickly became routine – for team meetings, stakeholder engagement, and interactions with the Home Office.

While the enforced non-attendance at the office was a source of frustration for staff, there were undoubtedly some positives from this new way of working. Not having to travel to meetings meant that these were easier to organise and generally better attended, while quick video calls became a friendlier and often more productive alternative to a chain of emails. As restrictions ease, the inspectorate will need to consider the best balance between office-based and remote working, but a return to the status quo ante is unlikely and would be a backward step.

The same cannot be said of onsite visits, which are an established part of ICIBI's inspection process, enabling inspectors to observe borders and immigration functions in operation and to talk to managers, staff

and others in situ. For obvious reasons, there were limited opportunities for onsite visits during 2020-21, although inspectors did manage to visit some ports and airports, places of immigration detention, and asylum accommodation sites, in each case strictly observing the relevant COVID-19 protocols. In my own case, the only visits I was able to make were to Penally Camp and Napier Barracks. Looking forward, inspection teams will want to return to a routine of onsite visits as soon as possible, and the new ICI will also want to arrange a programme of visits as part of his induction.

The fact that many BICS staff were also working remotely throughout the year impacted the process of obtaining evidence from the Home Office, making it generally slower and more fragmented. Early in 2020-21, the Second Permanent Under Secretary and I agreed to waive the usual deadlines for evidence returns and instead to ask each inspection team to work out an achievable timetable with the relevant business areas. Nonetheless, a number of inspection teams found it hard to make progress because an evidence return was delayed, incomplete or there were issues with the quality of the evidence provided. As a result, and despite my further extension, some inspections I had hoped to complete before my departure were still in progress at the end of March 2021.

In September 2020, the Home Office responded to the 'Windrush Lessons Learned Review' (WLLR)

with its ‘Comprehensive Improvement Plan’.⁴ The Home Secretary had already accepted all of the recommendations from the WLLR, including that: “The government should review the remit and role of the ICIBI, to include consideration of giving the ICIBI more powers with regard to publishing reports. Ministers should have a duty to publish clearly articulated and justified reasons when they do not agree to implement ICIBI recommendations.” (Recommendation 10).

I was not involved in the drafting of the ‘Comprehensive Improvement Plan’, or given sight of it before it was published, and immediately expressed my concern at the tone and content of the response to Recommendation 10, which stated that the Home Office would appoint “an independent reviewer ... to carry out a full review of the ICIBI ... with a view to making it more independent, effective and efficient”. This appeared to shift the emphasis away from the WLLR’s criticisms of the department’s handling of reports and recommendations. The Home Office subsequently involved me in the drafting of the terms of reference for the review, but it took a number of further interventions, including with the PUS, and involving Wendy Williams, to correct this basic misconception.

At the time of writing, the Home Secretary had yet to appoint an independent reviewer and the review would

4 <https://www.gov.uk/government/publications/windrush-lessons-learned-review-response-comprehensive-improvement-plan>

not now be completed in the first quarter of 2021 as set out in the 'Comprehensive Improvement Plan'. It will therefore be a matter for my successor. However, I have put on record with the PUS and Home Secretary that, with two caveats, I do not believe that the UK Borders Act 2007 (which sets out ICIBI's statutory role and remit) requires amendment.

The first caveat concerns the publication of reports. In 2014, my predecessor challenged the removal of his power to publish his reports. The legal advice he received was that the Home Office's view (that the power to publish reports rested with the Secretary of State) was neither obvious nor the only way the legislation could be read. I have assumed, therefore, that the Home Secretary could return control of publication to the ICI without amending the legislation. However, I have made it clear that I would not argue for this, provided reports and the department's formal responses are published within the eight weeks to which ministers have previously committed.

The second caveat concerns the refusal to share information with the ICI. While there has always been some stickiness over the routine sharing of data, there has been a particular issue with information about outsourced contracts. The department's position has hardened since 2019-20. It has argued that it is legally bound to maintain commercial confidentiality and has sought my assurance that I will not refer to any such

information in a report as a precondition of sharing it. I have refused. I believe it is wrong in principle that outsourced functions are shielded from independent scrutiny and that the UK Borders Act 2007 requires the ICI to have sight of all relevant information in order to be able to report fully and accurately to the Secretary of State. However, I accept that there may be a need to revisit the scope of the Secretary of State's powers to redact material from published reports.

The other point of substance I raised regarding the draft terms of reference for the independent review concerned the conflation of inspection and assurance. BICS senior managers have previously referred to ICIBI providing "third-line assurance". This is not its function, as Wendy Williams explains in her report (page 141) in responding to the assertion that ICIBI should have spotted what was happening to members of the Windrush generation. Home Office managers must take responsibility for first-, second- and third-line assurance, since these directly affect the quality and consistency of decision-making (getting it 'right first time'), and the early identification of issues. Inspectors may identify specific errors, and where they do these are raised directly with the Home Office, but reviews of sample cases are just one part of the evidence base for an inspection and are generally used to test and illustrate key findings rather than as an end in themselves.

I am pleased that the independent reviewer will look at the resourcing of ICIBI. Throughout my tenure, the inspectorate budget and headcount have remained the same.⁵ I have previously raised the question of ‘right-sizing’ ICIBI. In 2017, I wrote to the Secretary of State with my ‘3-year Inspection Plan’, asking whether what ICIBI was able to produce with its current resources was sufficient “to restore confidence in the system”, which was the intention behind ICIBI’s creation. However, the question became moot as ICIBI struggled to reach its funded headcount of 30. It finally did so in 2020-21, but at this number there continue to be issues about resilience and capacity.

In my 2019-20 Annual Report I reflected on the long-standing, systemic issues that the Home Office needed to fix in order to make meaningful and lasting improvements to the efficiency and effectiveness of the asylum, immigration, nationality and customs functions for which the Home Secretary is responsible. I noted that BICS did not have the capacity or some of the capabilities it needed to do everything required of it consistently well, or in some cases at all, and was less a “system” than a set of related but not always connected or coherent functions. I also stressed the need for BICS to focus on getting “the basics” right, including: creating and maintaining accurate and retrievable records; quality assuring decisions; generating and making use

⁵ There was a technical adjustment to the budget in 2015 to reflect the reallocation of accommodation costs to the Home Office.

of reliable data and management information to inform policies, priorities and performance; communicating clearly (which includes listening) to staff and the users of its services; and developing the right tools and IT to support its business. Nothing I saw during 2020-21 suggested that the Home Office had fixed these fundamental problems and there was evidence that some, communication with key stakeholders for example, had worsened.

Looking ahead to 2021-22, the Home Office is planning major changes. As well as the 'Comprehensive Improvement Plan' (progress against which Wendy Williams is due to review in September 2021), from April 2021 the department will undergo a fundamental restructuring and re-engineering of its business.

BICS will no longer exist in its current form, though the functions will remain. Meanwhile, the government intends to introduce far-reaching legislation aimed inter alia at fixing the "broken" asylum system and making deportations easier. There will also be changes at the border as a consequence of the UK's exit from the EU and to the visa system for those seeking to visit, study or work in the UK.

It remains to be seen whether these changes will provide the answer to the capacity and capabilities challenges but getting the "basics" right should still be the first goal.

It has been a privilege and pleasure to have been the ICI for almost six years, and I would like to put on record my thanks to everyone who has helped me and contributed to the work of the inspectorate over that period. But, it is a good time to be handing over. The new ICI will bring a fresh energy and perspective to what promises to be a testing phase for the Home Office and for ICIBI. I wish him every success.

David Bolt
Independent Chief Inspector
21 March 2021

Role and Remit

Legislative Framework

The role of the Independent Chief Inspector of Borders and Immigration (until 2012, the Chief Inspector of the UK Border Agency) was established by the UK Borders Act 2007. Sections 48-56 of the Act (as amended) provide the legislative framework for the inspection of the efficiency and effectiveness of the performance of functions relating to immigration, asylum, nationality and customs by the Home Secretary and by any person exercising such functions on her behalf.

The UK Borders Act 2007 empowers the Independent Chief Inspector to monitor, report on and make recommendations about all such functions, with the exception of those exercised at removal centres, short-term holding facilities and under escort arrangements unless directed to do so by the Home Secretary. The latter are subject to inspection by Her Majesty's Chief Inspector of Prisons or Her Majesty's Inspectors of Constabulary (and equivalents in Scotland and Northern Ireland).

The UK Borders Act 2007 directs the Independent Chief Inspector to consider and make recommendations about, in particular:

- consistency of approach
- the practice and performance of listed persons compared to other persons doing similar things
- practice and procedure in making decisions
- the treatment of claimants and applicants
- certification under section 94 of the Nationality, Immigration and Asylum Act 2002 (c. 41) (unfounded claim)
- compliance with law about discrimination in the exercise of functions, including reliance on section 19D of the Race Relations Act 1976 (c. 74) (exception for immigration functions)
- practice and procedure in relation to the exercise of enforcement powers (including powers of arrest, entry, search and seizure)
- practice and procedure in relation to the prevention, detection and investigation of offences
- practice and procedure in relation to the conduct of criminal proceedings

- whether customs functions have been appropriately exercised by the Secretary of State and the Director of Border Revenue
- the provision of information
- the handling of complaints
- the content of information about conditions in countries outside the United Kingdom which the Secretary of State compiles and makes available, for purposes connected with immigration and asylum, to immigration officers and other officials

In addition, the legislation enables the Secretary of State to request the Independent Chief Inspector to report to her in writing in relation to specified matters, referred to as “Home Secretary Commissions”. In July 2018, in response to Stephen Shaw’s follow-up review of the welfare of vulnerable persons in detention,⁶ the then Home Secretary wrote formally commissioning an annual review of the workings of the Adults at risk in immigration detention policy. There were no new Home Secretary commissions during 2020-21.

Section 51 of the UK Borders Act 2007 covers the inspection planning process, which includes the requirement to consult the Secretary of State when preparing a plan (in practice, the plan for the coming year).

6 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/728376/Shaw_report_2018_Final_web_accessible.pdf

The legislation also requires the Independent Chief Inspector to prepare a plan for each inspection, describing its objectives and terms of reference, but also makes it clear that this does not prevent the Independent Chief Inspector from doing anything that is not mentioned in any plan. A Protocol, agreed with the Home Office, defines responsibilities, processes, and timescales, both satisfying the legislation and ensuring that inspections proceed efficiently.

The Independent Chief Inspector is required to report in writing to the Secretary of State in relation to the performance of the functions specified. In practice, this means submitting a detailed report for each inspection, plus an Annual Report.

In 2014, the Secretary of State assumed control of the publication of inspection reports, deciding when to lay them before Parliament.⁷ At that time, the Secretary of State committed to doing this within eight weeks of receipt of the report, subject to both Houses of Parliament being in session.

Reports are published in full except for any material that the Secretary of State determines it is undesirable to publish for reasons of national security or where publication might jeopardise an individual's safety. In such cases, the legislation permits the Secretary of

⁷ As soon as they are laid in Parliament, inspection reports are published on the ICIBI website, together with the Home Office's formal response to the report and its recommendations.

State to omit the relevant passages from the published report.⁸

Statement of Purpose

It follows from the legislation that the Independent Chief Inspector's role is to use the evidence gathered during inspections to challenge inefficiency, ineffectiveness or inconsistency, but to do so constructively and with the aim of helping to bring about improvements. To provide the appropriate focus and approach to its work, the Inspectorate has therefore devised a short 'Statement of Purpose':

“To help improve the efficiency, effectiveness and consistency of the Home Office's border and immigration functions through unfettered, impartial and evidence-based inspection.”

The Inspection Process

The legislation covers in detail what the Independent Chief Inspector is directed to consider, but it does not prescribe how inspections are to be conducted.

The Inspectorate has developed a 3-stage inspection process. This is tailored to fit each inspection, but is

8 Two reports published in 2020-21 contained redactions: 'An inspection of the Home Office's response to in-country clandestine arrivals ('lorry drops') and to irregular migrants arriving via 'small boats' (May 2019 – December 2019)' and 'An inspection of the Home Office's use of sanctions and penalties (November 2019 – October 2020)'. The redactions were made on national security grounds and are clearly marked in the published reports.

normally expected to take 100 days (20 weeks) from start to finish:⁹

Stage 1: Planning

- Scoping
- Open source research
- Preliminary evidence request
- Familiarisation visit(s)
- Project Initiation Document sign off by the Independent Chief Inspector
- Formal notification to the Home Office and full evidence request
- Stakeholder engagement – requests for written submissions
- Website ‘Call for evidence’

Stage 2: Inspecting

- Evidence analysis, including sampling of case files
- Stakeholder meeting(s)
- On-site visit
 - Interviews

9 Due to COVID-19 restrictions, during 2020-21 it was necessary to make some adjustments to the inspection process. These mostly affected familiarisation and onsite visits, some of which had to be virtual. Inspection timescales were extended to take account of the fact that inspectors and Home Office teams were working remotely.

- Focus Groups
- Observations
- Surveys (particularly when onsite visits were limited due to COVID-19 imposed restrictions)
- Review by the Independent Chief Inspector
- Further evidence request (if required)

Stage 3: Reporting

- Presentation of emerging findings to the Home Office
- Drafting of report
- Factual accuracy check of draft report by the Home Office
- Report finalised and sent to the Home Secretary

ICIBI ‘Expectations’

In November 2018, ICIBI published a set of ‘Expectations’ (see Appendix 4).

The ‘Expectations’ cover the key factors that, based on ICIBI’s knowledge and experience, affect the efficiency and effectiveness of all asylum, immigration, nationality and customs functions. They provide the starting point for all inspections, and inspectors will test for evidence of each of them, before examining any other areas that are specific to the particular inspection.

The 'Expectations' are intended to be helpful not just to ICIBI inspectors, but also to the Home Office and others responsible for delivering these functions, as well as to anyone who encounters them and to other stakeholders. To that end, they are written in plain English, and no specialist knowledge of the borders and immigration system or of inspecting is required to interpret them.

Inspection Plan 2020-21

ICIBI's first rolling 3-year Inspection Plan was published in 2016. Prior to this, the Independent Chief Inspector had published an annual plan identifying a number of 'announced' inspections and committing to a further number of 'unannounced' inspections.

