



A reinspection of family reunion applications

September – October 2022

David Neal

Independent Chief Inspector of
Borders and Immigration

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

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Foreword

My predecessor carried out four inspections into the area of family reunion but sadly the Home Office has failed to give this area an appropriate level of attention and priority. Since the last inspection in 2019, the effectiveness of this route has further deteriorated.

Family reunion is one of the Home Office's few safe and legal routes, and it is failing those who seek to rely on it, which is predominantly women and children. Based on the evidence presented during this inspection, my assessment is that the Home Office's performance in this area is ineffective.

Once again, I find evidence of commitment and hard work from the majority of staff, while identifying leadership and management failures of senior staff who inadequately plan for and then fail to deliver effective change, and are then distracted by the latest crisis, in this case Ukraine.

The backlog in this area is almost 8,000 applications and there is no evidence of any prioritisation of these based on vulnerability. Applications sit in a pile and will only be expedited through MP correspondence, threat of litigation or sheer luck. Only then is any assessment of vulnerability made by a decision maker (DM). The vast majority of applications are not considered by a DM until more than double the service standard of 60 working days. This is unacceptable.

Urgent attention must be directed to the area of family reunion, to ensure that the system to deliver a safe and legal route is working, and to address the current backlog. Moreover, urgent remedial action is required to prepare for the potential increase in family reunion applications if asylum decision making is finally sped up. I intend to re-inspect the broader issue of asylum casework in 2023–2024.

The Home Office needs to prioritise family reunion and build a structure that is sufficiently robust to respond to world events rather than be derailed by the next one. It should also address the recommendations from ICIBI's 2019 'An inspection of family reunion applications' report.

This report makes five recommendations and was sent to the Home Secretary on 14 December 2022.

1. Background

Refugee family reunion: policy position

1.1 Family reunion is one of the Home Office’s ‘safe and legal routes’,¹ which allows the pre-flight spouse, partner, or children under the age of 18 to join a family member who has been granted refugee status or humanitarian protection in the UK.

1.2 Family reunion applications are considered in accordance with paragraphs 352A to 352FJ of Part 11 of the Immigration Rules,² and the Home Office’s ‘Family reunion: for refugees and those with humanitarian protection’ guidance, published on 29 July 2022.³

1.3 The Home Office’s family reunion guidance states that its policy objective is:

“To deliver a fair and effective family reunion process, which supports the principle of family unity by:

- acknowledging the speed and manner in which families may become separated by conflict and persecution, recognising the stress this may cause and providing a means for immediate family members to reunite in the UK
- allowing a spouse or partner and children under the age of 18 of those granted refugee status or humanitarian protection to reunite with them in the UK, providing they formed part of the family unit before their sponsor fled their country of origin
- ensuring applications are properly considered in a timely and sensitive manner on an individual, objective and impartial basis, acknowledging the vulnerable situation that applicants (particularly women and children) may find themselves in and, where possible, expediting claims without unnecessary delay
- preventing abuse of the process by carefully reviewing applications where fraudulent documents are submitted or there is evidence that the sponsor obtained leave by deception, and refusing such applications where appropriate
- preventing those who would otherwise be excluded from the Refugee Convention from obtaining leave under the family reunion Rules by subjecting them to the same security checks as asylum seekers.”⁴

1 Home Office, ‘Nationality and Borders Bill: Factsheet: Safe and Legal Routes’ (published 3 December 2021), <https://www.gov.uk/government/publications/nationality-and-borders-bill-safe-and-legal-routes-factsheet/nationality-and-borders-bill-factsheet-safe-and-legal-routes>

2 Immigration Rules Part 11: Asylum, <https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-11-asylum>

3 On 9 November 2022, after the initial drafting of this report, the Home Office published updated guidance: Home Office, ‘Family reunion: for refugees and those with humanitarian protection’, version 8.0 (published 9 November 2022). <https://www.gov.uk/government/publications/family-reunion-instruction>

4 Home Office, ‘Family reunion: for refugees and those with humanitarian protection’, version 7.0 (published 29 July 2022).

On 9 November 2022, after the initial drafting of this report, the Home Office published updated guidance: Home Office, ‘Family reunion: for refugees and those with humanitarian protection’, version 8.0, and the second bullet now states: “allowing a spouse or partner and children under the age of 18, or over the age of 18 as in exceptional circumstances defined in paragraph 352DB of those granted refugee status or humanitarian protection to reunite with them in the UK, providing they formed part of the family unit before their sponsor fled their country of origin”.

- 1.4** The Home Office has a published service standard of 60 working days (12 weeks) for making decisions on family reunion applications.

Previous ICIBI reports on family reunion

- 1.5** This inspection follows four previous ICIBI inspections of family reunion applications, of which the most recent, 'An inspection of family reunion applications', was conducted between June and December 2019.⁵ The inspection focused on the transfer of decision making from overseas Entry Clearance Decision Making Centres (DMCs) to Asylum Operations (Sheffield) and decision making at the Pretoria DMC.
- 1.6** By March 2019, the Home Office had transferred the majority of family reunion applications awaiting consideration to Sheffield, and the only DMC overseas still making family reunion decisions was in Pretoria, for applications submitted through the Visa Application Centre (VAC) in Khartoum. These accounted for 29% of the annual intake of family reunion applications at that time.
- 1.7** The 2019 inspection concluded that the approach to decision making in Pretoria had not changed materially since the 2016 inspection, owing to an entry clearance 'mindset' that took insufficient account of the circumstances of the applicants, had a readiness to refuse unreasonable expectations in relation to supporting evidence, and undertook limited quality assurance. By comparison, Sheffield showed more awareness of the nature of these applications and greater sensitivity.
- 1.8** The inspection found issues with resourcing and staffing levels in Sheffield, and with the separation of the caseworkers from their administrative support (in Solihull). It also highlighted stakeholders' concerns relating to VACs, and the potentially dangerous and expensive journeys that some applicants had to make to attend them to submit their biometrics.
- 1.9** Finally, the inspection found that the Home Office needed to better demonstrate that it had a robust evidence base for its current policy and practice, particularly relating to those areas of policy which attracted significant stakeholder and parliamentary interest: expanding the eligibility criteria for sponsors and applicants, enabling access to legal aid, and extending the validity of visas beyond 30 days.
- 1.10** The report made five recommendations, three of which were accepted, and two partially accepted.⁶

Family reunion: updates to operation

- 1.11** Since the publication of ICIBI's 2019 report, family reunion casework has transferred from Sheffield to the Reunion and Returns team within Resettlement, Relocation and Reunion Services (RRRS) (Croydon), which is in the Home Office's Resettlement, Asylum Support and Integration (RASI) directorate. Responsibility was handed over gradually from November 2021, when the new team received training, to March 2022.

⁵ Independent Chief Inspector of Borders and Immigration, 'An inspection of family reunion applications, (June – December 2019)' (published 8 October 2020), <https://www.gov.uk/government/publications/an-inspection-of-family-reunion-applications-june-december-2019>

⁶ Home Office, 'Response to the report on an inspection of family reunion applications' (published 8 October 2020), <https://www.gov.uk/government/publications/response-to-the-report-on-an-inspection-of-family-reunion-applications>

Updates to family reunion policy and legislation

- 1.12** On 14 January 2022, a judge found that in the case of ‘R (on the application of SGW) v Secretary of State for the Home Department (Biometrics, family reunion policy)’, the Home Office’s family reunion guidance at the time (‘Family reunion: for refugees and those with humanitarian protection’, version 5.0, published on 31 December 2020) was unlawful, because it failed to confirm the existence of any discretion as to the provision of biometric information when a person makes an application for entry clearance, save in respect of children under five years of age.⁷
- 1.13** On 11 May 2022, a statement of changes to the Immigration Rules was published, which included provision for children of refugees aged 18 or over to be granted leave in line with their sponsor (parent), if they could demonstrate that there were exceptional circumstances, including: being dependent on the parent in the UK, having no other relatives to support them, or that they would be likely to become destitute if left on their own.⁸
- 1.14** Section 12 of the Nationality and Borders Act 2022, which came into force on 28 June 2022, introduced the differential treatment of those granted refugee status. It states that a ‘Group 1 refugee’ is somebody who has “come to the United Kingdom directly from a country or territory where their life or freedom was threatened ... they have presented themselves without delay to the authorities”, or “Where a refugee has entered or is present in the United Kingdom unlawfully, the additional requirement is that they can show good cause for their unlawful entry or presence.” Otherwise, they are a ‘Group 2 refugee’. Notably, it states that Group 1 and Group 2 refugees may be treated differently in respect of “whether leave to enter or remain is given to members of the refugee’s family”.⁹ Group 2 refugees will not automatically be entitled to family reunion, “unless it would be a breach of [the UK government’s] international obligations to refuse”, which derive from Article 8 of the European Convention on Human Rights.¹⁰

7 Tribunal decisions: [2022] UKUT 00015 (published 14 January 2022), <https://tribunalsdecisions.service.gov.uk/utiac/2022-ukut-00015>

8 Home Office, Statement of changes to the immigration rules: HC17 (published 11 May 2022), <https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc17-11-may-2022>

9 Nationality and Borders Act 2022, Part 2, Treatment of refugees; support of asylum seekers, section 12, <https://www.legislation.gov.uk/ukpga/2022/36/section/12/enacted>

10 Home Office, ‘Family reunion: for refugees and those with humanitarian protection’, version 7.0 (published 29 July 2022).

Refugee family reunion: applications and decisions

1.15 According to Home Office data, between 1 January 2022 and 30 September 2022, 7,970 applications for family reunion were submitted, 80.99% of which were from the top 10 nationalities, as shown in figure 1.

Figure 1: Family reunion applications from top 10 nationalities since January 2022¹¹

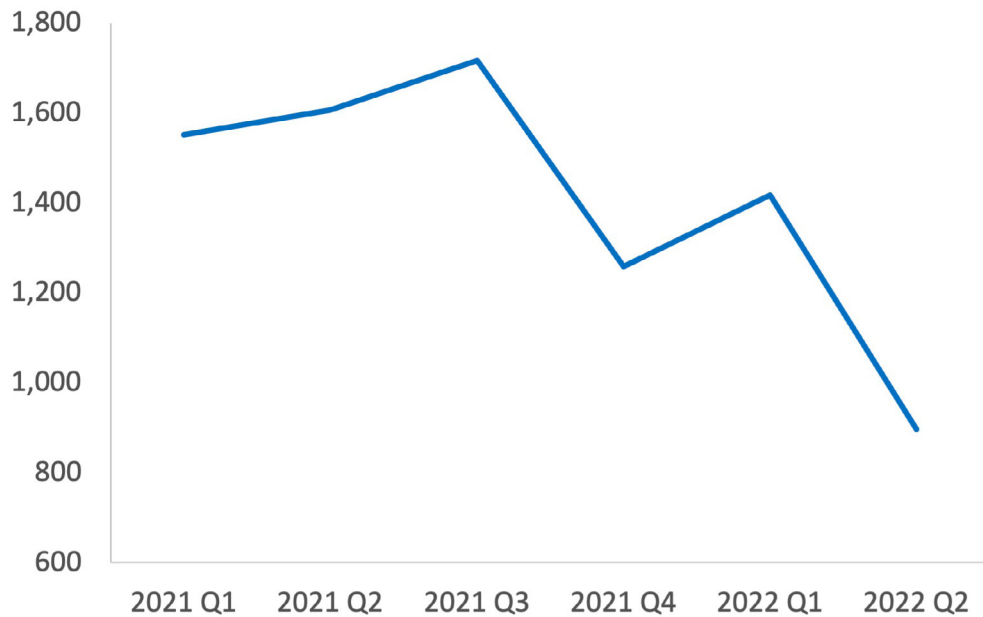
Rank	Nationality	Number of applications	Percentage of total applications
1	Syria	1,733	21.74%
2	Eritrea	1,110	13.93%
3	Afghanistan	1,026	12.87%
4	Iran	880	11.04%
5	Sudan	708	8.88%
6	Yemen	276	3.46%
7	Sri Lanka	206	2.58%
8	Somalia	190	2.38%
9	Pakistan	168	2.11%
10	Ethiopia	158	1.98%

1.16 Of the 7,970 applications submitted since 1 January 2022, 7,097 (89.05%) were from women over the age of 18, or children under the age of 18.

1.17 The Home Office publishes quarterly data on granted family reunion visas, on GOV.UK. This data shows that, between 1 January 2021 and 30 September 2021 (when decision-making responsibility was with Asylum Operations (Sheffield)), there was an upward trend in family reunion visas granted. The number granted reduced from 1,417 between 1 January 2022 and 31 March 2022, to 897 between 1 April 2022 and 30 June 2022, as shown in figure 2.

¹¹ This data was provided to inspectors by the Home Office’s Performance Reporting and Analysis Unit (PRAU).

Figure 2: Number of family reunion visas granted by quarter (1 January 2021 to 30 June 2022)



1.18 Of the applicants granted family reunion visas in this period, 93.95% were for women over the age of 18, or children under the age of 18.

Correlation to asylum decisions

1.19 An individual in the UK is only eligible to sponsor their family to come to the UK via the family reunion route if they have been granted refugee status, humanitarian protection or have been resettled on certain schemes.¹² For context, between 1 January 2022 and 30 June 2022, a total of 6,161 adult applicants were granted some form of refugee status, as shown in figure 3.¹³

Figure 3: Refugee protection grants by type (1 January 2022 to 30 June 2022)

Type of grant	2022
Asylum	5,438
Discretionary leave	12
Humanitarian protection	338
Resettlement – Community Sponsorship Scheme	64
Resettlement – Mandate Resettlement Scheme	2
Resettlement – UK Resettlement Scheme	307
Total	6,161

1.20 Between 1 January 2022 and 20 June 2022, refugee protection was granted to adults from the top 10 nationalities shown in figure 4, which broadly aligns with those applying for family reunion visas.

¹² Those resettled under the Gateway Protection Programme, Mandate Resettlement scheme, Syrian Vulnerable Persons Resettlement (VPR) scheme, Community Sponsorship Scheme, UK Resettlement Scheme (UKRS) and Afghan Citizens Resettlement Scheme: Pathway 2 (ACRS).

¹³ Home Office (GOV.UK), Asylum and resettlement datasets (published 23 September 2022).

Figure 4: Refugee protection grants by nationality (1 January 2022 to 30 June 2022)¹⁴

Rank	Nationality	2022
1	Syria	93
2	Iraq	65
3	Afghanistan	48
4	Iran	38
5	Sudan	37
6	Refugee	35
7	Pakistan	33
8	Libya	33
9	El Salvador	32
10	Eritrea	31

¹⁴ Home Office (GOV.UK), Asylum and resettlement datasets (published 23 September 2022).

2. Recommendations

1	Dedicate staffing resource to urgently address the work in progress (WIP), including the appeals WIP, prioritising applications from children separated from both parents.
2	Introduce a criteria for expediting applications based on vulnerability.
3	To increase efficiency and streamline allocation of decisions, implement a mechanism to triage family reunion applications after biometrics have been submitted and before the decision-making stage.
4	In consultation with decision team managers (DTM), conduct a review of the DTM role and responsibilities.
5	<p>Review progress on recommendations two to four from ICIBI's 'An inspection of family reunion applications (June – December 2019)' (in the context of the new Croydon team), with a view to implementing them as soon as possible:</p> <p>Recommendation two: Complete the review of the resourcing of Asylum Operations (Sheffield) [now Reunion and Returns (Croydon)], ensuring that it has the capacity, skills and experience to manage the global intake of family reunion applications, plus co-located administrative support and access to relevant IT systems and technical support (for example, document fraud experts, country specialists, interpreters, experts in assessing vulnerabilities).</p> <p>Recommendation three: Ensure that Management Information (MI) in respect of family reunion applications is sufficient not just to support the efficient processing of applications and to assure decision quality, but also to provide insights into the profiles and circumstances of applicants, the reasons why applications succeed or are refused, and any trends, in order to check that both the operational response and the underpinning policies are fit for purpose.</p> <p>Recommendation four: Pending any new legislation, clarify the Home Office's position (with supporting evidence) in relation to those areas of the present policy that have been the subject of Parliamentary and stakeholder interest, in particular: child sponsors; [dependent family members over 18 years of age]; funding for DNA tests; availability of legal aid.¹⁵</p>

¹⁵ Recognising that policy has moved on in some areas (such as regarding dependent family members over 18 years of age), this recommendation should be implemented in the context of new areas of policy relevant to family reunion, such as: biometric waivers, rights for family members of Afghans who have arrived via resettlement schemes, differentiation of refugees.

