



House of Commons
Committee of Public Accounts

Returning failed asylum applicants

**Thirty-fourth Report of
Session 2005–06**

*Report, together with formal minutes,
oral and written evidence*

*Ordered by The House of Commons
to be printed 27 February 2006*

HC 620

Published on 14 March 2006
by authority of the House of Commons
London: The Stationery Office Limited
£12.00

The Committee of Public Accounts

The Committee of Public Accounts is appointed by the House of Commons to examine “the accounts showing the appropriation of the sums granted by Parliament to meet the public expenditure, and of such other accounts laid before Parliament as the committee may think fit” (Standing Order No 148).

Current membership

Mr Richard Bacon MP (*Conservative, South Norfolk*)
Angela Browning MP (*Conservative, Tiverton and Honiton*)
Mr Alistair Carmichael MP (*Liberal Democrat, Orkney and Shetland*)
Greg Clark MP (*Conservative, Tunbridge Wells*)
Rt Hon David Curry MP (*Conservative, Skipton and Ripon*)
Mr Ian Davidson MP (*Labour, Glasgow South West*)
Helen Goodman MP (*Labour, Bishop Auckland*)
Mr Sadiq Khan MP (*Labour, Tooting*)
Mr Edward Leigh MP (*Conservative, Gainsborough*)
Sarah McCarthy-Fry MP (*Labour, Portsmouth North*)
Mr Austin Mitchell MP (*Labour, Great Grimsby*)
Jon Trickett MP (*Labour, Hemsworth*)
Kitty Ussher MP (*Labour, Burnley*)
Rt Hon Alan Williams MP (*Labour, Swansea West*)
Stephen Williams MP (*Liberal Democrat, Bristol West*)

The following was also a Member of the committee during the period of the enquiry:

Diana R Johnson MP (*Labour, Hull North*)

Powers

Powers of the Committee of Public Accounts are set out in House of Commons Standing Orders, principally in SO No 148. These are available on the Internet via www.parliament.uk.

Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at <http://www.parliament.uk/pac>. A list of Reports of the Committee in the present Session is at the back of this volume.

Committee staff

The current staff of the Committee is Nick Wright (Clerk), Christine Randall (Committee Assistant), Emma Sawyer (Committee Assistant), Ronnie Jefferson (Secretary), and Luke Robinson (Media Officer).

Contacts

All correspondence should be addressed to the Clerk, Committee of Public Accounts, House of Commons, 7 Millbank, London SW1P 3JA. The telephone number for general enquiries is 020 7219 5708; the Committee’s email address is pubaccom@parliament.uk.

Contents

Report	<i>Page</i>
Summary	3
Conclusions and recommendations	5
1 Asylum removals strategy	9
2 Removing different categories of failed asylum seeker	11
3 Voluntary removals	14
4 Speeding up enforcement	18
Formal minutes	22
Witnesses	23
List of written evidence	23
List of Reports from the Committee of Public Accounts Session 2005–06	24

Summary

The United Kingdom's asylum policy has been undermined by the inability of the Home Office's Immigration and Nationality Directorate (the Directorate) to deal promptly with asylum seekers whose initial application to stay in the United Kingdom fails. The Directorate does not know how many failed asylum applicants remain in the country or where the majority are located, including over 400 criminals released from prison into the community.¹

The Directorate estimated the backlog of removals at between 155,000 and 283,500. It could not be more precise as it had not kept track of, or collected sufficient data on, those who had changed address or left the country without informing the Directorate. The Directorate was removing around 1,350 failed applicants a month by September 2005, but this was still below the number of newly failed applicants, and hence the backlog is increasing.

Even if there were no new unsuccessful applicants, the Directorate's current level of performance would mean it would take between 10 and 18 years to clear the existing backlog. In practice, the longer failed asylum seekers remain in the United Kingdom, the more difficult it becomes for the Directorate to locate them and arrange removal, and the more likely it is that they will have established roots in the communities in which they live.

The Directorate makes only limited use of detention, preferring instead to use reporting arrangements at dedicated centres or police stations to monitor the whereabouts of asylum applicants. Electronic tagging had produced good results in limited trials but the Directorate was still in the process of evaluating the results of the exercise before rolling it out more widely. Only one local enforcement office routinely arrested failed applicants at their reporting centres rather than in the community, even though there was evidence that arrest at reporting centres was less resource-intensive and more successful.

The Directorate has no targets currently focused on reducing the backlog of removals. Segmenting failed applicants by age, availability of travel documents, criminal record, country of origin and date of arrival in the United Kingdom would help the Directorate tailor its removal strategies and set targets for each group. Increasing awareness of voluntary removal schemes amongst asylum seekers, staff and third parties could increase the take-up of a less costly form of repatriation than enforced removals.

On the basis of a Report by the Comptroller and Auditor General, the Committee took evidence from the Home Office's Accounting Officer. The costs of the Immigration and Nationality Directorate across its full range of responsibilities are some £1.5 billion. The Home Office faces a severe problem, arising from a loss of control in the past. Progress is being made but until the Home Office:

1 C&AG's Report, *Returning failed asylum applicants* (HC 76, Session 2005–06)

- exceeds its current target to remove as many failed asylum seekers in a year as there are newly failed applicants; and
- starts making significant inroads into removing the large backlog of failed applicants, many of whom have remained in the country for some years;

it is difficult to conclude that the taxpayer is obtaining value for money in the efficiency and effectiveness of the Directorate's operations. On current performance, it will take many years to remove failed asylum seekers, undermining the whole asylum application process.

Conclusions and recommendations

1. **The Immigration and Nationality Directorate's practice of treating asylum applications, support and enforcement as largely separate, uncoordinated operations has proved inefficient.** It has increased the administrative workload, delayed the removal of unsuccessful applicants and created a growing backlog.
2. **The Directorate does not know the actual number of failed asylum applicants awaiting removal, and lacks basic information on the whereabouts of people to enable it to effect removal.** Based on data for failed applications and known removals at May 2004, up to 283,500 failed applicants could remain in the United Kingdom, although the Directorate only had details of 155,000 failed applications on its databases.
3. **The gap has narrowed between the number of newly unsuccessful applications and removals effected, but largely because of falling applications rather than more effective removal action.** The number of removals (including dependants) in 2004–05 was 14,250 and was lower than the 17,855 (including dependants) achieved in 2003–04.
4. **The Directorate has focussed on its target of matching numbers of removals and newly unsuccessful applications by December 2005, but has done little to target the significant and ageing backlog of removals.** Even without any new unsuccessful applications, it would take between 10 and 18 years to tackle the backlog based on the Directorate's current removal rate. In practice, cases become increasingly difficult to remove the longer failed applicants remain in the country due to a lack of data on their whereabouts, and because many will have settled into their local community and made a life for themselves and their dependants.
5. **The Directorate needs to undertake a fundamental review of its approach to removals, building on progress it has already made and on the following specific proposals.**

Asylum removals strategy

- a. Integrate the different asylum functions into a single operation.
- b. Set targets for tackling the backlog of failed asylum seekers.
- c. Develop the necessary software for its database to identify cases that have overstayed their permitted period.

Returning different categories of failed asylum seekers

- d. Segment the population of failed asylum seekers and develop appropriate removals strategies and targets for each group. Segmentation could reflect, for example, age, country of origin, criminal record (if any), availability of travel documents and date of arrival in the United Kingdom.

- e. Update its cost-benefit analysis for making greater use of detention to effect removal, drawing on the approaches of countries such as Germany, the Netherlands and Australia and using more current costings, such as those estimated in the C&AG's Report.
- f. Evaluate quickly the effectiveness of monitoring, tagging and voice recognition software as a means of keeping in contact with failed applicants to reduce the risk of absconding, and use the data to enhance the future removals strategy.
- g. Establish whether the Appearance Assistance Programme used in the United States could be adapted for successful use in the United Kingdom. Under the scheme a community sponsor takes responsibility for the person, with intensive supervision, personal telephone reporting and home visits.
- h. Conclude and evaluate quickly its pilot to allocate a single caseworker from start to finish for each application, and roll out best practice identified promptly.

Voluntary removals

- i. Improve the effectiveness of communications with failed applicants, for example by specifying clearly the action the individual should take to leave the country and by when.
- j. Increase awareness of voluntary removal schemes amongst applicants by active promotion of such schemes from the time the application is received, building on the successful approaches of countries such as the Netherlands. Voluntary removals are more cost effective and more likely to lead to successful repatriation than enforced removals.

Speeding up enforcement

- k. Make greater use of arrest for removal at reporting centres as an alternative to the practice of arrest in the community which costs more and has a lower success rate.
- l. Review periodically the lessons to be learned from removal cases which fail or are delayed significantly at the last minute, and use the lessons to inform future practice.
- m. Seek explanations for variations in enforcement offices' performance in terms of cost and operational effectiveness, and disseminate and enforce best practice quickly.
- n. Reduce overhead levels in areas such as Human Resources and redeploy resources released to front line removals activity.
- o. Use management information systems put in place in April 2005 to cost and monitor the Directorate's effectiveness, including how staff deploy their time. Use the data obtained to inform future operational strategy, and in particular to cost strategies for tackling the backlog of removals so an appropriate case for resources can be made.

- p. Arrest failed applicants who are at the point of being evicted from National Asylum Support Services accommodation.

1 Asylum removals strategy

1. The Directorate had experienced severe problems with asylum removals and acknowledged a loss of control in the past, although it considered it was now making progress. It did not know the actual number of failed asylum applicants currently awaiting removal, nor did it have addresses for three quarters of the estimated total. This situation was due to incomplete record keeping and a failure to collect data on unsuccessful asylum applicants, including those who left the country of their own accord. The potential maximum number of unsuccessful asylum applicants awaiting removal from the United Kingdom as at May 2004 was estimated at 283,500. At the same date, the Directorate's electronic database showed 155,000 failed applicants awaiting removal, due mainly to gaps and inaccuracies amongst older cases.²
2. To initiate prompt removal, applicants' records should be flagged for action at the point at which they lose their legal right to remain in the United Kingdom. The Directorate's database should include cases that have failed in their appeal to stay in the United Kingdom, and those who had been granted temporary permission to stay in the United Kingdom but whose right to remain may now have been exhausted. The Directorate's database cannot, however, identify cases that have overstayed the permitted period although the Directorate was now developing the procedures and systems to flag up such cases for removal.³
3. The Directorate had not yet achieved its target to match the number of removals to the number of newly unsuccessful applications (referred to as the "tipping target") but took comfort from the fact that the gap between removals and newly failed applications had narrowed. The number of removals had recently risen to between 1,300 and 1,350 removals a month but was still lower than that achieved two years earlier. A significant factor in the Directorate's narrowing of the gap is, however, the rapid decline in the number of asylum applications rather than an increase in the number of removals. The growing backlog of failed asylum applicants raised questions about delivery of the asylum programme, making it a prime candidate for inclusion in the Home Office's forthcoming Capability Review. The target deadline was December 2005 but the Directorate was unsure whether it would be met successfully.⁴
4. With between 155,000 and 283,500 failed applicants remaining in the country, even without new unsuccessful applicants, the Directorate would take many years to reduce the backlog based on its current performance of removing around 14,000 in the last twelve months. The Directorate had no target, however, to address the backlog of older cases and would commit only to the modest longer- term aim of getting removals to exceed the number of refusals. The Directorate suggested that it might set a quantifiable target for reducing the backlog at the next Spending Review in 2007. The number of asylum applications and removals was, however, dependent on the degree of instability in other parts of the world. Whilst the Directorate had been trying to get its compulsory return programme underway to Iraq, for instance, this had not yet begun, although the Directorate had helped failed asylum seekers to return voluntarily to Northern Iraq. Continued achievement of the target to remove more than the number of

2 Qq 172-173

3 Qq 75-78

4 Qq 37-39

refusals issued each month was not therefore wholly within its control should applications start to rise again.⁵

2 Removing different categories of failed asylum seeker

5. Poor quality and incomplete data have delayed the development of management and removal strategies for different categories of asylum applicant. Over the past six to nine months, the Directorate had begun to build up more robust management information on newer asylum applications. If it were to segment its data further by, for example, age, travel documents held, country of origin, and criminal record, the Directorate could better identify the most efficient and effective approach to the different categories. Some applicants, for example, could be monitored through reporting arrangements or electronic tagging, while others might need to be detained. This information should be used in turn to develop specific removal targets for each category.⁶

6. In the past, the Directorate had given priority to removing nationals of countries where travel documentation was easier to arrange, as they could be removed more quickly. Between May 2003 and April 2004, the Directorate achieved a steady increase in the overall number of removals by returning large volumes of Eastern Europeans to European Union Accession Countries. Following the accession of these countries in May 2004, the total number of monthly removals dipped. The Directorate's overall performance was, however, poor across all cases, based on data it provided on the number of removals in respect of cases where appeal rights were exhausted in 2004 (**Figure 1**).⁷

Figure 1: Analysis of cases where appeal rights were exhausted in 2004

Case classification	Description	Number with appeal rights exhausted	Number removed	Percentage
Green	Removable on European Union letters	19,096	2,154	11
Amber	Removable once a document has been obtained from the source country	28,165	1,575	6
Red	Not removable to source country due to policy or other considerations	11,642	141*	1
		58,903	3,870	7

* Assisted voluntary returns or third country removals.

Source: Home Office data (PAC)

7. Other countries make more extensive use of detention to effect speedy removal of failed applicants (**Figure 2**). The Directorate agreed that detention reduced the likelihood of applicants absconding, but considered it was not necessary to detain all applicants at the point of entry, as many chose to stay in contact with the Directorate during their stay, and agreed to be repatriated. Detention was costly at around £1,400 per place per week, and with limited numbers of detention spaces available, the Directorate preferred to manage cases so that failed applicants spent only a short period of time in detention prior to removal. The Directorate had undertaken

6 Qq 30–32

7 Qq 100; Ev 18–19

a cost-benefit analysis in 2004 of increasing asylum applications. This analysis had arrived at the cost of standard processes (non-detention) being £10,000 compared with £15,800 for detained fast track cases. The analysis concluded that the additional costs would probably be unacceptable. But the more recent costings in the Comptroller and Auditor General's report, particularly in relation to the cost of removal in the standard process, indicate the need for the Directorate to update their cost-benefit analysis.⁸

8. From 2001–August 2005, 403 foreign nationals were released from prison without deportation proceedings being completed. The Directorate could not supply details of where such individuals were now. In 2004–05, there were 1,607 criminal deportees of which 12.5% were failed asylum seekers.⁹

9. With around 40,000 applicants reporting periodically to Reporting Centres or police stations during their stay, the Directorate acknowledged the need to improve compliance with reporting arrangements and to consider the scope for taking people into detention prior to removal. To this end, it was trialling the use of tracking and voice recognition arrangements. Electronic tagging was also being piloted. Tagging appeared to be operating satisfactorily but the scheme had yet to be properly evaluated. The Directorate would also consider the Appearance Assistance Program piloted in the United States, where community sponsors accepted responsibility for people appearing at immigration hearings, using a combination of intensive supervision, personal telephone reporting, and home visits.¹⁰

10. Closer collaboration was required between staff involved in the asylum process to speed up the arrest, detention and repatriation of failed applicants. The current process, whereby cases may be handled by up to five sets of caseworkers as they progress from initial application to final decision, was inefficient and reminiscent of the early days of the Child Benefit Agency and Working Family Tax Credit systems. A more effective option would be to assign responsibility for monitoring and progressing cases from application through to removal, either to one individual, as at Harmondsworth, or to one team, as in the pilot operating in the North West since December 2004.¹¹

8 Qq 90–91, 131–132; Ev 24–26

9 Q 154; Ev 26–28

10 Qq 33

11 Qq 136–137

Figure 2: An international comparison of the use made of detention for asylum seekers

Country	Accommodation and reporting arrangements
Germany	<p>Asylum applicants often stay in accommodation centres while their claim is being considered.</p> <p>Failed asylum applicants can be held in detention centres or prisons prior to their removal.</p> <p>Those not held in detention centres may be housed in departure centres. They are free to move only within the local district to which they have been allocated.</p>
The Netherlands	<p>Most applicants remain in government accommodation centres during the asylum process. Their movement is not restricted but they are required to report regularly.</p> <p>Failed applicants have 28 days to make their own arrangements to leave the country before they are ejected from the accommodation centres. Applicants who arrive and claim asylum at Amsterdam Airport are detained there during the decision process and until they can be removed (unless it is not possible to remove them, in which case they may be allowed into the country).</p>
Australia	<p>The Migration Act 1958 requires all unlawful non-citizens to be detained. If it is established that they are refugees, according to the Refugees Convention, they are released and granted the appropriate visa.</p> <p>Under legislative changes introduced in September 2001, unauthorised arrivals to Australia who seek asylum and have not entered Australia's migration zone are sent to a declared country where their claims for refugee status are assessed.</p> <p>Under these arrangements those who have attempted to arrive on Australia's mainland unlawfully by boat are detained at an offshore processing centre. For those found to be refugees, appropriate resettlement arrangements are made, including to countries other than Australia.</p>
United Kingdom	<p>The Directorate makes more limited use of detention while applications are being considered:</p> <ul style="list-style-type: none"> – Males without dependants whose cases are suitable for fast tracking may be sent to Harmondsworth Removal Centre. Some failed applicants are removed straight from Harmondsworth, some are moved to other detention locations pending removal and some are released. – Applicants with straightforward applications, often from countries presumed to be safe, may be detained at Oakington Reception Centre while their applications are assessed. Cases with a right to appeal from abroad only, may be removed straight from Oakington, some are removed to other detention locations pending removal, and some are released. <p>Applicants who have entered the United Kingdom via a third country within the European Union, Iceland or Norway, may be detained in a removal centre while the Directorate confirms whether they may be repatriated to the third country under the Dublin II Regulation.</p> <p>Asylum applicants who commit a crime may be detained to serve a criminal sentence and recommended by the Court for deportation following completion of their sentence. Foreign nationals sentenced to custody may apply for asylum while in custody. Some foreign nationals may be deported at the end of their criminal sentence; others may be released pending resolution of their claim to asylum or organisation of their departure.</p>