The aim of the 3-year plan was to provide a better sense of the overall shape and range of the Inspectorate's work programme, how planned inspections fitted together thematically, and to signpost when particular topics would be examined. As intended, this approach has been largely successful in delivering a balanced and broadly-based programme of inspections, and in the process creating a clearer picture of the underlying issues and systemic improvements required.

An updated third and final year of the 2017-18 to 2019-20 Plan was published in April 2019.

On 10 April 2020, the Home Secretary announced the extension of my appointment until 31 October 2020,

following which (on 21 April 2020) I published a list of inspections that ICIBI would begin by October 2020. This is at Appendix 1. The updated Plan was informed by the findings and recommendations from previous inspections and reflected discussions with ministers, officials, and external stakeholders.

Since deciding what to inspect, and when, is one of the most important aspects supporting the independence of the ICIBI, my 2020-21 Plan did not look beyond the end of my extension. However, because of the time inspections take to complete, plus the time between reporting to the Home Secretary and the report being laid in Parliament, I was aware that some of the inspections begun before October 2020, would fall to my successor to complete. In the event, my appointment was further extended to 21 March 2021. This meant that while a number of inspections were 'live' and would straddle into 2021-22, all of the completed reports that I had submitted to the Home Secretary had been published before my departure.

Inspection Findings 2020-21

Overview

Thirteen inspection reports were laid in Parliament in 2020-21. They are listed at Appendix 1. The full reports can be found on the Inspectorate's website, together with links to the Home Office's formal responses to the reports and to each of the recommendations.

In all, ICIBI made 62 recommendations, of which the Home Office accepted 41 (67.2%), while another 17 (26.2%) were partially accepted. However, as in previous years, the narrative responses were too often caveated or non-specific in terms of what the Home Office would do to implement recommendations and by when.

Four (6.6%) recommendations were rejected. These bear closer examination.

Two of the four rejected recommendations came from the same report: 'Inspection of Country of Origin Information Thematic Report, September 2020'.¹⁰ Country of Origin Information (COI) is produced primarily to assist asylum decision makers, including

¹⁰ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/941969/Inspection_of_Country_of_Origin_Information_Thematic_Report_on_Sexual_Orientation_and_Gender_Identity_or_Expression.pdf

in determining whether an individual may safely return to their country of origin. Since 2015, ICIBI has made 30 overarching recommendations in relation to COI production and use (these were in addition to the product-specific recommendations made by the expert reviewers of individual COI products). Of the 30, the Home Office has rejected five. To put this in context, in the same period ICIBI made a total of 440 recommendations, 20 (4.5%) of which have been rejected. The COI rejections therefore account for a quarter of all rejected recommendations.

On this occasion, the rejected recommendations went to the heart of ICIBI's concerns: the resourcing and top management "ownership" and oversight of COI production. The Home Office considers both are adequate to ensure that its body of information about countries of origin and transit is reliable, kept up-to-date and interpreted correctly. ICIBI disagrees.

The Home Office also rejected one of the five recommendations from 'An inspection of Administrative Reviews (May – December 2019)'.¹¹ This was that the BICS Board should receive "a detailed (not simply statistical) quarterly report on the Administrative Review (AR) system, covering how in-country, overseas, at the border and EU Settlement Scheme (EUSS) ARs are working, the issues raised and lessons learned, risks

11 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/886101/An_inspection_of_Administrative_Reviews.pdf

and proposed actions (including by areas responsible for making eligible decisions).”

In rejecting this recommendation, the Home Office acknowledged the importance of an effective AR system but did not accept the recommendation “as drafted ... given the range of topics and operational areas the BICS board covers, and the need to retain flexibility to focus on emerging issues”. However, it undertook to give further consideration to how management information and learning from ARs is included in wider discussions about system performance.

In 2014, serious concerns were raised in Parliament and elsewhere about plans to remove a raft of appeal rights and replace them with a system of Administrative Reviews. Since then, the spotlight has shifted from ARs, which have become “business as usual”, and commitments and claims made by the Home Office in response to earlier objections have been quietly forgotten.

The inspection report therefore asked whether it was time for a major rethink. It was clear that the Home Office had no appetite for this. Nonetheless, rejection of the recommendation to report regularly on ARs to the BICS Board was surprising, particularly in light of the department’s stated intention, in response to the ‘Windrush Lessons Learned Review’ (WLLR), to listen and learn and of its acceptance of recommendations

from ICIBI and WLLR relating to complaints handling.¹² Though distinct, complaints, AR requests and appeals are all key to understanding how BICS is performing and how its actions and decisions are affecting the people with whom it interacts. It would be reasonable to expect a more energetic and more coherent approach from BICS to learning from these three forms of customer feedback.

The fourth rejected recommendation was perhaps the most concerning. This was one of eight recommendations contained in the ‘Annual inspection of ‘Adults at Risk in Immigration Detention (November 2018 – May 2019)’¹³ and was that: “(Without waiting for Atlas) produce and share with stakeholders a statement about the data the Home Office considers is essential to a thorough understanding and assurance of the effectiveness of the Adults at Risk guidance (and any related policies, guidance, processes), and overhaul the forms and other methods by which data and information about the detained population is collected, to ensure that this data is collected consistently and comprehensively.”

12 <https://www.gov.uk/government/publications/response-to-an-inspection-of-the-handling-of-complaints-and-correspondence/the-home-office-response-to-the-icibi-report-an-inspection-of-the-handling-of-complaints-and-correspondence-from-members-of-parliament-by-the-home-of> and https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/922973/CCS001_CCS0820050750-001_Resp_to_Windrush_Lessons_CP_293_Accessible.pdf

13 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/881648/Annual_inspection_of_Adults_at_Risk_in_Immigration_Detention_2018-29.pdf

It has been a regular feature of ICIBI inspections across all areas of BICS that the data inspectors have required to test the efficiency and effectiveness of a particular function has not been readily available. In many cases, it has not been recorded, or not in a form that is retrievable. Meanwhile, the BICS data that has been provided has frequently been incomplete and unreliable. The obsolescent Casework Information Database (CID) is often “blamed” for this, and the department has pointed to its replacement, Atlas, as the answer.

However, Atlas roll-out has suffered repeated delays, and recent inspections, for example ‘An inspection of the Home Office Presenting Officer function (November 2019 – October 2020)’,¹⁴ have found that business areas have had to compromise on their data requirements not to delay it further. As the ‘Adults at Risk’ rejection explained: “much of this work [on the data the Home Office considers essential to a thorough understanding and assurance of the effectiveness of the Adults at Risk guidance and the detained population] needs to be aligned to Atlas and with the department managing significant risks associated to the delivery of this key IT system, it would be unwise to accept additional development requirements during such a challenging period.”

14 [ICIBI – An inspection of the Home Office Presenting Officer function – November 2019-October 2020 \(publishing.service.gov.uk\)](#)

Equally serious, the focus on Atlas has diverted attention away from the fact that record keeping standards are simply not good enough. This deficiency undermines and puts at risk everything that BICS does, from individual decisions to strategic priorities. While Atlas should improve the ways in which BICS is able to manage and view its data, enabling users to more easily see all of the information held about an individual, it will only be as good as the information that is entered onto the system. The department has a great deal of work to do to embed a proper regard for accurate, detailed record keeping. It should start by setting out clear policies, guidance, and standards, supported by effective training and quality assurance. And, it should also ensure that staff are given sufficient time to complete this basic task.

Summary of findings from 2020-21 inspections

The key points from each inspection published in 2020-21 are summarised below.

Since 2016-17, ICIBI's annual programme of inspections has been built around five 'Themes', which reflect the main purpose or outcome of the Home Office's various borders and immigration functions. This thematic format is followed below. In practice, as in previous years, most of the inspections completed in 2020-21 contained elements of more than one Theme.

Some of the areas covered were ones ICIBI had not previously inspected, while others were re-inspections or further examinations, enabling inspectors to check on the implementation of earlier recommendations and to compare past and present performance.

Theme 1: Protecting the border (identifying and intercepting risks and threats)

Two inspections had ‘protecting the border’ as their main Theme.

An inspection of the Home Office’s response to in-country clandestine arrivals (‘lorry drops’) and to irregular migrants arriving via ‘small boats’ (May 2019 – December 2019)

The inspection report¹⁵ was submitted on 13 March 2020 and published on 11 November 2020 (35 weeks).¹⁶

In 2016, ICIBI had looked at the Home Office’s response to the sharp increase in encounters with migrants who had entered the UK clandestinely concealed in lorries and found that while frontline staff had coped well with the extra demands, this had been at the expense of other enforcement priorities, to the extent

15 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/933953/An_inspection_of_the_Home_Office_s_response_to_in-country_clandestine_arrivals_lorry_drops_and_to_irregular_migrants_arriving_via_small_boats_.pdf

16 Ministers have committed to publishing ICIBI reports within eight weeks of receipt, where possible. Reports may be published only when both Houses of Parliament are sitting. During 2020-21, two reports were published in week eight. The remainder ranged between 11 and 53 weeks to be published.

that in some areas little other operational activity had been conducted.¹⁷ In approaching this inspection, a key question was whether the response to the surge in ‘small boats’ was having a similar impact on other BICS business.

In short, inspectors found that it was. Border Force’s Maritime Command, the General Aviation/General Maritime Team based in Folkestone, Immigration Enforcement’s Criminal and Financial Investigation directorate, and the Joint Debriefing Team, were all heavily occupied with small boats, as was UK Visas and Immigration (UKVI) Kent (Asylum) Intake Unit. Some staff in these teams, as well as other agencies, expressed concerns about what was being missed as a result, particularly people and goods smuggling, which inspectors were told “had not gone away” and may indeed have increased in other parts of the UK as smugglers looked to exploit the concentration of resources in the South East.

The Home Office contended that the emergence in late-2018 of small boats as a favoured means of illegal entry was a consequence of the extensive investment over recent years, in collaboration with the French authorities, in strengthening security at and around the ports in northern France. But, while this may have made unaided clandestine entry harder, the inspection report noted that

17 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/540577/ICIBI_inspection_of_lorry_drops_July_2016.pdf

the number of ‘lorry drop’ migrants encountered in the UK increased in 2019 by a third over the previous year, and organised smuggling of large groups concealed in road transport continued, often with casual disregard for the risks to the migrants’ health and welfare, as evidenced by the discovery of the bodies of 39 Vietnamese migrants in a refrigerated trailer at Purfleet, Essex, in October 2019.

Overall, ICIBI found no signs of the threat of clandestine entry reducing and recent evidence pointed in the other direction. While the Home Office had shown some agility in marshalling and reprioritising resources in response, it was hard to avoid the conclusion that it had neither the capacity nor the capabilities, in particular in respect of criminal investigation and prosecution, required to manage this threat more effectively.

The report contained five recommendations. None offered a ‘quick fix’, nor did they seek to address wider questions of ‘pull factors’ and calls for more legal and safe routes, which were not the focus of this inspection. They concentrated on the improvements the Home Office needed to make in relation to skills, organisation and processes, partnership working, data and analysis, and staff management in order to function more efficiently and effectively.

It took the Home Office eight months to publish the report and its response.¹⁸ The department accepted three and partially accepted two of the recommendations.¹⁹ In doing so, it described the actions it had already taken, including appointing a Clandestine Channel Threat Commander to lead on clandestine entry, and identified an extensive body of work that was in hand internally and with partner agencies. It was clear that the latter would require significant ongoing commitment and effort, and that ICIBI would want to revisit this in due course to check on progress.

An inspection of the work of Border Force, Immigration Enforcement, and UK Visas and Immigration to identify, investigate, disrupt and prosecute perpetrators of modern slavery and human trafficking (October 2019 – April 2020)

In 2017, ICIBI reported on the identification and treatment of Potential Victims of Modern Slavery (PVoMS) by Border Force, following this up in 2018 with a re-inspection to check on progress made in implementing ICIBI's recommendations.

Following discussions with the Independent Anti-Slavery Commissioner about where a further inspection might add most value, ICIBI focused on the work being done by Border Force, Immigration Enforcement and UK

18 The published report contains redactions authorised by the Home Secretary on grounds of national security. These are clearly marked within the text of the report.

19 <https://www.gov.uk/government/publications/response-to-an-inspection-of-the-home-office-response-to-lorry-drops-and-small-boats>

Visas and Immigration to identify, investigate, disrupt and prosecute the perpetrators of modern slavery and human trafficking (MSHT).²⁰

The inspection found that while operational activity overall had increased since the Modern Slavery Strategy was launched in 2014, the work of the three Borders, Immigration and Citizenship System (BICS) operational directorates, and that of the wider Home Office, remained siloed and disjointed, with little evidence of a plan to address this.

BICS had had some success in focusing frontline staff on the identification and safeguarding of victims through the National Referral Mechanism (NRM), which was reflected in increased numbers of NRM referrals. It needed to build on this, particularly at the border, where the numbers were still low. But, it was not doing enough to combat the criminals who perpetrate, enable and exploit MSHT, and opportunities to do so were being missed.

The report was sent to the Home Secretary on 16 September 2020 and published on 4 March 2021 (24 weeks). It contained three recommendations, which together looked to reset the BICS response to MSHT. They stressed the importance of creating a clearer, more coherent set of roles, responsibilities and objectives for

²⁰ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/966139/An_inspection_of_the_work_of_BF_IE_and_UKVI_to_identify_investigate_disrupt_and_prosecute_perpetrators_of_modern_slavery_and_human_trafficking.pdf

BICS, and also of ensuring that the Home Office Serious Organised Crime Group (SOCG), which held the departmental lead for MSHT, was more closely engaged with BICS over the latter's efforts to tackle MSHT. Two of the recommendations were accepted and the third "partially accepted".

In addition, the report repeated a recommendation from 'An inspection of the Home Office's response to in-country clandestine arrivals ('lorry drops')', which had not yet been published. This was that: "[The Home Office should] Carry out a fundamental review of the Borders, Immigration and Citizenship System's criminal investigation and prosecution capabilities and capacity, looking at clandestine entry (incorporating people smuggling, trafficking and modern slavery) and other immigration-related crimes, and revisiting with the National Police Chiefs' Council (NPCC) and the National Crime Agency, and others if appropriate, where the underlaps are at National Intelligence Model (NIM) Levels 1, 2 and 3."