3. Scope and methodology

- 3.1** This inspection examined the Home Office’s management of family reunion applications between 1 January 2022 and 30 September 2022, focusing on progress relating to implementation of recommendations two, three and four from ICIBI’s ‘An inspection of family reunion applications (June – December 2019)’.¹⁶
- 3.2** It also examined the effectiveness of the transfer of family reunion casework from Asylum Operations (Sheffield) to Resettlement, Relocation and Reunion Services (RRRS) (Croydon), with consideration of the Home Office’s policy objectives.
- 3.3** The inspection was informed by the ICIBI’s expectations (see Annex B).
- 3.4** Inspectors undertook the following activities:
- reviewed publicly available information about family reunion
 - held a familiarisation call with the RRRS team on 22 September 2022
 - held a familiarisation call with representatives from the Policy Team, Asylum and Protection Unit and the Home Office’s Performance, Reporting and Analysis Unit (PRAU) on 28 September 2022
 - formally notified the Home Office of the inspection on 30 September 2022, and submitted a request for evidence
 - met with a range of stakeholders, including non-governmental organisations and legal representatives
 - received and analysed 70 pieces of evidence
 - attended Home Office sites in Croydon, conducting 19 interviews with staff and teams involved both directly and indirectly with family reunion work, and its transition from Sheffield to Croydon
 - observed administrative and workflow functions
 - observed decision-making and casework functions
 - conducted a dip sample of 15 family reunion applications
 - on 21 October 2022, held a feedback session, sharing initial thoughts and indicative findings from the onsite phase of the inspection, with senior leaders from the RRRS team

¹⁶ Independent Chief Inspector of Borders and Immigration, ‘An inspection of family reunion applications (June – December 2019)’ (published 8 October 2020), p.10, <https://www.gov.uk/government/publications/an-inspection-of-family-reunion-applications-june-december-2019>

4. Key findings

- 4.1** This inspection followed four previous inspections of family reunion applications. It found that limited, if any, progress had been made on the recommendations in ICIBI's 'An inspection of family reunion applications (June – December 2019)', and new issues had emerged. Most alarming was the ever-increasing length of time applicants were having to wait for a decision on their application and the Home Office's lack of a clear overall plan to address this.

Transition to Croydon

- 4.2** The transfer of decision making from Asylum Operations (Sheffield) to the Reunion and Returns team (Croydon) had been problematic, with insufficient consideration of the scale and nature of the challenge in setting up a new team to process family reunion applications.
- 4.3** The transition took place between October 2021 and April 2022, when responsibility for family reunion decision making was fully handed over to the team in Croydon. This decision was taken to reduce the impact on Asylum Operations' resources, despite ICIBI's 2019 inspection recommending that Asylum Operations was well placed to decide these applications.
- 4.4** Staff from the Croydon team told inspectors that the transition was hampered by the volume and complexity of the applications awaiting consideration when handed over (including concluded appeals where ongoing casework action relating to visa issuance post-appeal being allowed or withdrawn needed to be conducted), and the fact that experienced staff from the Sheffield team, who were intended to provide expertise and support during the transition, were deployed to process applications on the Homes for Ukraine scheme between March to June 2022. This deployment also meant that, during this time, family reunion decisions could not be actioned from the Sheffield server, which required someone to be physically present to access, and the work in progress (WIP) increased further.

Timeliness of decisions

- 4.5** Only a small number of decisions had missed the 60-working-day service standard during ICIBI's 2019 inspection, but as at October 2022, applicants were consistently waiting more than double this for a decision. The WIP had been "growing incrementally" since the handover of casework to Croydon and had increased by 62.5% between 15 March and 11 October 2022.
- 4.6** Out of the total 7,687 applications in the WIP as at 11 October 2022 (the oldest of which had been submitted in August 2020), 72.23% were already outside the 60-working-day service standard and 39.91% had been waiting more than 120 working days.
- 4.7** Inefficiencies were exacerbated by the existence of multiple local databases, case working systems and having to find 'workarounds' to access applicants' supporting evidence on a different server.

- 4.8** ‘Speculative’ applications were considered by Home Office representatives across several teams as one of the key challenges they faced in family reunion and as contributing to the WIP, and yet they were unable to provide data or even a sense of the scale of this issue. This was not helped by the fact that an assessment of whether an application was speculative would only be made when it was considered by a decision maker. The Home Office’s Asylum Strategy and International Policy team told inspectors that ongoing work on ‘simplification’ of the Immigration Rules, and the introduction of a validity requirement,¹⁷ would address the issue of ‘speculative’ applications which were adding to the WIP. The Home Office said that it was working to a deadline of Spring 2023 for the simplified Rules and updated guidance.
- 4.9** Stakeholders and people who had been through the family reunion process themselves told inspectors that the long delays in decisions on family reunion applications, in addition to the long wait they had already endured for their asylum decision, prolonged the period of uncertainty. During this period of separation, inspectors were told that many people experienced a deterioration in their mental health. It also prolonged the time family members, mostly women and children, remained in potentially unsafe or precarious situations.

Resourcing, skills and capacity

- 4.10** The Home Office’s commitment in its response to the 2019 inspection to “ensure that Asylum Operations in Sheffield [had] the capacity and resource to manage the worldwide intake of family reunion applications”¹⁸ had not translated into a similar assurance for the Croydon team.
- 4.11** The new team were having to operate with multiple vacancies and reliance on temporary (agency) staff with a high attrition rate. Staff took longer than anticipated to get ‘up to speed’ following their initial training, and, as at October 2022, 16 out of 22 decision makers (DMs) were new members of staff who required decision team managers (DTMs) to carry out quality assurance on either all their decision making or some (refusals only), depending on where the DM was in the stages of their training and ongoing mentoring support. This created additional delays in decisions being sent to applicants.
- 4.12** However, despite the pressure the Croydon team were working under, inspectors found a positive work ethic among the operational team, and well-motivated staff. DTMs (Higher Executive Officers or HEOs) and senior managers above them were supportive of each other and staff under their line management. They were overpromised on the support that would be provided to them during the transition, which spoke to a broader feeling that family reunion was not a priority for the Home Office. Despite this, senior managers had succeeded in creating risk registers and updated standard operating procedures (SOPs), demonstrating a commitment to good governance going forward.
- 4.13** The DTM role in particular was critical to the effective operating of different stages of the family reunion process and carried significant pressure. DTMs had several key responsibilities, including: quality assurance of DMs’ decisions, casework support, line management (including performance management), and responding to high-profile enquiries and requests for cases to be expedited.

¹⁷ A validity requirement is a set of minimum criteria that an application must meet to be considered for a decision.

¹⁸ Home Office, ‘Response to the report on an inspection of family reunion applications’, p.3, <https://www.gov.uk/government/publications/response-to-the-report-on-an-inspection-of-family-reunion-applications>

Prioritisation and expedition

- 4.14** The Home Office’s ability to meaningfully identify applications that should be prioritised or expedited had been undermined by the fact that DMs were not considering applications until outside the service standard. This also limited their ability to signpost applicants to other routes in a timely manner if the DM deemed that route more suitable. Rather, applicants would wait months only to find that they would have to recommence the process on another route, with another long waiting list.¹⁹ The knock-on impact of this was that the volume of enquiries, complaints, threatened litigation and MP correspondence had increased and the Home Office were prioritising applications where legal action had been threatened, reporting that they were constantly “firefighting”.
- 4.15** Home Office family reunion policy includes an objective to acknowledge “the vulnerable situation that applicants (particularly women and children) may find themselves in and, where necessary expediting claims without unnecessary delay”. However, staff told inspectors that the individual circumstances of an applicant and any potential vulnerability would only be identified at the decision-making stage (once an application was considered by a DM). As at 11 October 2022, 93.31% of applications in the WIP had not yet been considered by a DM and would not be within current waiting times until at least double the service standard.
- 4.16** Current practices risked creating a two-tier system whereby applicants who threatened legal action or sought support from an MP were being prioritised and applicants who were unable to access legal representation were likely disadvantaged. This would not be the case if decisions were made in a timely manner, as legal representatives and MPs would not have to intervene.
- 4.17** Further to this, the Croydon team had inherited a number of unactioned appeals decisions (either where a refusal had been withdrawn by the Home Office or the appeal had been allowed by the Immigration Tribunal). Delays in carrying out the administrative work involved in progressing these cases meant that the new decisions and subsequent visa issuances, concerning, were taking more than six months to be actioned. As at October 2022, there were a total of 333 allowed or withdrawn appeals awaiting action. Unsurprisingly, these cases also attracted large volumes of legal representative and MP correspondence.

Management information

- 4.18** This inspection found that the Home Office had made no improvement since 2019 in collecting and utilising management information (MI) to support the efficient processing of applications or to assure decision quality. Similarly, no progress had been made in using MI to provide insights into the profiles and circumstances of applicants, as had previously been recommended.²⁰
- 4.19** Although quality assurance was taking place on the decisions of less experienced staff, there was no routine dip sampling of family reunion decisions, to ensure a baseline standard of quality assurance or to identify trends in decision making.
- 4.20** The limited MI in use to track workflow was unreliable, as it was reliant on staff remembering to complete multiple spreadsheets manually.

¹⁹ For example, Marriage and Family entry clearance applications were being decided outside the service standard as at October 2022.

²⁰ Independent Chief Inspector of Borders and Immigration, ‘An inspection of family reunion applications (June – December 2019)’ (published 8 October 2020), p.10, <https://www.gov.uk/government/publications/an-inspection-of-family-reunion-applications-june-december-2019>

Management information and policy

- 4.21** The Home Office’s position on the policy points raised in ICIBI’s 2019 inspection remained broadly unchanged, other than having brought in new rules for children aged 18 or over, which meant they could be granted leave in line with their sponsor if they could demonstrate “exceptional circumstances” that would mean a “refusal of the application would be a breach of Article 8 ECHR”.²¹ This change had been welcomed by stakeholders, although the guidance on the grant of leave remained unclear as at October 2022.²²
- 4.22** No MI or data other than numbers of applications in the WIP was being provided to the Asylum Strategy and International Policy team to inform policy development.
- 4.23** Stakeholders frequently told inspectors that a lack of clarity on the options available for family members of those arriving on Afghan resettlement schemes to join them had created confusion. This was owing to the Home Office not granting them ‘refugee status’. As at 11 October 2022, almost 11% of the family reunion WIP were Afghan applicants, which was the nationality with the third largest volume of applications (although not all of them had necessarily arrived on a resettlement pathway). When asked about this, senior leaders told inspectors they were trying to work with policy teams to “change guidance to show that refugee family reunion is not an option for these people”.²³

Looking forward: unmitigated risk

- 4.24** The speed of decision making on asylum claims is likely to be an immediate focus for the Home Office due to increased parliamentary and media attention. An increase in the number of grants on claims in the current asylum WIP would inevitably lead to a significant increase in the number of people eligible to sponsor their family via the family reunion route. Unless the family reunion team can address their business-as-usual intake workload soon, this risks an unmitigated and increasing crisis for families applying on this route.
- 4.25** Similarly, managers anticipated an uptick in applications for biometric waivers, but they were awaiting guidance on how to assess these as at October 2022. This was also said to be likely to increase delays in decision making, as there would be an additional process and set of guidance to absorb and adhere to.

21 Immigration Rules Part 11: Asylum, paragraph 326A, <https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-11-asylum>

22 Home Office, ‘Family reunion: for refugees and those with humanitarian protection’ (published 29 July 2022).

On 9 November 2022, after the initial drafting of this report, the Home Office published updated guidance: Home Office, ‘Family reunion: for refugees and those with humanitarian protection’, version 8.0 (published 9 November 2022), which reflected this change: <https://www.gov.uk/government/publications/family-reunion-instruction>

23 On 9 November 2022, after the initial drafting of this report, the Home Office published updated guidance: Home Office, ‘Family reunion: for refugees and those with humanitarian protection’, version 8.0 (published 9 November 2022), <https://www.gov.uk/government/publications/family-reunion-instruction>, which states: “Individuals who come to the UK through Pathways 1 and 3 of the ACRS do not have refugee status and therefore are not eligible to sponsor family members under the Refugee Family Reunion Rules.”

5. Evidence and analysis: transition from Sheffield to Croydon

- 5.1 ICIBI's 'An inspection of family reunion applications, (June – December 2019)' recommended that all remaining family reunion decisions be transferred to Asylum Operations (Sheffield). This was because staff there showed more awareness of the nature of these applications and greater sensitivity, including identifying "exceptional circumstances and compassionate factors" that could lead to a grant of leave outside the Rules (LOTR), compared with those in the only remaining Decision-Making Centre (DMC) still making family reunion decisions in Pretoria (for applications lodged through the Visa Application Centre (VAC) in Khartoum).²⁴ By January 2021, all family reunion decision making had transferred to Sheffield.
- 5.2 However, since then, decision making had moved to a newly formed Reunion and Returns team in the Resettlement, Relocation and Reunion Services (RRRS) within the Home Office's Resettlement, Asylum Support and Integration (RASI) directorate, in Croydon.

Business case for the move to the Resettlement, Asylum Support and Integration team (Croydon)

- 5.3 The transition to Croydon took place between October 2021 and April 2022. In response to the inspection team's request for the business case for this move, the Home Office provided an options appraisal, drafted by the Head of Asylum and Family Reunion Casework, and a proposal document, which outlined the approach to the handover. Both documents stated that the transition was required to free up asylum-trained decision makers to focus on asylum claims.
- 5.4 The options appraisal carried out in March 2021 stated that, although the Home Office had agreed to onshore the responsibility for all family reunion applications to Sheffield following ICIBI's recommendation to do so, family reunion work "did not wholly fit with Asylum Operations, as it involved cases being routed through visa systems creating a significant administrative burden". It also stated: "Family Reunion Casework does not require such specialist and skilled knowledge as Asylum, evidenced by the shorter length of training and less time spent on mentoring period."
- 5.5 The options appraisal recommended that family reunion work be moved to another department and presented three potential options: Visa Services and Information (VSI, or 'Visas'), Refused Case Management (RCM) or Family and Human Rights Unit (FHRU). Suggested 'pros' for VSI were that "the core of the Family Reunion function is 'issuing visas'" and the staff were predominately Sheffield-based, which would make support during transition manageable. The 'cons' acknowledged this may not be the right option as 'Visas' was "... not necessarily a protection function, so could be perceived to oppose key ICI [Independent Chief Inspector] findings", and as ICIBI had been critical of the approach taken by 'visa' teams in the recent

²⁴ Independent Chief Inspector of Borders and Immigration, 'An inspection of family reunion applications (June – December 2019)' (published 8 October 2020), p.10, <https://www.gov.uk/government/publications/an-inspection-of-family-reunion-applications-june-december-2019>

inspection, "... transferring back to them would need careful stakeholder engagement to ensure concerns were mitigated".

- 5.6** The proposal document, issued in December 2021, concluded that it would be the Reunion and Returns team in RASI which would take on the work, with no reason provided as to why the proposals in the options appraisal had been rejected.
- 5.7** Although the number of family reunion applications is relatively small compared with asylum claims (a ratio of approximately 1:6),²⁵ the justification for the transfer process suggested that the route was not a priority for the Home Office, despite being one of the few 'safe and legal routes' for family members to be reunited. One senior manager shared this view: "It was a case of where best to place family reunion work. Because it is a safe and legal route, not a protection route, that fits in our area, but the main driver was the requirements in asylum."

Management of the transition to Croydon

- 5.8** The options appraisal suggested that the transfer would be "carefully managed, with full support for training, mentoring, stakeholder engagement and temporary WIP [work in progress] management mapped out to ensure the continued adherence to SLA [service level agreement], ICI recommendations and stakeholder expectations". It stated that support would be provided to the new team by an experienced cohort of the existing family reunion (Sheffield) workforce, which would gradually reduce over a three- to four-month period "to ensure a smooth transition".
- 5.9** Despite this commitment, in practice, the transition did not go smoothly. The key issues which arose in the management of the transition included: volume and complexity of outstanding cases; backlog in action required to issue a visa post appeal allowance or withdrawal; issues accessing Sheffield server; and support for the transition to Croydon.
- 5.10** Managers and staff from Croydon told inspectors that they had inherited many complex cases, and suspected Sheffield staff had worked on easier, quicker applications, before the handover. They felt ill-equipped and unprepared for the complexity and volume of work they received, saying: "We knew it was a backlog we were going to be taking on, but it didn't feel like a clean handover, we didn't have the guidance or support we needed. We had to go digging for it ... they underestimated to us how much work there was."
- 5.11** Managers from Sheffield involved in supporting the transition, however, described weekly meetings with Croydon staff and having provided a lot of support to the new team. They said: "There was not a clear cut off where they were on their own. Where they needed support, we continued to offer it, and SLT [senior leadership team] supported that." They told inspectors: "We were keen to pass on best practice and emphasise the protection element of the route." Despite this, they said: "The handover didn't go to plan – the RASI team didn't pick up the work as quickly as anticipated, and it took longer [than expected] to train (sometimes training people twice) and to get decision team managers up to speed."

