House of Commons
Home Affairs Committee

The work of the UK Border Agency (July–September 2012)

Fourteenth Report of Session 2012–13

Report, together with formal minutes, oral and written evidence

Ordered by the House of Commons
to be printed 19 March 2013
Home Affairs Committee

The Home Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Home Office and its associated public bodies.

Current membership

Rt Hon Keith Vaz MP (Labour, Leicester East) (Chair)
Nicola Blackwood MP (Conservative, Oxford West and Abingdon)
James Clappison MP (Conservative, Hertsmere)
Michael Ellis MP (Conservative, Northampton North)
Lorraine Fullbrook MP (Conservative, South Ribble)
Dr Julian Huppert MP (Liberal Democrat, Cambridge)
Steve McCabe MP (Labour, Birmingham Selly Oak)
Bridget Phillipson MP (Labour, Houghton and Sunderland South)
Mark Reckless MP (Conservative, Rochester and Strood)
Chris Ruane MP (Labour, Vale of Clwyd)
Mr David Winnick MP (Labour, Walsall North)

The following Members were also members of the Committee during the parliament.

Rt Hon Alun Michael MP (Labour & Co-operative, Cardiff South and Penarth)
Karl Turner MP (Labour, Kingston upon Hull East)

Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the Internet via www.parliament.uk.

Publication

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 www.parliament.uk/homeaffairscom.

Committee staff

The current staff of the Committee are Tom Healey (Clerk), Richard Benwell (Second Clerk), Ruth Davis (Committee Specialist), Eleanor Scarnell (Committee Specialist), Andy Boyd (Senior Committee Assistant), Michelle Garratty (Committee Assistant), Iwona Hankin (Committee Support Officer) and Alex Paterson (Select Committee Media Officer).

Contacts

All correspondence should be addressed to the Clerk of the Home Affairs Committee, House of Commons, 7 Millbank, London SW1P 3JA. The telephone number for general enquiries is 020 7219 3276; the Committee’s email address is homeaffcom@parliament.uk.
Contents

Report

1 Introduction 3
   Profile of the Agency 4

2 Focus: clearing the immigration and asylum backlog 5
   Background 5
   The Agency’s handling of the asylum and immigration backlog 6
   The Agency’s response to the Chief Inspector’s findings 8
   The tracing programme since April 2012 10
   Checks against DWP’s databases 11
   Security checks 11
   Cases with a hit on the Police National Computer 12
   Asylum cases that were not reported to this Committee 13
   Other issues about the clearing of the asylum and immigration backlogs 18
   Use of Terminology 18
   Correspondence with applicants, legal representatives and MPs 19

3 Key indicators of the Agency’s performance 20
   Foreign National Offenders and ex-Foreign National Offenders 21
   Ex-FNOS released without being considered for deportation 21
   Ex-FNOs living in the community 21
   Key issue: tackling the backlog of ex-FNOs living in the community 22
   Asylum and immigration backlog: live casework 23
   Asylum backlog 23
   Immigration backlog 23
   Key issue: prioritising the conclusion of legacy casework 23
   New asylum cases 24
   Initial decisions and conclusions 24
   Applicants previously removed from the UK 24
   Settlement applications 24
   Immigration 26
   Number of visas issued 26
   Processing of in-country immigration cases 26
   Processing of out of country immigration cases 26
   Key issue: backlog of in-country immigration applications 27
   Postal applications 27
   Premium applications 27
   In-country applications not yet loaded onto the Agency’s computer systems 28
   Immigration detention 29
   Rule 35 reports 29
   Child detention 29
   Key issue: Acting on rule 35 reports 29
   Appeals and tribunals 31
   Appeals Improvement Plan: progress against targets 31
The work of the UK Border Agency (July-Sept 2012)