Source: National Audit Office

3 Voluntary removals

11. The standard letter sent by the Directorate to failed applicants who have exhausted their rights of appeal does not specify the action the applicant is expected to take to leave the country, or the departure timescale. There are no procedures in place to monitor whether recipients of the letters have made arrangements to leave the country voluntarily, although many recipients are subject to reporting centre arrangements.¹²

12. Voluntary removals are the best option as they are less expensive and less problematic to arrange than enforced removals, and with greater likelihood that failed applicants returning voluntarily to their country of origin will be accepted than where they have been forcibly repatriated. Voluntary removals have, nevertheless, remained at the same level for the past two years. With estimated savings of £9.9 million for every 1,000 additional removals, the Directorate agreed that increasing the take-up of voluntary removals would be good value for money.¹³

13. During 2005, the Directorate had started a programme to promote voluntary returns, including publicising the schemes on its website and through induction centres (**Figure 3**). In addition, it has started to advise applicants awaiting asylum decisions about the option of voluntary removal, as well as those whose claims have already been determined as unsuccessful and those whose support arrangements have been stopped pending removal. Training had also been organised for Metropolitan Police custody staff, and discussions had taken place with Probation Service staff and the police to promote greater use of voluntary returns.¹⁴

12 Qq 58 –60

13 Qq 62

14 Qq 24

Figure 3: Details of the voluntary return schemes offered in the United Kingdom

Title	Open to	Incentives offered	Take-up
<p>Voluntary Assisted Return and Reintegration Programme (administered by the International Organization for Migration), (originally introduced by the Directorate in 1999 as the Voluntary Assisted Return Programme, to enable asylum applicants who choose to return to their country of origin to plan their return and to receive benefits to help them reintegrate)</p>	<ul style="list-style-type: none"> asylum applicants with an outstanding claim or appeal; asylum applicants who have been granted temporary protection by the United Kingdom; asylum applicants whose claim has been refused and who have exhausted their rights of appeal, except those detained, subject to a deportation order, or for whom arrangements for return have already been put in place. 	<ul style="list-style-type: none"> costs of obtaining passports and tickets; reintegration assistance through the provision of in-kind support for returnees, including training, access to education and help in setting up small businesses. Assistance is limited to a maximum value of £1,000 per head. 	<p>In 2003–04 2,690 people returned under this programme.</p>
<p>Return to Afghanistan Programme (introduced in August 2002 to enable asylum applicants from Afghanistan to return to help rebuild their country)</p>	<ul style="list-style-type: none"> asylum applicants with an outstanding claim or appeal; asylum applicants who have been granted temporary protection by the United Kingdom. <p>This scheme is not open to asylum applicants whose claim has been refused and who have exhausted their rights of appeal, nor is it open to those convicted of a criminal offence in the United Kingdom.</p>	<ul style="list-style-type: none"> costs of obtaining passports and tickets; resettlement grants of cash payments of £600 per individual (capped at £2,500 for a family); advice, counselling and mines-awareness training to assist with reintegration. 	<p>177 applications were made for this programme in 2003–04 and 70 were returned under it.</p>
<p>Explore and Prepare (Afghanistan) (introduced in October 2003 to enable asylum applicants from Afghanistan who have been granted protection by the UK government to return to Afghanistan to see how it has changed and whether they wish to return permanently)</p>	<ul style="list-style-type: none"> asylum applicants who have been granted temporary protection by the UK; asylum applicants who have been granted indefinite protection by the United Kingdom government. <p>The scheme is not open to asylum applicants who have not been granted protection by the UK, nor is it open to people with serious criminal convictions (defined as a person convicted for an offence in the UK and sentenced to two or more years in prison).</p>	<ul style="list-style-type: none"> the scheme enables one family member to return to Afghanistan for a period of up to one year. 	<p>The first permanent return to Afghanistan under this programme was in May 2004.</p>

Source: National Audit Office

14. The Directorate could not explain why the voluntary schemes in the Netherlands and Germany achieved higher rates of removal than those in the United Kingdom (**Figure 4**). Assisted voluntary returns were not currently included in the performance data for Local Enforcement Offices and consequently there might be less incentive for enforcement staff to promote this method of departure. There were also wide variations in the number of unassisted voluntary departures recorded by the offices. In the Netherlands, the Immigration and Naturalisation Service informs asylum applicants about the option of voluntary return as soon as applicants file their application, and more generous terms are available for longer-term cases. More use could have been made of voluntary organisations to disseminate information to appropriate groups.¹⁵

Figure 4: Details of voluntary return schemes offered by Germany and the Netherlands

Details of scheme(s)	
Germany	The Netherlands
<p>Reintegration and Emigration for Asylum Seekers in Germany (REAG) and Government Assisted Repatriation Programme (GARP)</p> <ul style="list-style-type: none"> Open to asylum applicants and illegal immigrants REAG pays for tickets, obtains travel documents and provides a travel allowance of 100 Euros per adult (50 Euros per child) GARP provides additional resettlement cash grants of up to 1,500 Euros per family for people returning to up to 40 countries. <p>Between 1979 and 2003 some 502,000 failed asylum seekers and illegal immigrants received financial aid from the REAG and GARP Programmes.</p>	<p>The general Programme for the Reintegration or Emigration of Asylum Applicants from the Netherlands (REAN):</p> <ul style="list-style-type: none"> Open to asylum applicants or failed asylum applicants who cannot finance their return trip and have not yet had deportation arrangements set; Provides counselling prior to departure, transport and obtains travel documents; Resettlement grants, which vary according to the individual's legal status. The maximum 800 Euros per family is available to those returning who have remained legal. More commonly, grants of 225 Euros are available to single failed asylum applicants and 320 Euros for a family of four failed asylum applicants. <p>Between January 1992 and June 2002, 17,000 had been assisted and some 13,000 returned under the scheme, including failed asylum applicants.</p>
<p>Special Migrants Assistance Programme (SMAP)</p> <ul style="list-style-type: none"> Open to 'employees', students, and to ethnic German minorities who wish to be repatriated but cannot be assisted through the REAG programme, and those who have attained German citizenship and wish to return to their country of origin; Provides tickets at discounted prices, which must be paid for by the migrants themselves or 'any other entity' before departure. <p>Some 5,500 migrants have been assisted in the decade 1994–2003.</p>	<p>REAN-plus programmes</p> <p>In November 2004 these were available for returns to Afghanistan, Angola and Iraq. These involved country-specific support provided by the International Organization for Migration missions in those countries, grants of up to 800 Euros for a family of four, and re-integration grants of up to 2000 Euros for a family.</p>
<p>Berlin Occupational Reintegration of Kosovars (BORK)</p> <p>Open to Kosovars wishing to return from the Federal State of Berlin.</p> <p>Provision of financial assistance up to 3,067 Euros to facilitate finding employment, gaining qualifications or setting up small business on return.</p> <p>Some 370 Kosovars returned under this programme up to the end of 2001.</p>	<p>HRPT</p> <p>For people who had applied for asylum when the old Immigration Act was still in force, that is before 1 April 2001.</p> <p>Asylum applicants can receive greater financial benefits to help them re-establish themselves in their country of origin.</p> <p>On average, a family of four will receive up to 6,000 Euros when returning under this programme.</p>

Source: National Audit Office

4 Speeding up enforcement

15. The Directorate considered that last minute barriers to removal were the single most important difficulty it faced. Delays due to legal process through judicial review, representations or MPs' letters were largely unavoidable. The Directorate could have acted more quickly to address flaws in its contractual arrangements with Wackenhut UK Ltd for moving and escorting arrested immigration offenders. It could also have done more to reduce other causes of delay, however, such as those arising from a lack of knowledge of the whereabouts of failed applicants prior to removal. The London enforcement office addressed this problem by adopting a policy of arresting failed asylum seekers at the reporting centre. Other enforcement offices tended to use the less successful and more expensive method of arresting failed asylum seekers in the community. Arresting those failed applicants who are at the point of being evicted from National Asylum Support Service accommodation, following exhaustion of all rights of appeal, would be preferable to allowing them to disappear into the community and losing track of their whereabouts.¹⁶

16. As time elapsed, the Directorate found it harder to locate and remove failed asylum seekers. Many applicants evaded removal action or moved on without informing the Directorate of their new address and hence the Directorate knew the addresses of only some 25% of failed asylum applicants. As a result, many failed applicants would be subject to removal action, only if they committed an offence or were encountered in an intelligence-led exercise. Intelligence-led exercises were designed to disrupt other immigration offences, such as sham marriages, the manufacture of fake passports and businesses providing employment to illegal immigrants. The longer a failed asylum seeker remained in the country, the greater the likelihood that they would build relationships, families and community links, making the prospect of removal much harder. The Department's analysis of removals, voluntary departures and assisted returns of principal asylum applicants in 2004 (**Figure 5**) showed that almost half of these principal applicants had stayed less than one year after their initial application.¹⁷

17. Difficulties obtaining appropriate travel documentation was also a cause of delay. Some countries accept a European Union letter as evidence of identity but around 40 countries insisted on emergency travel documentation issued only after prior clearance from their home country. To address these problems the Directorate was working with embassies to identify ways of prioritising cases and assisting embassies' prompt processing of documentation.

16 C&AG's Report, para 3.20

17 Ev 31

Figure 5: Details of removals in 2004 showing the time between initial application and removal

Principal applicants removed in 2004 ¹	12,585	
Of whom:		
Removed in less than a year	6,015	48%
Removed in 1 to 2 years ²	1,635	13%
Removed in 2 to 3 years ²	1,235	10%
Removed in over 3 years ²	3,640	29%
Unknown ³	60	0%

1. Includes enforced removals, persons departing “voluntarily” following enforcement action initiated against them, and persons leaving under Assisted Voluntary Return Programmes run by the International Organisation for Migration.
2. This is the time between initial application and removal. The time between refusal of application and removal will be lower in some cases..
3. The age of these cases is unknown due to minor data quality problems in the Home Office database.

Source: Home Office (Ev 31)

18. Since April 2005, the Directorate had produced monthly and cumulative league tables on local enforcement offices’ performance to identify the better performing teams, so that best practice and support might be given to offices which needed to improve (Figure 6). The tables were compiled on the basis of scores for a range of operations, including output against the local asylum removals target, output against the local non-asylum offender removals target, and removals compared to staffing levels. The figures included voluntary departures and enforced removals but did not include the number of individuals taking up assisted voluntary returns. Results for the period April to September 2005 showed a wide variation, in particular in relation to the number of voluntary departures, from one in the Croydon Enforcement Unit and North West region to 81 at Eaton House (Figure 6).¹⁸

Figure 6: Comparative performance of local enforcement offices from April to September 2005

	April			May			June			July			August			September			Total for 6 months		
	FAS ¹	Vol ²	Fam ³	FAS	Vol	Fam	FAS	Vol	Fam												
Becket House ⁴	88	2	36	108	3	51	100	8	40	82	5	23	75	7	17	95	15	34	548	40	201
Croydon Enforcement Unit ⁵	58	0	7	66	0	20	65	0	7	71	0	13	76	1	18	101	0	28	437	1	93
Communications House ⁶	52	0	10	87	1	36	82	0	26	65	2	31	72	3	19	63	2	8	428	8	130
Eaton House ⁷	65	0	3	87	0	34	96	0	22	77	9	11	119	60	30	81	12	15	525	81	115
Eastern District	79	5	14	85	3	17	80	2	13	70	5	14	73	5	8	59	7	4	446	27	70
Midlands	66	7	26	56	6	10	53	2	29	67	5	23	29	0	7	95	6	37	366	26	132
North East	114	4	73	74	0	32	74	5	39	46	1	14	79	1	38	90	2	49	477	13	245
North West & Northern Ireland	44	0	11	69	0	26	54	0	16	66	1	24	48	0	19	57	0	19	338	1	115
Scotland	18	2	3	16	2	0	19	1	1	20	0	6	36	0	11	48	1	22	157	6	43
South West	21	2	0	47	3	0	31	0	3	35	1	0	55	0	3	41	3	4	230	9	10
South Eastern District	25	0	3	34	0	0	33	2	1	35	0	10	42	0	0	23	0	0	192	2	14
Totals	630	22	186	729	18	226	687	20	197	634	29	169	704	77	170	753	48	220	4137	214	1168

1. Failed asylum seekers (FAS) removal figures include voluntary departures and family members removed.
2. Voluntary departure (vol) figures do not include Assisted Voluntary Returns.
3. The number of family members removed.
4. Becket House covers East, North East and Central London.
5. Croydon Enforcement Unit covers South East London and Sussex.
6. Communications House covers North and Central London.
7. Eaton House covers West London and Surrey

Source: Home Office (Ev 22)

19. The Directorate has over 2,000 people working on policy, Human Resources and finance compared to 2,100 in the whole of enforcement, operations and removals. The Directorate had carried out its own comparisons of the proportion of support staff to Directorate enforcement and policy staff, with other organisations in the public and private sectors. As at 30 September 2005, the Directorate had a ratio of human resources staff to total Directorate staff of 1:33, including training staff, and 1:61, excluding training staff. Comparable figures for the latter ratio for other public and private sector organisations, based on a benchmarking exercise carried out by the Cabinet office in March 2004, and updated at 30 September, were 1:52 (for the Home Office, excluding the Directorate) and 1:93 for the United Kingdom (including public and private organisations). The scale of the removals challenge suggests the Directorate should look to redeploy staff to reduce overheads and release resources for additional removal work.¹⁹

20. To establish costs or measure performance, the Directorate had to undertake one-off exercises, because of weaknesses in its budgeting and financial systems. Improvements had been made to management information systems from April 2005, but the Directorate still had no systems in place to monitor how staff applied their time. Such data would enable the Home Office to make a reasonable estimation of the costs of different methods of removal of failed asylum applicants and of other tasks, such as intelligence-led exercises, and to use such data to inform the future strategy for tackling the significant numbers of failed asylum applicants who remain in this country.²⁰

19 Ev 29

20 C&AG's Report, paras 24, 5.2–5.3

Formal minutes

Monday 27 February 2006

Members present:

Mr Edward Leigh, in the Chair

Mr Richard Bacon
Greg Clark
Mr Ian Davidson
Helen Goodman

Mr Sadiq Khan
Sarah McCarthy-Fry
Mr Alan Williams

A draft Report (Returning failed asylum applicants), proposed by the Chairman, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 20 read and agreed to.

Conclusions and recommendations read and agreed to.

Summary read and agreed to.

Resolved, That the Report be the Thirty-fourth Report of the Committee to the House.

Ordered, That the Chairman make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned until Wednesday 1 March at 3.30 pm.]

Witnesses

Wednesday 26 October 2005

Page

Sir John Gieve KCB, Mr Jeremy Oppenheim, Home Office and **Mr Brodie Clark**, Immigration and Nationality Directorate

Ev 1

List of written evidence

Home Office

Ev 18

List of Reports from the Committee of Public Accounts Session 2005–06

First Report	Managing National Lottery Distribution Fund balances	HC 408 (<i>Cm 6712</i>)
Second Report	The regeneration of the Millennium Dome and associated land	HC 409 (<i>Cm 6689</i>)
Third Report	Ministry of Defence: Major Projects Report 2004	HC 410 (<i>Cm 6712</i>)
Fourth Report	Fraud and error in benefit expenditure	HC 411 (<i>Cm 6728</i>)
Fifth Report	Inland Revenue: Tax Credits and deleted tax cases	HC 412 (<i>Cm 6689</i>)
Sixth Report	Department of Trade and Industry: Renewable energy	HC 413 (<i>Cm 6689</i>)
Seventh Report	The use of operating theatres in the Northern Ireland Health and Personal Social Services	HC 414 (<i>Cm 6699</i>)
Eighth Report	Navan Centre	HC 415 (<i>Cm 6699</i>)
Ninth Report	Foot and Mouth Disease: applying the lessons	HC 563 (<i>Cm 6728</i>)
Tenth Report	Jobskills	HC 564 (<i>Cm 6724</i>)
Eleventh Report	Local Management of Schools	HC 565 (<i>Cm 6724</i>)
Twelfth Report	Helping those in financial hardship: the running of the Social Fund	HC 601 (<i>Cm 6728</i>)
Thirteenth Report	The Office of the Deputy Prime Minister: Tackling homelessness	HC 653 (<i>Cm 6743</i>)
Fourteenth Report	Energywatch and Postwatch	HC 654 (<i>Cm 6743</i>)
Fifteenth Report	HM Customs and Excise Standard Report 2003–04	HC 695 (<i>Cm 6743</i>)
Sixteenth Report	Home Office: Reducing vehicle crime	HC 696 (<i>Cm 6743</i>)
Seventeenth Report	Achieving value for money in the delivery of public services	HC 742 (<i>Cm 6743</i>)
First Special Report	The BBC's investment in Freeview: The response of the BBC Governors to the Committee's Third Report of Session 2004–05	HC 750
Eighteenth Report	Department for Education and Skills: Improving school attendance in England	HC 789
Nineteenth Report	Department of Health: Tackling cancer: improving the patient journey	HC 790
Twentieth Report	The NHS Cancer Plan: a progress report	HC 791
Twenty-first Report	Skills for Life: Improving adult literacy and numeracy	HC 792
Twenty-second Report	Maintaining and improving Britain's railway stations	HC 535
Twenty-third Report	Filing of income tax self assessment returns	HC 681
Twenty-fourth Report	The BBC's White City 2 development	HC 652
Twenty-fifth Report	Securing strategic leadership in the learning and skills sector	HC 602
Twenty-sixth Report	Assessing and reporting military readiness	HC 667
Twenty-seventh Report	Lost in translation? Responding to the challenges of European law	HC 590
Twenty-eighth Report	Extending access to learning through technology: Ufi and the learndirect service	HC 706
Twenty-ninth Report	Excess Votes 2004–05	HC 916

Thirtieth Report	Excess Votes (Northern Ireland) 2004–05	HC 917
Thirty-first Report	Northern Ireland’s Waste Management Strategy	HC 741
Thirty-second Report	Working with the voluntary sector	HC 717
Thirty-third Report	The Royal Parks and the Diana, Princess of Wales Memorial Fountain	HC 644
Thirty-fourth Report	Returning failed asylum applicants	HC 620

Oral evidence

Taken before the Committee of Public Accounts

on Wednesday 26 October 2005

Members present:

Mr Edward Leigh, in the Chair

Mr Richard Bacon
Greg Clark
Mr Ian Davidson
Sarah McCarthy-Fry

Kitty Ussher
Mr Alan Williams
Stephen Williams

Sir John Bourn KCB, Comptroller and Auditor General, National Audit Office, was in attendance and gave oral evidence.