In November 2020, the Home Office "partially accepted" this recommendation, but declined to carry out a fundamental review. Instead, it would take ICIBI's findings fully into account alongside the findings of the independent review of Serious and Organised Crime (SOC) led by Sir Craig Mackey QPM,²¹ which had reported to the Home Secretary in February 2020.

21 Former deputy commissioner of the Metropolitan Police.

The Home Office stated that it was: “considering the [SOC] review’s recommendations” and would “provide details of the key findings in due course. Alongside this, there has been work done within the Home Office to clarify roles and responsibilities and streamline governance on organised immigration crime.”

In March 2021, the Home Office simply quoted its earlier response. It was unclear what progress had been made in the intervening four months.

Theme 2: Providing a service (processing applicants, claimants and customers)

Four inspections had ‘providing a service’ as their main Theme.

An inspection of Administrative Reviews (May – December 2019)

This inspection report²² was sent to the Home Secretary on 24 January 2020 and was published with the Home Office’s response²³ on 20 May (17 weeks).

ICIBI’s first inspection of the Home Office’s processes for handling Administrative Reviews (ARs) was in 2015, in response to a request from the Home Secretary, who was bound by Section 16 of the Immigration Act 2014 to

22 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/886101/An_inspection_of_Administrative_Reviews.pdf

23 <https://www.gov.uk/government/publications/response-to-an-inspection-on-administrative-reviews-may-to-december-2019/the-home-office-response-to-the-icibi-report-an-inspection-on-administrative-reviews>

commission a report within 12 months of the introduction of new AR provisions in lieu of appeal rights.

In line with Section 16, the 2015 inspection examined the effectiveness of ARs in identifying and correcting case working errors and the independence of AR reviewers in terms of their separation from the original decision maker. The report, which was sent to the Home Secretary on 4 April 2016, also covered service standards in dealing with AR applications, consistency across different areas of the Home Office, organisational learning, and cost savings.

This initial inspection found significant room for improvement, and contained 14 recommendations, grouped under four headings: Administrative Review applications; consideration of reviews; quality assurance; and learning. The Home Office accepted 13 of the 14 recommendations in full and the fourteenth in part.

In early 2017, a re-inspection found that the handling of in-country ARs had improved considerably, but progress in relation to overseas and at the border ARs had been slower. It concluded that six of the original 14 recommendations could be considered 'closed'. However, the Home Office was not yet able to demonstrate that it had delivered an efficient, effective and cost-saving replacement for the previous appeals mechanisms. This was made more difficult because

ARs were split across three business areas, and the report suggested that the Home Office should consider appointing a senior responsible owner (SRO) for the overall system of ARs to ensure consistency and benefits realisation.

This latest inspection, the bulk of which was conducted between May and December 2019, revisited the Section 16 'tests'. In the case of 'at the border ARs', dealt with by Border Force, the numbers were small. However, examination of the case files and interviews with frontline officers raised some concerns, and it was evident that the process needed to be better managed and for there to be greater oversight.

All other ARs were now considered by one dedicated unit within UK Visas and Immigration (UKVI). Since November 2018, this had included ARs submitted by applicants to the EU Settlement Scheme (EUSS), essentially those granted pre-settled status who believed they should have been granted settled status. Any internal Home Office review process will struggle to prove it is truly "independent", but in ICIBI's view the arrangements for 'in-country', 'overseas' and EUSS ARs had created as much separation from the original decision maker as was possible while the decision-making and review functions remained under one Director General.

In terms of identifying and correcting case working errors, the inspection found a distinct difference between 'objective' factual or process errors, where the ARs were generally effective, albeit too slow to remedy the error in some cases (Biometric Residence Permit replacements, for example), and instances where the AR applicant was challenging the decision maker's interpretation of the evidence they had provided, specifically where the case worker had refused the original application on credibility grounds. Since the AR reviewer was constrained to consider only the same evidence that the original decision maker had in front of them, the process was geared towards demonstrating that the Home Office has not made an error, rather than towards providing the applicant with the best outcome. This undermined UKVI's claim to excellent customer service but was of particular concern with potentially vulnerable applicants.

Other ICIBI inspection reports, including the 2019-20 Annual Report, have noted how the EUSS differs from other borders and immigration processes, including in terms of the lengths the Home Office is prepared to go to in order to ensure that EUSS applicants get the best outcome. Inspectors found the same to be true for EUSS ARs.

This report's five recommendations were directed for the most part at improving current AR processes and oversight, including urgently improving AR reporting and data so that the true picture of AR performance

can be seen. The Home Office accepted two of the recommendations, including one to produce a full evaluation of the AR system, which it aimed to complete by the “end of summer 2020”.²⁴ It partially accepted two others, and rejected one. The latter concerned presenting the BICS Board with a detailed quarterly report on how the AR system was working.

In addition to the specific recommendations, ICIBI also argued that, after almost five years, the Home Office should be thinking beyond merely tweaking its processes and should be asking whether the AR system has delivered the benefits, including for applicants, that it claimed it would during the passage of the Immigration Bill 2014, when the proposed removal of appeal rights was the subject of considerable concern in Parliament and elsewhere. And, if the answer was “no”, or “not yet”, it needed to take a more fundamental look at the scope of ARs and at what it was seeking to achieve through them. However, the Home Office’s responses suggested only a qualified acceptance of the need to be more open and more adaptable.

24 The Home Office has advised that it now aims to complete the evaluation by the end of summer 2021.

An inspection of the Handling of Complaints and MP’s Correspondence by the Home Office Borders, Immigration and Citizenship System (BICS) (February - May 2019)²⁵

In setting out the particular areas that the Independent Chief Inspector “shall consider and make recommendations about”, the UK Borders Act 2007 specifies “the handling of complaints”. Where relevant, ICIBI includes complaint handling as a standing item in inspections. The inspectorate also regularly receives correspondence from individuals expressing their dissatisfaction with their treatment by the Home Office, which is passed on to the latter to respond, where appropriate, and stakeholders also point out issues both spontaneously and in response to a specific ‘call for evidence’.

In 2015, ICIBI looked at the BICS complaints handling system as a whole.²⁶ The inspection report observed that a key measure of the performance of a public body was how well it handled complaints about the service it was providing, or about the conduct of its staff, and that good complaint handling required organisation, effort and commitment from management.

25 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/898660/An_inspection_of_the_Handling_of_Complaints_and_MP_s_Correspondence_by_the_Home_Office_Borders_Immigration_and_Citizenship_System.pdf

26 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/547700/ICIBI-report-on-Complaints-1-March-2016.pdf

The 2015 report contained eight recommendations for improvements and, in 2017, ICIBI revisited these to see what progress had been made.²⁷ The 2019 inspection looked at them again, some two years on, and also at correspondence from the Home Office in response to letters from Members of Parliament on behalf of their constituents, which had featured in the original inspection.

The latest report contained four recommendations. The Home Office accepted three and partially accepted the fourth.²⁸ Firstly, it recommended that the Home Office should revisit each of the eight recommendations from the original report and produce an updated response to each. While it accepted this recommendation, the Home Office believed that the inspection report had failed to acknowledge the improvements it had made in processes, response times, quality and record keeping. ICIBI disagreed. The inspection had found some improvements in the first and last of these, but it had also found that the Service Standard of responding to 95% of complaints within 20-working days was routinely missed and that quality assurance was either retrospective, absent or achieved at the expense of timeliness.

27 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/631634/A-re-inspection-of-the-complaints-handling-process.pdf

28 <https://www.gov.uk/government/publications/response-to-an-inspection-of-the-handling-of-complaints-and-correspondence>

The Home Office was also concerned about drawing firm conclusions from the small number of respondents to the 'call for evidence', including just a handful of MPs. Although this was only one part of the evidence base, the report recommended that the Home Office should carry out a new survey of MPs, and also consider how to capture customer feedback more systematically. This recommendation was accepted.

The third recommendation was that BICS should nominate a single "owner" for complaints. Ownership (and accountability) had been something of a theme in a number of recent inspection reports, which had raised concerns about the fragmented nature of BICS business. In the case of complaints, apart from ensuring the consistency and quality of responses, the challenge was to ensure that any high-risk and cross-BICS themes or issues were quickly identified and addressed. In its response, the Home Office indicated that it had identified an owner and had created a BICS Complaints Steering Group, which would meet quarterly.

Finally, the report recommended greater transparency regarding the nature of the complaints received and, in particular, the lessons learned and the changes and improvements made as a result, with the latter published at least quarterly on GOV.UK and Horizon (the Home Office intranet). Done well, this could go a long way towards demonstrating that the Home Office took complaints seriously and was truly as "customer

focused” as it claimed to be. The “partial acceptance” of this recommendation included a rejection of a quarterly update as it would “become an industry in itself and will detract from actually learning lessons” as “maintaining an effective and dynamic lessons learned process is reliant on a more open learning culture better suited to a more internal publication process”. Instead, it proposed to publish this information annually.

The inspection report was sent to the Home Secretary on 4 July 2019 but was not published until 8 July 2020 (53 weeks). The Home Office explained that the publication delay had allowed it time to ensure its response was aligned to the recommendations in the ‘Windrush Lessons Learned Review’ (WLLR), which was published on 19 March 2020. The WLLR had recommended:

“Recommendation 20 – The Home Secretary should commission an urgent review of the BICS complaints procedure. Options could include establishing an Independent Case Examiner as a mechanism for immigration and nationality applicants to have their complaints reviewed independently of the department.”²⁹

Since complaints are restricted to matters of service or conduct, the BICS complaints procedure is only part of the answer to the concerns behind the WLLR

29 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/874022/6.5577_HO_Windrush_Lessons_Learned_Review_WEB_v2.pdf – page 147.

recommendation. Individuals making immigration or nationality applications, or asylum claims, also need recourse to Administrative Reviews and Appeals to enable them to challenge substantive decisions.

These mechanisms are distinct. Each has to be efficient and effective at providing remedies and redress, including an apology, where the Home Office is at fault. Each provides an opportunity for the Home Office to show its 'human face' and to rebuild trust in its intentions and competence, which is why its response to the recommendation to publish the lessons it has learned from complaints quarterly is concerning.

Following publication of the WLLR, the Home Office has spoken extensively about its determination to make a cultural shift, towards greater openness, less defensiveness, and a willingness to listen to its "customers". But, seeing quarterly reporting of complaints and the changes and improvements it has made as a result as a burden and potential threat to organisational learning suggests that as at July 2020 it had still not fully understood the extent of the transformation required.

An inspection of family reunion applications (June – December 2019)

This inspection report³⁰ was sent to the Home Secretary on 7 January 2020 and published on 8 October (39 weeks) along with the Home Office response.³¹

Dependent family members of individuals (‘sponsors’) who have been granted asylum or five years humanitarian protection leave to remain may apply to the Home Office to be reunited in the UK. These are referred to as ‘family reunion’ applications. Under the Immigration Rules, eligibility for family reunion is limited to spouses, civil partners, unmarried/same sex partners and biological children under the age of 18, who formed part of the family unit at the time the sponsor fled to seek asylum.

ICIBI first looked at the Home Office’s handling of family reunion applications in 2016 in response to concerns expressed about the efficiency and fairness of the Home Office’s management of them. Stakeholders argued that the process was unnecessarily protracted, that applicants were being held to excessively high thresholds to establish their identity, and that the requirement to produce documentary evidence of identity and of the claimed relationship to the sponsor

30 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/924812/An_inspection_of_family_reunion_applications_June_December_2019.pdf

31 <https://www.gov.uk/government/publications/response-to-the-report-on-an-inspection-of-family-reunion-applications/the-home-office-response-to-the-report-on-an-inspection-of-family-reunion-applications-accessible-version>

was impacting disproportionately on applicants from areas of conflict.

The 2016 inspection focused on the three visa posts (Amman, Istanbul and Pretoria) with the highest numbers of applicants, looking particularly at the nationalities (Syrians, Iranians, Eritreans, Somalis and Sudanese) that had made the most applications and were most often refused. Overall, the inspection found that the Home Office was too ready to refuse applications where it judged that the applicant had failed to provide sufficient evidence to satisfy the eligibility criteria, when deferring a decision to allow the applicant to produce the ‘missing’ evidence might be the fairer and more efficient option.

The report made 10 recommendations, all of which the Home Office accepted. Collectively, these were aimed at helping the Home Office to reassure applicants, stakeholders and others that it recognised the particular challenges surrounding family reunion applicants, and that it managed applications not just efficiently and effectively, but thoughtfully and with compassion.

Two follow-up inspections, of Istanbul (in 2017) and Amman (in 2018), found evidence of progress in some areas, but after the second of these, I judged that eight of the original recommendations still remained “open”. The Home Office challenged my conclusion that, after initial efforts to address the issues identified in the 2016

report, this had ceased to be a priority. It referred to ongoing work on the approach to family reunion as part of a wider review of its asylum and resettlement strategy, and to consideration of debates in the context of two Private Members' Bills relating to family reunion, which the Home Office said it would follow closely. It would also continue "productive discussions with key Non-Governmental Organisations (NGOs)". Meanwhile, the Home Office insisted that development of family reunion policy remained a high priority and it would update the guidance once a firm position had been reached.

The 2016 original inspection had urged the Home Office to recognise that family reunion applications were different in nature from the other types of visa applications handled by overseas Decision-Making Centres (DMCs) and required an approach that took full account of the inherent and sometimes acute vulnerability and protection needs of applicants. Implicit in this was the question of whether Entry Clearance Officers (ECOs), dealing for the most part with visitor visas, were best-placed to be making these decisions. This latest inspection found that, since 2018, the Home Office had moved the bulk of family reunion decision-making to Asylum Operations (in Sheffield), with only those applications submitted in Khartoum still considered by ECOs at the DMC in Pretoria.

The inspection found that Asylum Operations (Sheffield) needed to improve its handling of family

reunion applications, for example, making more use of interviews of sponsors and/or applicants to try to resolve any concerns rather than to refuse an application.

Nonetheless, although Pretoria may have been justified in thinking that it had been left with some of the most difficult cases, the report found that Sheffield's grant rates were higher, decision quality was better and refusals were more clearly explained, and in general Sheffield showed greater awareness and sensitivity.