²⁵ National statistics: Immigration statistics, year ending June 2022, <https://www.gov.uk/government/statistics/immigration-statistics-year-ending-june-2022>, shows that there were 63,089 asylum applications (relating to 75,181 people) in the UK in the year ending June 2022 compared with 7,970 applications for family reunion between 1 January 2022 and 30 September 2022 (according to Home Office local data).

- 5.12** Decision team managers (DTMs) in the Croydon team were highly critical of the transition process, which they said “did not go smoothly at all”, adding that staff in Sheffield “had high expectations of our decision making, which [they had] struggled with”. The initial plan was for the Sheffield team to support the transition until 28 March 2022, when it was hoped the Croydon team would be independent with some limited post-transition support around complex cases, safeguarding issues and archiving of Sheffield data. Following the Russian invasion of Ukraine, support was removed ahead of this date.
- 5.13** Sheffield staff supporting the transition, as well as the three DMs loaned to Croydon and 12 staff from Reunion and Returns (around half of the team) who had taken on the work, were all seconded to work on the Homes for Ukraine scheme in March 2022, as the handover was due to end. Inspectors were told that the impact of this was that “things took a backward step because they lost that support [which had been provided by the Sheffield staff] and everything got dropped”. Losing this expertise “had a negative impact on the team’s learning, as well as the support having to be removed”.
- 5.14** Inspectors asked the Home Office to provide risk registers from before and during the transition. The Home Office responded stating that risk registers had not existed until January 2022, when the Croydon team established one. Therefore, risk registers were provided from January to September 2022. They consistently highlighted risks relating to:
- insufficient staff numbers
 - the potential for an increase in applications
 - problems accessing the server in Sheffield delaying processing of those applications
 - loss of staff to support work on the Homes for Ukraine scheme
- 5.15** However, in its response, the Home Office also provided an email dated 15 October 2021, from a manager in the former-European Intake Unit in Croydon, the team taking over family reunion work. In the absence of risk registers prior to handover, the email had been sent to the Deputy Director of RRRS, warning them of the risks they had identified, including:
- the team in Sheffield was already struggling with the existing family reunion workload, and “cases are only being allocated to decision makers on the 56 day [sic], leaving just 4 days for decisions to be made ... forecast actually suggests they will pass SLA this week”
 - the new team would be reliant on successfully recruiting 16 Executive Officers (EOs) and nine Administrative Officers (AOs) to match the existing resource for family reunion
 - the new team would be very inexperienced, have no knowledge of the area and require significant management support, and the “expected productivity may not be sufficient, especially given FR’s [Sheffield] own struggles to meet service standard with an experienced team”
- 5.16** Inspectors found that actions taken to mitigate these risks, and those identified in the subsequent risk registers, had limited impact, which hampered the smooth transition of the work and meant that the WIP continued to increase. In each of the monthly risk registers the contingency plan was to: “Ensure the SCS [Senior Civil Servants] are sighted on the issue”. However, inspectors were informed that during the transition period there were “a lot of changes at senior manager level” and that this turnover may have impacted on the level of oversight.

- 5.17** A further document provided to inspectors was an undated handover plan in the form of an Excel spreadsheet which set out a series of actions covering the timeline between 11 October 2021 and 19 April 2022. The plan included training for different grades, mentoring and technical support. Among the few actions shown as completed was the plan for the handover being agreed by Sheffield and Croydon teams on 18 November 2021. The final handover date in the plan for the Croydon team (“RASI to be independent”) was 28 April 2022.
- 5.18** When asked for further information on the handover plan, the Home Office advised that it had been used “early on” to: “plan when Family Reunion staff members, based in Sheffield as part of Asylum Operations, were either working on the Family Reunion applications or were being utilised to train the new Family Reunion staff in Reunion and Returns under RASI”. It was also intended to outline the expectation for the level of support, which would decrease over time. However, the Home Office stated that “early dates and important dependencies missed deadlines, due to a variety of reasons, which heavily impacted onward plans. Consequently, this plan was ceased in its use, and reliance was placed on meetings and progress updates via email.”
- 5.19** Inspectors were also provided with an equality impact assessment (EIA), dated 21 June 2021, for the move of family reunion work to Croydon. The EIA offered a very limited assessment of the impact of the move on staff, with no analysis of qualitative or quantitative data as the numbers affected were considered too small to identify any trends. It stated that there would be “a gradual transition plan which includes training, shadowing, mentoring and support - envisaged to take 3-4 months”. The EIA resulted in a single action, to: “Undertake consultation and invite comments from TU [Trade Unions] and individuals on proposals and diversity and equality issues”. This consultation was to run from 1 to 28 September 2021. Inspectors did not see any evidence of review of the EIA or the outcome of the consultation to be able to assess what difference it has made. There was no EIA provided relating to the potential impact on applicants or sponsors.
- 5.20** The transition process was significantly impacted by insufficient consideration having been given to the risks associated with the move. It fell to the Croydon team to create risk registers after the transition had started, despite concerns raised by operational managers taking on the work, and the process lacked consistent and effective senior oversight to ensure family reunion decision making was meeting its policy objective of “ensuring applications are properly considered in a timely and sensitive manner”.

6. Evidence and analysis: delays in decision making

Managing intake

- 6.1** The number of applications submitted for family reunion had remained broadly constant since January 2022, as demonstrated in figure 5.

Figure 5: Number of family reunion applications by quarter (1 January 2022 to 30 September 2022)

Period	Number of applications received
Q1 2022 1 Jan – 31 Mar	2,723
Q2 2022 1 Apr – 30 Jun	2,602
Q3 2022 1 Jul – 30 Sep	2,645
Total	7,970

- 6.2** For comparison, data provided by the Home Office for ICIBI’s ‘An inspection of family reunion applications (June - December 2019)’ showed that between 1 January 2019 and 30 September 2019, there had been 7,279 applications submitted.²⁶
- 6.3** However, as at October 2022, the volume of applications received exceeded decision outputs each month, and the number of applications in the work in progress (WIP) was “growing incrementally”. The Home Office has a service standard of 60 working days for decisions on family reunion applications but waiting times for applicants as at October 2022 were more than double that.
- 6.4** Inspectors were told by staff working in the Sheffield team that, as at 15 March 2022, it contained 3,585 applications (2,649 on the Sheffield server and 936 on the Croydon server). However, subsequent data produced relating to the WIP, as of 11 March 2022, showed that there were 4,730 (2,648 Sheffield server and 2,082 Croydon server) applications awaiting a decision. This number had increased to 5,800 on 27 April 2022, following the handover to the Croydon team, which equated to almost 6 months’ intake (applications received).
- 6.5** Inspectors requested snapshot data on the applications in the WIP as at 30 September 2022. The Home Office provided data for 11 October 2022 as it was from a live database which could not extract data retrospectively.
- 6.6** Inspectors’ analysis of the data provided showed that there were a total of 7,687 applications awaiting a decision on 11 October 2022 (the Sheffield WIP contained 903 applications and the

²⁶ ICIBI, ‘An inspection of family reunion applications (June – December 2019)’ (published 8 October 2020), p.13.

Croydon WIP contained 6,784), which meant that between 11 March 2022 and 11 October 2022, the WIP had increased by 62.5%.

- 6.7** Of the total 7,687 applications in the WIP, the oldest of which had been submitted in August 2020, 72.23% were already outside the 60-working-day service standard and 39.91% had been waiting over double (120 days) this time, as demonstrated in figure 6.

Figure 6: Number of family reunion applications by age of application as at 11 October 2022

Working days since application	Number of applications	Percentage of total outstanding applications
60 or less	2,135	27.77%
61-120	2,484	32.31%
121-180	2,061	26.81%
181- 220	803	10.45%
Over 220	204	2.65% ²⁷

- 6.8** This was a significant deterioration from the position during the 2019 inspection, where in Sheffield, “between 6 March and 26 September 2019, 52 applications had missed the 60-day Service Standard”.²⁸ Inspectors at that time reported concerns that applications were being incorrectly marked as ‘complex’ and removed from the service standard unnecessarily.²⁹ However, as at October 2022, the situation was such that the majority of applications were being decided outside the service standard, whether or not they were deemed to be ‘complex’.
- 6.9** Inspectors also requested data from the Home Office on the total family reunion applications submitted between 1 January 2022 and 30 September 2022. This was provided by the Home Office’s Performance Reporting and Analysis Unit (PRAU). This data revealed that, of the 683 applications submitted during January 2022, 391 (57.25%) remained undecided as at 30 September 2022, yet decisions had been made on applications submitted more recently, as shown in figure 7.

²⁷ These figures were rounded to two decimal places.

²⁸ Independent Chief Inspector of Borders and Immigration, ‘An inspection of family reunion applications (June – December 2019)’ (published 8 October 2020), p.59.

²⁹ Independent Chief Inspector of Borders and Immigration, ‘An inspection of family reunion applications (June – December 2019)’ (published 8 October 2020), p.59.

Figure 7: Decisions made on family reunion applications submitted between 1 January and 30 September 2022.

Month applications submitted	Number of applications submitted	Applications awaiting decision as at 30 September	Applications decided as at 30 September 2022
January	683	391 (57.25%)	292 (42.75%)
February	891	430 (48.26%)	461 (51.74%)
March	1,149	1,063 (92.52%)	86 (7.48%)
April	867	833 (96.08%)	34 (3.92%)
May	935	912 (97.54%)	23 (2.46%)
June	800	786 (98.25%)	14 (1.75%)
July	976	967 (99.08%)	9 (0.92%)
August	871	868 (99.66%)	3 (0.34%)
September	798	793 (99.37%)	5 (0.63%)

6.10 All applications that were submitted before July would have been out of service standard by 30 September 2022.

Delays in implementing decisions following an appeal

6.11 In addition to the delays in deciding initial applications, this inspection found that there were significant delays in the implementation of decisions that had changed following an appeal having been submitted. Applicants were having to wait at least six months for action to be taken to approve the visa for issue once either:

- the original refusal had been withdrawn by the Home Office as a result of a pre-appeal review to grant leave under the family reunion rules, or grant leave outside the rules
- the appeal had been allowed at an appeal hearing by the First Tier Tribunal

- 6.12** Inspectors were told that a small amount of staffing resource (one Higher Executive Officer, two Executive Officers, and two Administrative Officers) within the family reunion team was dedicated to administering family reunion appeal outcomes. This appeals team was responsible for carrying out updated security checks, requesting tuberculosis (TB) certificates where they had not previously been submitted, and requesting and checking new identity documents from the applicants, if their previous ones had expired, before the visa was approved for issue.
- 6.13** These delays were a great source of frustration for stakeholders. One legal representative cited a recent example in which their client whose appeal had been allowed by the Immigration Tribunal in October 2021 had only received their visa from the Home Office in October 2022.
- 6.14** Additionally, in the time that passed between the family reunion application being submitted, and then refused, appealed, and either withdrawn, or allowed at appeal and the visa approved for issue, the sponsor of the applicant might have nearly reached the end of their period of leave to remain in the UK, and have begun the process of applying for indefinite leave to remain (ILR). In these cases, the Home Office said the new decision could not be served to the applicant until a decision was made on the sponsor's ILR application, further adding to delays.
- 6.15** Inspectors requested a snapshot of the family reunion decisions awaiting action by the appeals team. Data was provided in a spreadsheet which showed that, as at 21 October 2022, there were 333 decisions awaiting action. Of these, 214 had been allowed by the Immigration Tribunal, 118 had been withdrawn by the Home Office, and one was unspecified.
- 6.16** The appeals contained in this WIP spreadsheet were not listed by the date when the initial family reunion application was submitted, or by the date of when the appeal was lodged. Information on the date of the appeal outcome determination was incomplete, as was the date the Home Office had received the determination. Formulas on some of the spreadsheet columns were broken, which meant that the data could not easily be analysed.
- 6.17** On this spreadsheet, the oldest appeal outcome had been determined on 1 March 2021, meaning that the child applicant had been waiting more than 18 months for their visa to be issued. The spreadsheet showed the service of the appeal outcome had been complicated by the fact that the child's passport had expired and a TB certificate was required as it had not been submitted with the initial application. There had been no response from the legal representative since December 2021.
- 6.18** As with initial applications, applicants and their representatives could request that the implementation of the decision following an appeal be expedited. Acknowledging the high volume of cases, one staff member from the appeals team reported that dealing with expedited cases was becoming difficult, explaining: "A lot of things are urgent and high priority ... urgent is the new normal." Another staff member agreed, stating: "When everything is urgent, the urgency becomes forgotten."
- 6.19** As at October 2022, the appeals team told inspectors that cases were being prioritised based on the level of "threat" of litigation, rather than the length of time an applicant had been waiting. In the appeals WIP spreadsheet there was a column to identify expedited cases. The data showed approximately one quarter of the appeal outcomes (83 out of 333 awaiting action) were currently being expedited with reasons varying from compassionate grounds to pre-action protocols.

Delays due to server issues

- 6.20** Delays in decisions had been further increased by the transition from Sheffield to Croydon, because applications and supporting documents stored on the server in Sheffield could not be accessed without someone being physically present in the Sheffield office. The Home Office provided inspectors with a position statement in October 2022, which gave an overview of family reunion operations, including risks and challenges. The position statement explained that the 'Firecrest' IT platform for entry clearance casework had "always been location specific, which means applications can only be actioned from the server in the decision-making location".
- 6.21** Between March and June 2022, all staff based in Sheffield who had been supporting the transition of the family reunion work had been seconded to work on the Homes for Ukraine scheme, so applications on the Sheffield server could not be actioned during this time.
- 6.22** Since July 2022, with some staff still seconded, family reunion administrative staff had been attending the Sheffield office once a week to serve these decisions. The Home Office said in October 2022 that a number of Firecrest enabled laptops had "very recently" been obtained to provide remote access to the Sheffield server.
- 6.23** The inability to access the Sheffield server led to applications which had not yet been considered at all remaining unactioned, but it also led to duplication of work, in cases where a Sheffield decision maker (DM) had begun working on an application previously but this would not be evident to a DM in Croydon when picking it up. A DM commented on this, saying: "The cases were all started by a DM in Sheffield, but we find we have to start from scratch." This led to DMs requesting information from applicants that had already been provided.
- 6.24** In focus groups, stakeholders expressed frustration at these requests for information or evidence that had already been provided, saying they were a "real time wastage", and that it was difficult to explain to clients that the delay in being reunited with their family member were due to "problems with software", which was the reason often provided by the Home Office.
- 6.25** Stakeholders provided examples of extreme cases where apparent 'software' or 'admin' errors, leading to documents being lost or not considered by the DM, had led to applications unnecessarily being refused. One such example was provided as a case study to inspectors by a solicitor, as highlighted in case study 1.

Case study 1: admin error leading to unnecessary refusal and delay

Summary:

The sponsor was granted refugee status in the UK in 2019, having fled her home country due to persecution and domestic violence, leaving behind a son who had witnessed abuse by his father at a very young age.

In 2021, an application for family reunion was submitted, with supporting documents uploaded (including a birth certificate, photographs, communication records, and evidence that the sponsor had spoken about her son in her asylum interview). The solicitor confirmed that a valid TB certificate was also uploaded. The application, they said, “sat squarely within the Rules”.

Nine months later, with no request for further information, the application was refused, on the basis that the Home Office did not believe the sponsor was related to the applicant, despite the submission of a comprehensive set of documents proving that she was. Additionally, the refusal letter stated that there was no TB certificate.

The refusal letter referred to asylum interview records, and made no mention of the 20+ documents submitted with the application. The solicitor said: “It looks like RASI had not assessed these and it was just refused.”

The solicitor informed the Home Office that the documents had already been provided, and urgently requested the decision be reviewed and a visa granted. The Home Office failed to do so, and the solicitor lodged an appeal at the First Tier Tribunal.

The Home Office withdrew the decision in October 2022. The son by then was five years old and had been separated from the sponsor for three years.

The solicitor said: “The process wasted time and money for us and the Home Office when the decision should simply have been reversed given the opportunity ... Delays, incompetence and stubbornness on the part of decision makers in this case have extended the time a five-year-old boy is separated from his mother.”

ICIBI comment:

Admin errors which led to this refusal could have been resolved sooner by writing to the applicant before making the decision to refuse or acknowledging the solicitor’s request to reconsider.

Given the delays in approving a visa for issue after a successful appeal (up to six months), it is likely that this family will be separated for even longer, unnecessarily.

Communicating delays

- 6.26** Stakeholders told inspectors that communication from the Home Office on delays was “inadequate” and that, when they request an update on an application they have submitted, “sometimes [they] get no response at all from the Home Office”, or else they receive “a generic response referring to the Ukraine situation and capacity issues”. They said: “Clients are annoyed about Ukraine having priority as their family is also in a war-torn country.”
- 6.27** However, one legal representative reflected that “where it is possible to have a meaningful dialogue on cases, that makes all the difference ... but I get the sense that the team are overwhelmed”, highlighting the challenging circumstances the decision-making team are working under.
- 6.28** Another issue highlighted by legal representatives was that when they requested an update from the Home Office on the progress of an application, they would sometimes receive “an email with a generic request for more information, for example on family relationship”. They said, “With the generic email from the RASI team it feels like they are buying more time.”
- 6.29** Inspectors examined a randomised sample of 15 family reunion applications, broken down as:
- three applications which had been granted in October 2022
 - three applications which had been refused in October 2022
 - three applications awaiting a decision (deferred because documents had been requested)
 - three applications awaiting a decision (awaiting DTM review)
 - three applications awaiting a decision (deferred for ‘other’ reason)
- 6.30** Within this small sample, some of the key issues outlined throughout this report were evident, including in case study 2, where information already provided was unnecessarily requested.