Mr Brian Glicksman CB, Treasury Officer of Accounts, HM Treasury, was in attendance.

REPORT BY THE COMPTROLLER AND AUDITOR GENERAL

Returning Failed Asylum Applicants (HC 76)

Witnesses: **Sir John Gieve KCB**, Permanent Secretary, **Mr Jeremy Oppenheim**, Director, Head of National Asylum Support Service, Home Office; and **Mr Brodie Clark**, Senior Director for Operations, Immigration and Nationality Directorate, examined.

Q1 Chairman: Good afternoon, welcome to the Committee of Public Accounts where today we are looking at the Comptroller and Auditor's Report *Returning Failed Asylum Applicants*. Once again we welcome you to our Committee, Sir John Gieve. Would you like to introduce your team?

Sir John Gieve: On my right is Brodie Clark, who is the Senior Director of Operations in the Immigration and Nationality Directorate. On my left is Jeremy Oppenheim, who is Director of the National Asylum Support Service.

Q2 Chairman: Thank you, Sir John. Could you please look at the beginning of the Report, paragraph 1, page 1, the Executive Summary. We read there, do we not, that the backlog of failed asylum applicants for removal is growing. That is right, is it not?

Sir John Gieve: We have still not reached the tipping point, which is our target, of removing more than are coming through the front of the system. That is what we are aiming to do this year.

Q3 Chairman: Why have you not reversed this trend?

Sir John Gieve: Well, I think we have reversed the trend which was for that gap to widen which it did for several years. In the last few years it has narrowed and we are still seeking to actually get to a crossover point by the end of the year.

Q4 Chairman: If we look at this in more detail in, for instance, paragraph 7, it gives us some reasons, tells us what is going on. Would it be a fair criticism then that the current strategy is not working and I wonder whether you could re-engineer it to make sure that you are more successful in removing unsuccessful applicants?

Sir John Gieve: No, I do not think it would be fair to say that. There is no doubt that removing unwilling applicants is the hardest bit of the system. We have had some success in doing so. I think we compare very well against other countries who are also struggling to do that. The target we have set ourselves is, as I say, to reduce the intake of unfounded asylum seekers and to ratchet up removals and the two are really quite close now. I think that is the right target and we are on track to get there.

Q5 Chairman: Mr Clark, can we look at this target, please, paragraph 4.5 on page 30: "the Government set the Directorate an overall target that by the end of 2005 the monthly rate of removals should exceed the number of new applications predicted to be unsuccessful." What more can you do to meet this target?

Mr Clark: Well, I think there is a whole series of measures that we have got in train at the moment and many of those are outlined in the NAO Report in terms of voluntary returns, in terms of third country removals, in terms of family removals.

Q6 Chairman: Can you speak up a bit, please?

Mr Clark: Certainly. In terms of removals to reporting centres, there is a whole range of measures which are in place which are starting to have an impact and over this last 9 or 10 month period our internal management information would lead us to the view that removals have increased from about 1,000 a month at the start of this calendar year to the current position of about 1,300, 1,350. There are a series of measures in train and they are having an impact.

Home Office and Immigration and Nationality Directorate

Q7 Chairman: You are still not meeting this target?
Mr Clark: The other side to the target, of course, is the intake and over the past 12 months intake has also reduced. 12 months ago the asylum intake figure was just over 3,000 a month. Our recent months' figures have been just over 2,000 a month, so a substantial reduction in intake and a significant increase in removals and the two lines are coming close together.

Q8 Chairman: Alright. Can we now look, Sir John, at people who have been here a long time. If we look at paragraphs 2.8 to 2.9 which you can find on page 14, I am interested in your plans you have got for removing people who have been here for a long time. What are you planning to do?

Sir John Gieve: Well, we continue to do two things. Firstly, and this is true right through the asylum system but it is true about removals, firstly to get the flow through of new cases quicker into the removals pool but then where we can, and on the basis of intelligence, to pick up on some of the stock of cases which are already here. I am not sure which particular group you are referring to.

Q9 Chairman: Let us deal with one country, Iraq. Is it true you had plans to remove people to Iraq in August but you decided not to do so after all?

Sir John Gieve: We have been over the last few months, and still are, with the IOM transporting people voluntarily back to Iraq.

Q10 Chairman: Are you moving people compulsorily to Iraq?

Sir John Gieve: We have been trying to get that underway.

Q11 Chairman: So, the answer is no?

Sir John Gieve: We have not yet done it.

Q12 Chairman: I rather thought the point of invading Iraq was that you were going to make it a safe place so you could remove asylum seekers to it. I thought that was the point of invading that particular country.

Sir John Gieve: I think that takes me a little beyond my—

Q13 Chairman: So, it is not safe?

Sir John Gieve: No—

Q14 Chairman: No, Iraq is not a safe place to remove asylum seekers back to?

Sir John Gieve: No, that is not what I was saying. We would not with the IOM be removing people voluntarily if it were not safe for people to return. However, there are extra complications with unwilling returns about finding airports to take them to, finding carriers willing to take them, insurance *et cetera*.

Q15 Chairman: I see it is safe, it is only a question of finding the carriers and the airports, is it? It is quite safe to remove people compulsorily to Iraq, is it?

Sir John Gieve: At the moment we are considering only removing people to the north of Iraq.

Q16 Chairman: To the Kurd areas?

Sir John Gieve: Yes.

Q17 Chairman: So, you are not removing people compulsorily to the Sunni areas, for instance, or the Shi'ite areas?

Sir John Gieve: At the moment we are not removing people compulsorily to any areas. We will only do so if we are convinced it is safe.

Q18 Chairman: Iraq is not safe at the moment to remove people to?

Sir John Gieve: No, I am not saying that.

Q19 Chairman: Why are you not removing them then?

Sir John Gieve: We have not yet got all our ducks in a row. We need to have a government willing to receive them at a particular time. We need to have people willing to fly them, *et cetera*. One part of that is an assessment about safety. The point I was making earlier is that we are returning people to Iraq so, it is not the case that it is not safe to go back to Iraq. People are going there voluntarily with our help.

Q20 Chairman: Alright, I am not going to get any further on that. Are there some older cases that you expect now, Sir John, to remain permanently in the United Kingdom?

Sir John Gieve: Yes. As you know, we have been running, and still are running, a scheme giving indefinite leave to remain to some of the old cases, particularly the old family cases, who have become established here and that is a continuing scheme and we are identifying people where we do not think it is reasonable to remove them.¹

Q21 Chairman: I think people who were here prior to 2000 have a right to remain here, do they not, is that right?

Sir John Gieve: I am not sure it is an absolute right to remain here.

Q22 Chairman: No. Can you explain that to me?

Mr Oppenheim: If I may. No, there is not an absolute right to remain if you have been here before 2000. We have been working on those cases quite carefully. Nearly all of them are not supported by the National Asylum Support Service, they are rather supported by local authorities. We are assessing each of those cases and determining what needs to happen to them, either bringing them into support from the National Asylum Support Service or ensuring that they are prepared for removal.

Q23 Chairman: Can we, Sir John, look at how we benchmark against other countries. If you look at paragraph 1.11, which you can find on page 11, you will see that in 2004 there were some 230 voluntary

¹ Ev 18

 Home Office and Immigration and Nationality Directorate

returns per month from the United Kingdom compared with 600 a month from Germany and 263 a month from the Netherlands. So why, Sir John, are the Netherlands and Germany more successful than we are at encouraging voluntary returns?

Sir John Gieve: I do not have a neat answer to that, partly because the statistics, as you will see from the appendix, mix together asylum claims and non-asylum claims, certainly in Germany and I think in the Netherlands. It depends where you are sending them to. Certainly we do think we can increase the level of voluntary returns and that is what we are trying to do.

Q24 Chairman: Mr Clark, pretty well the same question: in paragraph 3.4 on page 20 it says: "Our work within the Directorate suggested that it could do more to raise the profile of the voluntary returns. . . ." Are you satisfied that your staff are doing enough to encourage voluntary returns?

Mr Clark: We have got a programme now in place to promote voluntary returns. There is a whole range of issues that we are taking forward and these include more promotion on the website, communication with asylum seekers or those whose asylum claims have been dealt with or those whose support arrangements have been stopped on information about the IOM and promoting contact with them. We are taking forward measures in respect of promoting voluntary returns through our induction centres. We have had discussions now with the Probation Service and the Police and invited them, and they are willing, to engage with us in promoting voluntary return in a number of ways. We have got training operations running with the Metropolitan Police in terms of their custody staff, in terms of their new recruits, all around the issue of promoting voluntary returns. We have taken that strategy forward in the last four or five months. We think that is a key area in encouraging more voluntary returns and we will continue to find other ways of promoting that either ourselves or through the IOM, who have got quite a substantial network in the UK with refugee groups, who are working with us to promote voluntary returns.

Q25 Chairman: Thank you. Sir John, could we look now at the balance between the older cases and the newer cases. If you look at paragraph 2.11, which you can find on page 16, it says in the heading: "As a result of the difficulties achieving removals, the backlog of applicants to be removed includes significant numbers of older cases and family cases." I wonder whether you feel you have got the balance right between your efforts to build in systems that can remove the new applicants quickly and deal with the more difficult older cases.

Sir John Gieve: Our objective is to ramp up the total number of removals and we are trying to put our resources in the place which will have the biggest impact. We are constantly assessing whether we have got that balance right. I think we are approaching the two different sorts of cases in slightly different ways: first through the new asylum model we are trying to keep contact with and process

quickly the new asylum claims and move them straight from refused appeal into the removal pool; in the other cases there is an element of opportunism, we make arrests, we go to places where we think there is illegal working and we come across people who are, in fact, failed asylum seekers and at that point we look at whether we can remove them. There is always going to be a mix. In the future we hope to make the end-to-end system work better so that there is swifter removal and, therefore, that proves a higher percentage of the total.

Q26 Chairman: Lastly, you will remember that Sir Gus O'Donnell, Sir John, announced on 11 October a capability review, did he not? Do you recall that speech?

Sir John Gieve: Yes.

Q27 Chairman: Your very first answer was that the backlog of failed asylum applicants for removal is growing. As you are clearly failing in your capability in this respect have you volunteered yourself for capability review to Sir Gus?

Sir John Gieve: We have all volunteered for a capability review. I have got no problem about the Home Office doing it, although it would be my successor who will go through it some time in the next year.

Q28 Chairman: Would this be a suitable—

Sir John Gieve: I absolutely do not accept the implication that over the last few years the rapid reduction in the level of unfounded asylum claims and the ramping up of removals should be seen as a failure; actually it is a success. Two or three years ago the idea of removing more people than were coming in would have seemed absolute cloud cuckoo land but now we think we might do it in the next two months.

Q29 Chairman: But there is still a lot more work to do, is there not? There is a lot of territory to catch up.

Sir John Gieve: Of course.

Q30 Sarah McCarthy-Fry: I just need to declare an indirect personal interest, which is neither clear nor substantial, in that my husband works for a charity that has a contract with the Home Office to give advice to asylum seekers and immigration help to refugees. Having got that out of the way, can I start with you, Sir John. On page 40 in paragraph 5.6 it states that the report: "urged the Directorate to implement a robust and effective performance management system". It said you had accepted these recommendations and are taking forward its plans to address them. To follow up a bit on the point that the Chairman picked up, do you separate out in your categories and as part of your performance management those failed asylum seekers who can be returned, those failed asylum seekers that you need travel documents for and those failed asylum seekers who are from areas that you are not currently sending back to? If you look at the headline figures, "We are not removing enough asylum seekers", when you get into the detail there are actually very

 Home Office and Immigration and Nationality Directorate

good reasons in many cases why you cannot. Are you separating that information out and are you collecting that data?

Sir John Gieve: Yes. I will ask my colleagues to add to this. Yes, that is the meat of the new asylum approach, which is to segment the applications according to whether they are removable, easily removable, where they come from, how old they are, whether they are last minute claims from people who have been here before and so on, and then to tailor the treatment of those cases to best effect. So we will detain some of them, as we have been in Harmondsworth, and try and get through those cases and remove them in a matter of days, in other cases we will use the reporting centres and in other cases we will use other approaches. That is exactly what we are trying to do and we are building up the management information which allows us to do that and to track the results.

Mr Clark: Can I add some comments to that. We have put in place in the last six to nine months some very clear management performance measuring systems, part of which are simply outlining the performance that has been delivered across different parts of our business organisation but part of it has been in terms of benchmarking each part of our business with others to make comparisons, to look at effectiveness and to make some measures of efficiency in respect of the enforcement activities. The question you have asked, which is a hugely important question, is around the segmentation of the different categories and groups within the asylum process and the new asylum model is almost basing its design on that segmentation approach. Those different groups—

Q31 Sarah McCarthy-Fry: Can I interrupt. What I am trying to get at is do you have any results, ie of those that it is possible to send home what percentage are we achieving of that? It seems from here we could do this but we cannot because there are outside constraining factors that prevent us from doing it, however in this category there are some of the outside constraining factors and we have achieved X success. This is what I think is missing from here, that at this point you do not have the system. How soon would you be able to give us those figures?

Mr Clark: I think one of the problems is that the situation changes over time and a lot of the blockages to removal are appeals issues or judicial review issues which delay but do not stop removal. A lot of the issues around which country they might be removable to will change over time. In terms of pinning that down and having a firm grasp on that, making year-on-year comparisons will be quite difficult to do. In terms of any particular time, we will be able to give information of those appropriate to removal and those where there are almost show stopping difficulties which prevent removal.

Q32 Sarah McCarthy-Fry: So your definition of a failed asylum seeker is not someone who has exhausted all rights of appeal and judicial review?

Sir John Gieve: It is those whose appeal rights are exhausted, although, as we have learned, there are people who still go for judicial review of removal instructions even when they have exhausted all of their appeal rights, so the legal process does go on very often up until the very last minute. On your question, we do not have the figures here but I could send you a note on that to try and segment it down and say what the hit rate is, so to speak.²

Q33 Sarah McCarthy-Fry: Can I move on to enforcement and detention. I think we would all agree that detention is not the ideal situation from a human rights point of view but may be necessary where you think people are going to abscond. I recently visited, in a private capacity, the Haslar removal centre and found it a deeply depressing place. It felt like a prison and I think the people who were there felt it was more like a prison and it was staffed by prison officers. It is also expensive detention. I would have thought the aim was to keep people out of detention as far as possible providing you can keep track of them. Have you considered other methods? I am particularly interested in whether you have looked at the Appearance Assistance Program that has been used in the USA quite successfully, where a community sponsor takes responsibility for the person and it is intensive supervision, personal telephone reporting, home visits. It is the fact that someone in the community takes responsibility because these people very often have been part of their community and their whole life and if they are put in detention it is very difficult. I wondered if you looked at this at all?

Mr Clark: The issues that we are working with in terms of our contact management strategy do involve detention. We have more recently looked at tagging, tracking and voice recognition arrangements and we have a number of small pilots operating on those and with the early stages of the tagging system we have taken people from the detention estate and put them through the tagging process. To date, for those who have been tagged that is operating satisfactorily but we want to do a proper evaluation of it. We are also looking in terms of the contact management strategy at the reporting centre issues. We have about 40,000 people reporting at any one time and that is a very successful and effective way of keeping some contact with those who are claiming asylum or who have failed in asylum claims. We have not made a study of the American system that you have described and clearly there sounds to be some advantage if we were to do that.

Q34 Sarah McCarthy-Fry: Might I suggest that your contact reporting system is not working that successfully. I had a constituent of mine who was reporting in Portsmouth but your records still had him reporting in Newport even though on many occasions the family that had been looking after him had supposedly cleared this and he was taken in the middle of the night and it took me a long time to find

² Ev 18–19

Home Office and Immigration and Nationality Directorate

out where he was. He was being held in the local police station. Eventually, he ended up in Haslar. His wife had only had a baby two weeks previously, she was distraught, and it took me three days to get the guy out. I would think that your contact reporting mechanism is not working that well.

Mr Clark: I do not know of that case and I am not sure I would agree that is a symptom of the entire reporting centre arrangements, but we are continuing to look at improving the processes around our reporting and the linkages between reporting arrangements and taking people into detention for the final stages prior to their removal.

Q35 Sarah McCarthy-Fry: Can I briefly go to section 5.4 where it says: "There is, as yet, no facility to routinely monitor the time taken to process cases through different stages of the removals process." Is that still the case, and if so, when are you going to have such a facility?

