

Memorandum of Understanding: Independent Chief Inspector of Borders and Immigration and Independent Monitoring Board

Introduction

1. The purpose of this Memorandum of Understanding (MoU) is to set out a framework for the Independent Chief Inspector of Borders and Immigration (ICIBI) and Independent Monitoring Board (IMB) to work together to perform their independent roles and separate functions as set out in the UK Borders Act 2007 and the Prison Act 1952 and the Immigration and Asylum Act 1999.
2. The aim of this agreement is to put in place clear arrangements and practices that will foster an effective and co-operative working relationship between the ICIBI and IMB.
3. The ICIBI and IMB wish to operate in accordance with good practice and are therefore committed to cooperating and sharing knowledge and expertise to benefit their work in the immigration detention and prison estates.

Roles of the ICIBI and IMB

4. The Independent Chief Inspector of Borders and Immigration monitors and reports on the efficiency and effectiveness of the immigration, asylum, nationality and customs functions carried out by the Home Secretary and by officials and others on her behalf. The Chief Inspector is a public appointee and independent from government, his reports are laid before Parliament.
5. The role of the Chief Inspector of Borders and Immigration was established in section 48 of the UK Borders Act 2007. The Chief Inspector does not investigate individual cases, but may consider or draw conclusions about an individual case for the purpose of, or in the context of, considering a general issue.
6. Independent Monitoring Boards are appointed by the Secretary of State in accordance with Section 152 of the Immigration and Asylum Act 1999 and operate in accordance with Part VI of the Detention Centre Rules 2001. Boards are responsible for monitoring conditions in Immigration Removal Centres by statute and other short-term holding facilities by agreement with the Secretary of State for the Home Department, in order to monitor and report on the conditions in which immigration detainees are held, the administration of the removal centre and how detainees are treated.

IMBs also monitor day-to-day life in prisons in England & Wales. The Prison Rules define the principal duties of the IMB which are:

- to satisfy itself as to the humane and just treatment of those held in custody within its establishment and the range and adequacy of the programmes preparing them for release;
- to inform the Secretary of State, or any official to whom he has delegated authority as it judges appropriate, of any concern it has;
- to report annually to the Secretary of State on how well the establishment has met the standards and requirements placed on it and what impact these have on those in its custody.

Co-operation, information sharing and communications

7. The ICIBI and IMB agree that they will:
 - a. communicate regularly to discuss matters of mutual interest;
 - b. seek to share expertise wherever appropriate;
 - c. seek to share information about conditions within the Immigration Removal Centres (IRC) and prisons estates on a regular basis, and particularly during ICIBI inspections;
 - d. consult one another at an early stage on any issues which might have significant implications for the other organisation.
8. The ICIBI and IMB will exchange information in order to support each organisation's respective role, taking into account relevant restrictions on the disclosure of confidential or sensitive information.
9. The ICIBI and IMB will liaise, as appropriate, to avoid unnecessary duplication of work and to promote the public interest in the treatment of those detained under immigration powers, in both IRC, and in prisons. This could include joint communications work in future and we will liaise to determine the appropriateness of joint working in this area.
10. The ICIBI and IMB will monitor the operation of this MoU on an annual basis if required.

Signed:

Anne Owers, National Chair, IMB

14.10.21

Signea:

David Neal, Independent Chief Inspector of Borders and Immigration

18.10.2021