To avoid a two-tier system, I recommended that the Home Office find a solution to the logistical difficulties behind Khartoum cases not having been onshored and on-shore them to Sheffield before the end of 2019-20. The Home Office partially accepted this recommendation because it could not meet the end of 2019-20 deadline. However, it planned to "complete the work before the end of 2020 (allowing for any delays as a result of Covid 19)".³²

Both Private Members' Bills fell as a result of the General Election at the end of 2019. However, their main aim was clear enough: to expand the eligibility criteria for sponsors and for applicants. I therefore recommended that, pending any new legislation, the Home Office should clarify its position (with supporting evidence) in relation to those areas of the present policy that had been the subject of Parliamentary and stakeholder

32 Asylum Operations (Sheffield) started taking Family Reunion applications from Pretoria Decision Making Centre from Monday 18 January 2021, this includes new applications from Khartoum.

interest, in particular: child sponsors; dependent family members over 18 years of age; funding for DNA tests; availability of legal aid. By seizing the opportunity to propose those policy changes it believed would improve the family reunion route, it could demonstrate that it had listened, and that family reunion genuinely remained a priority.

The Home Office provided clarification of its position in relation to child sponsors, dependent family members over 18, and legal aid. In summary, it saw no need for any changes. It provided no supporting evidence to show that it had either monitored or evaluated the impact of its policies but simply reiterated its familiar lines, for example that “allowing children to sponsor parents would risk creating incentives for more children to be encouraged, or even forced, to leave their family and attempt hazardous journeys to the UK. This would play into the hands of criminal gangs, undermining our safeguarding responsibilities.” This was disappointing, particularly in light of heightened concerns about the provision of safe and legal routes in light of the surge in small boat crossings and the UK’s approaching exit from the EU.

During the course of this inspection, stakeholders raised numerous issues about the performance of Visa Application Centres (VACs), including the fact that many family reunion applicants had to make difficult, dangerous and expensive journeys, in some cases

crossing into another country, possibly more than once, just to attend a VAC appointment.

The Home Office needed to ensure that the end-to-end family reunion application process was working for applicants, and this required greater understanding and ownership by operational directorates of the ‘front-end services’ that were being provided, in order to be able to respond quickly to any practical or other obstacles affecting their accessibility for family reunion applicants, including: where they were located and whether alternative solutions (for example, mobile biometric clinics) may be required; the availability of free appointments; recognition of the particular circumstances of family reunion applicants, so that they were not met with unreasonable demands for documentation, return visits and fees.

This recommendation was partially accepted, though the tone of the Home Office’s response suggested that nothing would change. It noted that the current commercial arrangements included reporting and monitoring processes to ensure that commercial partners met their contractual obligations, but it was “not economically viable for UKVI to have VACs in every country across the world. The VAC footprint is driven by a number of considerations, including the volume of applications that are likely to be made at it; UKVI cannot commit to opening new locations or offer alternative

solutions in locations where volumes are low, but will keep the footprint of the VACs under review.”

In 2020-21, ICIBI began an inspection of the Home Office’s “front-end services”, both overseas and in the UK. It will look to examine how the Home Office balances costs and service, in particular when dealing with the most vulnerable. Clearly, it must manage its costs, and this may necessitate a transactional approach in the case of most applicants for visit, work or study visas. However, the key message from my 2016 inspection was that the Home Office needed to think differently about refugee family reunion applicants and recognise their claim for protection. It seems from its comments about VACs that this may still not have been fully understood.

In all, the family reunion inspection report contained five recommendations, of which the Home Office accepted three and partially accepted two. However, by taking nine months to publish the report, some of its comments about what it had done and planned to do in response to these recommendations were inevitably undercut.

In this case, however, the delay was a secondary issue. In her ‘Windrush Lessons Learned Review’, Wendy Williams alluded to how the Home Office was more likely to accept and implement my “process-related” recommendations than those “deeper-rooted” recommendations that require “proper evaluation of

the impact of policies on different groups of people”. Its response to this inspection was a perfect illustration of this.

An inspection of the Home Office’s use of language services in the asylum process May – November 2019³³

This inspection examined the use of language services by the Home Office’s Borders, Immigration and Citizenship System (BICS), with a particular focus on asylum. The report was sent to the Home Secretary on 14 May 2020 and published on 11 November 2020 (26 weeks).

The United Nations High Commissioner for Refugees (UNHCR) ‘Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees’³⁴ sets out the basic requirements that all States should satisfy. These include that applicants for refugee status “should be given the necessary facilities, including the services of a competent interpreter, for submitting his case to the authorities concerned”. This requirement is reflected in the UK’s Immigration Rules,³⁵ which state that: “The Secretary of State shall provide at public expense an interpreter for the purpose of allowing

33 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/933930/An_inspection_of_the_Home_Office_s_use_of_language_services_in_the_asylum_process.pdf

34 <https://www.unhcr.org/4d93528a9.pdf>

35 <https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-11-asylum>

the applicant [for asylum and humanitarian protection] to submit their case, wherever necessary. The Secretary of State shall select an interpreter who can ensure appropriate communication between the applicant and the representative of the Secretary of State who conducts the interview.”

While this inspection looked in particular at how well the language needs of asylum applicants were being met, its findings had wider relevance. Previous inspection reports had commented on the (lack of) provision of foreign language versions of instructions and guidance, including most recently ‘An inspection of the EU Settlement Scheme’ (April 2019 to August 2019).³⁶ Similarly, in his reviews of vulnerable adults in immigration detention, Stephen Shaw drew attention to the importance of reliable interpreting services. BICS had often seemed reluctant to accept that some of the individuals it encountered, including some of the most vulnerable, would not have sufficient command of English to understand clearly and precisely their rights and obligations unless they were translated into their own language.

The inspection found that the Home Office had a good deal of work to do to improve its use of language services. It needed to tackle this strategically and in a coordinated way rather than piecemeal. Some things

36 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/868259/ICIBI_Inspection_of_the_EU_Settlement_Scheme_Apr_2019_to_Aug_2019_.pdf

required urgent attention, but others would take time and effort. However, getting this right was essential to the overall efficiency and effectiveness of BICS and to the Home Office providing its “customers” with the quality of service they were entitled to expect.

The report contained three recommendations, all of which were accepted.³⁷ The first of these was that the Home Office should appoint an “owner” for language services, with accountability across BICS for the formulation and implementation of policies and processes, collection of data and performance monitoring, planning and delivery of the required resources and capabilities, risk management, internal and external communications, monitoring and management of contracted out services, and stakeholder engagement.

The second and third were actions for the appointed “owner”: to create, publish and resource a comprehensive programme of improvements to the provision and use of language services, with clear timelines and deliverables; and, to ensure that the risks and issues in relation to language services are fully and accurately reflected in departmental, directorate and business area Risk Registers, and that mitigations and actions are regularly reviewed.

37 <https://www.gov.uk/government/publications/response-to-an-inspection-of-the-home-offices-use-of-language-services-in-the-asylum-process/a-response-to-an-inspection-of-the-home-offices-use-of-language-services-in-the-asylum-process-accessible-version>

This inspection, like several other previous inspections, found evidence of fragmented and siloed working. The scale and complexity of the Home Office's borders and immigration functions mean that however BICS is organised there will always be boundary management challenges and effective internal communications (supported by well-defined roles and responsibilities, up-to-date policies and guidance, accurate, retrievable records, and clear direction) will be essential, particularly where there are dependencies and cross-cutting requirements, such as access to language services. Recognising this, one of ICIBI's six 'Expectations' is that "each immigration, asylum, nationality or customs function has a BICS "owner"", accountable inter alia for performance, capability development, managing risks, partnerships and stakeholder engagement. Though preferable, this need not be an individual. While it risks diluting accountability, for practical reasons, the "owner" may be a group or Board. In this instance, the Home Office designated a UKVI senior manager as the "owner" but also created a working group to map the requirement for language services across BICS.

Theme 3: Compliance Management and Enforcement

Two inspections had 'compliance management and enforcement' as their main Theme.

Annual inspection of ‘Adults at Risk in Immigration Detention’ (2018-19) (November 2018 – May 2019)³⁸

In July 2018, following on from the two reviews by Stephen Shaw (in 2016 and 2018)³⁹ of the welfare in detention of vulnerable persons, the then Home Secretary commissioned the ICI to produce an annual report on “whether and how the Adults at Risk policy is making a difference”.

This was ICIBI’s first annual report, covering 2018-19. It was sent to the Home Secretary on 4 July 2019 but was not published until 29 April 2020 (43 weeks). This delay impacted the schedule and scope of the second report (see ‘Live’ inspections as at 31 March 2021).

This first report was deliberately wide-ranging, since it sought to place the ‘Adults at Risk’ process in context, drawing on other recent ICIBI inspections, in particular, those concerned with the Home Office’s overall understanding and response to vulnerability and its management of the non-detained population.

During the inspection, the Home Office and the Immigration Minister were keen to stress that ‘Adults

38 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/898660/An_inspection_of_the_Handling_of_Complaints_and_MP_s_Correspondence_by_the_Home_Office_Borders_Immigration_and_Citizenship_System.pdf

39 <https://www.gov.uk/government/publications/review-into-the-welfare-in-detention-of-vulnerable-persons>
<https://www.gov.uk/government/publications/welfare-in-detention-of-vulnerable-persons-review-progress-report>

at Risk' was a "work in progress". It was clear that there had been progress, not least in the reduction in the numbers of persons detained. However, the notion of a "work in progress" led to some obvious questions. To what extent had the welfare of vulnerable persons in detention improved? What was the Home Office's vision of the finished article? Was the pace of progress sufficient?

Because it comprised so many moving parts, and because the available data and information was rudimentary at best, it was hard to get a sense of where the 'Adults at Risk' process was headed, and the report concluded that everyone involved would benefit from clearer goals. This would also help to answer whether the Home Office was moving fast enough. It was clear that for those detained, and for the many stakeholders, the pace of progress was too slow, and the report identified some areas where this was certainly true, for example, in finding workable alternatives to detention.

During the factual accuracy checking process, the Home Office said it believed the report understated the challenges associated with managing time-served Foreign National Offenders (FNOs), including the difficult balance caseworkers had to strike between ensuring that the public were protected from the risks posed by high-harm individuals and recognising that such offenders could be vulnerable. If so, this was unintended, and the report's Foreword acknowledged

that these were amongst some of the hardest decisions that the Home Office has to make. Nonetheless, the inspection found that FNOs, particularly those detained in prisons under immigration powers, were at a disadvantage in terms of the working of the 'Adults at Risk' process when compared with other immigration detainees and concluded that the Home Office needed to do more to understand the differences in treatment and to demonstrate that they were justified.

Conscious of the many recommendations made by Stephen Shaw, by other reviews and stakeholders, and in other ICIBI inspection reports, which the Home Office was already working to implement, the report contained just eight recommendations. Though challenging, they were not seeking to be especially radical or contentious, and some stakeholders were likely to feel they did not go far enough. The intention was to encourage the Home Office to work at pace to make improvements and to be in a position to report demonstrable progress in the next annual report. The recommendations specific to 'Adults at Risk' therefore included a deadline of 31 March 2020 (eight months from the submission of the completed report).

Since officials had indicated they recognised a large number of the observations and criticisms contained in the inspection report, and appeared committed to making improvements, this timescale had seemed realistic. However, the report was not published until a

month after the deadline. The Home Office wrote that it accepted or partially accepted seven of the eight recommendations. In fact, only two were accepted and the responses indicated an unwillingness or inability to make the most of the recommended improvements, while the department's timescales for completion of the work it said was in hand or planned were confused (some having already passed), raising questions not just about their reliability but also about how these matters were being managed internally and cleared with ministers.

The accepted recommendations concerned: reviewing the Policy Equality Statement (PES) produced in 2016 to accompany the 'Adults at Risk' guidance and confirm that the statements and assessments in relation to unlawful discrimination remain valid in the light of experience; and, producing a comparative analysis of the treatment and conditions (covering Rules, policies, guidance, and practice) of detainees and of time-served FNOs detained in prison under immigration powers and ensure that there is a clear and evidenced justification for any differences, particularly where one group is demonstrably disadvantaged compared to the other.

The Home Office responded that the PES would be reviewed "following the review of the Detention Centre Rules",⁴⁰ and it would address unlawful discrimination.

40 The consultation on the Detention Centre Rules closed in June 2019. This included considerations around the operation of Rule 35.

It wrote that “The aim is to have reviewed the PES early into the New Year (2020), but progress is dependent on the wider AAR reforms ... Our intention is to have these changes in place by the end of Summer 2020”. This would entail laying a new Statutory Instrument for Parliamentary approval. Once the new Rules had been implemented, the Home Office would update the IRC Operating Standards and relevant Detention Services Orders and revise the associated training for Home Office staff, partners and suppliers.⁴¹

The “partially accepted” recommendations referred to a range of work that was in hand within BICS and with other government departments, including: development of “a cross BICS Vulnerability & Safeguarding Strategy” plus a list of vulnerability indicators to be “agreed across BICS and implemented to use from Spring 2020 onwards”.⁴²

The inspection looked in detail at the three key stages within the detention process that provided the opportunity to identify vulnerability and either prevent detention or expedite release: prior to admission to an Immigration Removal Centre (or detention under immigration powers in a prison); during the admission

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- 41 The Home Office has not provided a further update since the AAR Inspection but evidence received for the AAR2 inspection indicates the review of the Policy Equality Statement is on hold, as are the revisions to the Detention Centre Rules and AAR policy, in anticipation of the broader changes to the immigration system expected as a result of the Sovereign Borders Programme.
- 42 The Home Office has developed a cross BICS Vulnerability & Safeguarding Strategy that sets the appropriate standard in seeking to recognise vulnerability in the people that its staff come into contact with and signposts what action should then be taken.

process; and once a person had been in detention for more than 24 hours and was into the cycle of reviews.