Case study 2: further delay by unnecessary requests for information already provided

Summary:

The applicants were two children under the age of 18. A legal representative submitted family reunion applications on their behalf in February 2022, to join their father (the sponsor) in the UK.

The sponsor had claimed asylum in July 2017 and mentioned his children in his initial asylum screening interview and main statement of evidence (SEF), where he also mentions that he is separated from his wife (the applicants’ mother). The sponsor was granted refugee status in May 2019.

The applications were submitted with a cover letter from the legal representative, which stated that the children were living with the sponsor’s mother, as their own mother was no longer in their country of residence. The sponsor had granted power of attorney to his mother, and evidence was provided of this, along with letters from neighbours confirming the living arrangement. The applicants did not have a tuberculosis (TB) test when they submitted the applications as they required a passport to obtain it, but the cover letter committed to providing this once their passports had arrived.

In August 2022, the applications were considered by the DM, six months after they had been submitted. The Home Office requested further evidence from the applicants (copy of passport and TB certificates). They also asked the sponsor to clarify their marital status and whether he had contact with the children’s mother, although this had already been set out in the online application forms, supporting evidence and legal representative’s letter.

The legal representative responded on 20 August with copies of the applicants’ TB certificates, passports and redirecting the Home Office to information in the initial representation letter.

The sponsor’s asylum screening in 2017 mentions mental health issues and a suicide attempt, and the DM made a safeguarding referral about this in August 2022. A response was received from the Safeguarding team in October 2022 instructing no further action was required.

The DM then recommends granting family reunion visas in the case information database (CID) notes in October 2022 but the decision has to be sent to a decision team manager (DTM) to be checked before being served to the applicants.

Home Office response:

In its response, the Home Office said that the request for evidence relating to the applicants’ mother was “an oversight from the Decision Maker” but that a full copy of the passport was requested “as only part of the passport had been submitted previously”.

ICIBI comment:

Requesting evidence which had already been provided delays the process unnecessarily. While it is acknowledged that the decision was also delayed by waiting for the response from the Safeguarding team, the applicants will now have to wait longer for the DTM check to be carried out.

- 6.31 As at October 2022, on the GOV.UK page where an application for family reunion is submitted, there was no indication that there were delays in processing applications. The ‘visa decision waiting times’ page connects to information under the heading ‘family reunion’, where there is no indication that processing times are delayed, stating: “You should get a decision [sic] 12 weeks once you attend your appointment at the visa application centre, if you are applying for family reunion with a refugee or person with humanitarian protection.”³⁰
- 6.32 Inspectors asked staff how applicants’ expectations were managed on waiting times, given that there was no indication from the website that there were significant delays in processing. Staff and managers said that a generic email would be sent explaining there were delays in processing when an application was received. Inspectors saw evidence of this in some, but not all of the cases they sampled, and usually it was sent as the application was approaching the 60-working-day service standard.

Impact of delays

- 6.33 Delays in Home Office decision making in recent years have been well documented. The then Home Secretary Priti Patel wrote to the Chair of the Home Affairs Select Committee in June 2022 to advise that the delay in processing Marriage and Family entry clearance visas was due to the Home Office “prioritising Ukraine Visa Schemes applications in response to the humanitarian crisis caused by the Russian invasion of Ukraine”, which meant she was “currently

30 UK Visas and Immigration, ‘Visa decision waiting times: applications outside the UK’ (published 10 December 2019), <https://www.gov.uk/guidance/visa-decision-waiting-times-applications-outside-the-uk#join-family-in-the-uk>

unable to provide a specific timescale as to when Marriage and Family (entry clearance) applications will return to a 60-day service standard”.³¹

- 6.34** ICIBI’s ‘An inspection of asylum casework’, conducted between August 2020 and May 2021, highlighted significant delays in processing asylum claims, which have worsened since then.³²
- 6.35** In the case of family reunion, the impact of these delays is severe for the families involved. Unlike other visa applications, the nature of the family reunion route (as highlighted in ICIBI’s previous inspections of family reunion, and by many stakeholders in published research) is such that applicants are likely to be in the same country from which their family member (sponsor) was forced to flee.
- 6.36** Eligibility to sponsor family members for family reunion visas requires the sponsor in the UK to have protection status.³³ Waiting times for asylum decisions are, however, at an all-time high. Home Office transparency data published in September 2022 showed that, at the end of June 2022, there were 99,419 asylum cases (relating to 122,213 people)³⁴ awaiting an initial decision, almost 2.5 times more than the number of applications awaiting an initial decision at the end of 2019 (40,032, relating to 51,228 people).³⁵
- 6.37** ICIBI’s 2020–21 inspection of asylum casework highlighted the adverse impact on claimants of long delays in processing their applications. Many stakeholders, in providing evidence for the asylum casework inspection, drew links between long waiting times and claimants’ deteriorating mental health.³⁶
- 6.38** There has also been extensive research into the impact on refugees of prolonged family separation. Research carried out in Australia, titled ‘Insights on newly arrived refugees: Family separation and reunion during the pandemic’ and published in April 2022, found that “efforts to reunite with family is a crucial issue for refugees, while worry about family overseas is a significant stressor in everyday life, with COVID-19 exacerbating the difficulties of family separation”. It also concluded that family separation “hampers refugees’ settlement and integration”.³⁷
- 6.39** Stakeholders told inspectors that this prolonged period of separation, waiting for the decision on the asylum claim and then the family reunion application, could lead to desperate families resorting to dangerous methods to travel to the UK. One organisation which provides advice and support to child refugees said that with the current delays, and with the removal of rights under Dublin III,³⁸ “More people go missing and arrive irregularly.”

31 Home Secretary’s letter to the Chair of the Home Office Affairs Committee (21 June 2022), <https://committees.parliament.uk/publications/22849/documents/167764/default/>

32 Independent Chief Inspector of Borders and Immigration, ‘An inspection of asylum casework (August 2020 - May 2021)’ (published 18 November 2021), <https://www.gov.uk/government/publications/an-inspection-of-asylum-casework-august-2020-may-2021>

33 Through being granted asylum, refugee resettlement or humanitarian protection.

34 An asylum application may relate to more than one person if the applicant has family members (or ‘dependants’) who they request to be covered by the same application. The ‘asylum cases’ refer to ‘main applicants only’, and the number of people related to asylum applications refers to ‘main applicants and dependants’.

35 National statistics: Immigration statistics, year ending June 2022, How many people do we grant asylum or protection to? <https://www.gov.uk/government/statistics/immigration-statistics-year-ending-june-2022/how-many-people-do-we-grant-asylum-or-protection-to>

36 Independent Chief Inspector of Borders and Immigration, ‘An inspection of asylum casework (August 2020 – May 2021)’ (published 18 November 2021), <https://www.gov.uk/government/publications/an-inspection-of-asylum-casework-august-2020-may-2021>

37 Settlement Services International/Institute for Culture and Society, Western Sydney University, ‘Foundations for Belonging 2022: Insights on newly arrived refugees: Family separation and reunion during the pandemic’ (published April 2022), https://www.ssi.org.au/images/FFB/FFB_Family_during_pandemic_final_screen.pdf

38 “The Dublin Regulation provided a legal route for reuniting people seeking asylum with separated family members in Europe, because it prioritised respect for family reunion above certain other considerations. Furthermore, the Regulation applies more generous eligibility criteria than the UK’s comparable refugee family reunion Immigration Rules. Consequently, it gave some separated family members a legal route to reunion in the UK that they would not have otherwise had”: ‘Brexit: the end of the Dublin III Regulation in the UK’ (published 21 December 2020), <https://commonslibrary.parliament.uk/research-briefings/cbp-9031/>

6.40 Those supporting refugees in the UK told inspectors that they “see the enormous impact of the separation time periods”. The impact of these waiting times was summarised by a refugee in the UK during an interview with inspectors, who had been through the family reunion process and sponsored their children to come to the UK. The process was protracted, and they told inspectors that “it has a huge impact on mental health for everyone that has waited ... the anxiety for families in war torn areas is difficult to cope with”. They said that having their family with them now “makes me feel very different compared to when I was on my own”. Inspectors asked what they would change about the process if they could, and their response was:

“I cannot dictate timelines but if they can improve the time it takes to decide – it really improves a person’s mental health, takes away the anxiety of waiting for so long. It is one thing waiting, but another if you then get a negative decision in the end. A quick decision means people know what they need to do, even if it is a negative decision – if it is given in a short time, the person thinks ‘I know what I need to do.’”

‘Speculative’ applications

6.41 Inspectors asked staff at all grades what barriers prevented decisions being made in a timely manner, which had led to the WIP being “untenable”, as one manager described it. It was a widely held view across several Home Office teams that ‘speculative’ or ‘abusive’ applications were a key contributor to the increasing WIP.

6.42 This issue was highlighted in the Home Office’s position statement, which stated:

“It is apparent at the decision-making stage that the refugee family reunion application route is being used by family members who are not [eligible]. Applications are also being made by those whose sponsor does not have refugee status in the UK. This is a particularly growing trend for those that came to the UK last year under the schemes developed specifically for those fleeing Afghanistan ... consideration still needs to be given to the applications for exceptional circumstances or compelling and compassionate grounds. Work is ongoing with policy colleagues to try and address this.”

6.43 On this point, one operations manager said:

“Our route is used because it is a free route to consider leave outside the rules, child sponsors etc ... I understand why family members who know they don’t fit within the rules might need to try to apply on this route for leave outside the rules. But there are a lot of straightforward pre-flight spouses with children waiting because we’re being clogged up.”

6.44 Inspectors asked whether there was any data on the number of applications that were deemed to be ‘speculative’ and, of those, how many were from Afghan applicants. Managers and senior leaders were unable, in interviews, to provide even a sense of the scale of this issue despite it being cited by the operational and policy teams as a key contributor to the size of the WIP, and there was no data being collected.

6.45 In the team’s risk register from January to September 2022, a “large increase in numbers of [family reunion] applications” is identified as a “red risk”, and a “trend increasing”. One of the proposed mitigating actions is to “work with policy to reduce the number of speculative applications using this free route”.

6.46 Among all staff and managers, there appeared to be a focus on the ‘abuse’ of the family reunion route, rather than understanding why applicants might be applying on it. When asked

about this, the Asylum Strategy and International Policy team told inspectors that they were “looking to clarify the confusion around validity” through ongoing work on simplification of the Immigration Rules. They said that “getting clarity on validity should mean less of a WIP if [they] are not having to consider ineligible applications” and that they were “in close communication with colleagues in the Afghan scheme to talk about people using refugee family reunion who shouldn’t be, which can cause the WIP to mount up”.

6.47 A legal representative, however, said to inspectors:

“The problem we have had is around the lack of an alternative route. [The Home Office] say make an application for what is closest to your circumstances, but that does not always work if there is a large fee involved and the sponsor is on universal credit. A solicitor is needed, the fee waiver application is very onerous and is not viable for refugees. It’s a massive barrier. Doing a fee waiver then an Appendix FM application, it is not accessible to people.”

6.48 Inspectors raised this with operational managers within the family reunion team, and one reflected that “trying to navigate the system as a person applying is a minefield”.

6.49 The position statement provided to the inspection team stated that a “review of the WIP” was planned, to address the issue of applications from “customers who clearly do not meet the requirements of the immigration rules”. However, no details of the plan for the review, or timeframes for completion were provided. One senior leader said: “I would love to go through our WIP and triage what proportion are valid and what are not, but that takes resource we cannot spare. It would be good to have some figures.”

6.50 The existing processes meant that applicants who were deemed to be ‘ineligible’ by the DM would have to wait several months to find this out. ICIBI’s ‘An inspection of the Home Office’s processing of family visas’, conducted between September 2021 and February 2022, found a similar issue in the processing of applications for indefinite leave to remain (ILR) under Appendix FM, where a lack of an effective triage process led to applicants waiting upwards of five months to find out that they did not qualify for ILR.³⁹ This will be discussed in greater depth in chapter 7.

6.51 As at October 2022, the Asylum Strategy and International Policy team confirmed that they “were not being fed detail from the WIP to inform a policy approach”, as the Reunion and Returns team were unable to obtain specific details of the nature of the applicant’s circumstances from the WIP which could inform policy development.

³⁹ Independent Chief Inspector of Borders and Immigration, ‘An inspection of the Home Office’s processing of family visas (September 2021 – February 2022)’ (published 18 October 2022), <https://www.gov.uk/government/publications/an-inspection-of-the-home-offices-processing-of-family-visas-september-2021-february-2022#:~:text=Independent%20report-,An%20inspection%20of%20the%20Home%20Office%27s%20processing%20of%20family%20visas,the%20%27settlement%20marriage%27%20form>

7. Evidence and analysis: resourcing, skills and experience

7.1 ICIBI's 'An inspection of family reunion applications, (June – December 2019)' made a recommendation to:

"Complete the review of the resourcing of Asylum Operations (Sheffield), ensuring that it has the capacity, skills and experience to manage the global intake of family reunion applications, plus co-located administrative support and access to relevant IT systems and technical support (for example, document fraud experts, country specialists, interpreters, experts in assessing vulnerabilities)."⁴⁰

7.2 The Home Office accepted this recommendation, and in its response, stated:

"The Home Office is committed to ensure that Asylum Operations in Sheffield has the capacity and resource to manage the worldwide intake of family reunion applications. The recommended review has taken place. The roles being covered on a temporary basis have now either been filled permanently or a recruitment process is underway. UKVI intends to recruit Sheffield based administrative support, to undertake roles that require access to specialist IT systems, which will provide enhanced oversight of workflow issues and ensure roles are resourced at the appropriate grade. UKVI is currently participating in a pilot to verify fraudulent documents submitted in support of family reunion applications, working with the International Organisation for Migration (IOM), including investigating whether more robust systems to identify abuse, vulnerability and safeguarding issues can be introduced."⁴¹

7.3 Given that responsibility for family reunion had transferred from Asylum Operations (Sheffield) to a team within the Resettlement, Relocation and Reunion Services (RRRS) team (Croydon), this reinspection considered the resourcing of the new team in Croydon to understand whether it had the necessary capacity, skills and experience to manage intake.

Capacity, skills and experience

7.4 As at October 2022, the family reunion team structure included 60 staff, across two main teams: admin and workflow, and decision making (with a separate appeals team) led by a Grade 6 (G6) and two Grade 7 (G7) managers.

7.5 As at October 2022, 12 of the full-time equivalent (FTE) decision maker (DM) posts were vacant and nine were filled by agency staff, who invariably had no previous experience in this area of work. While the team had had some success in appointing former agency staff as permanent or fixed-term appointment staff, the number of vacancies and the high attrition rate of

40 Independent Chief Inspector of Borders and Immigration, 'An inspection of family reunion applications (June – December 2019)' (published 8 October 2020), p.10, <https://www.gov.uk/government/publications/an-inspection-of-family-reunion-applications-june-december-2019>

41 Home Office, 'The Home Office response to the Independent Chief Inspector of Borders and Immigration's report: An inspection of family reunion applications' (published 8 October 2019), <https://www.gov.uk/government/publications/response-to-the-report-on-an-inspection-of-family-reunion-applications>

agency staff meant that the team was well below the level of staffing needed to ensure the output (decisions made) exceeded the intake (applications received) and the work in progress (WIP) reduced.