Key issue: closing the Family Visit Visa full right of appeal 32
Sponsors and licensing 33
  New sponsor applications 33
  Pre registration visits 33
  Follow up visits 33
  Key issue: post licence visits 33
Enforcement action 34
  Non compliance notifications 34
  Suspension and revocation of sponsor licences 34
  Key issue: tracking the follow up of non-compliance notifications 34
Migration Refusal Pool 35
  Key issue: tackling the continued growth of the Migration Refusal Pool 35
  Size of the Migration Refusal Pool 35
Intelligence 36
  Allegations received in Q3 2012 36
  Progress on the National Allegations Database 36
  Key issue: an improved intelligence picture about the results of allegations made 36
Departmental information and cooperation with Parliament 37
  Departmental information 37
  Cooperation with Parliament 37

4 Border Agency Backlogs 38

Conclusions and recommendations 39

Formal Minutes 48

Witnesses 49

List of printed written evidence 49

List of Reports from the Committee during the current Parliament 50
1 Introduction

1. The Home Affairs Committee asks for quarterly data from the UK Border Agency about its performance against a set of key indicators. The Agency’s statistics relate to the calendar year as follows:

<table>
<thead>
<tr>
<th>Quarter</th>
<th>Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Q1</td>
<td>January–March</td>
</tr>
<tr>
<td>Q2</td>
<td>April–June</td>
</tr>
<tr>
<td>Q3</td>
<td>July–September</td>
</tr>
<tr>
<td>Q4</td>
<td>October–December</td>
</tr>
</tbody>
</table>

This Report analyses data from July–September 2012, or ‘Q3 2012’.

2. After analysing the Agency’s performance data we took evidence from its Chief Executive Rob Whiteman. The recent controversy about the Agency’s handling of the asylum and immigration backlog and its provision of information to this Committee meant that it was also necessary to take evidence from its former Chief Executives: Lin Homer and Jonathan Sedgwick. We also took evidence from the Chief Inspector of Borders and Immigration, John Vine, who uncovered the fiasco in the course of his inspections this year.

3. We have sought to make our scrutiny of the Agency understandable to Parliament and the public. This report is divided into two sections, the first focusing on the Agency’s handling of the asylum and immigration backlog and the accuracy of the information it provided to this Committee on its work in this area. The second section assesses the Agency’s performance across the main areas of its work by comparing on a quarterly basis its progress against a set of ‘key indicators’. It will therefore be clear to the public, Parliament and to the Agency what is of most interest to the Committee.
Profile of the Agency

4. An overview of the Agency, its budget and staffing levels can be seen in the table below:

<table>
<thead>
<tr>
<th>Role</th>
<th>Budget (2012-2013)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Resource (£1001m)</td>
</tr>
<tr>
<td></td>
<td>Capital (£88m)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Number of FTE staff</th>
<th>UK</th>
<th>Global</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>13,165&lt;sup&gt;2&lt;/sup&gt;</td>
<td>23,500&lt;sup&gt;3&lt;/sup&gt;</td>
</tr>
</tbody>
</table>

The Agency is responsible for administering the UK’s visa, immigration and asylum systems.

5. The salaries of the Agency’s Directors can be seen in the table below:

<table>
<thead>
<tr>
<th>Role</th>
<th>Salary Bracket (2011-2012) £’000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Executive, Rob Whiteman</td>
<td>175—180</td>
</tr>
<tr>
<td>Director of Operations and Deputy CEO, David Wood</td>
<td>100—105</td>
</tr>
<tr>
<td>Director of Resources and Organisational Development, Michael Parsons</td>
<td>Not in post</td>
</tr>
<tr>
<td>Director, Strategy and Intelligence, Emma Churchill</td>
<td>80—85</td>
</tr>
<tr>
<td>Immigration and Settlement Director, Michael Wells</td>
<td>Not in post</td>
</tr>
<tr>
<td>Director, Enforcement and Crime, Hugh Ind</td>
<td>Not in post</td>
</tr>
<tr>
<td>Director, International Operations and Visas, Jonathan Sedgwick</td>
<td>110—115</td>
</tr>
<tr>
<td>Board Adviser on Growth and Engagement, Jeremy Oppenheim</td>
<td>Not in Post</td>
</tr>
<tr>
<td>Director of Migration Foreign and Commonwealth Office, Susannah Simon</td>
<td>Not in Post</td>
</tr>
</tbody>
</table>

<sup>1</sup> Taken from Home Office Main Estimate 2012-13
<sup>2</sup> At the end of Q3 2012, taken from Ev 36, para 82
<sup>3</sup> Taken from UK Border Agency website
2 Focus: clearing the immigration and asylum backlog

Background

6. The issue of most concern to us in this period has been the Agency’s closure of the asylum and immigration controlled archives. The archives contained legacy asylum and immigration applications where the Agency was no longer able to trace the applicant.