Inspectors identified significant room for improvement at each stage. However, while accepting them in principle, the Home Office rejected a number of specific recommendations. Providing the Detention Gatekeeper (DGK) with real-time access to professional medical advice “would require a fundamental change in approach by a number of stakeholders, including primary healthcare providers, and their respective systems, at significant cost”. Much the same argument was applied to the recommendation to rationalising the IRC admissions process, with the aim that detainees were seen by all parties (IRC supplier, healthcare and GP, and embedded Detention Engagement Team (DET)) within 24 hours of arrival, and a joint report produced to include an assessment of their suitability for detention. These “fundamental changes [to the stipulated timeframes for the provision of healthcare assessments] ...would require detailed consideration with those contracted to provide primary healthcare services and we would need to work through the cost considerations”.

Meanwhile, the recommendation that “case owners [should] engage (directly or through the DETs) with IRC staff, healthcare and GPs regarding ‘Part C’ and Rule 35 reports, as a minimum providing feedback on their usefulness but also seeking clarification on any points that are not clear” was rejected because, having now

fully-resourced the DETs, “there are now more Home Office staff in IRCs to ensure appropriate communication and progression occurs between those detained and the detained caseworkers located nationally. It will soon be mandatory for all those involved in decisions to detain, to have visited an IRC or prison. This, with the newly created central Rule 35 Team, independent of case owning teams, means the Home Office have ensured those involved in detention, understand the effect of detention and that decisions around vulnerability are made separate to those around detention and return.”

In February 2019, in advance of the report, the ICI wrote to the Home Secretary setting out a list of serious concerns about how Case Progression Panels were working.⁴³ In its response to the completed report, the Home Office referred to improvements it had made “in all of the areas identified (including the process, guidance and feedback loops)”, while recognising there was still work to do, and that the changes would take time to bed in fully. It also referred to steps it had taken to introduce an external element to the panels to challenge and improve their operation. However, the CPP’s role remained advisory and the decision to maintain detention or release still rested with the relevant business area.

Work on the second annual review of how the ‘Adults at Risk’ policy is working began in July 2020 and, at the

43 The correspondence is reproduced in the report.

time of writing, is still ‘live’. It provides an opportunity to explore what improvements have been made and with what effect, and to identify where the Home Office has yet to deliver on its undertakings. The scope will extend beyond March 2020 and will look at how COVID-19 affected the Home Office’s understanding of vulnerability, the actions taken during the pandemic to reduce the immediate risks to immigration detainees, and what this means for the application of the ‘Adults at Risk’ policy in the longer-term.

An inspection of the Home Office’s use of sanctions and penalties (November 2019 – October 2020)

This inspection report⁴⁴ was sent to the Home Secretary on 21 October 2020 and published on 12 January 2021 (12 weeks).⁴⁵

The Home Office is able to make use of a range of sanctions and penalties to encourage and enforce compliance with the Immigration Rules. Some of these are directly within its control, while others are “owned” and administered by other government departments, agencies or third parties with input from the Home Office in the form of data, typically about individuals who do

44 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/951438/An_inspection_of_the_Home_Office_s_use_of_sanctions_and_penalties_November_2019_October_2020.pdf

45 The published report contains redactions authorised by the Home Secretary on grounds of national security. These are clearly marked within the text of the report.

not have the right to enter or remain in the UK or whose rights, for example the right to work, are restricted.

This inspection examined how efficiently and effectively the Home Office used these sanctions and penalties, which included looking at what it was seeking to achieve with each and to what extent it was succeeding.

Border Force, Immigration Enforcement and UK Visas and Immigration all use sanctions and penalties. The inspection found that current measures have been introduced piecemeal, with little evidence of consistency or coherence in their design or in their application, and no overall strategy or underpinning rationale, beyond a broad understanding that their primary purpose is to encourage compliance rather than simply to punish breaches of the Rules.

In approaching this inspection, inspectors looked beyond the Home Office for examples of best practice in the design and use of sanctions and penalties. Though now dated (it was published in November 2006), Professor Richard Macrory's paper on 'Regulatory Justice: Making Sanctions Effective', produced for the Cabinet Office, offered the most comprehensive and relevant thinking on the subject.

Measured against Macrory's "Principles" and "characteristics", the Borders, Immigration and Citizenship System (BICS) sanctions and penalties and how they are administered fell short on several counts,

most notably their failure to “measure outcomes not just outputs”, to “justify their choice of enforcement actions year on year to stakeholders, Ministers and Parliament”, and to “be responsive and consider what is appropriate for the particular offender and regulatory issue”. Some were closer to the Macrory “tests” than others, but I concluded that all of them would benefit from thorough review and evaluation.

My inspection report contained two recommendations. By the time the completed report was sent to the Home Secretary, the Home Office had committed to “a full review and evaluation of the hostile/compliant environment policy and measures – individually and cumulatively”, as recommended by Wendy Williams in her ‘Windrush Lessons Learned Review’.

Given the range of parties affected, and the Home Office and other resources involved in the administration of BICS sanctions and penalties, I suggested that this exercise should be extended to cover all sanctions and penalties with the aim of ensuring that each is proportionate, necessary and well-managed and that together they form a coherent whole. The department’s partial acceptance of this recommendation, in reality is a rejection to commit “at this stage” to a wider review. From experience, if the department fails to seize the moment things are quickly forgotten as new priorities take their attention. I therefore doubt that a wider review will ever be completed.

My second recommendation concerned the need to improve record keeping and data collection and analysis. This has been a regular theme of inspections throughout my six years as Independent Chief Inspector and is true of all areas of BICS. In accepting this recommendation, the Home Office has referred to a baselining exercise to identify the key indicators against which it can measure the impact of the compliant environment, which it will complete by July 2021.

For many this will seem to be a case of too little, and much too late. From ICIBI's perspective, in 2016,⁴⁶ and again in 2018⁴⁷ and 2019,⁴⁸ a series of inspection reports recommended that the Home Office should monitor and evaluate the impact of the hostile/compliant environment. These recommendations were only "partially accepted" and never implemented. Had they been, some of the harms suffered by the Windrush generation and others may have been avoided.

46 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/567652/ICIBI-hostile-environment-driving-licences-and-bank-accounts-January-to-July-2016.pdf and https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/577880/Sham_Marriage_report.pdf

47 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/695273/An_inspection_of_the_Right_to_Rent_scheme.pdf

48 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/774736/An_inspection_of_Home_Office_collaborative_working_with_OGDs_and_agencies_web_version.pdf and https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/800641/An_inspection_of_the_Home_Office_s_approach_to_Illegal_Working_Published_May_2018.PDF

Theme 4: Working with others

BICS directorates and business areas work with many other parties, including foreign counterparts, international organisations, other UK government departments and agencies, local authorities, commercial companies and NGOs. The precise nature of these relationships differ. Some are statutory, some contractual, and some informal. But, to be effective they each rely on honest, clear and timely communication and mutual trust. While there were examples of this, particularly at an operational level, inspectors heard repeatedly from partners and stakeholders that the Home Office was slow to engage and was too often “on send rather than receive”.

Most of the inspection reports published in 2020-21 made some reference to collaborative working. For example, ‘An inspection of the Home Office’s response to in-country clandestine arrivals (‘lorry drops’) and to irregular migrants arriving via ‘small boats’ (May 2019 - December 2019)’ described the work done by Immigration Enforcement and Border Force with UK law enforcement agencies, maritime agencies, and with the French authorities. However, one inspection had ‘working with others’ as its main Theme.

An inspection of UK Refugee Resettlement Schemes (November 2019 - May 2020)

This inspection report⁴⁹ was sent to the Home Secretary on 14 September 2020 and was published, alongside the department's response to the report's 10 recommendations,⁵⁰ on 11 November (8 weeks).

When ICIBI began this inspection, the Home Office was on the verge of launching a new UK Resettlement Scheme (UKRS) to replace the previous schemes: Gateway Protection Programme (Gateway), Vulnerable Persons Resettlement Scheme (VPRS), and Vulnerable Children's Resettlement Scheme (VCRS). It also looked set to achieve its target for VPRS, announced in September 2015, to resettle 20,000 refugees from the conflict in Syria by May 2020.

Unfortunately, the COVID-19 pandemic derailed both ambitions. In mid-March 2020, the United Nations High Commissioner for Refugees (UNHCR) and International Organisation for Migration (IOM) announced a temporary suspension of all resettlements. This suspension was lifted in June 2020. But, despite pleas from NGOs and others for the government to resume refugee resettlements as a matter of urgency, after 12

49 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/933956/An_inspection_of_UK_Refugee_Resettlement_Schemes.pdf

50 <https://www.gov.uk/government/publications/response-to-an-inspection-of-uk-refugee-resettlement-schemes/the-home-office-response-to-the-icibis-inspection-of-the-uk-refugee-resettlement-schemes>

March 2020 there were no further resettlements in 2020 under any UK scheme.

On 9 November, the government confirmed in a House of Lords debate on the Immigration and Social Security Co-ordination (EU Withdrawal) Bill that it would restart refugee resettlement “as soon as possible”, later clarifying that the priority would be to resettle the remainder of the VPRS 20,000. Refugee resettlement restarted in January 2021. Against this backdrop, and in anticipation of the eventual launch of UKRS, the inspection looked at how the various long-running schemes had performed up to March 2020, at the particular difficulties and issues each had encountered, and at what lessons the Home Office should be taking forward into any new scheme. This included a look at the Community Sponsorship Scheme (CSS).

ICIBI last inspected VPRS in 2017-18.⁵¹ At that time, I commented that everyone concerned with the scheme (UNHCR, IOM, UK local authorities and their delivery partners, NGOs, the Home Office and other government departments, and CSS groups) deserved credit for what they had achieved. There was no doubting their hard work and commitment, or the very real challenges they faced. However, there were several areas where improvements were needed, some of which were directly within the Home Office’s control, while others

51 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705155/VPRS_Final_Artwork_revised.pdf

required it to be more actively co-ordinating, cajoling and incentivising other parties.

In 2018, Home Office managers and staff felt that my criticisms were unfair, and no doubt felt similarly about the findings from this latest inspection, particularly given the UK's recent record which has seen it resettle more refugees identified through UNHCR than any other country, except for the USA and Canada.

For the record, inspectors again found that those working on the resettlement schemes were knowledgeable, competent and highly committed. It was clear that they all derived a great deal of satisfaction from helping vulnerable refugees.

Operationally, every resettlement presented a host of challenges, the greatest of which was securing the required accommodation and support. Each arrival was therefore an achievement. Nonetheless, there was still considerable room for improvement, and there was a risk the Home Office would roll into UKRS without confronting some of the fundamental concerns about the previous schemes, in particular the range of accommodation and support available and its impact on the time taken from acceptance of a refugee family to their resettlement in the UK.

As I observed in 2018, while it may be the case that the UK resettlement process is quick by comparison to other international schemes, the Home Office

should not regard this as fully answering concerns about resettlement timescales, not least as these had continued to lengthen, especially for larger families and refugees with complex needs.

The Home Office accepted all 10 of the recommendations, albeit only partially in three cases. Implementation will involve a great deal of effort and I urged it to press ahead with as much of this work as possible while UKRS remained paused, resisting the temptation to redeploy key staff, so that when the new scheme is eventually launched it is as good as it can be.

Theme 5: Learning and improving

Four inspections had ‘learning and improving’ as their main Theme.

Inspection of Country of Origin Information Report, December 2019

This report⁵² covered the reviews of Country Policy and Information Notes (CPINs) and Country of Origin Information Requests (COIRs) considered and signed off by the Independent Advisory Group on Country Information (IAGCI) at its December 2019 meeting. The countries in question were Albania, Iran and Vietnam.

For all three countries, the COI products reviewed included ones dealing with persecution on the basis of

52 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/901971/Inspection_of_Country_of_Origin_Information_Albania_Iran_Vietnam_Dec_19.pdf

religious beliefs. This was the main focus in the case of Iran, where the CPIN reviewed was 'Christian and Christian converts (May 2019)'. IAGCI was unhappy with the original response from the Home Office Country Policy and Information Team (CPIT) to this review, which repeatedly cited the IAGCI tendering instructions that "the review should focus exclusively on the country of origin information contained within the document, and not pass judgment on the policy guidance provided". IAGCI felt CPIT had not engaged with the substance of the reviewer's comments.

In providing a revised response, CPIT explained that it felt that the reviewer was challenging the Home Office's assessment and the caselaw, which it could not be seen to accept, but the meeting had clarified the former's recommendations. CPIT's revised response accepted three of these recommendations, partially accepted seven, and did not accept four, and agreed to include a number of additional sources suggested by the reviewer. The review discussed the types and degrees of risk faced by Christians and Christian converts. At several points, CPIT's response argued that being "at risk" was "not the same" as being "at real risk", which was "the test in refugee law". However, IAGCI sympathised with the reviewer's view that the position of Christians and Christian converts was precarious in law and in practice, and it was an oversimplification to imagine that only those who evangelise or openly practise their faith are

“at real risk” and have cause to “fear persecution by the state”.

In the case of both Albania and Vietnam, there was a focus on COI relating to human trafficking. CPIT confirmed that the CPIN ‘Albania: People Trafficking (October 2019)’ was about “(potential) female victim[s] of trafficking for sexual exploitation”, which was explained in the opening ‘basis of claim’ paragraph.⁵³ The reviewer raised the matter of trafficking of men and children and CPIT reported that it was undertaking detailed analysis into common claim types from Albania and should this indicate a CPIN on male victims of trafficking was required it would address this gap.⁵⁴

The reviewer identified certain “weaknesses” with the October 2019 CPIN, two of which were seen by IAGCI as particularly problematic: understatement of the role of organised crime, which feeds into the risks on return, including of being re-trafficked; and the lack of data about and evaluation of services, including shelters, for returnees. With regard to shelters, CPIT undertook to consult the further sources cited by the reviewer. However, reliable information about organised crime is

53 The revised version of the CPIN, published in June 2020, was retitled ‘Albania: Trafficking of women for sexual exploitation’ in line with IAGCI’s recommendation.

54 As at the end of 2020, there had been no new COI published in relation to male or child trafficking victims. Meanwhile, ‘Albania: Trafficking of women for sexual exploitation’ quoted the US State Department ‘Trafficking of Persons Report 2019’, which stated: ‘The government and NGOs identified 95 official and potential victims [in 2018] (105 in 2017). Of these, 28 were adults and 67 were minors (49 adults and 56 children in 2017), 60 were female and 35 male (80 female and 25 male in 2017), and one was foreign (nine foreign victims in 2017).’

harder to find, for obvious reasons. The reviewer also referred to “a little over-reliance” on the Home Office fact-finding team’s visit to Albania in 2017, drawing attention to the anecdotal and snapshot nature of data obtained during fact-finding missions and the need for this to be contextualised with information from other sources.