- 7.6** The family reunion team also dealt with bilateral transfer requests from European governments to transfer asylum applicants back to the UK, but this was a much smaller element requiring the equivalent of three FTE staff, due to the UK's limited transfer agreements as at October 2022. Managers said that they intended to create a dedicated resource for this work at a later date and said that this work would inevitably increase if the UK government secured more bilateral agreements.
- 7.7** In comparison, during ICIBI's 2019 inspection of family reunion applications, Sheffield had between nine and 13 DMs working on family reunion applications, as they also undertook asylum work. There were two Higher Executive Officer (HEO) Technical Specialists, one of whom was on temporary cover allowance (TCA) to Senior Executive Officer (SEO) as the Senior Caseworker (SCW). There were three more HEOs, two team leaders, and a workflow manager, and the team was overseen by an SEO Operations Manager. Family reunion work at this time did not have a separate administrative support team and so more senior staff were undertaking some administrative tasks.
- 7.8** Managers had an ambition to ensure that the team had the required staff resource to improve performance and had explored various avenues for doing this, including use of agency staff, brigaded recruitment campaigns,⁴² expressions of interest, and extending the loans of Sheffield staff. However, protracted corporate recruitment processes and more attractive positions elsewhere, both within the Home Office and beyond, had stifled achievement of this ambition.
- 7.9** The family reunion team in Croydon had very limited experience of decision making and, despite the training received, the productivity of DMs had been "lower than anticipated". A manager told inspectors: "The lack of experience slows everything down." This had not been helped by the issues identified with the management of the transition from the previous team as set out in chapter 6, and the length of time it took to train someone and for them to develop sufficient expertise.
- 7.10** Managers said that high levels of staff attrition created a lot of work and meant they were spending time training staff who would leave shortly after. One senior leader said that using agency staff had been "successful to a point" but as they "do not have to stay" and may choose to leave if offered a permanent job elsewhere, this could be "a waste of resource". They also said that most staff at the Administrative Officer (AO) grade were completely new, with "the really good ones getting EO [Executive Officer] jobs elsewhere as soon as they are off their six-month probation".
- 7.11** The pace of recruitment into the Civil Service was cited as a challenge. Examples were provided of staff who had been successful in their application and interview but subsequently had to wait over a year to begin the role.
- 7.12** The most recent Reunion and Returns risk register provided to inspectors, dated September 2022, continued to highlight the risk posed by insufficient staff to make and support the family reunion decision-making process and the reliance on agency staff. The risk was rated

⁴² A recruitment campaign for a particular grade but without detailed job specifics, meaning that the role could be filled in any number of teams, departments, or directorates.

as ‘increasing’, which indicated continuing concern at the lack of progress in recruitment and retention of staff.

- 7.13** The lack of trained DMs available to take on new cases was considered to be a significant blockage in processing applications, with one manager stating: “We are allocating cases going back to February 2022. We can only push cases forward if we have a DM available to examine it. The main backlog is DMs.”
- 7.14** As at October 2022, 16 new DMs were at various stages of their training and mentoring. The team anticipated that it would take a person new to the Home Office at least nine months to learn the systems and to be fully effective in their work.

Transformation

- 7.15** The only solution senior leaders were able to suggest to address the resourcing issues and the increasing WIP was the ‘One Resettlement, Relocation and Reunion Services transformation programme’, which was reviewing the structure of the RRRS directorate with an overarching aim to “deliver a new operating model together”.
- 7.16** The other transformation ambitions, in addition to the new operating structure, were to:
- develop and implement high-level processes underpinning the model within RRRS budget
 - create an operating model which supports improving the capability and experience of staff
 - articulate digital, data and IT needs
 - deliver all this in line with Home Office values
- 7.17** As part of this programme, a network of ‘Change Champions’ had been established, which were staff at all grades from the operational teams, who would support the programme and get feedback from teams, to feed into the development. Inspectors spoke to some individuals involved, who said it was a good development opportunity.
- 7.18** The ability to respond to the next crisis event and managing government commitments to new arrivals to the UK across all resettlement and relocation schemes factored heavily as a driver for change within the transformation plan, although timelines had not been defined.
- 7.19** Staff spoke of the workstream of family reunion as being “the poor relative” with focus and resource directed elsewhere. In interviews with inspectors, senior leaders acknowledged that family reunion had suffered from a low profile previously and there was a “sense that family reunion was getting a bit lost” in wider priorities.
- 7.20** Inspectors were told, by staff involved in the transformation, about a potential restructure, removing workstreams to focus on common functions, such as casework. Such a restructuring was anticipated to lead to a “more agile and flexible model” and benefit family reunion in tackling the current WIP if the backlog was recognised as a priority. However, this did not appear to take into account the complexity of family reunion applications and it was difficult to see how this would address immediate operational challenges, particularly as there were no timelines defined for the work as at October 2022.

Training developments

- 7.21** Some DMs who received one week of initial training provided by experienced staff in Sheffield prior to the handover felt that this training was very good. However, Decision Team Managers (DTMs) did not consider that the training they received equipped them to carry out their roles. They told inspectors: “The training did not go over any case studies, which would have been useful, it was just a remote session with PowerPoint slides delivered by technical specialists.” DTMs felt that the support they received from Sheffield technical specialists was good initially, but it ended in April 2022. They said: “After that it was all on us. When they did hand over, it felt like we did not have everything we needed.” DTMs specifically felt that they had not had sufficient training to consider exceptional circumstances, which made it difficult for them to offer advice to DMs.
- 7.22** Since the handover to Croydon, and despite the difficulties encountered, the family reunion team had worked hard to put processes in place to provide good governance on casework. Senior managers had produced updated standard operating procedures (SOPs) for family reunion casework and admin processes, as those inherited from Sheffield had been out of date. Staff told inspectors that these were clear and a good reference point.
- 7.23** Inspectors were told that a new administrative and workflow training and induction programme, based on the SOPs, was in development by an experienced EO in the team, and this was to be rolled out from November 2022 as a two-week package. This was positive, demonstrating that the team was responding where it had identified need.

Co-located administrative support

Monitoring and responding to enquiries

- 7.24** During ICIBI’s 2019 inspection of family reunion applications, responsibility for monitoring and responding to enquiries relating to applications sat with HEO technical specialists, who told inspectors the task was “time-consuming and should be an administrative officer function”.⁴³ Following the handover to Croydon, this was now one of the core responsibilities of the administration and workflow team (admin), separate from the casework team.
- 7.25** The move had the potential to streamline enquiries, as admin staff would filter emails received and only forward an enquiry to a DTM-managed inbox if it required their input. In theory, this was an improvement on the previous model, as it limited the volume of emails going directly to DTMs. However, in practice and because of the volume of enquiries and competing priorities on DTMs, the enquiries forwarded to them were still in a long waiting list.
- 7.26** Responding to enquiries took a considerable share of the total staffing resource allocated to the admin team. Inspectors observed three AOs, one EO and one SEO covering the duties of email inbox monitoring and the telephone hotline, whereby a member of staff was assigned to answer calls during the hotline’s operating hours of 10am to 4pm Tuesday to Thursday.

⁴³ Independent Chief Inspector of Borders and Immigration, ‘An inspection of family reunion applications, (June – December 2019)’ (published 8 October 2020), p.44

- 7.27** During onsite observations, staff from the admin team told inspectors that a significant amount of their time was occupied by responding to enquiries from applicants, legal representatives, charities, and MPs, which had increased significantly as delays in decision making increased and as application decisions had moved further behind the service standard. Managers told inspectors that between 300 to 400 enquiries were received weekly by email, which outstripped the number of family reunion applications received (approximately 200).
- 7.28** Inspectors were told that responding to enquiries had to be balanced against other tasks by managers, such as ensuring enough cases were prepared for allocation to a DM. Inspectors were also told that backlogs of unanswered enquiries had been addressed in the past through overtime.
- 7.29** Managers in the admin team said that they had a local target to action enquiries within ten working days. As at October 2022, the team were working within target, actioning enquiries that were two days old, with 217 unread enquiries in the inbox. Inspectors were told that the enquiry inbox handed over from Sheffield to Croydon contained over 1,000 outstanding enquiries. Enquiries mostly related to updates on applications where responses/decisions were outside the service standard. Staff from the admin team reply to these with a generic response, the wording of which is taken from agreed templates. In focus groups with inspectors, stakeholders expressed frustration at the generic nature of these emails and said that they often failed to engage with the substance of the initial enquiry, including where vulnerabilities had been raised.
- 7.30** Enquiries deemed to be urgent, high profile or complex (such as requests for an application to be expedited, or an MP query) had to be allocated for consideration by an HEO or SEO within the admin team, who might then refer the query to the DTMs in the casework team for their input. DTMs, who had several other responsibilities, would not be able to respond immediately, instead moving the enquiry email into a separate folder in their shared inbox, until one of them had capacity to respond to it, thus creating further delays.
- 7.31** Although embedding the enquiries response function within family reunion operations provides a direct route for the applicant to contact the team responsible for deciding applications, where the team is already not achieving its basic function of making decisions within the service standard, it adds pressure to an already overwhelmed operation.
- 7.32** Previous ICIBI inspections, including ‘An inspection of the Hong Kong British National (Overseas) visa route, (April – June 2022)⁴⁴ and ‘A further inspection of the EU Settlement Scheme, (July 2020 – March 2021)⁴⁵ reported that caseworking teams in other areas of the Home Office had improved efficiency by removing this function from the operations team, with the introduction of a briefing and response team (BRT). These were dedicated teams set up to handle enquiries and complaints from customers, MP enquiries, Parliamentary questions and general Freedom of Information requests. The dedicated resource aimed to reduce the burden on operational staff while allowing a greater focus on the customer experience, by providing consistency to responses.
- 7.33** Admin staff told inspectors that telephone and email enquiries they received could be “traumatic”. Staff monitoring the enquiries could often be the first point of contact to receive

44 Independent Chief Inspector of Borders and Immigration, ‘An inspection of the Hong Kong British National (Overseas) visa route, (April – June 2022)’ (published 8 November 2022), <https://www.gov.uk/government/publications/an-inspection-of-the-hong-kong-british-national-overseas-visa-route-april-june-2022>

45 Independent Chief Inspector of Borders and Immigration, ‘A further inspection of the EU Settlement Scheme (July 2020 – March 2021)’ (published 13 January 2022), <https://www.gov.uk/government/publications/a-further-inspection-of-the-eu-settlement-scheme-july-2020-march-2021>

sometimes harrowing information, yet inspectors were told no training in acknowledging or identifying vulnerability concerns had been provided. Inspectors were told plans were in place for this training to form part of an induction package for staff, due for implementation in November 2022.

Decision team manager role

- 7.34** The DTM role in the Croydon team had several key responsibilities, including: quality assurance of DMs' decisions, casework support, line management (including performance management), and responding to high-profile enquiries and requests for cases to be expedited.
- 7.35** The reliance on DTMs to perform these functions contrasted with the previous structure in the Sheffield team. During ICIBI's 2019 inspection of family reunion applications, there were two separate roles at HEO level: line managers (who were responsible for line management and performance) and technical specialists (who were responsible for quality assurance and technical casework support). Commenting on the new configuration of responsibilities, a DTM in the Croydon team said: "The structure here doesn't match Sheffield's. We are dealing with HR issues as well as case oversight, which is really stressful."
- 7.36** Like many of the family reunion team, most DTMs were new to family reunion, and casework in general. The DTMs' lack of experience had made it difficult for them to learn the relevant Immigration Rules, absorb the guidance, and be confident in providing technical advice to DMs. One DTM said: "You are meant to be giving advice to DMs on things you hardly know about."
- 7.37** DTMs highlighted that a further barrier to decisions being concluded was the "big backlog" in quality assurance checks which had to be carried out for DMs who were still on 100% checks.⁴⁶ DMs referred their decisions to be checked by email to the DTMs, who used a subfolder in their shared inbox to store and manage these. Inspectors observed this process during an onsite visit and were shown applications which had been sent to the DTMs for 100% checks in February 2022. DTMs said that they dealt with these in date order unless there was a pre-action protocol (PAP) or MP query relating to a case. One DTM said: "This is not fair on DMs as they are having to wait for us to check their work." DTMs said that not receiving feedback in a timely fashion on their decisions made it "hard for decision makers to continue on cases if they are not sure if they are doing it right in the first place".
- 7.38** In the snapshot WIP data, there were 114 decisions awaiting a DTM's review as at 11 October 2022. In all these cases, the family reunion application had been submitted approximately seven months previously. As at October 2022, there were ten DMs on 100% checks for issue and refusal decision letters, six for refusal letters only. There were six DMs who were fully signed off, two of whom were secondees from Sheffield.
- 7.39** A senior manager told inspectors that "there [was] no way currently of allocating decisions based on DM's experience", which meant that applications allocated to less experienced DMs would encounter further delays in receiving a decision, as their application would have to wait to have quality assurance (100% checks) carried out on it. DMs remained on 100% checks until DTMs were satisfied with the quality of their decisions.
- 7.40** DTMs were also responsible for considering applicants' requests for their application to be expedited. The longer an applicant waits for a decision, the more these requests build up,

⁴⁶ Less experienced decision makers will have '100% checks' carried out on their decisions, before they have been signed off.

slowing down the overall number of family reunion decisions that can be made as DTMs have less time to undertake the necessary quality assurance checks.

7.41 Inspectors concluded that DTMs were shouldering a significant amount of the pressure of family reunion casework, and notwithstanding their work ethic, a lot of the delays were exacerbated by processes that required their attention or input.

Prioritising applications

7.42 The admin team were also responsible for preparing a case before allocation to a DM for consideration. This process included:

- ‘admin triage’ which involved linking family members on casework systems and uploading documents to HOPS⁴⁷
- file scanning, which involved requesting the physical file for any missing documents and scanning them into HOPS
- security checks, which involved requesting Home Office security checks where necessary

7.43 Of the 6,825 applications in the WIP awaiting DM consideration, 4,479 (65.63%) had had initial administrative action taken on them by the admin team in preparation for consideration by a DM.

7.44 Inspectors asked managers if the admin team would be able to carry out an initial triage to identify whether the applicant was eligible for family reunion, if there were any documents missing from their application, or whether there were any particular vulnerabilities which meant that their application should be expedited, to speed up the process and reduce work for the DM later.

7.45 One said: “We would have to be in a better position with the WIP, and we would need to know the policy position on validity. Yesterday [a staff member in the admin team] raised that she was getting a lot of Iranian correspondence, so we have kept an eye on vulnerability requirements, but that’s an ad hoc thing rather than anything scientific. That triage would require DM expertise.”

7.46 Another senior leader in the family reunion team said: “We would not know from management information if anyone was vulnerable or had an issue with their case. If we did, we would feed it into prioritisation. We work with the information we have, so if representatives come in with information, we use it.”

7.47 Given the lengthy delays in decision making, this appeared to be a lost opportunity, not to use this resource (the admin team) to carry out some of this preparation work.

Expediting applications

7.48 Home Office family reunion policy includes an objective to acknowledge “the vulnerable situation that applicants (particularly women and children) may find themselves in and, where possible, expediting claims without unnecessary delay”.⁴⁸

47 HOPS (Home Office Platform for Storage) is a Home Office platform where applicants’ supporting documents are stored.

48 Home Office, ‘Family reunion: for refugees and those with humanitarian protection’, version 7.0 (published 29 July 2022).

- 7.49** Applications were, as at October 2022, being allocated to DMs after the service standard and, according to the Home Office, “being dealt with in date order”. That meant that, for an application to be expedited based on vulnerability, it would have to be brought to the Home Office’s attention via a request for expedition, which would be submitted through the same general enquiries inbox or via a telephone call to the family reunion hotline.
- 7.50** These requests must be assessed by a DTM so when a request was received, and if the admin team identified it as an expedition request, it would be forwarded to a DTM for consideration. It was then moved to an internal inbox managed by the DTMs, where it remained until it could be considered and actioned. As at October 2022, there were 80 unactioned expedition requests in this inbox. By the nature of the requests, these are potentially some of the most vulnerable applicants.
- 7.51** The pre-allocation work carried out by the admin team did not, as at October 2022, include a review of the application or supporting documents, where an applicant may highlight any vulnerability or safeguarding issue. Staff told inspectors that the individual circumstances of an applicant and any potential vulnerability would only be identified at the decision-making stage (once an application was considered by a DM).
- 7.52** As at 11 October 2022, of the total 7,687 applications in the WIP, 6,825 (88.79) had not yet been considered by a DM. This limited the Home Office’s ability to prioritise proactively based on vulnerability.
- 7.53** In the file sample of applications which inspectors examined, they found examples of applications for children applying to join parents in the UK awaiting consideration, where the child was in a precarious or unsafe situation, as shown in case study 3.

Case study 3: a child applicant potentially at risk of abuse

Summary:

The applicant is part of a family group, applying with three siblings to join their mother (the sponsor) in the UK. They submitted applications for family reunion visas on 1 February 2022.

The sponsor mentions her children in her asylum statement of evidence form (SEF), and highlights that her daughter is at risk of female genital mutilation (FGM) while she remains in her country of origin.

A reply was sent by the Home Office on 24 May 2022, over four months after the applications were submitted, not acknowledging the vulnerabilities raised.

The applicant's legal representative submitted pre-action protocol (PAP) for judicial review in September 2022. The letter states that the Home Office's "failure to consider the claimant's application in a timely manner, or at all, is unlawful, unreasonable and irrational", with "no justification for the delay which results in a continued separation of the claimant and her children". It also highlights the impact of the prolonged separation on the sponsor's mental health.

The Home Office responded to the legal representative with another generic email two weeks later, stating:

"The issues raised have been noted and your request has been escalated to the relevant team, who are continuing to work on your client's applications and will make a decision as soon as they are able. Unfortunately, it is not possible to give a timescale for when the applications will be decided. Your clients will be contacted in due course and their continued patience is much appreciated."