7. The controlled archives came into existence through the Agency’s work on the asylum legacy programme, set up in 2007, to try and clear the enormous backlog of approximately 460,500 asylum cases that had built up throughout the 1990s. An additional 40,000 immigration legacy cases were discovered and added to the legacy programme in 2009. The Agency first told us about the existence of the controlled archives in July 2009. At our request, it has provided regular updates on the number of cases within them and the checks it claimed to be carrying out to try and trace the applicants. A timeline of the archives and their place within the legacy program can be seen from the diagram below.

Background to the controlled archives and their place in the Agency’s legacy programme

Key
- July 2011: Original date by which legacy backlog should have been cleared
- Asylum cases
- Immigration cases
- Asylum and immigration backlog

- The Agency admits that there are asylum and immigration applications where it can’t trace the applicant. These are put in the ‘controlled archives’.
- The Agency outlines the programme of checks it says it carries out to try and trace applicants before putting cases in the archives and once they are in there.
- The Agency says it has reviewed all legacy cases (500,500 in total). It creates the Case Assurance and Audit unit (CAAU) to deal with the controlled archives and live cases facing barriers to resolution.
- 147,000 cases are transferred to CAAU:
  - 23,000 live asylum cases
  - 98,000 controlled archive asylum cases
  - 26,000 controlled archive immigration cases.
- The Agency starts running the programme of checks on controlled archive cases that it had committed to in 2009.
- CAAU discover 9,393 asylum cases which had not been reviewed by the CRD.
- The Agency closes the controlled archives having asked Deloitte to provide assurance on its checking programme.
- Additional 5,000 cases added to CAAU in December following ‘data cleansing exercises’.

- Case Resolution Directorate (CRD) established in April 2007 to deal with an estimated backlog of 400,000 to 450,000 asylum cases.
- 40,000 immigration applications are found and added to the CRD’s workload.
- Asylum and immigration backlog
The Agency’s handling of the asylum and immigration backlog

8. In September this year The Chief Inspector of Borders and Immigration reported on the Agency’s handling of legacy asylum and immigration cases. His report revealed many failings, including that:

- prior to April 2012 the Agency had not been properly carrying out its programme of checks on the legacy applications in order to try and trace applicants;
- the Agency had repeatedly supplied this Committee with incorrect information about the programme of checks; and
- the Agency had not informed the Committee about 33,000 asylum legacy cases being worked on by the Case Assurance and Audit Unit.

9. The diagram on the next page gives an overview of the Agency’s public statements about its tracing programme and the Inspector’s findings.\(^4\)

Separating fact from fiction: the agency’s tracing programme for the legacy cases

**Agency’s Public Statements**
- The legacy cohort contains cases the Agency cannot trace. Checks are carried out against internal and external databases. If tracing fails they are placed in the archives, after 6 months they are concluded.
- Archive cases are checked against the Watchlist and PNC every 3 months.
- No cases where the applicant has a positive PNC hit are placed in the archives.
- Cases are put through up to 19 different checks. These include: Internal check, Voters Registry, DWP databases, HMRC databases, Local Authorities, Prison and Probation Service, Credit Reference Agencies and some store cards.
- Each of these cases has been the subject of the most exhaustive checks and scrutiny both with the voluntary sector – often people have come to light and been traced through their contact with MPs, for example. We have also checked every single one of them against 19 databases – Government, Home Office, private sector databases. As a result of that there is no trace of them.
- Due to the length of time cases will spend in the controlled archive and the low level of re-emergence, from 1 April the frequency of checks will be reduced to once every 6 months.
- We know that these are people who have not left a footprint in terms of DWP, HMRC and Equifax tracing for more than 6 years and often longer.
- The real issue about the controlled archive is that the majority of cases have gone home.