The Vietnam reviewer commented positively about the ‘Vietnam: Victims of Trafficking (September 2018)’ CPIN, describing it as “reasoned” and the quality and balance of sources as “sound, in general”, although some of the source material was dated and the reviewer suggested it would be helpful to include information that explained the principal drivers behind migration within Vietnam to the cities and abroad and actions to combat trafficking. CPIT reported that it planned to update the CPIN in light of its 2019 fact-finding mission to Vietnam.⁵⁵ An updated CPIN was published in April 2020.⁵⁶

The covering report was sent to the Home Secretary on 2 April 2020 and published on 20 July (16 weeks). It contained just one recommendation, which the Home Office accepted.⁵⁷

55 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/831143/VNM_FFM.pdf

56 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/880558/Vietnam_-_Trafficking_-_CPIN_-_v4.0_April_2020.pdf

57 <https://www.gov.uk/government/publications/response-to-a-report-on-country-of-origin-information/the-home-office-response-to-the-icibi-report-country-of-origin-information-accessible-version>

Inspection of Country of Origin Information Thematic Report, September 2020

This report,⁵⁸ which was discussed by the Independent Advisory Group on Country Information (IAGCI) on 31 March 2020, was sent to the Home Secretary on 13 October 2020 and was published along with the Home Office's response⁵⁹ on 8 December 2020 (8 weeks).

The report covered a thematic review of Country of Origin (COI) products written by the Home Office's Country Policy and Information Team (CPIT) dealing with sexual orientation and gender identity or expression (SOGIE). The reviewer, a globally recognised legal expert on SOGIE-based refugee and human rights claims, had painstakingly examined Country Policy and Information Notes (CPINs) and Information Requests (COIRs) covering over 30 countries and reviewed them individually and overall as a body of work.

The reviewer assessed the COI for over half (17 out of 31) of the countries as "Excellent", "Very Good", or "Good". However, in another eight cases he identified that action was required to amend or update the COI, in some cases as a matter of urgency. CPIT responded relatively quickly (within three months) to update most of the products identified as requiring "Urgent" or "Priority

58 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/941969/Inspection_of_Country_of_Origin_Information_Thematic_Report_on_Sexual_Orientation_and_Gender_Identity_or_Expression.pdf

59 <https://www.gov.uk/government/publications/response-to-an-inspection-of-country-of-origin-information-september-2020/response-to-an-inspection-of-country-of-origin-information-accessible-version>

Action”. The last to be updated (Malawi) was issued in October 2020, the delay having been a matter of CPIT resources and priorities, which CPIT justified since the number of protection cases was “low and declining”⁶⁰

In addition to the country-specific and overall recommendations made by the reviewer, I made three recommendations. While these flowed directly from this review, they also reflected concerns I had raised repeatedly with the Home Office since 2015 regarding the resourcing of the production of COI and the lack of attention paid at the most senior levels to this important area of the department’s work.

The Home Office rejected two of my three recommendations, while the sub-text of its “acceptance” of the third was that no specific action was required. The latter was particularly obtuse, given that the report criticised exactly this practice.

Home Office resources are finite and it has to prioritise, and I have some sympathy for the argument that the demand for COI is potentially limitless, but the department needs to look carefully at whether it is satisfying Paragraph 339JA (Asylum) of the Immigration Rules with regard to providing decision makers with country information that is reliable and up-to-date for countries of origin and transit. At the end of 2020, of

60 In one case, ‘Myanmar, Critics of the government (January 2019)’, CPIT declined to update the CPIN as it “does not aim to address claims based on SOGIE but rather a person’s actual or perceived criticism of the Burmese government”.

200 COI products published on [GOV.UK](https://www.gov.uk), roughly a third (71) were issued/updated in 2020. The rest dated from 2016-19. More resources need to be invested in COI production and there needs to be more oversight of its use. The Home Secretary has referred to fixing the “broken” asylum system. While the production and use of COI is not broken, any review of the system must ensure that it is as good as it can be in supporting efficient and effective decision making.

An inspection of the Home Office Presenting Officer function (November 2019 – October 2020)⁶¹

Certain decisions by the Home Office attract a right of appeal to the First-tier Tribunal Immigration and Asylum Chamber (FTTIAC). The Home Secretary is represented in the FTTIAC by Home Office Presenting Officers (POs), and in the Upper Tribunal by Senior Presenting Officers (SPOs). This inspection examined the PO function, focusing on staffing, the training, guidance and support available to POs, and Home Office learning from appeals, including feedback to decision-making and policy areas to avert decisions that are likely to result in allowed appeals.

The number of appeals reached a peak of 205,891 in 2008-09. Between 2013 and 2015 the government

61 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/951120/An_inspection_of_the_Home_Office_Presenting_Officer_function_November_2019_to_October_2020.pdf

removed the right of appeal for most types of immigration decision, providing instead an ability to reapply and provide further information or to seek an administrative review – see Theme 2.

While the number of appeals fell significantly it has remained high. Since 2017-18, there have been 40,000-50,000 a year. Figures published by the Ministry of Justice showed that between January and March 2020 the FTTIAC received 10,000 appeals (while the Upper Tribunal received a further 1,500). These large volumes create resource and logistical challenges. Inspectors looked at how the Home Office was managing these challenges, including its involvement in Her Majesty's Courts and Tribunal Service's "Reform Programme", which was aiming to transform the way in which Tribunals worked, primarily through technology-enabled smarter working.

Meanwhile, the composition of the appeals caseload had shifted. With relatively simple entry clearance and family visit visa appeals removed, the proportion of more complex cases involving human rights issues and protection claims was larger. The inspection looked at the implications for PO training, support and case preparation time.

Inspectors also looked at stakeholder engagement. There are obvious stakeholders: internally, the Secretary of State and the department need the PO function

to be efficient and effective; externally, the same is true of HMCTS and of Tribunal Judges. Appellants and their representatives may be more ambivalent about POs' effectiveness insofar as this translates into upheld decisions, but still need the PO function to work well. More generally, there is the question of public confidence in the integrity of the UK's immigration system, in which an efficient and effective appeals process has to be a key component.

Ultimately, it is in everyone's interests that the PO function is properly resourced and supported, with well-trained, professional staff and reliable ways of working.

The inspection showed that, although the Home Office was making efforts to improve the PO function and the wider appeals process, there was more that it could be doing to professionalise POs, to join up its processes, and to position itself with its key external stakeholders.

The report was sent to the Home Secretary on 29 October 2020 and published on 11 January 2021 (11 weeks). It contained six recommendations covering an engagement strategy for key stakeholders; development of a published 'Code of Conduct' for (S)POs, and appropriate oversight and complaints mechanisms; a skills audit for the (S)PO role and individual training and development plans; a pilot to test whether a meaningful reduction in the 'utilisation rate' produces an improvement in PO performance and wellbeing;

and, an internal communications plan to reinforce the importance of effective feedback to decision-making areas and policy teams, and reports on initiatives to improve working practices and provide updates on the Reform Programme and Atlas roll-out.

The Home Office accepted all six recommendations and set out a clear timetable for their implementation.

Inspection of Country of Origin Information Report, December 2020

This report⁶² covered the reviews of Country Policy and Information Notes (CPINs) and Country of Origin Information Requests (COIRs) considered and signed off by the Independent Advisory Group on Country Information (IAGCI) at its October 2020 meeting. The countries in question were El Salvador and Sudan. The report was sent to the Home Secretary on 16 December 2020 and published on 22 February 2021 (9 weeks).

El Salvador was chosen because it had not previously been reviewed by IAGCI and there had been an upturn in asylum claims, while IAGCI's most recent reviews of Sudan COI products were published in February 2017 and CPIT had indicated that it was planning to update the CPINs in question ('Opposition to the government, including sur place activity' and 'Non-Arab Darfuris').

62 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/901971/Inspection_of_Country_of_Origin_Information_Albania_Iran_Vietnam_Dec_19.pdf

The El Salvador CPIN was on ‘Gangs’. The reviewer found it to be well-researched, relatively comprehensive and up-to-date (as at February 2020), but that in order to understand the threat from gangs in El Salvador the COI should explain the relationship between gangs and the State (including collusion with police and security forces and gang-rule in some areas), notwithstanding the fact that the majority of claims cited fear of a gang rather than of the State. IAGCI agreed, notwithstanding that the majority of asylum claims cited fear of a gang rather than of the State. However, CPIT did “not consider it necessary to cover violations by state actors in any depth”.

The single overarching recommendation concerned Country of Origin Information Requests (COIRs). CPIT indicated it was reviewing the system for requesting COIRs, including looking at improving the guidance for and interaction with requestors and its outreach and training of decision makers. However, the report recommended that the Home Office should go further and look at the options for creating a searchable archive of COIRs (supported by guidance on its use and limitations), in particular where the information in question is not time-sensitive and where no other relevant COI exists, so that COIRs can be of more lasting value. This recommendation was accepted.

The El Salvador and Sudan reviewers identified information sources that were not in English. As ever,

CPIT declined to use these sources. CPIT reminded IAGCI that this was not simply a question of the costs of translation but also of CPIT's capacity to research and identify foreign language sources. But this argument is less persuasive where a reviewer has identified a specific source, and particularly so where there is no English-language alternative and where (as in the case of El Salvador) CPIT acknowledged that it was seeking more information.

Since 2016, ICI/IAGCI has made several recommendations regarding CPIT's (non-)use of foreign language information sources, while the September 2020 Thematic Report on Sexual Orientation and Gender Identity also recommended that CPIT's resources (staffing and budget) should be sufficient to "carry out (or sponsor or assimilate) sufficient research, including of information that is not available in English, to ensure that references in COI products to the absence of evidence in relation to information that may be material to an asylum decision are not, in reality, knowledge gaps". This recommendation was not accepted and therefore not repeated here, but ICI/IAGCI still believes that the Home Office's position is wrong in principle and in practice.

“Paused” inspection

An inspection of Home Office (Borders, Immigration and Citizenship System) intelligence collection capabilities, focusing on its field intelligence work

Work on this inspection began on 9 January 2020, with a ‘call for evidence’ released via the ICIBI website on 3 April 2020. The intention was to examine what progress BICS had made towards becoming truly “intelligence-led” since the publication in July 2016 of ‘An inspection of the Intelligence Functions of Border Force and Immigration Enforcement’,⁶³ focusing on intelligence collection capabilities, in particular the efficiency and effectiveness of the network of Field Intelligence Officers and other staff responsible for the collection of information (in the UK and overseas) about immigration or customs threats and abuses that is developed into actionable intelligence.

On 7 September 2020, ICIBI informed the Home Office of the decision to pause the inspection as it was not possible to carry out essential fieldwork due to COVID-19 restrictions.

A note of the initial findings from the inspection was sent to the Home Office and the Independent Chief Inspector will review whether to recommence the inspection when

63 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/549247/ICIBI_inspection_intelligence_functions_Border_Force_IE_July_2016.pdf

circumstances permit, taking account of other inspection priorities at that time and any changes made to BICS intelligence functions in the interim.

Completed inspection reports awaiting publication as at 31 March 2021

At the end of 2020-21, there were no completed inspection reports with the Home Secretary waiting to be laid in Parliament.

‘Live’ inspections as at 31 March 2021

Seven inspections begun during 2020-21 were ‘live’ as at 31 March 2021:

- An inspection of Asylum Casework
- Second Annual Inspection of ‘Adults at Risk’ in immigration detention
- An inspection of e-Passport gates
- An inspection of UK Visas and Immigration’s ‘Front End Services’

- An inspection of Border Force’s Freight Operations
- A further inspection of the EU Settlement Scheme
- An inspection of contingency asylum accommodation⁶⁴

64 This inspection was launched on 25 January 2021 with a ‘call for evidence’ posted on the ICIBI website. Under section 52 of the UK Borders Act 2007, the Independent Chief Inspector sought the assistance of HM Inspectorate of Prisons with the first phase of this inspection, which comprised joint onsite inspections visits to Penally Camp and Napier Barracks. These took place in mid-February 2021, plus a request for related evidence and engagement with the principal stakeholders. The key findings from these visits and a follow-up visit by ICIBI to Napier Barracks on 4 March 2021 were published on the ICIBI and HMIP websites on 8 March 2021. <https://www.gov.uk/government/news/an-inspection-of-the-use-of-contingency-asylum-accommodation-key-findings-from-site-visits-to-penally-camp-and-napier-barracks> HMIP submitted its full written report to ICIBI on 19 March 2021, and the Independent Chief Inspector forwarded this to the Home Office and Home Secretary on 21 March 2021. The full HMIP report will be appended to the ICIBI report of ‘An inspection of contingency accommodation’ and published in due course.

Independent Advisory Group on Country Information

Purpose

Section 48 (2) (j) of the UK Borders Act 2007 states that the Chief Inspector shall consider and make recommendations about “the content of information and conditions in countries outside the United Kingdom which the Secretary of State compiles and makes available, for purposes connected with immigration and asylum, to immigration and other officials.”

The Independent Advisory Group on Country Information (IAGCI) was established in 2009 by the Chief Inspector, with the purpose of advising him about the content and quality of country of origin information (COI) and guidance notes produced by the Home Office and relied upon by decision makers.

How IAGCI works

IAGCI works as follows:

- Stage 1: Taking account of the volume of asylum claims in relation to particular countries and of when particular COI products were last reviewed, the Chair of IAGCI proposes to the Independent Chief

Inspector which countries/products should next be reviewed by the Group.