The Home Office requested further information from the legal representative on 27 September 2022 relating to another child the sponsor had in the UK, and a safeguarding referral was carried out to ascertain "the sponsor's ability to emotionally support her UK born child, her four children (applicants) and herself".

Home Office response:

Inspectors asked the Home Office to explain why it sought further information on the sponsor's other child living in the UK.

In its response, the Home Office stated:

"This information was sought to help assess the best interest of all the children in this matter. Whilst the four applicants are not in the UK, the 'spirit' of section 55 was still a consideration together with that of the UK born child. There is reference to the sponsor's own mental health concerns and self-harm due to past events. The enquiry sought to ascertain the sponsor [sic] own living circumstances, as it was not clear from the initial evidence received that she had a UK born child who lived with her, and to ascertain the sponsor's ability to emotionally support her UK born child, her four children (applicants) and herself. Social Services responded positively to the reunification."

ICIBI comment:

Inspectors acknowledge the reasons for the safeguarding referral.

However, despite the PAP, this application was not considered within service standards, and did not take into account the risk to the sponsor's children (particularly the daughter), while they remained in their country of origin.

- 7.54** Stakeholders told inspectors that requests to expedite decisions “have been a problem since the move to Croydon”, with a lack of clarity on the required criteria for an application to be expedited being of particular concern. They also said that the threshold appeared to be “exceptionally high”. A legal representative said that this had resulted in “very vulnerable applicants having to wait many months for a decision. Homeless children have been described as not compelling enough as family reunion is not a protection route.”
- 7.55** The decision of which applications to expedite was another task that fell to the DTMs and added to backlogs as they sought to balance assessing these requests with other duties required of them.

Unknown vulnerability

- 7.56** Family reunion staff and operational managers told inspectors that cases that had MP involvement, or where litigation had been threatened, would be prioritised. They frequently described their role as “firefighting” and expressed frustration that, because of the long delays in applications being considered by DMs, the applications that were considered first were not necessarily the most vulnerable.
- 7.57** One manager explained: “Applicants that shout the loudest get looked at first because we are out of service standard. Others might be more vulnerable applicants, but it is the nature of how we are and where we are up to at the moment. You only identify vulnerability when we open the case or if [an] applicant contacts us, or there is MP interest.”
- 7.58** The level of vulnerability and risk within the current WIP was thus unknown to the Home Office and there was no dedicated staff resource to review or prioritise applications awaiting a decision. Referring to this issue, a safeguarding officer said: “With an increasing WIP you need a triage function, it needs more urgent attention to see what you have got there.”

Access to relevant IT systems

- 7.59** Staff expressed frustration at the number of IT systems that they were required to use, which meant that looking for supporting evidence when making a decision was time consuming, with evidence “scattered across systems”. Inspectors, when reviewing applications, had to be granted access to a local shared drive, where evidence had been uploaded by the admin team, as it was unavailable on the Home Office’s casework systems, Central Reference System (CRS) or Case Information Database (CID).
- 7.60** Processes observed by inspectors were unnecessarily convoluted, both in decision-making and administrative tasks. Existing IT systems did not interact with each other effectively, requiring admin staff resource to compensate for this. Inspectors were told about “dozens” of spreadsheets being used to track the status of applications. In focus groups with inspectors, staff said: “We can forget to update them so I’m not sure how useful they are really.”
- 7.61** Inspectors observed admin staff downloading applicants’ supporting documents from one file storage platform to then upload them to a different file storage platform, to be accessible to DMs. There were several associated spreadsheets to complete with these tasks. Staff told inspectors that the lack of interoperability between systems meant that, at times, they had to email an applicant’s details to themselves in order to carry out functions.

- 7.62** During the pre-decision-making administrative tasks, staff had to copy and paste data from multiple sources such as documents, spreadsheets, and IT systems to ensure spreadsheets had all relevant casework information. One staff member told inspectors, “It is a bit of a tedious task, but it has to be done.” The high level of manual input required between IT systems creates the risk of data loss.
- 7.63** Staff told inspectors that the way personal information appeared on one system (CRS) differed from how it appeared and had to be inputted on another (CID). For example, the two systems displayed the family name and first name of applicants and sponsors a different way round. Staff told inspectors that this difference in format had resulted in a successful applicants’ visas and vignettes being printed with their names in reverse. Managers told inspectors that staff are reminded to check for this issue when inputting sponsors’ or applicants’ personal details onto the systems because, if a visa was issued with the name incorrectly written, it would then have to be reissued with the correct name, creating further work for the team.

Access to technical support and expertise

- 7.64** In interviews with inspectors, staff acknowledged that a level of technical expertise had been lost when work transferred from Sheffield to Croydon. This inspection did not focus on the quality of decisions, but staff did express that they were not confident in assessing exceptional circumstances, which managers said “comes with experience”.
- 7.65** Recognising this lack of experience, DTMs had also established daily ‘drop in’ advice sessions for DMs, during which DMs could come with a case question, and others could benefit from hearing the advice provided.

Enrichment

- 7.66** The Home Office response to ICIBI’s 2019 inspection highlighted an enrichment pilot between UKVI and the International Organization for Migration (IOM).⁴⁹ The pilot focused on the verifying of “fraudulent documents submitted in support of family reunion applications” and “investigating whether more robust systems to identify abuse, vulnerability and safeguarding issues can be introduced”.⁵⁰ A senior manager told inspectors that the pilot was still ongoing, led by the Enrichment Team based in Sheffield.
- 7.67** In focus groups with inspectors, DMs told inspectors they were confident in referring cases for enrichment checks although the timescales for getting results of checks varied.

Safeguarding

- 7.68** DMs were aware of the mechanisms for referring applications that raised safeguarding concerns, where those concerns related to the sponsor. They told inspectors that they were confident in making safeguarding referrals, particularly in fulfilling their section 55 duties in relation to children. The Reunion and Returns team had three safeguarding leads, responsible for monitoring and actioning referrals sent to a dedicated email address. They described a good working relationship between safeguarding leads in the Reunion and Returns team and colleagues in the Asylum Safeguarding hub, where they could obtain advice and “sense checks”.

⁴⁹ The term ‘enrichment’ is used by the Home Office to describe further checks that are carried out on documents provided by applicants.

⁵⁰ Home Office, ‘The Home Office response to the Independent Chief Inspector of Borders and Immigration’s report: An inspection of family reunion applications’ (published 8 October 2019).

Sponsor and applicant interviews

- 7.69** ICIBI’s 2016 ‘Inspection report of family reunion applications’, September 2016, made a recommendation to “Ensure that interviewing of family reunion applicants and/or sponsors is a practicable option for visa sections by improving access to interpreters, and review and provide guidance regarding the use of interviews to ensure best practice is consistently applied.”⁵¹ The Home Office accepted the recommendation.⁵²
- 7.70** However, ICIBI’s 2019 inspection of family reunion applications reported that interviews were not being carried out regularly. Between April 2018 and 30 September 2019, Sheffield received 5,348 applications and conducted 37 interviews (0.69%).
- 7.71** Inspectors asked staff during the current inspection whether they conducted interviews, to help reduce the time it takes for DMs to gather further information from applicants and their legal representatives. During onsite interviews, staff told inspectors that interviews were “rarely” conducted. Managers told inspectors that the only scenario in which they would recommend an interview would be where there was “intelligence” or to check “inconsistent information”, rather than to gather further information to support a grant.

51 Independent Chief Inspector of Borders and Immigration, ‘An inspection of family reunion applications (January – May 2016)’ (published 14 September 2016), p.9, <https://www.gov.uk/government/publications/inspection-report-of-family-reunion-applications-september-2016>

52 Home Office, ‘The Home Office response to the Independent Chief Inspector’s report: ‘An Inspection of Family Reunion Applications’ January – May 2016’ (published 14 September 2016), <https://www.gov.uk/government/publications/home-office-response-to-the-report-an-inspection-of-family-reunion-applications-january-to-may-2016>

8. Evidence and analysis: management information

8.1 ICIBI's 'An inspection of family reunion applications (June – December 2019)' made a recommendation to:

"Ensure that management information (MI) in respect of family reunion applications is sufficient not just to support the efficient processing of applications and to assure decision quality, but also to provide insights into the profiles and circumstances of applicants, the reasons why applications succeed or are refused, and any trends, in order to check that both the operational response and the underpinning policies are fit for purpose."⁵³

8.2 The Home Office accepted this recommendation and, in its response, stated:

"Internal MI has been improved to measure quality, performance, productivity for all family reunion work that has been moved onshore, to support the efficient processing of applications. Once all family reunion work has transferred to the UK, the suite of management reports will provide a complete and comprehensive overview of all family reunion applications and related supporting processes.

"The Home Office accepts that there is value in identifying patterns and trends using behavioural insight information and will seek to commission specific behavioural insight work from departmental specialists when required. Specific behavioural insight work will be commissioned on an ad hoc basis, rather than as regular MI reporting on family reunion operational activities."⁵⁴

8.3 ICIBI's 2019 inspection of family reunion applications raised questions about "the Home Office's ability to reach informed decisions about family reunion policy and operational practice". It found: "Some of the gaps were the result of poor systems, others were simple failures to keep a proper record."⁵⁵ Inspectors asked the Home Office to provide an update on its progress on implementing this recommendation and the Home Office responded stating: "No action taken."

8.4 While the Home Office had not committed to undertaking regular MI reporting on family reunion operational activities, it had acknowledged its value. Given the changes in policy and operational approach since the last inspection, inspectors considered what MI was being collected and available, and what this revealed about the efficiency and effectiveness of the current family reunion operation, both in light of the Home Office's own policy intention "to deliver a fair and effective family reunion process" and the accepted ICIBI recommendation from the previous report.

53 Independent Chief Inspector of Borders and Immigration, 'An inspection of family reunion applications (June – December 2019)' (published 8 October 2020), p.10, <https://www.gov.uk/government/publications/an-inspection-of-family-reunion-applications-june-december-2019>

54 Home Office, 'The Home Office response to the Independent Chief Inspector of Borders and Immigration's report: An inspection of family reunion applications' (published 8 October 2019), <https://www.gov.uk/government/publications/response-to-the-report-on-an-inspection-of-family-reunion-applications>

55 Independent Chief Inspector of Borders and Immigration, 'An inspection of family reunion applications (June – December 2019)', p.70.

Management information to support the efficient processing of applications

- 8.5** Inspectors asked the Home Office to provide details of any MI collated by the family reunion team “including, but not limited to, performance” since decision making was handed over to the family reunion team. The Home Office provided three documents, two of which contained information on numbers of family reunion applications, what stage of the application process they were at, which server location (Croydon or Sheffield) they were on, and an overview of the number of decisions made on a specified date. The third document showed decision makers’ (DM) availability and productivity, broken down for the team and individuals, and the types of decision made across the operational year.
- 8.6** In the Home Office response to ICIBI’s 2019 inspection of family reunion applications, it aspired to be able to “provide a complete and comprehensive overview of all family reunion applications and related supporting processes”.⁵⁶ From the documents provided to inspectors, it was clear that the Croydon family reunion team were using MI in the main to monitor and track workflow and outcomes. However, they had begun collecting data on DMs’ performance, and aimed to be able to conduct analysis of performance and productivity as data was built up over the operational year.
- 8.7** The first document provided to inspectors was a copy of the ‘daily report’ spreadsheet from 10 October 2022. This report showed new applications received, along with all other applications awaiting decisions, broken down by the stage of the process they were at.
- 8.8** Owing to the daily report being so unwieldy, each staff member had their own version of the spreadsheet into which they inputted data regarding the cases they had worked on that day. They provided this data to managers who then had to collate it on separate spreadsheets as the family reunion application moves through the stages of the internal process. These stages include the initial uploading of the application, administrative review, referral to a DM, deferral and review of these deferrals, review of decisions by decision team managers. The family reunion admin team then collected the collated data from these spreadsheets and fed it back into the ‘daily report’ to reflect the team position. As discussed in chapter 7, staff members across the team reported having several spreadsheets they needed to consult or update, and admitted forgetting sometimes, calling into question the reliability of the data being collected.
- 8.9** The daily report also showed ‘resolved but not yet dispatched’ cases, which related to where a decision had been made, but the visa or vignette needed to be re-printed and dispatched. These functions may be carried out by a printing team in Sheffield or Croydon, or by staff at a visa application centre overseas. The daily report for 10 October 2022 showed that there were a total of 133 of these cases. Nineteen were at Croydon and 114 at Sheffield. The daily report did not include any figures for appeals.
- 8.10** Inspectors’ observations on 19 October 2022 confirmed that the team were able to identify their oldest cases via this report, but it was limited in its use when nearly all applications were being decided outside of the service standard. On this date, the oldest case in Croydon was an application made on 3 November 2021, which was awaiting review by a decision team manager (DTM). The oldest Sheffield case was an application submitted on 15 November 2019, which was marked as a ‘deferred complex case’, awaiting information from the applicant.

⁵⁶ Home Office, ‘The Home Office response to the Independent Chief Inspector of Borders and Immigration’s report: An inspection of family reunion applications’ (published 8 October 2019).

- 8.11** The second document provided by the Home Office was an email summarising the daily report. The volume of applications in the work in progress (WIP) meant that the report was cumbersome to share, and therefore a covering email was sent to managers (Higher Executive Officer – Grade 6) in the family reunion team, containing a summary of cases that were awaiting a decision each day, broken down by the stage of processing they were at. It did not include the ‘resolved but not dispatched’ cases or detail the oldest cases by date. Nor did it include performance against service standards or information on appeals because they were not contained in the daily report.
- 8.12** Both the daily report and the email summary of the daily report were valuable in providing a picture of the numbers of applications awaiting a decision but provided limited detail on case types or characteristics of applicants beyond their nationality. They also did not provide a picture of how long applications were spending at each stage, being simply a snapshot of the position on that date. It was unclear to inspectors who was responsible for ensuring a case within a particular stage was moved on and not forgotten about.
- 8.13** During onsite interviews staff appeared to be aware that decisions were being made outside the service standard, but the limited distribution and content of the email summary of the daily report led inspectors to question whether DMs were cognisant of any urgency to deal with these cases, and whether senior leaders understood the full picture of outstanding family reunion work outside of ordinary applications.
- 8.14** The third document was entitled ‘Family Reunion Productivity Spreadsheet’ and contained details of each DM, providing a weekly breakdown from April to October 2022 of the number of decisions made, broken down by visas issued, refusals and leave outside the rules granted. It did not contain any information on the reasons for the different types of decision. An overview page detailed staff availability and utilisation, and collated the spreadsheet information for the team as a whole. While this document could be used to provide some analysis of family reunion application outcomes for the Croydon team, it needed to be considered in the context of the types of cases they were able to deal with and the limited amount of data contained.

Management information to assure decision quality

- 8.15** ICIBI’s 2019 inspection of family reunion applications highlighted the value in monitoring the grant and refusal rate of family reunion applications, to understand what these rates could say about “decision quality, consistency and the functioning of the family reunion process”.⁵⁷ However, the current inspection found that the Home Office was not routinely using MI to assure decision quality.
- 8.16** DTMs in the Croydon family reunion team were using the ‘STARK’ quality assurance tool to measure the quality of DMs’ decisions and provide feedback to them.⁵⁸ Inspectors observed this process, which was extremely thorough, and provided DMs with personalised advice on how to improve their decisions. However, as at October 2022, this was only being used for two DMs on 100% checks (the remaining four had only very recently been signed off from 100% checks) and trends from this assurance were not being formally recorded.
- 8.17** Operational managers said that no routine dip sampling was taking place due to the limited capacity of the DTMs, and the fact that “nearly everyone [DMs] is on 100% checks” meant that any DM who was signed off for both refusal and grant decisions would not have any of their

⁵⁷ Independent Chief Inspector of Borders and Immigration, ‘An inspection of family reunion applications (June – December 2019)’.

⁵⁸ ‘STARK’ is a decision-making quality assurance and reporting tool used by the Home Office, to monitor decision quality.

work quality assured. Managers said that routine dip sampling, as well as using MI to monitor trends and improve decision-making quality, was a future aspiration for the team, but it was not taking place formally as at October 2022. One senior leader said: “I want some analysis of case history to be fed into decision makers so they don’t repeat mistakes. That is not really happening to a great degree at the moment.”