**Agency’s operational guidance to staff**
- Agency guidance to staff on procedure to follow before placing cases in the controlled archives was as follows:
  - All checks to establish an applicant’s whereabouts should be made.
  - Applicants granted leave beyond July 2011, had been removed or left voluntarily should not be put in the controlled archive.
  - Any information in the paper file or Case Information Database (CID) which could be a lead to the applicant’s whereabouts should be pursued before the file is put in the controlled archive.

**Inspector’s findings – asylum backlog**
- The Inspector’s sample of 145 files contained:
  - 6 cases where no asylum claim had been recorded, 2 where the applicants had been granted leave, 1 claim that had been withdrawn and one as a national.
  - 7% of the file sample had been wrongly allocated to the controlled archive.
- The Agency had not taken any proactive work to trace any of the individuals in the Inspector’s file sample. Overall only 11,000 cases had undergone extensive checks before being placed in the archive.
- Data matching against external providers
  - Only 5 cases in the Inspector’s sample had been subject to any external checks. These took place long before the cases were put in the controlled archive (August 2010 was the most recent).
- The Agency did not fulfil its commitments to carry out checks with DWP, HMRC or credit reference agencies.
- Data matching against internal and external systems
  - PNC checks had been carried out on all files before they were placed in the archive.
  - Once files were placed in the archive the Agency did not carry out regular checks against the PNC or the Home Office’s Warnings Index (W) from April 2011 when the cases were transferred to the CAAU.
  - The Agency only used Warnings Index checks when deciding whether to grant leave. Contrary to public claims they were not routine.

**Inspector’s findings – immigration backlog**
- The Inspector’s sample of 64 cases contained:
  - 3 individuals who had claimed asylum.
  - 1 who had been granted leave.
  - 1 who had never had an initial decision made on their case.
  - 3 cases which contained strong evidence the individuals had left the UK.
- Data matching against internal and external systems
  - Cases in the Inspector’s sample were not checked against the PNC or W until April 2011 despite the Agency’s claims that this had taken place in 2009.
  - The Agency wrote to all applicants in the immigration controlled archive between April and June 2011. Where replies weren’t received and security checks came back negative cases were transferred to the controlled archive.
  - No checks were carried out on files in the immigration controlled archive until April 2012.
  - In 55% of cases sampled the Inspector came across information which could have been used to trace the applicant.
10. The Inspector’s report makes it clear that, contrary to its public claims, the Agency was not carrying out its full programme of checks on legacy cases either before or after they were placed in the controlled archives. The Agency has repeatedly told this Committee that it could have confidence that legacy applicants were no longer in the country as an extensive checking programme carried out over five years had not found any trace of them. We know that there are a significant number of failed asylum seekers and illegal immigrants living in the UK and avoiding contact with public authorities. Recent figures from the London School of Economics put the number of illegal immigrants in the UK at 618,000 and in 2008 the Red Cross reported that it had been approached for help by 10,000 destitute asylum seekers. Therefore, no tracing programme was likely to discover everyone who had slipped through the net. The fact that a sustained and thorough tracing programme did not even take place makes it even less likely that individuals living here have been identified. It is possible that tens of thousands of individuals whom the Agency has not been able to trace are still here.

**The Agency’s response to the Chief Inspector’s findings**

11. There have been three Chief Executives of the Border Agency since it was established in 2006:

- Lin Homer, now Chief Executive of HMRC (August 2005– January 2010);
- Jonathan Sedgwick, Acting Chief Executive (January 2010 – September 2011), now Director of International Operations and Visas; and
- Rob Whiteman (since September 2011).

All three individuals have now apologised for supplying the Committee with inaccurate information on the asylum backlog.