- Stage 2: Independent reviewers, typically academics with relevant knowledge and expertise, are commissioned to review the products and to recommend amendments (additions, deletions, clarifications), citing their evidence. (The Inspectorate manages the tendering process and funds the reviews, and the Independent Chief Inspector has to sign off on IAGCI's recommended reviewer from those replying to the tender.)
- Stage 3: IAGCI quality assures the submitted reviews and sends them to the Home Office unit responsible for producing COI material (the Country Policy and Information Team (CPIT)) for it to consider and respond to the reviewer's recommendations.
- Stage 4: IAGCI (with the Independent Chief Inspector) holds a meeting with CPIT and the reviewers to go through the reviews and to consider, in particular, any points of disagreement.
- Stage 5: Where the meeting identifies that these are required, IAGCI commissions any further inputs from the reviewer, before signing off the reviews as complete.
- Stage 6: The Independent Chief Inspector produces a covering report with his recommendations, and sends this, with the IAGCI reviews and the CPIT

responses, to the Home Secretary to be laid in Parliament in the normal way.

Membership

Membership of the IAGCI is by invitation of the Independent Chief Inspector. It is voluntary and unpaid. Members are respected academics and representatives of organisations with a working interest in country information and how it is used by the Home Office.

I should like to record my thanks to all the members of the IAGCI past and present. Without their expertise, I would not have been able to fulfil this important part of my remit. My thanks go especially to Dr Laura Hammond, who stood down as IAGCI Chair after eight years in the role and longer as a member of the Group.

List of members 2020-21

Chair:

- Dr Laura Hammond (School of Oriental and African Studies) – until October 2020
- Dr Mike Collyer – from October 2020

Independent members:

- Dr Mike Collyer (Sussex University)
- Dr Ceri Oeppen (Sussex University)

- Dr Patricia Daley (Oxford University) – until October 2020
- Dr Nando Sigona (University of Birmingham)
- Dr Julie Vullnetari (University of Southampton)
- Professor Giorgia Dona (University of East London)

Representative members:

- Judge Susan Pitt (Upper Tribunal – Asylum and Immigration Chamber)
- Katinka Ridderbos (UNHCR, Geneva)
- Harriet Short (Immigration Law Practitioners' Association)

Meetings

IAGCI aims to meet two or three times a year. During 2020-21, it met in March and October 2020.

Published reviews

A list of the country of origin reviews published during 2020-21 is at Appendix 3. Further details, terms of reference, minutes and reports from the IAGCI can be found at

<https://www.gov.uk/government/collections/the-independent-advisory-group-on-country-information-iagci>

Working with others

Stakeholders

Inspection reports and recommendations are addressed to the Home Secretary and are aimed primarily at the Home Office's Borders, Immigration and Citizenship System (BICS) business areas, in particular Border Force, Immigration Enforcement and UK Visas and Immigration.

However, the immigration, asylum, nationality and customs functions performed by and on behalf of the Home Secretary involve and affect a wide range of other bodies, and touch everyone living in or seeking to visit the UK. In order to inform individual inspections and the overall inspection programme, as well as engaging effectively with the Home Office, it is therefore essential that ICIBI reaches out to these 'stakeholders' to understand their many perspectives, interests and concerns and to capture relevant evidence.

As with its dealings with the Home Office, ICIBI aims to develop strong stakeholder relationships, based on trust and openness, while remaining strictly impartial and objective.

Established fora

The Independent Chief Inspector chairs four established stakeholder groups that meet periodically, each of which shares the same terms of reference:

- to inform and advise the Independent Chief Inspector regarding any issues of interest or concern to members or those they represent
- to assist the Independent Chief Inspector with the 3-Year Inspection Plan by proposing topics for inspection and advising on their relative importance and urgency
- to assist the Independent Chief Inspector with the scoping and evidence collection for individual inspections

The Refugee and Asylum Forum (RAF) was created in 2009. Its membership comprises mostly third sector organisations with an interest in and knowledge of the Home Office's work in connection with refugees and asylum seekers, and related issues. The RAF met in October 2020 and March 2021. During the year, ICIBI had a number of other bilateral meetings and exchanges with RAF members, as well as with other third sector organisations who do not normally attend RAF meetings, both in relation to specific inspections and to discuss general issues and priorities. As a result, the RAF secured some new members.

The Aviation Stakeholder Forum was created in 2011. Membership comprises UK airport and airline operators. The Aviation Stakeholder Forum met in October 2020 and March 2021.

The Maritime Stakeholder Forum was also created in 2011. Membership comprises UK seaports and shipping organisations. The Seaports Stakeholder Forum met in October 2020 and March 2021.

The Adults at Risk in immigration detention forum (AARF) was created in 2019 following the Home Secretary's commission to ICIBI to produce an annual review of the functioning of the 'Adults at Risk' in immigration detention policy. It met for the first time in June 2019. Membership comprises of some of the RAF member organisations, plus a number of other stakeholder organisations whose focus is on detention issues and includes a number of medical professionals. The AARF met in October 2020 and March 2021.

Other stakeholder engagement

As in previous years, ICIBI received a number of approaches from researchers working on various immigration-related projects. In 2020-21, the topics included the EU Settlement Scheme, monitoring of border police/forces, and asylum casework decision-making. ICIBI continued its policy of helping, wherever possible, by pointing to relevant published findings

and responding to specific questions about inspection reports and recommendations.

Website

ICIBI uses its website to reach out to stakeholders and to the wider public, including “customers” of the Home Office’s immigration, asylum, nationality and customs functions. One of the main ways of doing this is via ‘calls for evidence’. These have become a standard part of the inspection process. During 2020-21, eight ‘calls for evidence’ were made via the website.

Engagement with other Inspectorates and similar bodies

Partly to share experiences and best practice, but also to avoid unnecessary duplication in terms of our respective work programmes, I continued to meet with other inspecting and monitoring bodies. As before, this included Her Majesty’s Inspectorate of Prisons (HMIP), the National Audit Office, the Government Internal Audit Agency, and the Equality and Human Rights Commission, but there were also meetings with the new Independent Monitoring Authority regarding the EU Settlement Scheme.⁶⁵

65 ICIBI began its third inspection of the EU Settlement Scheme in June 2020. At the end of 2020-21 the inspection was at the report drafting stage, with a view to completion in the first quarter of 2021-22.

Like other statutory inspecting or auditing bodies and ad hoc reviews, ICIBI has its own remit, priorities and reporting arrangements. These limit the opportunities for joint inspections, but not for the sharing of experiences, knowledge and plans. However, in 2020-21, using section 52 of the UK Borders Act 2007, I sought assistance from HMIP with an inspection of Penally Camp and Napier Barracks, which had been in use as contingency asylum accommodation since September 2020. As well as benefiting from its knowledge and experience of inspecting large institutional settings, especially during the pandemic, HMIP's involvement meant that the inspection could progress at pace, without ICIBI having to divert significant resources and cause delays to other 'live' inspections. Moreover, both sets of inspectors enjoyed and learned from this opportunity to work together.

Other engagement

While I was able to make visits to Penally Camp and to Napier Barracks, COVID-19 restrictions meant that I did not visit any other sites during 2020-21. However, my inspectors made visits to Heathrow Airport, the Vision-Box office⁶⁶, and the Croydon based Home Office Service and Support Centre and UK Visas and Citizenship Application Service.

⁶⁶ Vision-Box (www.vision-box.com) is the Home Office ePassport gate supplier. Their office is based in Bracknell.

Both I and my inspection team made extensive use of videoconferencing to 'meet' stakeholders as well as to gather evidence for specific inspections. In this way:

- in June 2020 and again in March 2021, I attended the All Party Parliamentary Group (APPG) on Immigration Detention, on the first occasion briefing the group on ICIBI's work in relation to the 'Adults at Risk in Detention' policy and on the second (along with HMIP) explaining the findings in relation to Penally Camp and Napier Barracks and setting out the timetable and scope of ICIBI's inspection of contingency asylum accommodation
- in June 2020, I met with Stephen Timms, MP, and Migrant Voice to discuss their concerns about the Home Office's handling of Test of English for International Communication (TOEIC) cases where it had determined that individuals had been guilty of cheating, which I pursued with the Home Office but decided was not an area where an ICIBI inspection could add value at that time
- in July 2020, I briefed the APPG on Refugees on the work of ICIBI
- in July and November 2020, and again in March 2021, I had meetings with the Interim Chief Executive of the Independent Monitoring Authority and her senior team, to brief them on ICIBI's work in relation

to the EU Settlement Scheme and to discuss future cooperation

- in November 2020, I spoke at the Immigration Law Practitioners' Association Annual General Meeting
- between November 2020 and March 2021, thanks to third sector stakeholders who were supporting the residents and former residents of Penally Camp and Napier Barracks, I was able to meet frequently with a number of these men, and in February and March 2021 I also met the key stakeholders in Wales and Kent, including representatives of the Welsh Government, of local government in both areas, health services, police and fire services.

Resources and planning

Budget and staffing 2020-21

ICIBI's budget is determined by the Home Secretary and delegated to the Independent Chief Inspector under a formal letter of delegation from ICIBI's Senior Sponsor, who for 2020-21 was the Home Office Second Permanent Under Secretary.

The budget for 2020-21 was £2.085 million, the same as for the previous two years.

'Pay Costs' (staff salaries, employer's pension and National Insurance contributions) account for the bulk of the total. In 2020-21, as in the previous year, £1.9 million (91%) was designated for 'Pay Costs', with £185k for 'Non-Pay'. There was no allocation for Capital expenditure.⁶⁷

The Inspectorate recorded an overall underspend of £156k (7.5%) in 2020-21. See 'Expenditure Report for Financial Year 2020-21' at Appendix 5.

Since 2015, the agreed headcount has been 30 full-time equivalents (FTEs), including the Independent Chief

⁶⁷ Since 2016-17, ICIBI's accommodation costs have been met directly by the Home Office.

Inspector. Of these, 25 (83%) are Grade 7 or Senior Executive Officer (SEO) inspector posts.⁶⁸

Four new inspectors joined ICIBI just before the start of 2020-21, which meant that the inspectorate began the year with 18 inspectors and 23 staff in total. Between April and June 2020, a further six new inspectors joined.⁶⁹ For the first time since 2015-16, ICIBI was up to full strength, albeit with a higher ratio of less experienced staff.

Over the course of 2020-21, 3 inspectors left for posts elsewhere in the Home Office or in other government departments and one returned (in March 2021) after a career break.

ICIBI ended 2020-21 with 27 staff in post, of which 23 were inspectors.

As at 31 March 2021, the staff profile was:⁷⁰

- 52% female, 48% male
- Age bands
 - 25-39 31%

68 The Independent Chief Inspector (ICI) is a public appointment. By agreement with the ICI, all other inspectorate staff are employed as permanent or temporary Home Office civil servants. Those recruited, loaned or seconded from elsewhere become Home Office civil servants on joining ICIBI.

69 ICIBI follows the Civil Service recruitment process and all Inspectorate staff (except the Independent Chief Inspector) are Home Office employees. All staff are cleared to Security Check (SC) level, with a small number, plus the Independent Chief Inspector, cleared to Developed Vetting (DV) level.

70 Percentages rounded to the nearest whole number. Based on Home Office criteria and self-reporting. Breakdown not provided where a category has fewer than five employees.

- 40-44 24%
- 45+ 45%
- 70% white, 30% minority ethnic
- 52% not married, 48% married
- 34% Christian, 66% other religions
- 67% with no caring responsibilities, 33% with caring responsibilities
- 55% flexible working pattern, 45% non-flexible working pattern

Training and Development

During 2020-21, the main focus for training and development was the 'onboarding' of the new inspectors and ensuring that the inspectorate was in the best possible shape for the handover to a new Independent Chief Inspector. The latter included developing new processes to support and challenge inspection teams at key stages of an inspection.

New joiners receive in-house training from experienced inspectors that takes them through the inspection process step by step. This is consolidated by on-the-job learning; new inspectors are attached to a 'live' inspection, supported by a 'buddy', until they have completed their induction. This process was followed, the difference being that for the staff who joined at the

end of 2019-20 and beginning of 2020-21 everything had to be done remotely. Though not ideal, this was achieved remarkably smoothly, and the new joiners were quickly assimilated into their inspection teams.⁷¹

In order to perform their ICIBI role more effectively, and for their personal development, ICIBI staff attend skills training courses offered by Civil Service Learning. For example, in 2020-21, staff attended courses in Excel, data presentation skills, Diversity and Inclusion and giving and receiving feedback.

Sessions were also delivered by an external supplier on wellbeing (change, resilience and healthy habits to assist different working practices) as a result of the COVID-19 pandemic.

The ICIBI also repeated training for newer members of staff that had been previously well-received on copy-editing and proofreading.

ICIBI hosted a number of seminar sessions throughout 2020-21. These were opportunities to catch up with Home Office business areas of interest to ICIBI, including those that might feature in future inspections. There were also sessions involving external stakeholders, including the Equality and Human Rights Commission (EHRC), the Northwest Strategic Migration Partnership, Doctors of the World, Project

71 An inspection team typically comprises between three and five inspectors, including a designated Lead Inspector and Project Manager.

17,⁷² British Red Cross and Parliamentary Health Service Ombudsman.

Vision Statement

ICIBI's 'Vision Statement' is intended to sit alongside its stated Purpose (see 'Role and Remit'). It remained unchanged for 2020-21:

"ICIBI will:

- be highly skilled, professional and effective, with a reputation for the highest standards of work and conduct
- operate thorough, rigorous and transparent processes to reach sound, evidence-based conclusions
- deal with others consistently and reliably
- be efficient, forward-thinking, committed to continuous improvement and focused on delivery
- enable and develop its people"

72 Project 17 works to end destitution among families with No Recourse to Public Funds (NRPF) by helping them and their parents to access Section 17 of the Children's Act 1989.

Values

ICIBI adheres to the Civil Service values:

- integrity
- honesty
- objectivity
- impartiality

Equality and Diversity

During 2019-20 and into 2020-21, ICIBI worked with the Equality and Human Rights Commission to consider how best to ensure that equality and diversity were embedded in the work of the inspectorate. In August 2020, ICIBI published an Equality, Diversity and Inclusion statement on its website.⁷³

Equality and diversity

In order to fulfil its Public Sector Equality Duty as a listed public authority under the Equality Act 2010, ICIBI will prepare and publish its equality objectives at least every four years.