- 8.18** ICIBI’s 2019 inspection of family reunion applications found that poor-quality data on appeals meant that “Asylum Operations (Sheffield) did not have the means to link their decisions to appeal data.”⁵⁹ During the 2019 inspection, the Home Office told inspectors that the International Casework Quality Assurance Team (ICQAT) had circulated a request to Presenting Officers to ensure that family reunion cases were accurately recorded, to “allow for accurate MI to be pulled regarding the status of refused cases, allowing for the family reunion casework/ appeals feedback loop to be used to improve the quality of decision-making”.⁶⁰
- 8.19** However, limited progress had been made on this as at October 2022, and inspectors were told that no information was being regularly fed back to the decision-making team in Croydon on appeals determinations. The Croydon team were not responsible for reviewing appealed decisions, only for actioning outcomes following a pre-appeal review or tribunal decision to allow.
- 8.20** Appeal outcomes were being recorded by the Croydon appeals team on a spreadsheet to track and monitor cases to conclusion, but this was for the purpose of workflow, rather than to improve decision quality. The team themselves were adding detail of the original grounds for refusal, and the new grounds on which the grant was based.
- 8.21** When discussing analysis of appeals MI to improve quality, staff told inspectors: “That is what the spreadsheets are for, we are creating that record”, pointing to an ambition to use appeal outcome data to inform learning in the future. Team leaders suggested that the current family reunion appeals team were sending some analysis of overturned decisions, although it lacked detail, and they acknowledged: “We don’t have time to look at appeals determinations. I would love to analyse them to help us with our refusals ... if it is a trend, that is feedback we need for decision makers.”

Management information to provide insights into the profile and circumstances of applicants

- 8.22** Inspectors requested a snapshot of the applications in the WIP broken down by a set of criteria, including protected characteristics. The Home Office provided data from internal management information in use by the operations team for 11 October 2022,⁶¹ but its response stated that it was not able to include information on the gender, age or protected characteristics of the applicants as that information was “not available in a reportable format”.
- 8.23** From the data provided, it was possible to tell the nationality of all the 7,687 applicants, and when their application had been submitted, but nothing further about the profile or circumstances of the applicants.

59 Independent Chief Inspector of Borders and Immigration, ‘An inspection of family reunion applications (June – December 2019)’, p.66.

60 Independent Chief Inspector of Borders and Immigration, ‘An inspection of family reunion applications (June – December 2019)’, p.66.

61 The Home Office caveated this data with the statement: “Please note this [sic] internal management information and has not been quality assured in line with statistical protocols.”

Trends in application outcomes

- 8.24** As at October 2022, no MI was being collected or recorded on why applications succeeded or were refused, limiting the Home Office’s ability to be able to identify trends which might improve decision-making quality, or inform policy development.
- 8.25** Data provided in the Family Reunion Productivity Spreadsheet did, however, provide a breakdown of the 2,197 total decisions made by the team between 28 March 2022 and 2 October 2022, as demonstrated in Figure 8.

Figure 8: Table showing family reunion visas issued by Resettlement, Relocation and Reunion Services from 28 March 2022 to 2 October 2022

Type of decision	Number	Percentage of total decisions
Visas issued	1,741	79.24%
Visas refused	377	17.16%
Leave outside the rules	79	3.60%

- 8.26** The grant rate is broadly in line with that at the time of ICIBI’s 2019 family reunion inspection for Asylum Operations (Sheffield), although the figures given there did not include information on leave outside the rules (LOTR).⁶² This may account for the slight increase in the annual grant rate of family reunion applications, which the previous inspection report showed was around 72% each year from 2016 to 30 September 2019.⁶³

Management information to inform policy

- 8.27** As at October 2022, the Home Office were not using MI to inform policy in the family reunion space. Staff said that weekly conversations between the operational and policy teams took place but, during these, they discussed the size of the WIP generally, rather than any detail of the applications in the WIP which could inform policy development.

62 Independent Chief Inspector of Borders and Immigration, ‘An inspection of family reunion applications (June – December 2019)’, p.55.

63 Independent Chief Inspector of Borders and Immigration, ‘An inspection of family reunion applications (June – December 2019)’, p.14.

9. Evidence and analysis: family reunion policy

9.1 ICIBI’s ‘An inspection of family reunion applications (June – December 2019)’ made a recommendation to:

“Pending any new legislation, clarify the Home Office’s position (with supporting evidence) in relation to those areas of the present policy that have been the subject of Parliamentary and stakeholder interest, in particular: child sponsors; dependent family members over 18 years of age; funding for DNA tests; availability of legal aid.”⁶⁴

9.2 The Home Office accepted this recommendation and, in its response, stated:

“The Department is happy to clarify its position.

“Child Sponsors

“The Government has made clear in the past its concern 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.

“Government policy is not designed to keep child refugees apart from their parents, but in considering any policy we must think carefully about the wider impact to avoid putting more people unnecessarily into harm’s way. There is a need to better understand why people choose to travel to the UK after reaching a safe country. It is important that those who need international protection should claim asylum in the first safe country they reach – that is the fastest route to safety.

“Dependent family members over 18

“With regard to dependent family members over 18 years of age, there are other provisions in the Immigration Rules that cater for extended family members.

“Furthermore, current policy makes clear that where an application does not meet the Immigration Rules, there is discretion to consider exceptional circumstances or compassionate factors which may warrant a grant of leave outside the Immigration Rules. One of the examples given in the guidance is that of children over the age of 18 who would be left alone in a conflict zone or dangerous situation; have no other relatives that they could live with or turn to for support in their country; and are not leading an independent life.

64 Independent Chief Inspector of Borders and Immigration, ‘An inspection of family reunion applications (June – December 2019)’ (published 8 October 2020), p.10, <https://www.gov.uk/government/publications/an-inspection-of-family-reunion-applications-june-december-2019>

“Funding for DNA tests

“It is for applicants to provide evidence in support of their application, including the nature of their relationship with their sponsor. Applicants can volunteer a range of evidence to prove a family relationship, which may include DNA test results. The Home Office cannot mandate applicants to provide DNA evidence to prove a family relationship and is not responsible for meeting the costs of tests.

“Availability of legal aid

“As the report [ICIBI’s 2019 inspection of family reunion applications] highlights, legal aid is a Ministry of Justice policy. Legal aid for refugee family reunion may be available under the Exceptional Case Funding (ECF) scheme, where there is a breach or risk of breach of ECHR or enforceable EU rights, and subject to means and merits tests.

“The Ministry of Justice, in collaboration with the Home Office, recently amended the scope of legal aid via the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Legal Aid for Separated Children) (Miscellaneous Amendments) Order 2019⁶⁵ to include separated migrant children. This makes provision for separated migrant children to be eligible for legal aid for civil legal services in relation to their application or an application by another person, including family members and extended family members, for entry clearance, leave to enter or leave to remain in the UK granted either under the immigration rules or outside the rules on the basis of exceptional circumstances or compassionate and compelling factors.”⁶⁶

- 9.3** Family reunion policy has attracted significant stakeholder and parliamentary criticism over the years and has been the subject of several Private Members’ bills. The most recent, tabled in the House of Lords by Baroness Sarah Ludford in June 2021, proposes to make provision for leave to enter or remain in the UK to be granted to the extended family members (parents, child under 25 and siblings under 25) of refugees; and for legal aid to be made available in such cases.⁶⁷ This Bill was awaiting its second reading in the House of Commons as at October 2022.

Stakeholder engagement

- 9.4** Stakeholders told inspectors that they had welcomed the introduction of a family reunion subgroup of the National Asylum Stakeholder Forum (NASF). This had been established since ICIBI’s 2019 inspection of family reunion applications, which reported that the Home Office needed to “demonstrate that it has indeed listened to stakeholders” on policy issues set out in the recommendation and including “extending the validity of visas beyond 30 days”.⁶⁸
- 9.5** The Home Office co-chairs these quarterly meetings, together with the British Red Cross, which has provided an opportunity for stakeholders to bring issues with policy and process to the attention of the Home Office. It is attended by non-governmental organisations (NGOs), legal representatives and leads from the Home Office’s Reunion and Returns, and Asylum Strategy and International Policy teams.

65 The Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Legal Aid for Separated Children) (Miscellaneous Amendments) Order 2019, <https://www.legislation.gov.uk/ukxi/2019/1396/contents/made>

66 Home Office, ‘The Home Office response to the ICIBI’s report: An inspection of family reunion applications’ (published 8 October 2019), <https://www.gov.uk/government/publications/response-to-the-report-on-an-inspection-of-family-reunion-applications>

67 Refugees (Family Reunion) Bill [HL], <https://bills.parliament.uk/bills/2883>

68 Independent Chief Inspector of Borders and Immigration, ‘An inspection of family reunion applications (June - December 2019)’, p.9.

- 9.6** A representative who attends the forum told inspectors that the meetings “are helpful and sometimes lead to follow-up contact, so it is a good conduit for policy talk and follow-up”. The Home Office also said that it used the forum to communicate changes to stakeholders.
- 9.7** Positively, the validity of visas granted to applicants has been extended to three months, rather than 30 days, as previously. Stakeholders attributed this to the Home Office’s engagement with “the sector” and an example of it making improvements based on feedback.

Child sponsors

- 9.8** Senior leaders told inspectors that the position on child sponsors, as at October 2022, remained unchanged, although they were “awaiting a judgement” on this policy.
- 9.9** As highlighted in ICIBI’s 2019 inspection of family reunion applications, the UK is the only country in Europe not to allow children to sponsor relatives to join them.⁶⁹
- 9.10** ICIBI’s 2019 inspection of family reunion applications reported stakeholders’ concerns about the Dublin III Regulations post-Brexit, “particularly for unaccompanied asylum-seeking children who had the right to have their claim transferred to another EU State where they had a parent or other close relative, which in practice served as a mechanism for reuniting children with their families within Europe.” Without Dublin III, stakeholders were concerned that “these children will have to rely on the UK’s Immigration Rules, and those seeking to be reunited with extended family members in the UK will have to argue and provide documentary evidence to prove their case is exceptional”.⁷⁰
- 9.11** Managers who had previously worked as part of the former European Intake Unit told inspectors that since “Dublin died down there has been a spike in applications on this route”. They explained that they “used to receive applications from nephews and siblings etc, so we are seeing those under family reunion now, sibling to sibling”. When asked whether they had a gauge of numbers in this category, they were not able to comment, although said numbers were “growing”.
- 9.12** Expanding, managers added that siblings “should be going down the settlement route and although this is blatant abuse, we still have to make a decision on it”. They went on to question why the family reunion team could not be stronger “and just say no” as decision makers “are not immigration advisers so should not be going out seeking what route they should be on”.
- 9.13** The Asylum Strategy and International Policy team said: that they could “see how leaving Dublin 3 will have produced an uptick in inappropriate applications, but there are still exceptional circumstances, and it is important we maintain a free route while balancing that with preventing speculative or abusive applications”.
- 9.14** As at October 2022, no data was being collected on the number of applications received by siblings or to join a child sponsor to inform policy development.

69 Independent Chief Inspector of Borders and Immigration, ‘An inspection of family reunion applications (June - December 2019)’, p.25.

70 Independent Chief Inspector of Borders and Immigration, ‘An inspection of family reunion applications (June - December 2019)’, p.22.

Children over the age of 18

- 9.15** On 11 May 2022, the Home Office published a statement of changes to the Immigration Rules, which included an amendment to the rules on children over the age of 18, with the addition of paragraph 352DB. An “adult child” can now be granted leave in line with their parent (the sponsor), if they can demonstrate that there are exceptional circumstances, such as being emotionally or financially dependent on their parent in the UK, and they have no other means of support where they are living.⁷¹
- 9.16** These new rules came into force on 28 June 2022 through the Nationality and Borders Act.⁷² Stakeholders, many of whom had campaigned extensively on this issue, welcomed the change, which showed that the Home Office had listened to them, although they expressed caution at the threshold required to demonstrate exceptional circumstances.⁷³
- 9.17** This change, while welcome, had not been cascaded clearly to operational teams. DTMs told inspectors that they often found out about changes after they had happened and provided this as an example. One manager said that they had seen a colleague refer to these new rules and “thought he had made an error ... because none of us knew about it”. They said: “It transpired the rules had been updated and we had no idea how to go about it”, leaving them wondering “what does the change actually mean for the DMs on their decisions?” On this occasion, the DTMs said they had to “reach out to policy colleagues, because that change was implemented a couple of months ago now, and [they] still have not received any training”.⁷⁴
- 9.18** As at October 2022, the Home Office’s ‘Family reunion: for refugees and those with humanitarian protection’ guidance, published 29 July 2022, stated:
- “The caseworker must go on in every case to consider whether there are exceptional or compassionate circumstances, including the best interests of other children in the family, which warrant a grant of leave to enter or remain **outside the Immigration Rules** on ECHR Article 8 grounds.”⁷⁵ (Emphasis added)
- 9.19** This did not explicitly reflect the rule change, which stated that they should be granted leave in line with the sponsor if they satisfied the rules in paragraph 352DB.⁷⁶

Funding for DNA tests

- 9.20** As at October 2022, the Home Office’s position on funding for DNA tests remained unchanged in that the Home Office does not fund them. No data was being collected on their use.

The availability of legal aid

- 9.21** Stakeholders told inspectors that, while they welcomed the amendment to the scope of legal aid for separated children referenced in the Home Office’s response to ICIBI’s 2019 inspection

71 Home Office, Statement of changes to the immigration rules: HC17 (published 11 May 2022), <https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc17-11-may-2022>

72 Nationality and Borders Act 2022, <https://www.legislation.gov.uk/ukpga/2022/36/contents/enacted>

73 Families Together, ‘Coalition reaction to the latest changes to the Immigration Rules on Family Reunion’ (published 3 August 2022), <https://famieltogether.uk/2022/08/03/coalition-reaction-to-latest-changes-to-the-immigration-rules-on-family-reunion/>

74 The Home Office, in its factual accuracy response, stated: “Training products have since been developed, with delivery to take place early in the new year.”

75 Home Office, ‘Family reunion: for refugees and those with humanitarian protection’, version 7.0 (published 29 July 2022), p.33.

76 The Home Office, in its factual accuracy response, stated: “Operational colleagues raised this with policy and further clarity was provided in the November 2022 guidance update.”

of family reunion applications in theory, this had had limited impact in practice on families' access to legal aid. Although they said that it was likely that an application for exceptional case funding (ECF) for a family reunion application would be successful, legal aid providers (who would be able to take the case to court if it were to be refused) were already stretched to capacity, which has been well documented.

- 9.22** A report commissioned by Refugee Action in May 2022, and written by Dr Jo Wilding, a barrister in asylum and immigration law, entitled 'No access to justice: how legal advice deserts fail refugees, migrants and our communities', highlighted the scarcity of legal aid across the UK, with "particular shortages" arising for family reunion applications.⁷⁷ Representatives from NGOs supporting refugees said that, even with ECF in place, "No providers are taking the cases on, so the provision is there but it is not accessible."
- 9.23** Another organisation told inspectors: "Legal aid is a safeguard that has become useless ... ECF work is uneconomical and effectively the work is unpaid." The remuneration for legal aid is lower than a solicitor could charge if the same work was carried out privately, "but then it would have to be paid for at the private rate".
- 9.24** Inspectors asked senior leaders in the family reunion operations and policy teams whether they were proactively engaging with the Ministry of Justice (MoJ) on this point. They said that they were "in touch with" the MoJ legal aid lead, but that as "it is their policy, [they] take their steer on what is available and who is eligible".
- 9.25** The bill introduced in the House of Lords by Baroness Ludford, 'Refugees (Family Reunion) Bill [HL]', also seeks to reintroduce legal aid for these applications.⁷⁸

The Nationality and Borders Act 2022

- 9.26** Stakeholders were very concerned about the changes introduced by section 12 of the Nationality and Borders Act 2022 for family reunion, which came into force on 28 June 2022 and stated that 'Group 2 refugees' would not automatically have the same entitlements to family reunion. The Home Office said that "family reunion for Group 2 refugees of any nationality will be permitted where a refusal would be a breach of our international obligations under Article 8 of the European Convention on Human Rights".⁷⁹
- 9.27** Published briefings from NGOs and media outlets,⁸⁰ as well as information provided to inspectors, highlighted that prolonging the time that families could be reunited would have the biggest impact on women and children, who make up over 90% of people granted family reunion visas. In the context of the delays in both asylum and family reunion decisions, as highlighted in chapter 6, this is especially concerning.
- 9.28** Lord Hylton introduced a motion of regret in the House of Lords on 19 October 2022 that the changes brought in by the Act did "not provide for safe routes, and [were] not accompanied by an impact assessment on the effect of the changes". He said:

"The restrictions on family sponsorships will harm women and children by removing, for many, an existing safe method of arriving. This in turn may lead to more dependants

⁷⁷ Jo Wilding, 'No access to justice: how legal advice deserts fail refugees, migrants and our communities' (published in May 2022), <https://www.refugee-action.org.uk/no-access-to-justice-how-legal-advice-deserts-fail-refugees-migrants-and-our-communities/>

⁷⁸ Refugees (Family Reunion) Bill [HL], <https://bills.parliament.uk/bills/2883>

⁷⁹ <https://questions-statements.parliament.uk/written-questions/detail/2022-03-23/145834>

⁸⁰ The Guardian, 'New rules could prevent thousands of refugees from joining close family in the UK' (published 24 Jan 2022), <https://www.theguardian.com/politics/2022/jan/24/new-rules-could-prevent-thousands-of-refugees-from-joining-close-family-in-uk>

attempting dangerous journeys to reach their next of kin. Lasting family separation and uncertainty will make it harder for recognised refugees to integrate.”^{81, 82}

9.29 Inspectors asked the Home Office to provide an equality impact assessment (EIA) for family reunion. It provided an untitled EIA, dated 13 June 2022. On the differentiation of refugees in the context of family reunion, it stated:

“We further consider this to be proportionate in achieving the policy aim, which accepts the circumstances of conflict and persecution may mean families separate but acts as a deterrent against making dangerous and unnecessary onward journeys through Europe or failing to engage with the asylum system without delay, by restricting family reunion rights **exempt in circumstances which would breach our obligations under Article 8.**”
(Emphasis added)

9.30 As at October 2022, the EIA had not been published.

9.31 The Home Office’s family reunion guidance, as at October 2022, stated: “In cases where a refugee is applying to bring family members from their country of origin, that is to say, the country in which the [sic] faced persecution, then the insurmountable obstacles test will be met.” It also stated that in the cases of children, “a best interests test will also be necessary. In most cases, where a child is joining a parent or parents, the best interests test will be met.”⁸³

Leave outside the rules and 319X applications

9.32 Paragraph 319X of Part 8 of the Immigration Rules provides the requirements for leave to enter or remain in the UK as the child of a relative with limited leave to enter or remain in the UK as a refugee or beneficiary of humanitarian protection.⁸⁴

9.33 Stakeholders welcomed changes to these rules (brought in with the May 2022 statement of changes), which meant that an applicant could be granted leave in line with their adult relative sponsor even where they could not meet the financial and accommodation requirements but could demonstrate that there were exceptional circumstances.⁸⁵

9.34 However, stakeholders told inspectors that there was “increasing confusion” about where 319X applications sat within the Home Office and where to submit them. Inspectors observed through file sampling and in interviews with the family reunion team that this was causing further delays in decision making. Historically, stakeholders said applicants would have submitted applications for children wishing to join a family member (who was not their parent) under the family reunion rules contained in Part 11 of the Immigration Rules, raising any exceptional circumstances that would mean the child was eligible for leave outside the rules (LOTR).