Mr Clark: Our performance management arrangements are giving information on some aspects of the various processes in respect of removals and performance is being linked to the time taken to work through those parts of the enforcement and removal process. I think we will be in a much better position to do an end to end set of benchmarking once the new asylum model, which is, fundamentally, an end to end set of processes, is in place and is operating.

Q36 Sarah McCarthy-Fry: Now, do you accept that we are fundamentally a Committee that are looking for value for money and the length of time taken to go through the process is actually costing you more, apart from all of the other human aspects of it?

Mr Clark: We believe that the new asylum model with the end to end process will reduce delays, that is why we are moving in that direction. We are very keen to get that process operating effectively. We want to reduce the delays. We want to reduce these opportunities for gaps between different parts of processes. It is something the NAO pointed out to us very clearly, it is something we are very aware of ourselves. We want that to be a smoother, more seamless process, that is why we are developing the new asylum model.

Q37 Greg Clark: Sir John, you have got this target to, by the end of the year, have the rate of removals higher than the rate of refused applications coming on stream. Are you expecting to hit that target?

Sir John Gieve: Well, I am hoping to hit it. I do not know if I would go as far as saying I am expecting to hit it. There are only six weeks to go.

Q38 Greg Clark: Do you have an assessment of whether you are on course to hit it?

Sir John Gieve: We are pretty clear we are going to hit it in the next few months, we just do not know whether we are going to hit it before the end of year, especially because December is an odd month in that there are fewer working days and so on and so forth.

Q39 Greg Clark: You are not confident you are going to hit it?

Sir John Gieve: I am still hopeful, but I am not betting my mortgage on it.

Q40 Greg Clark: Once you do get to the target, whenever that is, perhaps beyond the end of the year, do you expect the rate to go on falling so that you make an indent into the stock of failed asylum seekers here or do you expect that rate to stabilise?

Sir John Gieve: No, I am very keen that we should hit this on a sustainable basis rather than just in one month and providing we get those lines to cross we will be making an impact on the stock. It is an interesting question about how low the intake can go and it is already a quarter of the level it was at the peak a couple of years ago. We are one country among many and looking at the intake in other countries I do not see that continuing to fall indefinitely. So the removals figure is an absolute key figure if we can keep that up.

Q41 Greg Clark: What is your expectation of what is a permanent sustainable rate of comparison of these two figures? Do you expect it to be less than refusals?

Sir John Gieve: Sorry, permanent level of unfounded asylum claims?

Q42 Greg Clark: Do you expect the removals to be permanently greater than unsuccessful claims?

Sir John Gieve: I do not want to make hostages to fortune. Our aim is to keep removals above unfounded asylum claims on a sustained basis. When you say permanently, you are making some forecasts about the nature of conflicts in the world and other events which really are pretty imponderable, but our aim is to get it there and keep it there.

Q43 Greg Clark: That seems a very modest ambition. Your inference was that you might well fail to hit the target which was set by the end of the year and you do not seem to be able to convey any great confidence that it will keep on falling and will be even permanently less than the number of refusals that are made, in other words that the stock will continue to fall. Can I ask whether you have got enough resources to do your job?

Sir John Gieve: Well, I could always use more resources as I guess other government departments could. In the Immigration Department we have hugely increased the budget and the number of staff over a period of years and I would hope we can get to and sustain removals above intake on asylum and at the same time manage the rest of the migration system, which is just as important, with broadly the current numbers of staff and with less money because we are trying to drive down the cost of supporting asylum seekers. In fact, we have driven it down by about 50% over the last two years. So, my expectation is that the budget will continue to decline a bit and we will not need a large increase in staff although, of course, there is always a trade off at the margin.

 Home Office and Immigration and Nationality Directorate

Q44 Greg Clark: Are your staff structured in the right way? Are you comfortable with the way that they are divided between different roles?

Sir John Gieve: In terms of the Immigration Department?

Q45 Greg Clark: Yes.

Sir John Gieve: We are in the process of change actually. You never get the right disposition because immigration is a world which is always changing. The pressure was on asylum because it was seen as a weak point in the system but it is not seen as a weak point in the system now and pressure will come on elsewhere and we need to adjust to that. I know that Lin Homer, the new Director General, and her team, including the team here, at the moment are considering have we got the structure quite right and how do we need to shift it for the future. This is not something that is set in stone at all.

Q46 Greg Clark: Can I ask how many policy staff do you have in the Directorate at the moment?

Sir John Gieve: I think it is in the chart, is it not?

Q47 Greg Clark: On page 52, let me put it another way: you have 253 policy staff, do you think that is a large number or a proportionate number?

Sir John Gieve: I think it is a large number. Policy covers a large number of bits of work, it is not just writing strategic documents, passing Bills like the one that is going through Parliament at the moment, It includes, for example, dealing with difficult casework that comes under that heading, people who should be excluded, that sort of case which has been much in the news recently. I think over time I would like to see, if anything, a slightly slimmer policy staff with more of those functions sited with the operational divisions.

Greg Clark: It makes me rather envious, I ran the policy department of the Conservative Party with six staff; 253 would be a great luxury.

Mr Davidson: Not necessarily!

Q48 Greg Clark: You have 540 HR managers as well. In total between policy, HR and finance, which you might regard as overhead, you have got over 2,000 people working there. That compares to pretty much the same number, 2,100, in the whole of enforcement, operations and removals. In other words, you have got the same number of paper pushers as you have people actually getting rid of people who should not be here. Is that the right balance?

Sir John Gieve: I do not think the simple front line/back office division works completely. We are in the process of trying to reduce that 2,000 by 30%. That is the target which we have already made some strides towards over the last year, precisely to do those services more efficiently. For example, on finance and HR we are setting up right across the Department, not just in IND, shared transactional service and that will reduce these numbers very substantially over the next couple of years.

Q49 Greg Clark: Do you expect to have more operational staff removing asylum seekers than you have back office staff? Mr Oppenheim is nodding.

Sir John Gieve: That depends a bit on the budget that we are given overall. The purpose of making those back office functions more efficient is precisely to shift staff numbers not just to removals and enforcement but to other parts of the business.

Q50 Greg Clark: You have 70 staff dealing with ministerial correspondence and MPs' correspondence. That means that half a day a week one of your members of staff is working exclusively for me. Is that not rather extraordinary?

Sir John Gieve: I do not know how many letters you write to us. We have an absolutely massive correspondence load in IND. No doubt we could do it better but, on the other hand, our key objective of the recent past and currently is to provide a better service.

Q51 Greg Clark: Can I just ask an operational question briefly. Is it not the case that it is only when an applicant who does not turn up for his interview gets a letter at his home address and if he does not respond to that letter gets a visit from the enforcement, is that correct?

Mr Clark: What sort of letter?

Q52 Greg Clark: A letter asking why they failed to keep their appointment.

Mr Clark: In terms of failing to keep an appointment, that will likely trigger a visit by enforcement, yes.

Q53 Greg Clark: Do you not feel that the case of the London office where people are arrested at the enforcement centre before having been forewarned in a letter and they have a rather higher success rate would not be a better model to operate under rather than letting people know that you will be coming round?

Mr Clark: Absolutely, and one of the pieces of work that we are taking forward is the improved performance of reporting centres and the ability to remove people as a consequence. This year, in terms of the increase in number of failed asylum seekers being removed through the reporting centre process that has risen by 15% and there were improvements in the course of the last year and the year before. We are looking to capitalise on the capability of reporting centres. We need to spread them out more. We are only getting 40,000 people reporting at this stage. We need to develop that and ensure there is better compliance with reporting arrangements, which we are doing, and we need to link that with other approaches, such as tagging and tracking.

Q54 Stephen Williams: If I could I start with Sir John. The Chairman in his questions earlier asked about returning to Iraq and in paragraph 2.8 of the report it does actually mention Iraq and Burundi as countries where we are not returning people at the

 Home Office and Immigration and Nationality Directorate

moment. There is the case of Zimbabwe which has held up returns there. Are there any other countries where we are not returning people at the moment?

Sir John Gieve: Yes. I have not got a complete list in my mind but, for example, we do not return to Somalia. There have been other cases, Afghanistan was one for a while but we are now returning people there.

Q55 Stephen Williams: You mentioned Somalia as an example. Since I was elected on 5 May this year, I always knew immigration would be a large part of my casework—I represent a large city centre constituency—and most of the immigration cases I deal with involve Somalians and most of the fights I have with the minister and your Department are about returning Somalians who have been told to leave the country. If the Home Office does not return asylum seekers to Somalia, why do we not just get one letter back saying that and it will save your caseworkers a heck of a lot of time, and mine as well?

Sir John Gieve: I may have got that wrong. We expect people to leave and they can leave voluntarily. What I meant was we do not compulsorily return people to Somalia, there is no government in Somalia to negotiate a compulsory return agreement with. Is that right?

Mr Clark: That is correct. We voluntarily return to all countries, there is no bar on that. In that sense, the casework needs to continue to be dealt with for all countries. The other thing to mention is that sometimes there are limits to the Memoranda of Understanding that we have with particular countries which limit the number that we can return at any time. Rather than simply saying “no returns” that produces some other kind of limitation. To add to the list that Sir John mentioned, we are not returning at the moment to Pakistan in the light of recent events, as you might understand, and similarly earlier in the year there were a number of countries that we were not returning to in terms of the tsunami and the impacts of that.

Q56 Stephen Williams: In the case of Somalia, it does not have a functioning government, as you have just pointed out. No-one in their right mind is going to voluntarily return to a country like that, are they? What I am trying to tease out is why my case officers and your case officers are going through this dance of arguing over different cases when in practice nobody expects anyone to go back there.

Mr Clark: I am not sure we can make that judgment that nobody will ever want to return to Somalia.

Q57 Stephen Williams: Except none of them do.

Mr Clark: In terms of the earlier conversation about Iraq and Iraq being a safe place, in fact we have had quite a large number of Iraqis returning to Iraq who clearly must judge it as a safe place to which to return.

Q58 Stephen Williams: This is nothing to do with a particular person’s case, it is just an example. In a letter where someone has exhausted all their rights of appeal, it typically ends: “You have no right to stay

in the United Kingdom so are liable to be removed. You must leave as soon as possible. If you do not leave voluntarily you may be prosecuted for an offence under the Immigration Act 1971 and the penalty is a fine of £2,500 or six months’ imprisonment” and then it gives a phone number where they can phone for advice. Sometimes the letter ends that they can contact the International Organization for Migration for advice in Westminster Palace Gardens and, again, it gives a phone number. What do you actually expect somebody to do when they get this letter?

Mr Clark: Well, there will be a group of people who will return as a response to that letter, there will be some people who will contact the IOM as a response to that letter and, thereafter, there will be some of those people who will be arrested and removed as a consequence of failure to comply with that letter.

Q59 Stephen Williams: What does the phrase “as soon as possible” mean? What time of minimum timescale would you expect somebody to voluntarily leave the country before enforcement action was taken?

Mr Clark: We would like to see people on receipt of that letter beginning to make arrangements for their voluntary return to the country in question.

Q60 Stephen Williams: What sort of monitoring takes place within the timescale to make sure that they are taking steps to voluntarily leave the country?

Mr Clark: Nobody is working with them to monitor those steps. That letter has been sent and it is intended to give the final decision in respect of their claim and is inviting them now to leave the country.

Q61 Stephen Williams: When somebody gets this letter that is effectively the last contact they will have from you unless, at some point in the future, enforcement action is taken. To quote what you just said, no-one is actually taking steps to help them out of the country voluntarily.

Mr Clark: In many cases there may be reporting centre arrangements in place and those reporting centre arrangements will have some ongoing contact with the people in that situation.

Q62 Stephen Williams: Can I refer to paragraph 3.5 of the detailed report which is on page 21, and I believe the process is these reports and figures are agreed with the National Audit Office. Sir John is nodding so I assume you accept this figure. It says about a third of the way down that paragraph: “For every 1,000 additional voluntary removals our estimates suggest an additional £9.9 million of resources could be freed up . . .” within your Department. Do you not think, purely from a value for money exercise and making all our lives easier, those of us who have to deal with immigration cases, these resources could be freed up and investing a bit more in helping people to voluntarily leave the country would pay off?

 Home Office and Immigration and Nationality Directorate

Sir John Gieve: That is why we are trying to ramp up the number of voluntary returns and we have, as this Report points out, introduced some new incentives, for example for Afghanistan, in order to move those up. So obviously, yes, these are the cheapest returns that are the least problematic and we will have as many of them as we can.

Q63 Stephen Williams: What practical help is being given to encourage people to voluntarily return? I understand the maximum level of the integration support offered at the moment is £1,000. Is that right?

Sir John Gieve: That is right. Yes, generally that is right.

Q64 Stephen Williams: Do you think that is enough to encourage someone to voluntarily return?

Sir John Gieve: It does encourage quite a lot of people to return voluntarily as you can see. Of course, we keep that under review, we could put it up to £2,000 and perhaps that would swing the balance with some more but then, on the other hand, you would be paying extra to people who do not need £2,000 to persuade them to go and there are nice trade-offs here. In a sense, if the worse thing that is going to happen to you if you come and claim asylum when you are not due asylum in Britain is that someone gives you a few thousand pounds to send you home, that may not look like a very big downside.

Q65 Stephen Williams: Granted, but in some of the cases that I have in my office people were told to leave the country. The one I quoted was in August 2004. I have come across others that might be as far, I think the furthest back I can remember is April 2003, where they have not volunteered to leave the country at all in that period. Something is going badly wrong.

Sir John Gieve: This is not a system where you ever get 100% success. On the whole, people who have claimed asylum in Britain want to stay here and many of them will use all the means available to them to prolong their stay. So, we are never going to be in a position where everyone gets a letter from the Home Office and off they go. That would be marvellous but that is not the world we live in. Even in the case of Somalians, Somalia is a lawless place in many respects but life goes on there and many of the people who come and claim asylum here, we go through their cases and find they are not political refugees, probably could go back and live in Somalia if they wanted to.

Q66 Stephen Williams: Going back to these examples of correspondence that I have pointed out. They are just typical of many that I have in my office. Do you not feel that letter simply is not good enough to tell someone they can phone this number between 9 am and 5 pm on weekdays to ask for advice? Do you not think the process could be much more active than that? The letter itself could be improved in specifying what advice and support there is, what financial support there is, what personal advice

might be available and how they can access it, rather than asking them to phone a number so they can volunteer to leave the country.

Mr Oppenheim: The new asylum model is very much taking that process on board and having a unified case ownership, one member of staff who keeps an eye on a group of asylum claimants from point of claim to point of removal so we actually develop more than just a letter relationship, we develop a personal relationship to ensure that people do what we are asking them to do.

Q67 Stephen Williams: Just to clarify what you said, was that for new cases from now on? The backlog is not being addressed in that way?

Mr Oppenheim: It is not being addressed in that way at present. Certainly we are looking at the same model. One of things we are examining is whether we can learn those lessons of segmentation that Sarah McCarthy-Fry mentioned earlier and whether we can use that segmentation and the associated contact management for some of our legacy cases, those longer standing cases coming to your surgeries.

Q68 Chairman: Sir John, what was the date of the last compulsory returns to Somalia?

Sir John Gieve: I do not know.³

Q69 Chairman: Does anyone know, a rough idea?

Sir John Gieve: 2004.

Q70 Chairman: 2004. We will have a note as well, thank you.

Sir John Gieve: Okay.

Q71 Mr Bacon: Mr Clark, Sir John is shortly going off to the Bank of England and his successor will be Sir David Normington, who I understand starts in January. Is that right?

Sir John Gieve: Yes.

Q72 Mr Bacon: You, therefore, as senior official responsible for this area will have to brief Sir David, who has been worrying about the nation's education until now, about these matters. What would be the single most important piece of advice you would stress to him for action in relation to the area of removing failed asylum seekers?

Mr Clark: I think in terms of delivering our business, in terms of removals and enforcement, the single biggest issue lies around the late and last minute barriers to removal.

Q73 Mr Bacon: In terms of physically getting people from where they are to the airport or the port?

Mr Clark: It could comprise last minute legal process through judicial review. It could comprise last minute representations or MPs' letters. It could comprise disruptive behaviour by individuals themselves to avoid removal at the last set of processes.

³ Ev 19–20

Home Office and Immigration and Nationality Directorate

Q74 Mr Bacon: There have been several Immigration and Asylum Acts since 1999 and Sir John referred earlier to legislation going through Parliament now. Does the Home Office, Sir John, have plans for further legislation or have you discussed internally the possibility of other legislation, or is what is currently on the books thought to be enough?

Sir John Gieve: We have discussed a number of options which are not on the statute book yet and are not in the Bill but so far we have rejected them. Whether or not ministers continue to reject them depends on how the world develops.

Q75 Mr Bacon: On page 14 in paragraph 2.7, the Report refers in the last sentence of paragraph 2.7 to the failure so far to put in place procedures to flag up cases where limited leave to remain has expired without extension and where the individual would be removable. Why can you not identify people whose limited leave to remain has expired?

Mr Oppenheim: Well, I think we can and we are working very hard on doing precisely that.

Q76 Mr Bacon: Are you doing it at the moment?

Mr Oppenheim: We do it at the moment.

Q77 Mr Bacon: How do you do it without procedure?

Mr Oppenheim: We do it with certain procedures, to be crystal clear about this. We do have some procedures to be able to flag up cases—

Q78 Stephen Williams: Is this then inaccurate?

Mr Oppenheim: It was not inaccurate when it was written. We have taken on board some of those issues and we have been developing both procedures and the systems to be able to flag up those very cases. That is very much part of both the New Asylum Model and looking at those legacy cases I mentioned earlier.

Q79 Mr Bacon: Could I ask you to turn to page 22 where it refers to the position of failed applicants who have been released from prison. How many failed applicants have been released from prison because their removal could not be arranged?