12. **Lin Homer** has apologised for wrongly telling the Committee that the group of 40,000 immigration cases discovered in October 2009 had been immediately checked against the Police National Computer and the Watchlist. In fact, with the exception of 800 cases, The Agency did not make these checks until 18 months later between April and June 2011.\(^5\) She has not however apologised for giving the Committee incorrect information about the size of the asylum backlog.

13. **Jonathan Sedgwick** has apologised for wrongly telling the Committee that cases being placed in the controlled archives were checked against 19 databases.

> I informed your committee that legacy asylum cases being placed in the controlled archive were checked against 19 databases ... it is now clear to me that this is not correct and that I should have said ‘up to 19 databases’.\(^6\)

---

\(^5\) Home Affairs Committee, Session 2012-13, *Provision of information to the Committee by the UK Border Agency*, HC 781-i, Q37 and Chief Inspector of Borders and Immigration, *An Inspection of the UK Border Agency’s handling of legacy asylum and migration cases.*

\(^6\) HC 781-i, Ev14
We welcome Mr Sedgwick’s apology, however, according to the Inspector’s report, the majority of cases had not been checked against any databases at all.

14. Rob Whiteman wrote to us following the publication of the Inspector’s report and said that he takes the provision of inaccurate information to the Committee ‘very seriously’. He went on to list the actions he had taken when he realised that the tracing programme had not been carried out properly:

- Set up an internal investigation by the Agency’s Professional Standards unit.
- Ensured a proper programme of checks was started.
- Set up a disciplinary investigation.

We understand from Mr Whiteman that a new unit, the Performance and Compliance Unit, has been set up to improve the quality of the data provided by the Agency to Parliament and the public. This unit will be subject to independent scrutiny by the Chief Inspector for Borders and Immigration.

15. Mr Whiteman did not however inform this Committee that the Agency had regularly supplied it with incorrect information since 2006. This in our view is unacceptable and undermines Mr Whiteman’s claims to take the provision of accurate information to the Committee seriously. No senior official in the Border Agency took any steps to alert this Committee to what had happened until the Independent Chief Inspector published his report. This is hardly the mark of a transparent organisation which recognises its accountability to Parliament. Instead the Agency appears to have tried to sweep its mistakes under the carpet in the hope that they would remain unnoticed.

16. We are astonished that the Agency provided this Committee, and its predecessors, with information that turned out to be patently wrong on so many occasions over the last six years. If it was not attempting to mislead the Committee then it must be a sign that senior officials had no idea as to what was actually going on in their organisation. We find it very hard to believe that no one within the Agency had any idea that checks were not being carried out as they should have been and we expect the Agency to share the findings of its disciplinary investigation with us as soon as it is completed.

17. However, we welcome the establishment of the Performance and Compliance Unit within the Agency, if indeed it will actually ensure that the data provided are robust and reliable, and really can be relied on. We also welcome the oversight that the Chief Inspector will have of its work. We expect this to mark the beginning of a move towards greater transparency on behalf of the Agency; transparency that is evidenced by accurate and clear information provided to Parliament in a timely manner.

---

7 HC 781-i, Ev12
8 Ev 37
The tracing programme since April 2012

18. The Agency says that all the cases in the controlled archives were subject to a full checking programme between April 2012 and the closure of the archives on 21 November.\(^9\) In total, 64,600 asylum cases and 15,700 immigration cases have been closed as the Agency cannot trace the applicants.\(^{10}\) The Agency asked Deloitte to carry out assurance work on the cases in the archives to make sure that the checking programme had been completed properly. Deloitte checked a sample of 1,000 cases (810 asylum cases and 190 immigration cases). This represented only 1.2% of the total number of cases in the archives.\(^{11}\) A summary of the checks the Agency said it had carried out and Deloitte’s subsequent findings can be seen in the diagram below.