9.35 Again, stakeholders were concerned about how high the threshold might be for an applicant to demonstrate there were ‘exceptional circumstances’ in their case. They said that where an application was a “mixed case” from a “family unit” they would apply under Part 11, with representations as to why it was outside the Rules. If the application was for a child alone, they

⁸¹ <https://www.theyworkforyou.com/lords/?id=2022-10-19a.1144.0&s=family+reunion#g1144.2>

⁸² The Home Office, in its factual accuracy response, stated: “The regret motion has since been withdrawn.”

⁸³ Home Office, ‘Family reunion: for refugees and those with humanitarian protection’, version 7.0 (published 29 July 2022), p.21.

⁸⁴ Immigration Rules Part 8: family members, <https://www.gov.uk/guidance/immigration-rules/immigration-rules-part-8-family-members>

⁸⁵ Families Together, ‘Coalition reaction to the latest changes to the immigration rules on family reunion’ (published 3 August 2022), <https://families-together.uk/2022/08/03/coalition-reaction-to-latest-changes-to-the-immigration-rules-on-family-reunion/>

would submit under 319X, although they highlighted that clearer guidance on this would be beneficial.

9.36 Home Office guidance on ‘Leave outside the Immigration Rules’ states:

“Applicants overseas must apply on the application form for the route which most closely matches their circumstances and pay the relevant fees and charges. Any compelling compassionate factors they wish to be considered, including any documentary evidence, must be raised within the application for entry clearance on their chosen route.”⁸⁶

9.37 On this point, an organisation providing support to young refugees said: “Applying outside the rules is not simple, with guidance instructing people to use the “closest” route. They choose a Part 11 form, wait months, then are invited to withdraw, and start again, creating a huge delay.”

9.38 Inspectors invited managers to comment on the stakeholders’ view of how requests for LOTR were being dealt with. One said that, following the introduction of the fee waiver, the team were sending letters asking the applicant to withdraw and “signposting to the right route” and explained that “if the applicant did not withdraw, we would still consider it, but stakeholders thought we were not going to consider, so it was causing more concerns than addressing things”. Because of this, they said they had taken the decision to “just consider them and issue the grant or refusal”.⁸⁷

9.39 A legal representative told inspectors, “There really has to be a bit of work on cases where leave outside the rules is being applied for.” They questioned why the Home Office does not “engage with the arguments made in the application, rather than placing too much emphasis on procedural error on the applicant’s part and that they have applied under the wrong route”, adding that “the courts seem to agree”.

9.40 This inspection did not examine the quality of decisions and therefore cannot come to any conclusions on decisions in these cases. However, in the context of timeliness and indeed communication, the delays in applications being considered by a decision maker mean that even if an applicant is asked to withdraw their application, they will have already been waiting longer than the 60-working-day service standard, so if they then have to apply on another route, they will have to begin the process again.

9.41 Greater clarity on policy, and more timely cascading of changes to Immigration Rules and the implications of them, including how to submit applications, would prevent issues like this from escalating. Reflecting on this, one operations manager told inspectors: “The things that would make these kinds of issues better are systematic, and clarifying our policy, although that depends on the direction of the government. Having set eligibility criteria or validity and making it so that applications meet these terms or they do not progress. But that is also where you fall on this route, because people have complex situations, hard to know what is clean cut and what is not.”

9.42 Inspectors found an example of this in the file sample of applications they examined, as demonstrated in case study 4.

⁸⁶ Home Office, ‘Leave outside the Immigration Rules: caseworker guidance’ (published 2 December 2013, updated 9 March 2022), <https://www.gov.uk/government/publications/chapter-1-section-14-leave-outside-the-immigration-rules>

⁸⁷ The Home Office, in its factual accuracy response, stated: “The introduction of the withdrawal letter was in February/March 2022, and was prior to the fee waiver guidance in June 2022. The withdrawal letter is no longer in use given the risk that this could be interpreted as providing immigration advice.”

Case study 4: delays with decisions on 319X applications

Summary:

The applicants are a Syrian woman with two children applying to join their husband and father (the sponsor). They submitted family reunion applications in December 2021.

They are applying alongside five other children who submitted applications under 319X (the sponsor's nieces and nephews). The letter from the legal representative states that their parents have been detained, hence they are under the care of the sponsor and his wife.

The applications made under 319X were transferred to Sheffield's marriage and family team (within the Home Office's Visas and Citizenship directorate) to consider.

On the last day of the family reunion service standard (60 working days), at the end of February 2022, the family reunion team emailed the marriage and family team indicating that they were likely to grant the applications, but asking whether they had made a decision on the 319X applications, as they wished to "coordinate the decisions as they have the same sponsor".

The marriage and family team responded the same day to say the applications from the niece and nephew had been deferred as 'complex'. They requested the family reunion team to "hold off" serving family reunion decisions until they could serve them at the same time to "prevent escalations/complaints".

A week later, the family reunion team requested an update again but none was received.

On 11 May 2022, five months after the applications had been submitted, the legal representative emailed the Home Office to request an update and expected date for a decision, stating: "The Sponsor is growing increasingly anxious as to the delay in the decision of these applications."

It appears from the Home Office Central Reference System (CRS) database that the 319X applications for the nieces and nephews were refused by Sheffield marriage and family team on 19 May 2022 but no action had been taken on the family reunion applications as at October 2022.

Home Office response:

ICIBI asked the Home Office to clarify whether the 319X applications had been refused, and whether the 319X cases could be considered under Part 11, exceptional circumstances. They also asked whether there had been any update on progress of the family reunion cases since May 2022.

The Home Office stated:

"Reviewing guidance 319X applications can be considered for exceptional circumstances as with other Part 11 cases. The responsibility for this consideration would be for the Marriage and Family Visa team.

"CRS is showing that a decision was served on 10 July 2022.

"Unable to clarify with Decision Maker for the above reason. We are progressing the application."

ICIBI comment:

This is illustrative of the issues and confusion that can arise when decision making takes place in silos. These applications should not have been considered in isolation of each other, particularly where there are children involved.

- 9.43** A further issue raised by several legal representatives, and by an individual who had been through the process themselves, was the lack of clarity provided by the Home Office on what route (to settlement) somebody was on if they were granted LOTR. They told inspectors that when somebody had been granted status on this basis, they did not receive a letter from the Home Office which set out their entitlements or explain when they would be required to apply for an extension of their permission.
- 9.44** One legal representative said not knowing what route they are going to be on caused families “extra administration, cost, and stress”.
- 9.45** This concern was echoed by an individual who had sponsored their two children to come to the UK. They told inspectors that one was an adopted child and had been granted LOTR. They never received a biometric residence permit, or a letter confirming their permission, which had caused difficulties for them accessing college, as their entry clearance vignette had expired.
- 9.46** When they applied for indefinite leave to remain for themselves and children, they were advised that their daughter was not eligible. Only then did he learn that she was on a different route to settlement, and had to seek legal advice. Reflecting on this, they said: “Explanatory letters alongside permits would greatly improve processes, help people live more comfortably and improve their wellbeing.”

Biometric waiver policy

- 9.47** In the case of ‘R (on the application of SGW) v Secretary of State for the Home Department’ on 14 January 2022, the Upper Tribunal found that the Home Office’s family reunion guidance at the time (‘Family reunion: for refugees and those with humanitarian protection’, version 5.0, published on 31 December 2020) was unlawful because it failed “to confirm the existence of any discretion as to the provision of biometric information when a person makes an application for entry clearance”.⁸⁸
- 9.48** ICIBI’s 2019 inspection of family reunion applications highlighted a number of concerns about Visa Application Centres (VACs), including their locations, which “meant that vulnerable applicants have to make difficult, dangerous and expensive journeys, in some cases crossing into another country, possibly more than once” to provide their biometrics. Stakeholders had called for the Home Office to permit applicants to submit their biometrics only when a family reunion visa is issued.
- 9.49** The British Red Cross highlighted these issues in greater detail in the report ‘The Long Road to Reunion’, published in 2020. It stated:

“The associated cost, danger, and distance of travel to VACs were some of the main challenges faced by families.

Other risks mentioned by applicants related to the journey to the VAC included: - being indebted to a moneylender, who may not be a reputable source - risk of violence, including being shot - risk of being fined or imprisoned at border - risk of being conscripted - risk of exploitation while displaced during journey.”⁸⁹

⁸⁸ Tribunal decisions: [2022] UKUT 00015 (published 14 January 2022), <https://tribunalsdecisions.service.gov.uk/utiac/2022-ukut-00015>

⁸⁹ British Red Cross, ‘The Long Road to Reunion: making family reunion safer’ (published 12 November 2020), p.13, <https://www.redcross.org.uk/about-us/news-and-media/media-centre/press-releases/the-long-road-to-reunion-making-refugee-family-reunion-safer>

- 9.50** The court judgement was therefore welcomed by stakeholders. However, despite this decision having been made in January 2022, stakeholders and staff in the family reunion team said that, as at October 2022, it was still not clear how to request that the requirement to submit biometrics be waived (a biometric waiver), or for the decision makers to consider such a request. A manager said to inspectors:
- “At the moment the process to request a biowaiver is being formalised, but the requests currently are coming into us via a mixture of routes: via pre-action protocols, direct through email inbox ... We are getting them in a scattergun fashion because it is an emerging situation, and the fact it was waived for Ukraine. We have about over 100 requests for biometric waivers, but some will be for family groups.”
- 9.51** They said requests for biometric waivers had “picked up” in March and were mostly from Afghans, with the exception of one.
- 9.52** Stakeholders drew comparisons with the visa schemes for Ukrainian nationals, where biometric requirements were being waived. Stakeholders suggested that this flexible approach was an example of good practice. A legal representative said: “Outside of Ukraine, biometrics are not being waived. I would not request it routinely, but the Ukraine situation shows it is possible.”
- 9.53** Inspectors asked staff and managers within the family reunion team to comment on the process for requesting a biometric waiver. One senior manager said that they were waiting for guidance from the Biometrics Policy team, but dates “kept getting revised”. As at October 2022, “cases are being put aside pending publication of unsafe journey guidance. None of the new ministerial staff have seen this yet.”
- 9.54** Managers within the family reunion team highlighted that requests for a waiver of the biometric requirements were creating an additional backlog within family reunion and would require further training for DMs once the guidance had been finalised. This would further add to delays and waiting times for applicants.
- 9.55** Senior leaders told inspectors that they wanted to balance the “reasonable degree of certainty about their identity” with the requirement for a waiver. One senior leader said: “The reason cannot just be that the applicants do not want to travel to a VAC and we are working through how that will work in real world. We are looking at unsafe journey element. The reason has to be that doing so would be unsafe and disproportionate.”
- 9.56** Asked whether data on the number of and reasons for biometric waiver requests would inform future policy, Home Office policy teams told inspectors that, as at October 2022, they were not collecting such data. As a result, no data could be used to inform policy.

Afghan sponsors

- 9.57** Stakeholders repeatedly raised concerns around the lack of clarity on family reunion rights for those who arrived on one of the Home Office’s Afghanistan resettlement schemes. A representative from one charity, which provides legal advice to family reunion applicants, said: “New schemes which look like resettlement schemes can be confusing in terms of what family reunion rights come packaged with it.”

9.58 The Home Office’s position statement said:

“Applications are also being made by those whose sponsor does not have refugee status in the UK. This is a particularly growing trend for those that came to the UK last year under the schemes developed specifically for those fleeing Afghanistan.”

9.59 Inspectors asked operational leads and colleagues from the Asylum Strategy and International Policy team (which is responsible for family reunion policy) what plans they had in place to address this and whether there was engagement between the family reunion and Afghanistan resettlement teams, which sit under the same directorate.

9.60 The responses provided focused on how to “change guidance to show that refugee family reunion is not an option for these people”, rather than to explore how insights could demonstrate that the existing routes may require development or further consideration. Inspectors’ analysis of the family reunion WIP as at 11 October 2022 showed that almost 11% of the WIP were Afghan applicants, which was the nationality with the third biggest volume of applications. However, inspectors did not speak to the policy teams responsible for developing Afghan routes.⁹⁰

9.61 One manager said that, of the Afghan schemes, “only ACRS 2⁹¹ are given refugee status and so in theory only those should apply for refugee family reunion”. They also said that there was “a lot of policy work ongoing to address family members left behind”. As at October 2022, clarity on family reunion options for resettled Afghans was “in the pipeline”.

9.62 Inspectors identified applications in the dip sample from an Afghan family who had applied for family reunion in Pakistan but were ineligible under Part 11 Rules as there was no sponsor in the UK. They asked the Home Office to comment on whether cases like these would be fed to the Afghanistan policy leads.

9.63 Its response stated:

“More broadly we are currently working with the Afghan Relocation Assistance Program (ARAP) and Afghan Citizens Resettlement Scheme (ACRS) policy leads, as well as Family Reunion policy leads on this area. Where appropriate we refer applications as examples and work together to resolve.”

9.64 However, it added:

“In this application, it was not clear as to what the status of the sponsor was in the UK despite attempts to clarify with the applicant. It would appear both the sponsor and the applicant are in Pakistan, from [information contained in an email received in May 2022]. Without any other detail it would be difficult to highlight to the ARAP or ACRS team in this circumstance.”

90 The Home Office, in its factual accuracy response, stated: “Engagement has been ongoing between family reunion and Afghan scheme leads to ensure there is a solution to this. As part of this work, the November 2022 guidance update set out that those brought to the UK under ACRS pathways 1 and 3, and ARAP who are seeking to have family members join them should apply under Appendix FM of the Immigration Rules. This information was also included in an operational note which was released to casework teams in line with the guidance publication.”

91 The Afghan Citizens Resettlement Scheme (ACRS) Pathway 2: <https://www.gov.uk/guidance/afghan-citizens-resettlement-scheme>

Annex A: Role and remit of the Independent Chief Inspector

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 UK Borders Act 2007 (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 legislation empowers the Independent Chief Inspector to monitor, report on and make recommendations about all such functions. However, functions exercised at removal centres, short-term holding facilities and under escort arrangements are excepted insofar as these are subject to inspection by His Majesty's Chief Inspector of Prisons or His Majesty's Inspectors of Constabulary (and equivalents in Scotland and Northern Ireland).

The legislation 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 activities
- the 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)
- the 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)
- the 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
- the 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; and
- 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.

The legislation requires the Independent Chief Inspector to report in writing to the Secretary of State. The Secretary of State lays all reports before Parliament, which she has committed to do within eight weeks of receipt, 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 which case the legislation permits the Secretary of State to omit the relevant passages from the published report.

As soon as a report has been laid in Parliament, it is published on the Inspectorate's website, together with the Home Office's response to the report and recommendations.

Annex B: 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 (BICS) ‘owner’

- The BICS ‘owner’ is accountable for:
 - 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)

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