Mr Clark: We would think around 500.

Q80 Mr Bacon: So these are people who have no right to be in this country, who have committed a criminal offence, who have served time in prison and who you have now released from prison back into the community because you cannot remove them, is that right?

Mr Clark: Pending their case being dealt with.

Q81 Mr Bacon: Pending their case being dealt with?

Mr Clark: Yes.

Q82 Mr Bacon: Do you know where all these 500 people are?

Mr Clark: I am not sure what the answer would be. There will be some who we believe have absconded.

Q83 Mr Bacon: What proportion of them have been in prison for failure to comply with the terms of a previous order to leave and what proportion have been committing criminal offences of other kinds?

Mr Clark: I do not know the answer to that question.

Q84 Mr Bacon: Quite a lot of them are criminals, they are people who have committed theft or—

Mr Clark: They have committed offences and, as with any other prison sentence, when they come to the end of that sentence they have been released from prison having served that sentence. The case is then considered and the continuation of consideration of that case carries on after they are released from prison.

Q85 Mr Bacon: But you have deemed that they have no right to be here. That is correct, is it not?

Mr Clark: In some cases we have deemed they have no right to be here, that is correct.

Q86 Mr Bacon: I find it extraordinary that people can commit a criminal offence against citizens of this country, take advantage of the hospitality that is offered them and then we cannot get rid of them. Is the present legislation likely to deal with this area?

Mr Clark: There is a range of reasons why people cannot be removed and quite a lot of this report refers to that. There are some countries to which removal is not possible. The option there is to keep those people in prison for as long as that situation remains or release them into the community with some kind of reporting or other contact arrangements.

Q87 Mr Bacon: Are you saying if they are from countries to where they are in principle removable then you cannot keep them in detention once their criminal sentence is up?

Mr Clark: We choose not to keep them in detention.

Q88 Mr Bacon: You could do but you choose not to. You have the discretion.

Mr Clark: Not if they are not removable and there is no—

Q89 Mr Bacon: No, that is not what I said. If they are removable. You referred to countries to where they are not removable, like Iraq and Somalia, and you said where they are not removable you keep them in prison. Where they are removable in principle, my question was do you have no capacity, no power, to keep them in detention, and you said you choose not to, so you have the power to keep them in detention but you choose to let them back out into the community after their criminal sentence is finished. Is that right?

Sir John Gieve: We can detain people who have no right to be here, including these people, but we have a limited number of detention spaces so we have to use them for the people for whom we are most likely to get a rapid conclusion. The answer on prisons actually is to complete the paperwork and the arrangements for their deportation before they get

Home Office and Immigration and Nationality Directorate

to the end of their prison sentence, and that is what we are concentrating on doing and we are working on it. There are 3,000 cases in prisons at the moment.⁴ We have got an arrangement now where the prisons notify the Immigration Service when there is 12 months or so left to run on the sentence so we can sort out the documentation problems and so on and the possible asylum claims, because prisoners can claim asylum when they come out of prison. If you have not cleared all that before you then have to go through the whole process again. That is where we are putting our effort where our target is to get 85% of people coming out of prison in those circumstances removed within 28 days.

Q90 Mr Bacon: Have you ever calculated how many detention places you would need in order to be able to detain all of the people you would like to detain? Yes or no will do. You do not believe you have?

Sir John Gieve: I do not know if we have ever sat down quite in such a blue skies way and said what would be an ideal system.

Q91 Mr Bacon: I am sorry, that is enough. It appears the answer is no. On page 30 there is a chart, figure 9, about the removals estate. It refers to the fire at Yarls Wood, the disturbance at Harmondsworth, and it says in one case 450 beds were lost at Yarls Wood and 390 beds lost at Harmondsworth. How much money has been spent on capacity that has then been destroyed through fire, disturbance or other means?

Mr Clark: In terms of the cost of the replacement element at Yarls Wood, there is a figure of around 35 million, I think, although there is—

Q92 Mr Bacon: For Harmondsworth?

Mr Clark: For Harmondsworth a much lower figure.

Q93 Mr Bacon: Is it possible you can send us a note?

Sir John Gieve: I am told 5 million at Harmondsworth. Part of this is covered by insurance as well.

Q94 Mr Bacon: From private sector insurance companies? Does the Government not self-insure?

Sir John Gieve: No, these are private companies who run the centres so it is their insurance companies.⁵

Q95 Mr Bacon: Presumably they then want to charge more in future to provide the service if their premiums are going up.

⁴ *Note by witness:* The Immigration and Nationality Directorate has been notified by the Prison Service that there are 3,119 prisoners due for release within the next 12 months.

⁵ *Note by witness:* All losses at Yarls Wood and Harmondsworth were covered by the contractor's insurance as required under the contract. Insurance costs have reduced across the estate since the disturbance so there has been no consequent increase in costs for the tax payer. The reinstatement costs for Harmondsworth were less than £2.5 million. The policy excess was also reduced significantly following the installation of the sprinkler system. Fees contractually due to the contractor (about £1,492,940 per month), whilst IND was not able to use the Yarls Wood during reinstatement were covered under the business interruption insurance.

Sir John Gieve: Obviously there is a trade-off. It is not one for one because as they rebuild these places we are building in new security features to make them less likely to be vulnerable in the future.

Q96 Mr Bacon: What steps have you taken, if any, to look at a radical increase in detention centre capacity, steps to increase capacity quickly and cheaply? Have you looked at that?

Sir John Gieve: We are increasing, as you can see in this chart, detention space, and we have done. We are looking at some particular propositions at the moment, including Bicester where we have a site which could have a detention centre on it. Actually, detention is jolly expensive and it is much better, if we can, to manage people through to removal with only a very short period of detention. If we can do that right then we think we can live with the scale of detention which we have got at the moment plus or minus another centre or two.

Q97 Mr Bacon: Plainly one of the central problems is that the number of arrivals you referred to of just over 2,000 still exceeds those you are managing to remove. The series of events which led to the resignation of an immigration minister included the astounding fact that civil servants were allowing people into Britain on the basis of claims which they knew to be fraudulent. Can you say that is no longer happening?

Mr Clark: Certainly to our knowledge that is no longer happening.

Q98 Mr Bacon: It was happening at the time, was it not?

Mr Clark: I do not know the outcome of that case but, to our knowledge, at this point now it is not happening.

Q99 Mr Davidson: Can I say that the service you are providing seems to me to be up there with the Child Support Agency and the Working Families Tax Credit as one of the main reasons for Government being brought into disrepute. Am I right in thinking that you do not know how many failed asylum seekers there are in the United Kingdom, you are removing them more slowly than they are being added to the pool, and the rate of removal is dropping? All of those things are correct since they are in the report. Do you accept that this appearance of systemic failures brings the whole system into disrepute and it is a powerful pull factor for migrants and people traffickers?

Sir John Gieve: You can say anything you want, but I do not accept—

Q100 Mr Davidson: Sorry, can I just clarify that. What do you mean, I can say anything I want, the first three things are factually correct, are they not?

Sir John Gieve: The first question was around what you could say. In terms of the facts, I do not think it is true, no, that the number of removals is going down. The numbers in the Report showed that it dipped down particularly after the accession of Eastern European countries which had been one of

 Home Office and Immigration and Nationality Directorate

the areas to which we were removing large numbers, as you will see in the Report. There was a dip after May 2004 but, as Brodie was saying, the numbers have been increasing through this year and we are determined to keep them increasing in the future.

Q101 Mr Davidson: Can I clarify that point. Are they up to the level now they were at two years ago?

Sir John Gieve: At present they are running at roughly 1,300 a month.

Mr Clark: It has not reached the same level.

Q102 Mr Davidson: So it is a dip?

Sir John Gieve: It is a dip, but the consideration is—

Q103 Mr Davidson: It is important to clarify this. You were suggesting that the figures are not telling the whole story, that there is a dip for one year and now there is a fall so in fact, the direction tends to indicate systemic failure even though it is not quite as bad as it was last year.

Sir John Gieve: It depends on what your standards are. The fact is, as I was saying earlier, we believe we are within maybe weeks, certainly months, of getting to the point where we are removing more unfounded applicants than are coming in. That will be, to my mind, a considerable success. The fact that our removals are greater, so far as I am aware, than any other country I know about has been one major factor in discouraging people from claiming asylum. That is one of the reasons why the rate of application is now so very much lower than it used to be. On your last point about whether this is attracting people in, the experience over the last few years has been a substantial down-scaling in the numbers claiming asylum, partly because it is difficult to get here because of our border controls and partly because people are discouraged from coming here. If we make that crossover so people think there is a reasonable chance that if they claim asylum here they will be removed, this will be a very vivid demonstration of that and that will reinforce this.

Q104 Mr Davidson: There is an interesting point about the Eastern Europeans, many of whom would now be eligible to come under EU freedom of movement and who previously were being expelled as failed asylum seekers. Do you have an indication as to how many have come under those circumstances?

Sir John Gieve: We have got the Worker Registration Scheme under which accession country nationals can register. I am afraid I have not got the numbers here, but certainly I can let you have them⁶

Q105 Mr Davidson: That would be very helpful. Can I ask about comparing local offices, which is in paragraph 3.36 where is made mention of comparing the local offices. Do you have any figures for that to date? I think this exercise started in April 2004.

Mr Clark: In terms of comparing local offices in respect of a whole range of their performances including voluntary returns, family returns and the cost per removal, I have that information and we are collecting that information.⁷

Q106 Mr Davidson: Can that be made available to us in a note?

Mr Clark: Of course.

Q107 Mr Davidson: Can you tell us which is the most efficient and effective office that you have?

Mr Clark: The North East is up there at the top of the league in terms of performance against a number of measures. Glasgow is now getting up there in terms of its performance, but there is quite a bit of movement in these early stages as the new process has been put into place.

Q108 Mr Davidson: Which is the bottom of the list?

Mr Clark: One of the London offices is the bottom of the list.

Q109 Mr Davidson: Can we take it then that the lessons learned from the most successful will be speedily passed and improvements made across the board and across all offices?

Mr Clark: This has been operating for about four or five months now, and in the short time that has been operating we have seen that some offices, particularly those at the bottom end, have quite radically improved their performance. Can I mention a couple of other things we have done? We have also taken forward a very systematic review of the performance and activities within each office, and that has been a piece of joint work between ourselves and the Prime Minister's Delivery Unit. That has produced a template for improvement, particularly in respect of failed asylum seekers. That is now in place and is beginning to affect and drive forward the performances in a more well directed way. We have also run a series of training programmes and workshops for the people running the offices because there is no point in just putting in targets, and so on, without people understanding how that should work, how it should operate and how they can maximise the effects from it.

Q110 Mr Davidson: I presume that mention of the Prime Minister's Office is meant to reassure us.

Mr Clark: I think it was simply describing a piece of process we are putting in place.

Q111 Mr Davidson: You accept that if we come back to this in a year, in terms of local offices for example, you are quite confident that we will see improvements?

Mr Clark: I am very optimistic indeed that we will see improvements, yes.

Q112 Mr Davidson: Can I clarify one point in terms of staffing, whether or not there are any local offices which you feel are understaffed?

⁶ Ev 20

⁷ Ev 20–22

Home Office and Immigration and Nationality Directorate

Mr Clark: We have a major recruitment programme on at the current time and that is to ensure both that—

Q113 Mr Davidson: That is a yes then, is it?

Mr Clark: No, it is not. What I am going to explain to you is that in terms of some redistribution of resource within IND—it almost goes back to an earlier question about the prioritisation—there has been more funding resource made available to the enforcement removal side of our business which is taking forward our recruitment programme and putting more staff in place into our existing offices.

Q114 Mr Davidson: That is right. You are recruiting and redistributing, which is an indication that, yes, some of your offices were understaffed. It is a straightforward answer.

Mr Clark: No. The money from the recruitment, or the money which was feeding into that new resource, was an additional resource on top of what was existing already. The targets which have been agreed with assistant directors running the offices are targets which link the requirement to deliver against their staffing resource which they have.

Q115 Mr Davidson: Can I clarify in terms of the casework for Members of Parliament—and one of my colleagues mentioned this—it is now the biggest single category of my casework. I have whole strings of people coming to see me—usually sent by the lawyers—where they have been here between three and five years, further embedding themselves in the community, many of them now want better housing. They have lost every appeal and nothing seems to be happening as far as they can see. Do you accept that brings, as I say, the whole system into disrepute in local areas such as mine?

Sir John Gieve: From our point of view what hits public confidence in the Government's control of immigration is the number of people coming in as well as the level of people going out. The huge increase in the number of asylum seekers arriving four or five years ago and for several years, when removals were very much lower than they are today, definitely hit public confidence, and was a major crisis for us. I would say we are balancing that out now.

Q116 Mr Davidson: It is an interesting response which demonstrates, I think, that we are operating in slightly different worlds because the impact of immigration, as such, does not directly affect my constituents, it is the distribution, as it were, in parts of my constituency. Therefore, people are not conscious of how many new people might be coming in because it takes a long time before they reach us. They are conscious that many of those who are there have lost appeal after appeal after appeal and are still there and it seems that nothing at all ever happens. Do you have any mechanism by which information can be provided locally about whether or not those steps are being taken on an area basis to reduce the number of failed asylum seekers in order that I will be able to reassure my constituents that

action is being taken? As I say, it brings the whole system in disrepute. People in areas like mine are quite happy to welcome those who they see as deserving, but those who they believe do not meet the criteria and are here abusing the system they want to see removed. The fact that is not seen does undermine the credibility of the entire process.

Sir John Gieve: Of course I accept that, and we are working hard to remove the people who have no right to stay there. We have ramped up the proportion of those whose claims fail who are being removed.

Q117 Mr Davidson: Why is no information coming out on the steps being taken when we are looking at Scotland or Glasgow in order that I have information about the steps, that action is being taken?

Mr Oppenheim: What might help you, if I may, is that as part of the letting of new contracts for support we are also building in some mechanisms to liaise with the local government further, the police, the voluntary sector and other communities with interests, in all the 12 government regions where we can provide a range of information about who is coming through the system, not individually but in global terms, who is coming into a region and who is meant to be departing that region. We are determined to try and provide more information.

Q118 Mr Davidson: Are the MPs part of that?

Mr Oppenheim: They are not part of that. It is a relationship we have with local governments and the voluntary sector.

Q119 Mr Davidson: MPs are more stakeholders in this than many other people because, of course, not only is it the biggest caseload for some of us, it is squeezing out other work that I ought to be doing. People definitely have an interest in these things. It seems to me that the lack of willingness of your Department talking MPs very much at all about these cases is unhelpful. My office is constantly told, "That is all we are telling you". You ask various points and you are told, "That is all I will tell you", "That is all I will tell you", "That is all I am telling you" and the next thing you are banging your head off a brick wall. It causes enormous frustration. Are you going to have better liaison with Members of Parliament in the future?

Sir John Gieve: Yes, we are very eager to have better liaison.

Mr Clark: We are encouraging local enforcement officers now to develop much better relationships with the communities in which they are working. That is part of the regional structure which we are pulling together, and we are very keen that dialogue is happening with the various agencies, groups and organisations in that community. It is not where we want at this stage, we want to get better at it and it is very important.

Q120 Kitty Ussher: I must start by apologising for being late. My whips required me to vote elsewhere and as frightened as I am of you, Chairman, I am

 Home Office and Immigration and Nationality Directorate

afraid I am more frightened of them. I hope I will not repeat points which have already been explored. Sir John, how many failed asylum applicants are currently in Britain?

Sir John Gieve: As the Report says, we do not have a definite figure for that. The Report puts it somewhere between 155,000 and 283,000. We know it is less than the top of that range, we think it may be 50,000 less, but we have not got a definite number.

Q121 Kitty Ussher: That figure you just quoted is in the Report as of May 2004, and you will agree it is correct that by June 2005 the top number of that estimate had risen, and you believe that is approximately accurate?

Sir John Gieve: It has gone up a bit since then because we have not removed as many people as have come in.

Q122 Kitty Ussher: Since June 2005?

Sir John Gieve: No, I was saying since the 283,000 figure.

Q123 Kitty Ussher: You said in an answer a few minutes ago to one of my colleagues that within months you hope to be removing more than are coming in, which means, therefore, that you are not doing that at the moment, so presumably the top end of the numbers has risen even higher since June 2005, is that right?

Sir John Gieve: Yes, it is still rising.

Q124 Kitty Ussher: Within months you hope it will equalise and then, presumably, start to fall?

Sir John Gieve: That is right.

Q125 Kitty Ussher: When will there be no failed asylum applicants in our country?

Sir John Gieve: I cannot give you an answer to that. If all the people currently on our lists remain failed asylum seekers and do not get any other sort of status, it would take many years. At the moment our target is to change the direction of this total, we are not yet targeting zero.

Q126 Kitty Ussher: I want to unpack a little bit more what your targets and your business plan is. You are saying within months, how many months, can you be more specific?

Sir John Gieve: The target is to do it in this calendar year, so it is within one or two months. I have been slightly hedging my bets in saying that I am not quite sure we will get there by December, but it will be within that sort of period.

Q127 Kitty Ussher: Within a small number of months the outstanding number of failed asylum seekers in this country will start to fall. Do you have any further targets of that? When will it fall by 50,000 or 100,000?

Sir John Gieve: We have not set ourselves a target of that sort yet. When the Prime Minister set us the tipping point target it looked extremely ambitious, and our next target, after achieving it, is to sustain it. Obviously in the next Spending Review, when we

will be rolling forward our targets, we will then look again at what is realistic and may set a quantified target.

Q128 Kitty Ussher: Do you not think it is odd if your first target is due to be hit in the next couple of months that you do yet know what your next milestone is? Is it not dangerous that, perhaps the momentum could be lost?