In carrying out its statutory functions, as set out in the UK Borders Act 2007, ICIBI has three equality objectives:

⁷³ <https://www.gov.uk/government/organisations/independent-chief-inspector-of-borders-and-immigration/about/equality-and-diversity>

- to monitor and report on compliance with the Equality Act 2010 by the Secretary of State, her officials and others exercising functions relating to immigration, asylum, nationality or customs on her behalf, including reliance on paragraph 17 of Schedule 3 of the Equality Act 2010 (exception for immigration functions)
- to ensure that its policies, processes, and practices are fair and transparent and comply with the Equality Act 2010
- to promote equality, diversity and inclusion through its inspections and within the inspectorate

Through these objectives ICIBI seeks to:

- eliminate unlawful discrimination, harassment and victimisation, and other conduct prohibited by the Equality Act 2010
- advance equality of opportunity between people from different groups
- foster good relations between people from different groups

ICIBI Equality, Diversity and Inclusion Statement

ICIBI is committed to promoting the letter and spirit of the Equality Act 2010 by embedding Equality, Diversity and Inclusion (EDI) in everything it does.

The immigration, asylum, nationality and customs functions performed by and on behalf of the Home Secretary involve and affect a wide range of other bodies, and touch everyone living in or seeking to visit the UK.

In order to inform individual inspections and the overall inspection programme, ICIBI will reach out through its website, and directly where possible, to capture relevant evidence and to try to understand and reflect the widest range of perspectives, interests and concerns.

Within the inspectorate, the EDI Staff Group will help the Independent Chief Inspector to ensure that policies, processes and practices, and inspection plans, take full account of ICIBI's Equality Objectives and EDI Statement, and that these are updated as necessary.

ICIBI's Equality Objectives and Equality, Diversity and Inclusion Statement should be read in conjunction with its 'Statement of Purpose', 'Vision', 'Values' and 'Expectations'.

Appendix 1: ICIBI Inspection Plan 2020-21

- a) Inspections completed in 2019-20, reports awaiting publication
- ‘An inspection of the Handling of Complaints and Correspondence from Members of Parliament by the Home Office Borders, Immigration and Citizenship System (BICS) and Directorates (February – May 2019)’, submitted 4 July 2019
 - ‘Annual inspection of “adults at risk in immigration detention” (2018-19)’, submitted 29 July 2019
 - ‘An inspection of family reunion applications (June – December 2019)’, submitted 7 January 2020
 - ‘An inspection of Administrative Reviews (May – December)’, submitted 24 January 2020
 - ‘An Inspection of the Home Office’s response to in-country clandestine arrivals (‘lorry drops’) and to irregular migrants arriving via ‘small boats’. (May 2019 – March 2020)’, submitted 13 March 2020
 - ‘Inspection of Country Information – December 2019 Report (Albania, Iran, Vietnam)’, submitted 2 April 2020

- b) Inspections begun in 2019-20, reports to be completed before 31 October 2020
- ‘An inspection of the Home Office’s use of language services in the asylum process’
 - ‘An inspection of the investigation, disruption and prosecution of perpetrators of modern slavery’
 - ‘An inspection of resettlement schemes’
 - ‘An inspection of the Home Office’s use of sanctions and penalties’
 - ‘An inspection of Home Office Presenting Officers’
 - ‘An inspection of BICS intelligence functions, focusing on field officers’
 - ‘Inspection of Country Information – March 2020 Report (Thematic review of Sexual Orientation, Gender Identity and Expression COI)’
- c) New inspections for 2020-21, work to begin before 31 October 2020
- ‘An inspection of asylum casework’
 - ‘A further inspection of the EU Settlement Scheme (EUSS)’
 - ‘[Second] Annual inspection of “Adults at Risk in immigration detention”’
 - ‘An inspection of UKVI’s “Front-end Services”’

- 'An inspection of e-gates'
- One or two re-inspections (topics and timings to be agreed)

Appendix 2: Inspection Reports published in 2020-21

- ‘Annual inspection of ‘Adults at Risk in Immigration Detention’ (2018-19) (November 2018 – May 2019)’, published on 29 April 2020
- ‘An inspection of Administrative Reviews (May – December 2019)’, published on 20 May 2020
- ‘An inspection of the Handling of Complaints and MP’s Correspondence by the Home Office Borders, Immigration and Citizenship System (BICS) (February – May 2019)’, published on 8 July 2020
- ‘Inspection of Country of Origin Information – December 2019 Report’, published on 20 July 2020
- ‘An inspection of family reunion applications (June – December 2019)’, published on 8 October 2020
- ‘An inspection of UK Refugee Resettlement Schemes (November 2019 – May 2020)’, published on 11 November 2020
- ‘An inspection of the Home Office’s use of language services in the asylum process (May – November 2019)’, published on 11 November 2020
- ‘An inspection of the Home Office’s response to in-country clandestine arrivals (‘lorry drops’) and to

irregular migrants arriving via ‘small boats’ (May 2019 – December 2019)’, published on 11 November 2020

- ‘Inspection of Country of Origin Information – Thematic Report [on Sexual Orientation and Gender Identity or Expression]’ (September 2020), published on 8 December 2020
- ‘An inspection of the Home Office Presenting Officer function’ (November 2019 – October 2020)’, published on 11 January 2021
- ‘An inspection of the Home Office’s use of sanctions and penalties (November 2019 – October 2020)’, published on 12 January 2021
- ‘Inspection of Country of Origin Information – December 2020 Report’, published on 22 February 2021
- ‘An inspection of the work of Border Force, Immigration Enforcement, and UK Visas and Immigration to identify, investigate, disrupt and prosecute perpetrators of modern slavery and human trafficking (October 2019 – April 2020)’, published 4 March 2021

Appendix 3: Reviews of Country Information published in 2020-21

The following reviews of Country Policy and Information Notes (CPINs) and Country of Origin Information Requests (COIRs) were published on 20 July 2020:

Albania

CPINs:

- 'Blood Feuds' (October 2018)
- 'People Trafficking' (October 2019)

COIRs:

- 'Investigative journalists' (October 2018)
- 'Personal travel record' (April 2019)
- 'Male Trafficking' (April 2019)
- 'Religion and relationships between Muslims and Catholics' (May 2019)
- 'Male victims of domestic violence' (September 2019)

Iran

CPIN:

- 'Christians and Christian Converts' (May 2019)

COIRs:

- 'Kurdistan Freedom Party (PAK)' (February 2018)
- 'Yarsani (also known as Yarsan of Ahle Haqq)' (January 2019)
- 'Albinism and impaired vision' (May 2019)
- 'Abortion house clinics' (May 2019)
- 'Cash, ammunition and weapons; Iraq and Syria' (July 2019)
- 'MEK (Mojahedin-e Kalq Organisation)' (July 2019)
- 'Atheism and publicity' (August 2019)
- 'Worker(s) – Communist Party of Iran' (August 2018)
- 'Tattoos' (September 2019)
- 'Afghan refugees' (October 2019)

Vietnam

CPIN:

- 'Victims of Trafficking' (September 2018)

COIRs:

- 'Risks to Women' (February 2018)
- 'Political Parties' (February 2018)
- 'Corruption in the Military' (March 2019)
- 'Freedom of Movement' (March 2019)

- ‘Political System and Affiliation’ (March 2019)
- ‘Children’s citizenship’ (March 2019)
- ‘Male Trafficking’ (April 2019)
- ‘LGBTI Persons’ (May 2019)
- ‘Religion; ethnicity’ (August 2019)
- ‘Youth for Democracy’ (September 2019)

The following reviews were published on 8 December 2020 as part of the ‘Inspection of Country of Origin Information Thematic Report on Sexual Orientation and Gender Identity or Expression’:

CPINs:

- Afghanistan: ‘Sexual orientation and gender identity’ (January 2017)
- Albania: ‘Sexual orientation and gender identity’ (December 2019)
- Algeria: ‘Sexual orientation and gender identity’ (September 2017)
- Bangladesh: ‘Sexual orientation and gender identity’ (November 2017)
- Gambia: ‘Sexual orientation and gender identity or expression’ (August 2019)
- Ghana: ‘Sexual orientation and gender identity’ (February 2016)

- India: 'Sexual orientation and gender identity or expression' (October 2018)
- Iran: 'Sexual orientation and gender identity or expression' (June 2019)
- Iraq: 'Sexual orientation and gender identity or expression' (October 2018)
- Jamaica: 'Sexual orientation and gender identity or expression' (February 2017)
- Kenya: 'Sexual orientation and gender identity' (March 2017)
- Malawi: 'Sexual orientation and gender identity' (February 2017)
- Malaysia: 'Country Background Note' (January 2019)
- Morocco: 'Sexual orientation and gender identity' (July 2017)
- Myanmar: 'Critics of the government' (January 2019)
- Namibia: 'Sexual orientation and gender identity or expression' (November 2018)
- Nepal: 'Country Background Note' (August 2018)
- Occupied Palestinian Territories: 'Background information, including actors of protection, and internal relocation' (December 2018)

- Pakistan: ‘Sexual orientation and gender identity or expression’ (July 2019)
- South Africa: ‘Sexual orientation and gender identity’ (July 2017)
- Sri Lanka: ‘Sexual orientation and gender identity or expression’ (October 2018)
- Turkey: ‘Sexual orientation and gender identity’ (June 2017) and ‘Military Service’ (September 2018)
- Uganda: ‘Sexual orientation and gender identity or expression’ (April 2019)
- Ukraine: ‘Minority Groups’ (June 2019)
- Zimbabwe: ‘Sexual orientation and gender identity or expression’ (January 2019)

COIRs:

- Cameroon: ‘Treatment of gay men’ (May 2018)
- Egypt: ‘LGBTI persons’ (April 2019)
- Lebanon: ‘Activists, HIV treatment’ (March 2018)
- Trinidad & Tobago: ‘LGBTI persons/Medical issues’ (June 2018)

Other:

- ‘Report of a Home Office fact-finding mission to Vietnam’ (September 2019)

The following reviews of Country Policy and Information Notes (CPINs) and Country of Origin Information Requests (COIRs) were published on 22 February 2021:

Sudan

CPINs:

- ‘Opposition to the government, including sur place activity’ (November 2018)
- ‘Non-Arab Darfuris’ (November 2019)

COIRs:

- ‘Political situation update’ (October 2019)
- ‘Dual nationality’ (October 2019)
- ‘Sudan’ (November 2019)
- ‘Arab Tribes’ (January 2020)
- ‘LGBT persons’ (January 2020)
- ‘Religion’ (February 2020)
- ‘Mixed Marriages’ (March 2020)
- ‘Ethnicity’ (March 2020)
- ‘Documentation’ (April 2020)
- ‘Sudan’ (June 2020)

El Salvador

CPINs:

- 'El Salvador: Gangs' (February 2020)

COIRs:

- 'Crime' (February 2019)
- 'LGBT' (December 2019)
- 'Political affiliation' (June 2020)

Appendix 4: ICIBI's 'Expectations'

Background and explanatory documents are easy to understand and use (e.g. statements of intent (both ministerial and managerial), impact assessments, legislation, policies, guidance, instructions, strategies, business plans, intranet and GOV.UK pages, posters, leaflets etc.)

- They are written in plain, unambiguous English (with foreign language versions available, where appropriate)
- They are kept up to date
- They are readily accessible to anyone who needs to rely on them (with online signposting and links, wherever possible)

Processes are simple to follow and transparent

- They are IT-enabled and include input formatting to prevent users from making data entry errors
- Mandatory requirements, including the nature and extent of evidence required to support applications and claims, are clearly defined
- The potential for blockages and delays is designed out, wherever possible

- They are resourced to meet time and quality standards (including legal requirements, Service Level Agreements, published targets)

Anyone exercising an immigration, asylum, nationality or customs function on behalf of the Home Secretary is fully competent

- Individuals understand their role, responsibilities, accountabilities and powers
- Everyone receives the training they need for their current role and for their professional development, plus regular feedback on their performance
- Individuals and teams have the tools, support and leadership they need to perform efficiently, effectively and lawfully
- Everyone is making full use of their powers and capabilities, including to prevent, detect, investigate and, where appropriate, prosecute offences
- The workplace culture ensures that individuals feel able to raise concerns and issues without fear of the consequences

Decisions and actions are ‘right first time’

- They are demonstrably evidence-based or, where appropriate, intelligence-led
- They are made in accordance with relevant legislation and guidance

- They are reasonable (in light of the available evidence) and consistent
- They are recorded and communicated accurately, in the required format and detail, and can be readily retrieved (with due regard to data protection requirements)

Errors are identified, acknowledged and promptly ‘put right’

- Safeguards, management oversight, and quality assurance measures are in place, are tested and are seen to be effective
- Complaints are handled efficiently, effectively and consistently
- Lessons are learned and shared, including from administrative reviews and litigation
- There is a commitment to continuous improvement, including by the prompt implementation of recommendations from reviews, inspections and audits

Each immigration, asylum, nationality or customs function has a Home Office (Borders, Immigration and Citizenship System) ‘owner’

- The BICS ‘owner’ is accountable for the implementation of relevant policies and processes

- Performance (informed by routine collection and analysis of Management Information (MI) and data, and monitoring of agreed targets/deliverables/budgets)
- Resourcing (including workforce planning and capability development, including knowledge and information management)
- Managing risks (including maintaining a Risk Register)
- Communications, collaborations and deconfliction within the Home Office, with other government departments and agencies, and other affected bodies
- Effective monitoring and management of relevant contracted out services
- Stakeholder engagement (including customers, applicants, claimants and their representatives)

Appendix 5: Expenditure Report for Financial Year 2020-21

Resource Pay	1,883,442.97
Resource Non-Pay	
Conferences	12.20
Office Supplies & Services	7,684.00
Travel Subsistence	2,842.95
Consultancy	12,200.00 ⁷⁴
Estates	583.67
IT & Comms	3,804.93
Marketing	27,555.00
Other Costs and Services	852.29
Pay Costs – One Time	1,855.68
Training & Recruitment	(12,050.00) ⁷⁵
Resource Non-Pay Total	45,340.72
Grand Total	1,928,783.69

74 The £12,200 consultancy costs are the costs of the academic reports prepared for the Independent Advisory Group on Country Information.

75 The ICIBI spent £8,000 on training during 2020-21. The £12,050 surplus showing on the accounts is from a credit from the previous year which is still yet to be billed.

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