Sir John Gieve: There is no risk of the momentum being lost, in my view. The whole organisation is focused on this and they know very well that this is not the end of the process.

Q129 Kitty Ussher: If we were to revisit this subject in years—I think we previously mentioned this—what do you think the outstanding number of failed asylum seekers will be?

Sir John Gieve: I do not think I should bequeath my successor a particular number. Our formal target on removals is to continue to increase the percentage which removals represent of people becoming failed asylum seekers, so that will drive down the stock, but I am not going to put a number to it.

Q130 Kitty Ussher: I am sure the Committee can draw its own conclusions from your responses. Why is the number of voluntary removals so much lower than in other countries? I think the Report mentions Scandinavia and Germany which had much higher monthly voluntary removals.

Sir John Gieve: We discussed this earlier. The answer is I do not know exactly why some countries seem to have more voluntary removals and their figures are difficult to compare directly. It may be something to do with the nationalities who claim asylum and where they remove them to, which differs across different European countries. What we do know is that there are measures we can take to further increase the number of voluntary removals here and we are taking them both in terms of extra publicity and more vigorous use of Reporting centres.

Q131 Kitty Ussher: Would your life not be made so much easier if we could detain every single asylum seeker who came into the country?

Sir John Gieve: I do not think so. The prospect of having a massive second detention, effectively prisoner estate, would bring its own problems; that is not what is necessary. What we are trying to do through our new asylum model is to keep control and contact and to manage cases through so that a much higher proportion of them are removed and they are removed more quickly at the end of the process. I do not think that requires detention for all cases. We have a lot of volunteers for removal at the end of the process. Many people are quite willing to stay in contact with us and do in the end agree to go, so it is not necessary for them to be detained.

Q132 Kitty Ussher: You will accept that it is easier to remove people if they are on your premises and you will accept that the numbers have been pretty high?

Home Office and Immigration and Nationality Directorate

Sir John Gieve: That it is why we have increased out detention estate.

Q133 Kitty Ussher: Finally I would like the re-emphasise the point made by Ian Davidson, I would certainly welcome, as a Member of Parliament, more involvement certainly in the statistics and also the situation in my own part of the world and since these people come to see us at our surgeries we may be able to help as well.⁸

Sir John Gieve: We are very keen to engage with MPs and we are obviously not doing enough. For example, I do not see why information which we share with local authorities, should not go to MPs in the normal course and certainly we will look at that again. We have various arrangements, especially with the MPs who represent the key constituencies which account for a huge part of our caseload, and we try and talk to them regularly and have briefing sessions on where we are getting to on new procedures and so on, but I take the message that we are not doing enough, so will go and do more.

Q134 Chairman: On this point about detention, do you have a cost benefit analysis somewhere in the Home Office of what would be the cost of detaining all asylum seekers on arrival?

Sir John Gieve: Can I send you a note on that. I think we did do such an assessment. It was a live issue at one point.

Chairman: You may well have assessments and it would be interesting for the Committee of Public Accounts to work out what would be the cost benefit?⁹

Q135 Mr Williams: Paragraph seven, right at the start of the Report, on page two really condenses in a depressing way the lessons which are described elsewhere in the Report. Let us go through them, if we can, one by one. The National Audit Office said: "We conclude that the application function, the support function and the enforcement processes have operated as largely separate systems reducing the prospect of quick removal". Would you agree with that assessment?

Sir John Gieve: I do not think I would say "largely separate systems" but I would accept this has been a feature of how we have organised the work, particularly in the years of the flood of applications. We split the process up into small bite-sized chunks and ran them as separate operations, and although that allowed us to get on top of the casework, it is not an ideal situation and that is why our new model, which I think the NAO endorse, is to have a case management function with, if possible, a single named worker taking responsibility through the whole process.

Q136 Mr Williams: Mr Davidson refers to the comparison of the Child Support Agency, it is particularly the apposite here because that is exactly what we discovered years ago when we looked at the

CSA. There were as many as four different departments or offices dealing with a problem at the same time, therefore everything got uncoordinated and no-one knew what they were doing. How long have you been trying the one officer process?

Sir John Gieve: We have been running, I think, since the beginning of the year certainly a fast-track process based in Harmondsworth.

Q137 Mr Williams: Is it too early to assess whether it is working?

Sir John Gieve: In the fast-track it is definitely meaningful, we are getting very good results in terms of removals and in speed of decisions. That is a segment of asylum seekers who we think can be decided and removed quickly, and we do that while they are in detention. That bit of it we have got quite a lot of experience of and is working well. We have started two other segments on a pilot basis in on the North West and there we can see that the process is speeding up but we have not yet got the people through to removal so it is still early days.

Q138 Mr Williams: You find yourselves trapped in a rather circular situation, the less efficient your organisation is and one has to accept you have to start and feel your way forward but nevertheless the lessons took a long time to learn. We are told that in May last year 50% of backlog cases had applied for asylum more than three years previously, and when you have people who have been in the country that long they build up relationships, families and communal links and so you now get further pressures—social pressures, community pressures—added to the normal processing. If your one official dealing with a case works effectively that could make quite dramatic improvements on new cases, could it not or could it?

Sir John Gieve: Yes, it is intended to but the point of the process is that it should be very much shorter than it has been in the past. You are absolutely right, when people have been here years, particularly in family cases, the question of removal becomes much, much harder. We are going to also address, as the Chairman was saying earlier, some of the legacy cases through the same model where we can.

Q139 Mr Williams: How far are you learning the lessons of the more efficient enforcement officers? They may not be more efficient because they are dealing with cases they have but those get faster results, how far are you drawing on that experience and spreading it to the other officers?

Sir John Gieve: That is what the league tables, which Brodie was describing, are all about. They are creating a competition between offices and they are also creating clearer lessons on best practice.

Mr Clark: Some of the best pieces of work which are taking place in the local enforcement office are the very close collaborative working between caseworker, people from the NASS outfit together with enforcement staff, and when those teams start working together then the performance improves significantly. Those are messages, even in advance of

⁸ Ev 22

⁹ Ev 23

Home Office and Immigration and Nationality Directorate

the new asylum model rolling out, that we are seeking to spread across the enforcement office estate.

Q140 Mr Williams: In your case in that same paragraph they make the point that the Directorate lacked management information which was basically necessary for proper control over resources and deployment of resources. Have you addressed that and are you resolving it?

Mr Clark: I think we are well on the way in terms of that kind of management information and that is undoubtedly helping to focus and drive the business of enforcement officers forward. Also, we have picked up work from a Pelham Report which was a Report done to examine specifically performance issues across the enforcement estate, and that has given us some direction in terms of frontline performance by operational people. We have seen some improvement in that over a relatively short timescale.

Q141 Mr Williams: Both you and the Department are working at improving the process and so on, but then it becomes utterly frustrated when you turn to the removal process and find these unexpected bottlenecks there, which the NAO has referred to. I gather some of these were contractual problems, badly drawn up contracts and that sort of thing, but having got to the stage of a resolution, why on earth are you falling flat on your faces at the removal stage?

Sir John Gieve: I do not think we are falling flat on our faces at the removal stage, we are pushing up the number of removals. It is extremely difficult to remove people who do not want to go to countries which may not want to take them back and who are active in trying to frustrate the process.

Q142 Mr Williams: Are there certain countries which are clearly identifiable as pursuing that as an active policy?

Sir John Gieve: I do not want to name particular countries.

Mr Williams: We need to know these things.

Q143 Chairman: Why not?

Sir John Gieve: I do not want to partly because we are in negotiations with these countries and are trying to win their co-operation.

Q144 Mr Williams: Before we move on from that, can I suggest as a resolution to this—we need to know as a Committee—you submit a paper to us in confidence, we will look at it and make the ultimate decision on whether it eventually gets published or not, but we do not normally publish where it will damage the work of a Department. Let us have it so we are aware of it as a Committee, can you do that?

Sir John Gieve: What we can let you have, yes.¹⁰

Q145 Mr Williams: We would appreciate that and it may be helpful to us. Then we come on to what has been touched on by several of my colleagues, and again it is one of the frustrating things. As it was pointed out right at the start, so much saving is possible between the difference in the cost of a compulsory removal and a voluntary removal, and yet so little priority seems to be given by the Department to advancing voluntary removals. The Report brings this out in several places, why is that?

Mr Clark: I think the Report acknowledges that there had been an increase in the number of voluntary removals.

Q146 Mr Williams: The point it makes is you showed little priority and emphasise on the voluntary alternative, even within some of your own offices and you were not making use of the voluntary organisations outside to disseminate the information as fully as you could nor were you directly giving the priority to disseminate it to the cases you were dealing with. This is such an easy money saver.

Mr Clark: We have accepted that recommendation and we have accepted that voluntary returns is a key area in terms of taking forward the removals agenda. Earlier, I outlined the various pieces of the strategy which is looking at promoting voluntary returns within the organisation.

Q147 Mr Williams: I do not envy you your job and, as I say, I can understand the difficulties. Like Ian, my surgery is dominated by immigration cases, inevitably because of the length of involvement and detail of the cases involved. I understand how complex and difficult it must be from your end, and I am glad to see you are taking on board some of these lessons.

Mr Bacon: First of all, I have a question in relation to the cost-benefit analysis, which the Chairman and Ms Ussher's questions referred to earlier. You have 2,150 new unsuccessful cases per month, have you not, according to the Report, which makes 25,000 per year, what are you currently spending? I read a number of £1.89 billion, is that correct, that is your current spending on this?

Chairman: According to our brief, it is £1.89 billion.

Q148 Mr Bacon: Does that number sound familiar to you, Sir John?

Sir John Gieve: That is not this year's budget, our budget this year is £1.5 billion.

Q149 Chairman: That was for when?

Sir John Gieve: For 2003–04 it was £1.89 billion.

Q150 Mr Bacon: You have got 25,000 cases—just doing a bit of quick mental arithmetic—if you spend £1,000 on each one, that would be £25 million a year; if you spend £10,000 on each one, it would be £250 million a year; if you spend £20,000 on each one, it

¹⁰ Information provided by witness but not printed.

 Home Office and Immigration and Nationality Directorate

would be £500 million a year. I do not know, you would probably say you could not do it for £20,000 a year, although I believe the average cost for each prisoner in the UK in normal prisons is around £34,000. If you could do it for £20,000 a year per person you could do what Ms Ussher was suggesting which is to detain everybody on arrival and you would have your problem solved, would you not? You said in answer to her, “What we are trying to do is keep control”, but it is obvious you are not keeping control because the number is still going up.

Sir John Gieve: It depends on which numbers you are looking at. The number of unfounded asylum claims has come down dramatically, so that is a measure of some success. Coming back to your arithmetic, your arithmetic was concerned with one year’s intake.

Q151 Mr Bacon: Yes, £500 million a year.

Sir John Gieve: You are comparing that with the total cost of dealing with the past intake, the staffing of ports, dealing with managed migration and all the other things.

Q152 Mr Bacon: The £1.5 billion covers the hundreds and thousands—you do not know how many—who are here as well, is that right?

Sir John Gieve: It covers all the people we are dealing with, including those who we are supporting in the community and they are already here. Your example is not an alternative to the cost.

Q153 Mr Bacon: You have just said you have gone from £1.9 billion to £1.5 billion, that is £400 million right there.

Sir John Gieve: We have reduced the cost of the existing asylum support.

Q154 Mr Bacon: I would be interested to see, as the Chairman said, what work has been done on the cost of detaining asylum seekers?

Sir John Gieve: I will see what we have got.

Q155 Mr Bacon: If you can possibly send a note in, as far as you have information on this, about the number of criminals who are failed asylum seekers and are then released from prison: how many there are, where they are, what type of crime they have committed, what sentences they were given and how long they served? Is it possible for you to do a note on that?

Sir John Gieve: I can do a note and let you have the information we have.¹¹

Q156 Mr Bacon: One other note if you can, I was struck by Mr Clark’s questioning on the staff numbers you have in the Directorate. You head up one of several Directorates inside the Home Office, that is right, is it not?

Sir John Gieve: I have a number of Directorates working to me covering a number of different areas of business.

Q157 Mr Bacon: I take it that if I looked in an organogram of the whole Home Office it would have a Director-General with a certain number of staff on it for each of a group of different Directorates of which the Immigration and Nationality Directorate is one, is that right?

Sir John Gieve: Yes.

Q158 Mr Bacon: In relation to the HR staff, it seems quite a high number of 540, I have divided 14,482 by 540 and you end up with 26 members of Directorate staff per HR person, is it possible that you can send us a note of that calculation: total number of directorate staff in each Directorate compared with the HR staff in each directorate-general?

Sir John Gieve: This is across the whole Home Office, certainly I will do that.¹²

Q159 Mr Bacon: Sir John, I was wondering if the National Audit Office might possibly look at two, three perhaps four comparable private sector companies, ones who contract with Government to provide services and ones with comparable sizes of numbers of employees to see what the ratio between total employees and HR staff in comparable companies in the private sector would be, if that is not too much trouble?

Sir John Bourn: We will do that and talk to the Home Office to see that the companies are truly comparable.

Sir John Gieve: I think we have done that. I think we can probably save you the work because we are trying to transform our back office to meet private sector benchmarks at the moment.¹³

Q160 Mr Davidson: Can I ask about what have been described as “dawn raids” which are to seize families and are obviously regrettable and potentially inflammatory. Can I have an indication of circumstances in which these are used and be assured that opportunities are being given for the families to present themselves voluntarily before such action is taken?

Mr Clark: Absolutely, I can give you an assurance that opportunities have been given to families before that kind of action takes place. I think there has been some exaggeration about those arrests. Raids do not happen at 3 o’clock in the morning, certainly they happen in the morning and certainly early, but not at 3 o’clock. Invariably we work with the police and work to police standards and conduct in carrying out these activities, and make every effort that this is done decently, properly and effectively, but it has to be done.

Q161 Mr Davidson: Perhaps we can get a note indicating how many of these seizures, as it were, take place and the rules under which they operate. The second point I want to make is the question related to that of handcuffs and the use of handcuffs or something similar to restrain people who are being seized in these sorts of circumstance. Again, it would be helpful if you give us an indication—later

¹¹ Ev 25–27

¹² Ev 28

¹³ Contained within Ev 28

 Home Office and Immigration and Nationality Directorate

if you cannot do it now—of the methodology and the rules under which those are used: the numbers involved and the number of staff who have perhaps been assaulted or injured in any way during these sorts of operations and for which presumably handcuffs are used as a protection?

Mr Clark: We are very happy to provide a note about that information. In very broad terms we are working to police guidelines, that is the principle in which we operate, and we invariably work with the police on these operations but we will provide you with the details you are requesting.¹⁴

Q162 Stephen Williams: Like Mr Bacon I have also been looking at the organisational chart of the Department while we have been meeting. He focused on HR staff, I was questioning you earlier about the voluntary returns, and Mr Williams was also focusing on that as well. There are 202 staff that helped people with their voluntary returns out of a total of 14,482 staff, do you not feel that some redeployment amongst this vast empire might pay a dividend?

Mr Clark: It is worth saying that an awful lot of work with voluntary returns is done in conjunction with the IOM. We do our business through them and we think that is a much more effective way of doing that. We pay money to them and work with them in order to effectively deliver the voluntary returns processes.

Q163 Stephen Williams: Are you confident that amongst this 14,482 staff there are enough people engaged in assisting people to voluntarily return to countries where it is safe, in your judgment, to return?

Mr Clark: We think at this time that kind of number, together with an expanding IOM is suitable. They have an office in London, they have now opened a further office in Liverpool and they are planning to open an office in Glasgow. They have got quite a network and lot of those staff are primarily promoting work across both IND and other organisations and we think that is suitable.

Sir John Gieve: The IOM liaise with family, they meet them at the airport when they arrive and they arrange the documentation, so they are doing quite a lot of the things which normally we would be doing in the case of removals.

Q164 Chairman: If we look at page 34, paragraph 4.20, you will see that: “With effect from November 1999 the Directorate contracted with Wackenhut UK Ltd to move and escort arrested immigration offenders. During our visits in early 2004 staff in local enforcement offices brought to our attention examples of delay arising because of a lack of suitable vehicles” Unbelievably, Sir John, until January 2004 the Directorate did not maintain its own information on the contractor’s ability to meet

its operational requirements. Is this not an example of weak management in your own organisation which we have referred to all afternoon?

Sir John Gieve: I think the original contracts with Wackenhut and the other company were flawed, absolutely, and we have done a lot of work leading up to 2004 to put them on a better footing, as the Report sets out, saving quite a lot of money. Clearly it would have been better if we had started right first time.

Q165 Chairman: What proportion of people who are failed asylum seekers of three years and above do you ever successfully remove either voluntary or compulsory? I expect it is a low proportion, but if you cannot tell me can we have a note.

Mr Oppenheim: A note, if we may.¹⁵

Q166 Chairman: You do not know.

Mr Oppenheim: We do, but I do not have the figures here.

Q167 Chairman: Roughly then?

Mr Oppenheim: It would be guessing, and I think it would be doing you a disservice to do so.

Q168 Chairman: Is it 5%, 10%?

Mr Oppenheim: I could not give you the figures.

Q169 Chairman: I suspect it is very low. What proportion of failed asylum seekers do you know where they live?

Mr Oppenheim: We know where nearly all the failed asylum seeking families live. Anybody with a dependant under 18 we know where they live because they are claiming support from the National Asylum Support Service. We know exactly where a very significant number of failed asylum seekers are who are getting support.

Q170 Chairman: The total?

Mr Oppenheim: It is probably about 25% of the total, perhaps a little more than that.

Q171 Chairman: You do not know where they live?

Mr Oppenheim: I would suggest it would be 25% that we do know.

Q172 Chairman: It is 25% that you know where they live?

Sir John Gieve: Because their families are under support, we will addresses for nearly all of these people. The question you are asking is how many of them are still at the addresses which we have got, and the answer is I have not got the percentage here. We have to test that when we try and enforce something on them at the address. Sometimes they are not there, that is true, and sometimes they have absconded the night before.

Q173 Chairman: In conclusion, Sir John, you have a Directorate here which is spending £1.5 billion worth of taxpayers’ money. The number of people

¹⁴ Ev 29–30

¹⁵ Ev 30

Home Office and Immigration and Nationality Directorate

returned, 1,000 per month in 2004–05 excluding dependants, remains below the number of newly unsuccessful cases, 2,150 per month in 2004–05. You told us you did not know within 50,000 people how many failed asylum seekers there were in this country, is that right?

Sir John Gieve: I do not think I said that; I said we know of 155,000 on our books.

Q174 Chairman: The top level was 283,000, so you were not sure within 50,000 how many were in this country? Do you understand the anger of my colleagues? Mr Davidson put it to you that this is up there with the Child Support Agency and Tax Credits as part of an example of bringing government processes into disrepute, do you understand that?

Sir John Gieve: I understand the point you are making, but I hope you understand that seeing this from my angle, this is a situation which has been a very severe problem and a loss of control which we are bringing under control. The situation, as we face it today, is wholly different from the situation it was even two years ago, and that is progress. Obviously I accept it is progress from a poor position. This has been a major problem for the Home Office and for our reputation, of course we are all aware of that. But we feel over the last few years we have brought the situation into a much better state and we are on the verge of, as we have been discussing, taking removals above new unfounded claims which, if I had been talking to you two years ago—I expect I was talking to you two years ago on this subject—you would not have given any credence to at all.

Chairman: Sir John, and your colleagues, thank you very much.

Supplementary memorandum submitted by the Home Office

Questions 20–22 (Chairman): Family Indefinite Leave to Remain

The Family Indefinite Leave to Remain (ILR) Exercise, announced by the Home Secretary on 24 October 2003, allows certain asylum-seeking families who have been in the UK for four or more years to stay. To qualify, the main applicant of the family unit must have applied for asylum before 2 October 2000 and must have had at least one dependant aged under 18 (other than a spouse) in the UK on 2 October 2000 or 24 October 2003.

The exercise will not apply to a family where the principal applicant or any of the dependants: has a criminal conviction; has been subject of an Anti-Social Behaviour Order or sex offender order; has made (or attempted to make) an application for asylum in the UK in more than one identity; should have their asylum claim considered by another country (ie they are the subject of a possible third country removal, but see also section on third country cases below); present a risk to security; fall within the scope of Article 1F of the Refugee Convention; or whose presence in the UK is otherwise not conducive to the public good.

Statistics for the Family Exercise are cumulative from the start of the exercise (24 October 2003). It is therefore not meaningful to compare statistics for the exercise with other asylum statistics. There were 53,615 main applicants identified for consideration as at 30 June 2005. Of these 13,005 were granted Indefinite Leave to Remain; 4,170 were considered on another Family ILR application, 5,685 were refused and 4,100 were found to be ineligible. There were 10,145 main applicants awaiting an initial examination and 16,505 awaiting a decision as at 30 June 2005.

Question 32 (Sarah McCarthy-Fry): Analysis of Removal Rates

Data contained in the core IT system used by the Directorate (CID) does monitor individual cases removability, how removable they are in terms of if they have a document or are reporting etc. The system overwrites this information for each case as they progress through the asylum process which means that we are unable to provide a historical picture of this kind of detail as the system only reflects the situation that cases are in today.

However an analysis of the cases that became appeal rights exhausted in 2004 in terms of their Red/Amber/Green status and the proportion of each type of cases removed shows the following:

- Of the 19,096 cases that became appeal rights exhausted in 2004 that were classified as Green (removable on EU letters)—we removed 2,154 (11%)
- Of the 28,165 cases that became appeal rights exhausted in 2004 that were classified as Amber (removable once a document has been obtained from the source country)—we removed 1,575 (6%)
- Of the 11,642 cases that became appeal rights exhausted in 2004 that were classified as Red (not removable to source country due to policy or other considerations)—we removed 141 (1%), (these would be Assisted Voluntary Returns or third country removals)

The figures above refer to the calendar year 2004. It must be borne in mind that the Directorate would have had very little time or opportunity to remove those cases that became failed asylum seekers near the end of that year and in total during that period, the total numbers of failed asylum applicants removed was 12,585 (14,905 including dependants). Accordingly over 30% of the failed asylum seekers we removed in 2004 had become appeal rights exhausted in that year.

Question 68 (Chairman): Last Compulsory Return to Somalia

REMOVALS TO SOMALIA

Removals, voluntary departures(1), assisted returns of Somali principal asylum applicants, 2004 to Q2 2005(2)(P)

2004	Destination			Total
	Somalia	3rd Country	Unknown	
Method of removal				
Assisted Voluntary Returns	15	*	—	15
Enforced Removals	5	135	5	145
Total	20	135	5	160

Q1 2005	Destination			Total
	Somalia	3rd Country	Unknown	
Method of removal				
Assisted Voluntary Returns	10	—	—	10
Enforced Removals	—	20	—	20
Total	10	20	—	30

Q2 2005	Destination			Total
	Somalia	3rd Country	Unknown	
Method of removal				
Assisted Voluntary Returns	5	—	—	50
Enforced Removals	—	30	—	30
Total	5	30	—	35

(1) Includes enforced removals, persons departing “voluntarily” following enforcement action initiated against them, and persons leaving under Assisted Voluntary Return Programmes run by the International Organisation for Migration.

(2) Figures rounded to the nearest 5, with * = 1 or 2, and may not sum due to rounding.

(P) Provisional figures.

In 2004 the Directorate worked to establish a route to enforce the return of Somali failed asylum seekers back to Somalia. Such a route (to Mogadishu via Dubai) was established in the spring [the first was on 31 March 2004] of 2004 and the Directorate enforced the removal of several Somali nationals.

Due to logistical problems¹⁶ that occurred the Directorate was obliged to cease enforcing returns to Somalia via this route. The last such removal was on 16 May 2004. Returns on this route have continued but since then have all been voluntary departures where the returnee wishes to return but has chosen not to take advantage of the Assisted Voluntary Return process.

¹⁶ There were only two airlines at the time that were flying directly into Mogadishu. After the commencement of enforced returns both airlines decided that they would only be willing to carry Somalis who were willing to sign disclaimers stating that they wanted to go home. Since that time the Directorate has continued to aid the return to Somalia of those who wished to make a voluntary departure.

The Directorate continues to work closely with the IOM to assist in the Assisted Voluntary Return process for those Somali failed asylum seekers who wish to return home. The Directorate also continues to assist Somali's who wish to make voluntary departures back to Somalia but who do not wish to avail themselves of the support of the IOM.

Question 104 (Mr Ian Davidson): Number of people registered under the Workers Registration Scheme

We do not record information on the number of persons from Accession states who were previously Failed Asylum Seekers.

When such people return to the UK to work they are required to register under the Workers Registration Scheme (WRS) but the sort of information requested would not be recorded as the WRS is not a system for taking immigration decisions. The people from the Accession states are free to live and work in the UK. All we are doing is registering them and recording where they are working and what they are doing.

The latest published figure shows that 232,000 people had applied to the Workers Registration Scheme between May 2004 and June 2005. More detailed information on these statistics is available from our website at <http://www.ind.homeoffice.gov.uk/ind/en/home/0/reports/accession—monitoring.html>

Question 105 (Mr Ian Davidson): Performance table of Enforcement Offices

THE COMPARATIVE OPERATIONAL PERFORMANCE SYSTEM (COPS)

In April 2004, following the Morecombe Bay tragedy, the Enforcement & Removals Directorate began work to develop a national database to begin to capture details of the operational activity it undertook.

By the 1 April 2005 the system had been expanded to begin to record all of the operational activities undertaken by local enforcement offices, the resources being used to deliver those activities and the outcomes.

This gave the Directorate an opportunity for the first time to begin to monitor and compare performance of operational offices across a range of delivery areas. To identify the better performing teams so that best practice and support could be given to offices that needed to improve.

In April this year the Directorate developed the Comparative Operational Performance System (COPS) to monitor each month the performance of its local enforcement offices, at Assistant Director Command level. (See Appendix for detail of LEO command structure).

The performance monitoring system that was introduced looks at each Command's activities in relation to the following areas:

- output against the local asylum removals target;
- output against the local non-asylum offender removals target;
- removals outputs compared to staffing levels;
- efficient operational staff deployment levels;
- reporting centre efficiencies;
- effectiveness of illegal working operations;
- effectiveness of intelligence packages produced;
- improving data quality of IT systems.

Each Command receives a score for their performance each month and is ranked accordingly. Performance is monitored both against cumulative year to date performance and month on month in order to capture both long term sustained improvement and short term improvements following interventions.

As this is a comparative league table designed to raise the level of performance of operational offices across the board regardless of how all offices improve there will always be an office sitting at the bottom of the table.

In addition to the introduction of the COPS the Directorate, working closely with the Prime Ministers Delivery Unit (PMDU), has also completed a series of in-depth interventions with all operational commands. This work has resulted in each office identifying a series of actions to rectify and improve existing practices in order to overcome local barriers to improving performance and to introduce identified best practice from other sites.

Table 1

AD COMMAND RANKING BASED ON CUMULATIVE YEARS TO DATE PERFORMANCE

Position	April	May	June	July	August	September
1	North East	North East	Becket House	Becket House	Eastern	South East
2	West Midlands	Becket House	Eastern	Eastern	Becket House	Becket House
3	Eastern	Eastern	North East	South East	South East	Eaton House
4	Becket House	South East	South East	West Midlands	North East	North East
5	South East	West Midlands	West Midlands	North East	Eaton House	West Midlands
6	Eaton House	North West & NI	North West & NI	Eaton House	South West	Eastern
7	North West & NI	South West	Eaton House	North West & NI	CEU	South West
8	Croydon Enforcement Unit (CEU)	CEU	South West	South West	West Midlands	North West & NI
9	Comms House	Eaton House	CEU	CEU	Scotland	Scotland
10	Scotland	Comms House	Comms House	Comms House	North West & NI	CEU
11	South West	Scotland	Scotland	Scotland	Comms House	Comms House

Table 2

AD COMMAND RANKING BASED ON MONTHLY PERFORMANCE

Position	April	May	June	July	August	September
1	North East	Eastern	Becket House	South East	South East	Scotland
2	West Midlands	Becket House	Eastern	West Midlands	Eaton House	Becket House
3	Eastern	South West	South East	Becket House	South West	CEU
4	Becket House	North West & NI	Eaton House	Eastern	Scotland	Eaton House
5	South East	South East	North East	North West & NI	North East	North East
6	Eaton House	North East	West Midlands	Eaton House	Eastern	West Midlands
7	North West & NI	West Midlands	North West & NI	South West	Becket House	South West
8	CEU	Eaton House	South West	CEU	CEU	North West & NI
9	Comms House	Comms House	Comms House	North East	North West & NI	South East
10	Scotland	CEU	CEU	Scotland	Comms House	Eastern
11	South West	Scotland	Scotland	Comms House	West Midlands	Comms House

In addition to the COPS system the Directorate monitors comparative cost of removal and also the contribution that various workstream make to individual LEOs performance.

Table 3

UNIT COST OF REMOVALS BY REMOVAL TYPE Q1 2004–05

<i>Removal type</i>	<i>FAS removals April–July</i>	<i>Budget Spend April–July (£)</i>	<i>Average Cost per removal (£)</i>
Criminal Casework team	495	848,785.00	1,715.00
Assisted Voluntary Returns	1,015	1,135,744.00	1,119.00
Third Country Unit	657	562,621.00	856.00
Enforced Returns	2,680	24,346,051.00	9,084.35

Table 4

MONTHLY LEO PERFORMANCE—FAS, VOLUNTARY AND FAMILY REMOVALS

	<i>April</i>			<i>May</i>			<i>June</i>			<i>July</i>			<i>August</i>			<i>September</i>		
	<i>FAS</i>	<i>Vol dep</i>	<i>Fam ind</i>	<i>FAS</i>	<i>Vol dep</i>	<i>Fam ind</i>	<i>FAS</i>	<i>Vol dep</i>	<i>Fam ind</i>	<i>FAS</i>	<i>Vol dep</i>	<i>Fam ind</i>	<i>FAS</i>	<i>Vol dep</i>	<i>Fam ind</i>	<i>FAS</i>	<i>Vol dep</i>	<i>Fam ind</i>
Becket House	88	2	36	108	3	51	100	8	40	82	5	23	75	7	17	95	15	34
CEU	58	0	7	66	0	20	65	0	7	71	0	13	76	1	18	101	0	28
Communications House	52	0	10	87	1	36	82	0	26	65	2	31	72	3	19	63	2	8
Eaton House	65	0	3	87	0	34	96	0	22	77	9	11	119	60	30	81	12	15
Eastern District	79	5	14	85	3	17	80	2	13	70	5	14	73	5	8	59	7	4
Midlands	66	7	26	56	6	10	53	2	29	67	5	23	29	0	7	95	6	37
North East	114	4	73	74	0	32	74	5	39	46	1	14	79	1	38	90	2	49
NW & NI	44	0	11	69	0	26	54	0	16	66	1	24	48	0	19	57	0	19
Scotland	18	2	3	16	2	0	19	1	1	20	0	6	36	0	11	48	1	22
South West	21	2	0	47	3	0	31	0	3	35	1	0	55	0	3	41	3	4
South Eastern District	25	0	3	34	0	0	33	2	1	35	0	10	42	0	0	23	0	0
Totals	630	22	186	729	18	226	687	20	197	634	29	169	704	77	170	753	48	220

Note: FAS removal figures include voluntary departures (Vol dep) and Family members (Fam ind) removed.

Vol dep does not include Assisted Voluntary Returns (AVRs).

Question 119 (Mr Ian Davidson) & Question 133 (Kitty Ussher): Improving communication between the IND and MPs

The Committee may like to be aware of the initiatives IND is already taking, or is planning to take, to improve communications with MPs. These include:

- greater use of email to facilitate faster responses to the more straightforward enquiries;
- regular seminars for MPs and their staff to brief them on the way IND organises its business and on current issues of concern;
- a secure webpage expressly for MPs on the IND website which carries regularly updated information on, for example, policy changes and the time being taken to decide different types of cases;
- a new quarterly newsletter for MPs—IND News; the first edition will be circulated to all MPs in November 2005; and
- further developing an “account manager” system to build on IND’s growing regional structure by fostering closer links between designated officials and local MPs.

The Immigration Minister, Tony McNulty, has also recently hosted a series of meetings with newly elected MPs and those who correspond most often with IND. The purpose of these meetings has been twofold: first, to help Members understand how they can best assist IND in its aim of providing an efficient and effective service to MPs; and, second, to obtain feedback from Members on where improvements to that service need to be made.

These meetings were well attended and have been very helpful in identifying the areas in which IND must improve its service to MPs, including the need for greater openness which Mr Davidson has highlighted. Tony McNulty will be writing to all Members shortly setting out these areas for improvement and explaining how IND will be taking forward this work.

Question 134 (Chairman): Cost benefit analysis of detention as a means of dealing with asylum seekers

Please find below an extract of the cost-benefit analysis for expanding the detained fast track conducted in early 2004 as promised.

INTRODUCTION

Various options were considered in January 2004 for further expanding the successful detained fast track process, originally piloted at Harmondsworth Immigration Removal Centre, which had delivered a higher proportion of removals in a significantly shorter timescale than the non-fast track process.

One of the options considered involved extending fast track to all asylum applicants, except those who were considered not suitable for detention, such as pregnant women or the mentally incapacitated. Applicants from non-suspensive appeal (NSA) nationalities would also be excluded.

Based on an intake of 2,761 per month, the split of male singles/female singles/families and an average stay in detention of 61 days, it was estimated that this would require total bed space of 3,578 male beds, 1265 female beds and space for 1,986 family applicants and their dependants.

You should note that the figures in this analysis were based on estimates using the data available at the time and the figures are now significantly out of date.

One assumption in the calculations was that detention in all cases would be for an average of 61 days, ie, in terms of timing it was based on the fast track experience at Harmondsworth, and in very many cases that would not be sufficient time to deal with all asylum issues, appeals and arrangements for re-documentation and return. So for those it would be necessary to either release from detention or recognise that substantially more time in detention, and therefore detention space, would be required. As costs are critically dependent on how long an applicant is detained, this is a key assumption.

A linked assumption was that, with the exception of those considered unsuitable for detention and those considered under NSA processes, all other applicants would be able to be considered under fast track procedures. There are practical difficulties with this assumption in that applicants in the fast track are straightforward cases and more suitable for quick decisions. The judiciary has supported this delineation. This means that only applicants with straightforward claims which can be decided quickly can be detained for fast tracking, rather than all asylum seekers.

COSTS

The incremental costs for this level of expansion were given as:

- IND staffing costs—additional £4 million per annum.
- Immigration Appellate Authority (IAA) and tribunal costs—assumed equal costs per annum.
- Detention costs—additional £340 million per annum.
- Legal support—additional £12 million per annum.

In addition there would be set-up costs for training and recruitment of staff and possibly some building works.

There would also be costs associated with the procurement of further detention space.

OPPORTUNITY COSTS

Opportunity costs were looked at in terms of what it would not have been possible to achieve in the standard business as a result of diverting resources to fast track. There were three main areas—numbers of decisions, numbers of appeals and numbers of removals.

For this level of expansion, the net reductions in decisions, appeals and removals were assessed as follows:

- decisions—without increasing resources the 30,792 additional fast track decisions per annum would theoretically result in a reduction of 36,950 standard decisions, a net reduction of 6,158 decisions. The assumption was that this number could be managed due to the predicted reduction in the asylum intake and the removal of the backlog freeing up resources. At the time of the analysis, around 4,800 decisions were being taken each month. Based on the then intake of 3,000 and with no backlog, it was estimated that 3,000 decisions would be required to be taken each month. This reduction of 1,800 per month equated to 21,600 which was over three times as much as the net reduction resulting from full fast track described above;
- appeals—it was assumed that the same number of appeals would be heard under fast track as the single tier process;
- removals—to put all claimants, including families, through fast track processing would require additional 6,437 detained bed spaces. 1,093 of these were already planned, and around 75% of the existing estate of 1,800 beds was used for failed asylum seekers. An expansion to this scale was therefore not practical unless there was a major reduction in intake or in removals time; and

- it was anticipated that 100% fast track processing would have a significant deterrent effect on asylum applications and therefore the increased resources required would drop.

BENEFITS

The benefits to be accrued as a result of this expansion were assessed as:

- overall higher number of removals—taken as a percentage of all refused cases;
- major deterrent effect of all claimants going through fast track;
- around £124 million savings on NASS costs per annum;
- £52 million savings on standard removal costs per annum;
- a large proportion of asylum seeker health and education costs;
- potential removal of need for accommodation centres and induction centres;
- potential removal of need for reporting;
- faster processing for successful asylum seekers so they could contribute to society quicker;
- reduced opportunity for absconding or not complying with the asylum process as claimant was in detention, and therefore a reduction in secondary casework costs; and
- better utilisation of IAA resources in areas where they had hearing centres that were under-utilised.

RISKS

The following risks were identified:

- insufficient intake to expand fast track to the proposed levels;
- applying fast track to non-straightforward cases would give grounds for a legal challenge to the fast track process and timetable (see the point about the practical and legal difficulties with detaining non-straightforward cases in the fast track set out in the introduction);
- the judiciary would not meet their targets elsewhere due to concentrating on the fast track;
- the rate of removals would drop due to detention beds being taken up by fast track detainees;
- the fast track timetable would be successfully legally challenged;
- the rate of asylum decisions would drop and targets would not be met due to concentration on fast track;
- further nationalities would be designated suitable for NSA and thus restrict the intake of suitable fast track cases;
- any contractual negotiations and building works would delay expansion and that planning permission for new interview rooms, hearing rooms, and facilities for staff and duty solicitors would not be granted;
- taking all asylum seekers into fast track would mean that there would be large numbers who reached appeal rights exhausted stage and who were not removable in the short term and so had to be released due to the strain on the detention estate; and
- such a large detained population would result in a break down of good order and conduct among asylum seekers and the potential for disturbances.

FINANCIAL ANALYSIS

With these assumptions and caveats in mind, particularly that the timings and costs were based on the fast track experience, the table in Appendix A shows the January 2004 estimate of the net additional financial cost of expanding fast track to this extent.

CONCLUSION

Extending the detained fast track process to all asylum applicants would only be practical through a vast expansion of the detention estate. There would be significant difficulties over what to do with those who were not immediately removable. The risk of legal challenge to the process would be very high should all cases, regardless of complexity, be fed through the fast track process. Increased costs would also probably be unacceptable.

COST CALCULATIONS

<i>Comparative Unit Costs</i>	<i>Standard Processes All Intake¹⁷</i>	<i>Detained Fast Track All Intake</i>
IND decision and appeal ¹⁸	£700	£800
IAA and tribunal—appeal	£1,200	£1,200
Detention ¹⁹	£1,000	£12,000
NASS support ²⁰	£4,000	£0
Removal ²¹	£1,700	£0
Legal Support ²²	£1,400	£1,800
Total	£10,000	£15,800

The above figures were used to calculate the estimated overall costs for the options based on the increased intake as below:

Additional intake	30,792
IND decision and appeal staff costs	£4,000,000
IAA and tribunal—appeal	£0
Detention	£340,000,000
NASS support	– £124,000,000
Removal	– £52,000,000
Legal Support	£12,000,000
Total	£180,000,000

Question 154 (Mr Richard Bacon): Asylum seekers and prison sentences

From 2001 to August 2005, we know of 403 foreign nationals who were released from prison without deportation proceedings being completed. However, there will have been foreign nationals whose cases were not referred for deportation action, for example, because the individuals were not identified as foreign nationals or where a decision was taken within IND not to take deportation action because of the relatively minor offence for which the individual was sentenced. It is not possible to supply details of where failed asylum seekers who have been released without deportation proceedings being completed are now. However, we have recently set up a specialised team within the Directorate whose work will include reviewing these cases.

An average of 17% of criminals deported each year are failed asylum seekers. In 2004–05 there were 1,607 criminal deportations of which 12.5% were failed asylum seekers. In the year to date 19% are failed asylum seekers.

The Prison Service does not record the number of failed asylum seekers or those seeking asylum in its establishments and it is therefore not possible to determine why they have been committed to prison. However, the tables below set out the offences committed by those foreign nationals who are removed, by failed asylum seekers / non-failed asylum seekers:

¹⁷ All intake refers to singles and families with a ratio of singles to families of around 2.6 to 1, and an average family size of 3.2—taken from statistics for NASS applicants September—November 2003.

¹⁸ Costs derived from staff costs plus direct support activities in the Asylum Casework Directorate DP04 Options.

¹⁹ Costs based on average £123 per night (from Detention Services) with 61 nights for detained fast track and five nights for standard process.

²⁰ Costs based on figures supplied by NASS for singles and families that equate to £168 per week for singles and £188 for “all intake” for 18 weeks in single-tier process with an allowance for NASS staff costs.

²¹ Costs based on figures originally taken from Removals Delivery Plan and covers detection and administrative support.

²² Costs supplied by LSC based on difference in costs once new Rules are in place.

OFFENCE-BASED FAS REMOVALS APRIL 2004 TO MARCH 2005

ABH/GBH	6
Assisting/facilitating illegal entry	5
Burglary	2
Customs (other)	1
Deception	13
Drugs—attempted importation of Class A	30
Drugs—possessing Class A	3
Drugs—possessing Class A with intent to supply	45
Drugs—possessing Class B with intent to supply	2
False imprisonment	2
False instrument	17
Fraud	6
Immigration (other)	3
Indecent assault	10
Kidnapping	3
Manslaughter	4
Murder	1
Rape	8
Robbery	9
Sex offences (minors)	5
Sex offences (other)	2
Theft & kindred	8
Violence (other)	7
OTHER	11
Total	203

OFFENCE BASED FAS REMOVALS APRIL 2005 TO PRESENT

ABH/GBH	5
Arson	1
Deception	19
Drugs—attempted importation of Class A	15
Drugs—possessing Class A	1
Drugs—possessing Class A with intent to supply	28
Drugs—possessing Class B with intent to supply	1
False imprisonment	4
False instrument	20
Fraud	4
Immigration (other)	1
Indecent assault	11
Kidnapping	3
Manslaughter	2
Rape	5
Robbery	9
Sex offences (minors)	2
Sex offences (other)	1
Theft & kindred	9
Violence (other)	9
OTHER	18
Total	168

OFFENCE BASED NON-FAS REMOVALS APRIL 2004 TO MARCH 2005

ABH/GBH	14
Armed robbery	2
Arson	1
Assisting/facilitating illegal entry	52
Burglary	19
Customs (other)	6
Deception	27
Drugs—attempted importation of Class A	798
Drugs—attempted importation of Class B	16
Drugs—possessing Class A	14
Drugs—possessing Class A with intent to supply	208
Drugs—possessing Class B with intent to supply	4
False imprisonment	6
False instrument	36
Fraud	39
Immigration (other)	4
Indecent assault	16
Kidnapping	4
Manslaughter	6
Murder	3
Rape	12
Robbery	16
Sex offences (minors)	4
Sex offences (other)	1
Theft & kindred	35
Violence (other)	17
OTHER	44
Total	1,404

OFFENCE BASED NON-FAS REMOVALS APRIL 2005 TO PRESENT

ABH/GBH	13
Arson	2
Assisting/facilitating illegal entry	20
Burglary	9
Customs (other)	4
Deception	22
Drugs—attempted importation of Class A	259
Drugs—attempted importation of Class B	11
Drugs—possessing Class A	9
Drugs—possessing Class A with intent to supply	142
Drugs—possessing Class B	4
False imprisonment	9
False instrument	43
Fraud	19
Immigration (other)	6
Indecent assault	8
Kidnapping	5
Manslaughter	2
Murder	3
Rape	9
Robbery	16
Sex offences (minors)	3
Sex offences (other)	3
Theft & kindred	14
Violence (other)	14
OTHER	47
Total	696

Question 157 (Mr Richard Bacon): Comparison of the number of HR staff employed by the IND with the private sector

Q157 asked for a comparison of the ratio of HR staff to IND staff, compared with the equivalent figure for other HO Directorates General. However, there is no other Directorate General in the Home Office of comparable size to IND and the rest of the Home Office is served by the core HO HR function.

The table below sets out the total number of staff employed by IND, compared with staff in IND's Human Resources Directorate (HRD), at the date quoted in the NAO's report (March 2004), and at the most recent available date:

<i>Date</i>	<i>HR</i>	<i>IND Total</i>	<i>Ratio</i>
31/3/2004	540	14,482	1:27
31/3/2005	488	14,891	1:30
30/9/2005	456	14,882	1:33

The IND total used by NAO in their report was based on permanent full time equivalent staff, as are the figures for later years in this table. IND also employs non-permanent agency staff who will also require HR services. These are normally less than 10% of the total.

It is important to point out that a large proportion of HRD staff are based in the IND College and the equivalent training function in other organisations may not be part of the Human Resource (HR) function headcount. The IND College is an essential part of IND, especially at a time of redeployment to and rapid expansion of frontline staffing. Immigration Officers, for example, each require six weeks of professional training.

The number of HRD staff has fallen substantially since the NAO published the figures in the report which the Committee quoted and further savings are expected due to modernisation. The following table shows the number that staffing levels will be reduced to as a consequence of the efficiency savings planned for operational HR from 2004-05 levels. This represents a reduction in excess of 40%, which is in accordance with the savings targeted in the Gershon Review.

<i>2004-05</i>	<i>2005-06</i>	<i>2006-07</i>	<i>2007-08</i>
379.8	297	267.6	254.2

The figures above *exclude* staff in the IND College and do not take account of people undertaking some HR type duties out in the business, as indeed, would be the case, to a greater or lesser extent, in many other organisations.

The ratios above compare with other organisations as follows:

<i>Organisation</i>	<i>Current ratio (HR staff to total staff)</i>
Central Government average	1:42
Local Government average	1:106
Private sector average	1:109

Again these will not be direct comparisons due to the definition of what constitutes an HR function.

A comparison to private sector organisations

The Human Resources Directorate of IND participated in a benchmarking exercise run by the Cabinet Office in March 2004. That exercise was run by the Saratoga Institute and compared IND to other public sector organisations and the private sector. The exercise was run using an established definition for HR staff, which does exclude training and the ratio of HR staff to IND staff for the last two years based on that definition, is as follows:

30/09/2005	Core Home Office (excluding IND) 1:52
30/09/2005	IND 1:61
28/02/2004	IND 1:40

The comparable "across the UK" figure at that time was 1:93

*Question 160 (Mr Ian Davidson): Statistics relating to dawn raids**Early morning operations and use of handcuffs*

Records relating to the number of enforcement visits conducted have only been readily available since 1 April 2005.

Between 1 April 2005 and 30 September 2005 records show that the Enforcement & Removals Directorate undertook 5,254 enforcement visits. Of these 3,779 were visits to home addresses and of these 451 were in relation to families.

Of the 3,779 home visits that were undertaken:

- 171 involved the operational team conducting the visit beginning their duties before 5:00 am. 22 of these related to families;
- 1,065 involved the operational team conducting the visit beginning their duties between 5:01 am and 6:00 am, of which 106 related to families;
- 558 involved the operational team conducting the visit beginning their duties between 6:01 am and 7:00 am, of which 57 related to families; and
- 1,985 involved the operational team conducting the visit beginning their duties after 7:00 am, of which 266 related to families.

The times when the visits actually take place will occur after the operational teams have commenced their duties. This will vary from operation to operation depending upon the intelligence known which informs as to when the maximum potential is there to locate the target. There will also be an operational time lag for all visits which will be due to a number of operational practicalities including having to travel to a police station for operational briefing (if police are to be present) and time taken to reach the target premises.

In relation to visiting families, a pastoral visit will have been undertaken prior to the enforcement visit in order to ascertain the most appropriate time to conduct the operation in order to ensure the family is together as a whole unit. This is often in the morning before family members have departed for work and school. Staff undertaking family removals are appropriately trained and act with the utmost professionalism and sensitivity at all times.

During 2004 there were six reported incidents where staff involved in dawn raids suffered injury—these were all minor injuries.

HANDCUFFING AND USE OF FORCE BY THE IMMIGRATION SERVICE ENFORCEMENT AND REMOVALS DIRECTORATE

1.1 In line with current policy, immigration officers do not restrain minors, other than where there is immediate danger to either the minor or others (eg to prevent a child from running into the road). This includes the use of handcuffs. Young children would only be separated from their mothers if the mother was resisting to such an extent that this was considered necessary and then only for the shortest possible time. It is desirable that female officers are present when detaining families; however this is not always possible for operational reasons. As stated above, a pastoral visit will have highlighted the best time of day to pick up a family as an entire unit. However, inevitably there will be occasions when a visit is made in order to arrest a family and a member of the family is not present at the address. Each case must be considered on its merits and consideration should be given to the appropriateness of continuing with the operation. If it is decided to continue with the operation the following options should be considered:

Absent Children—

Every effort must be made to reunite the child with their family as soon as possible. The following should be considered:

- take all of the other family members to collect the separated child on the way to the place of detention;
- take the other family members to the place of detention, then ask a parent to accompany you to collect the separated child; and
- if it is not possible to take one of the options above, visit the address where the child is and ask a responsible or appropriate adult (who should not be an employee of the Immigration Service) to accompany the child to be re-united with his/her family.

A child should not be arrested whilst he is isolated from other adult family members. Once a child is reunited with his/her family, arrest should be in line with other members of the family. However, if an adult family member or the child him/herself refuses to co-operate with attempts to voluntarily reunite the child with the rest of the family, arrest may be considered but must only be made on the authority of an AD and once an assessment of the subsequent community impact has been made.

If an officer involved in family work suspects at any time that a child is or has been the victim of abuse, the police must be alerted immediately.

In line with current police policy, the Immigration Service does not keep statistics on the use of compliant handcuffing. Compliant handcuffing is the standard handcuffing procedure. Where an officer considers that a situation calls for an offender to be handcuffed they will advise the offender of this and ask for their co-operation to be handcuffed, eg asking them to place their arms out to be handcuffed safely.

Statistics are kept for non-compliant handcuffing or where other force is used. This use of force reporting system has been in place since January 2005.

Statistics on the use of Non Compliant Handcuffing, as taken from the Use of Force database. Officers are required to complete a use of force report on each and every occasion where force is offered or used. This data is recorded centrally on the use of force database. Non compliance is where there is active resistance to the officer's instructions.

<i>Period</i>		<i>Total</i>
January 2005 to April 2005	May 2005 to date	
21	19	40

Immigration officers have power to use force under Section 146 of Immigration and Asylum Act 1999. They also have "any person" powers under Common Law (ie not statute law), Section 24 of PACE 1984 and Section 3 of the Criminal Law Act 1967. Any use of force is governed by legislation and must be reasonable, necessary and proportionate. The decision to apply handcuffs is, by law, at the discretion of the officer concerned.

Arrest trained immigration officers are trained to police standards and in line with ACPO/ACPOS approved procedures. Officers are required to be conversant with the circumstances in which handcuffs may be used.

Question 164 (Chairman): Removal of asylum seekers who have lived in the UK for over 3 years

The table below shows the approximate age of the asylum cases that were removed in 2004. Please note that the table measures length of time between an asylum application being made and removal and *not* the length of time between a case becoming removable and removal which would be a smaller time period, and which would vary from case to case.

Removals, voluntary departures(1), assisted returns of principal asylum applicants, 2004(2)(P) and time between initial application and removal

Principal applicants removed in 2004	12,585	
Of whom:		
Removed in less than a year	6,015	48%
Removed in 1 to 2 years	1,635	13%
Removed in 2 to 3 years	1,235	10%
Removed in over 3 years	3,640	29%
Unknown	60	0%

Includes enforced removals, persons departing "voluntarily" following enforcement action initiated against them, and persons leaving under Assisted Voluntary Return Programmes run by the International Organisation for Migration. Unknown—There is a small number of cases where the age of case is not readily calculable due to minor data quality issues on the Home Office database 3,640 (29%) of those removed in 2004 had applied for asylum over three years previously. As explained, this would include some cases who had become failed asylum seekers by 2001 although others would only have become failed asylum seekers and therefore removable at a later date.

It is not possible to know accurately how many of the asylum applicants who had become failed asylum seekers before 2001 were still living in the UK either by 2001 or by 2004. Between 1995 to 2000 there were approximately 169,000 (principal applicants) cases that became appeal rights exhausted. Approximately 39,000 of these cases were removed before 2001. It is not clear of the remaining 130,000 cases how many were still in the UK living as failed asylum seekers in 2001. Many older cases may have qualified for leave to remain in other capacities or may have left the UK of their own volition. The 3,640 cases that were removed in 2004 that may have been over three years old would, if all such cases had remained in the UK, represent approximately 3% of this pool.

Sir John Gieve KCB
Permanent Secretary

November 2005