The Agency’s final tracing programme and the findings of Deloitte’s assurance work\(^{12}\)

<table>
<thead>
<tr>
<th>Security checks</th>
<th>Agency tracing programme</th>
<th>Deloitte’s findings</th>
<th>Subsequent action taken</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Police National Computer check within 3 months of the case being closed.</td>
<td>14 sample cases had no PNC check performed on them.</td>
<td>Further investigation showed 328 cases had not had a valid PNC check. UKBA ran 2,188 further checks to ensure data was suitable for checking against the PNC.</td>
<td></td>
</tr>
<tr>
<td>A check against the Home Office Watchlist within 3 months of the case being closed.</td>
<td>22 cases had a confirmed PNC hit recorded and 267 cases had a potential PNC hit recorded.</td>
<td>Deloitte say that ‘UKBA has closed the case as the relevant PNC check has been performed’.</td>
<td></td>
</tr>
<tr>
<td>10 sample cases had not been checked against the Watchlist.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>External database checks</th>
<th>HMRC databases:</th>
<th>DWP Databases:</th>
<th>Equifax checks</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Child Benefit</td>
<td>• JSA</td>
<td>• DWP’s case at ‘matchkey level 3’ databases, they should have been checked twice.</td>
<td>• Court &amp; Insolvency Information</td>
</tr>
<tr>
<td>• Working tax credit</td>
<td>• Income support</td>
<td>• All 190 immigration cases had only been checked once against DWP’s databases, they should have been checked twice.</td>
<td>• Electoral roll</td>
</tr>
<tr>
<td>• Child Tax credit</td>
<td>• DLA</td>
<td>• An additional retrospective check was performed by UKBA against DWP’s databases. This used DWP records as they were in June 2012, the date the initial check should have been made.</td>
<td>• Land registry</td>
</tr>
<tr>
<td></td>
<td>• Pension Credit</td>
<td></td>
<td>• Council of Mortgage Lenders</td>
</tr>
<tr>
<td></td>
<td>• Pension Service Computer System</td>
<td></td>
<td>• CIFAS – UK’s Fraud Prevention Service</td>
</tr>
<tr>
<td></td>
<td>• Single Housing Benefit Extract</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Carers Allowance</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Industrial Injuries Computer System</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

9 Ev 38
10 UKBA, Controlled Archives Closure Report, p9
11 Deloitte, Independent Review of Controlled Archive Process Prior to Case Closure, 12 December, p1
Checks against DWP’s databases

19. We understand from the Agency that it identified and flagged to Deloitte its failure to check some of the immigration cases against DWP’s databases twice. This amounted to 19% of the cases in Deloitte’s total sample but all of the cases in question came from the immigration controlled archive. On the basis of this sample there is no evidence that any of the 15,953 immigration cases received two checks against the DWP’s databases prior to Deloitte’s assurance work. Deloitte has verified that the cases in its sample have now been subject to two DWP checks using retrospective DWP records from June. We also understand that DWP has provided a ‘statement of assurance about the data’. We expect the Agency to provide us with a copy of the Department of Work and Pensions’ statement about the checks performed by the Agency against its databases. The Agency must also tell us how many of the cases this statement of assurance applies to.

20. The Agency’s and Deloitte’s assurance processes showed that a number of cases with a ‘matchkey three’ level match against DWP’s data had been wrongly placed into the controlled archives instead of the live cohort. If Deloitte’s findings are extrapolated to account for the whole controlled archive this could have applied to around 300 cases in total. The Agency says it has double checked all closed cases to ensure that those with a level three match or higher have been transferred to the live cohort. Deloitte has verified that this has taken place in relation to the cases in its sample. We are satisfied that misallocation to the controlled archive of cases with a ‘matchkey three’ against DWP data has, most likely, been corrected appropriately.

Security checks

21. We are concerned that 328 cases were not able to have a Police National Computer check completed because of poor-quality data, this is equivalent to around 1,100 cases in the combined archive. We are also concerned that 28 cases were identified as having such poor data that they could not have a Watchlist check because they were missing information such as a surname, address or date of birth. We are astounded that anyone would be able to apply for a visa or for asylum without providing this information. When we asked the Agency how this was possible it said that:

‘data held for these legacy cases contained errors and duplication and that records for some of the cases predated the electronic information held on the Case Information Database (CID). Incomplete records may have occurred during the migration of previously held electronic data onto CID’.

22. It is totally unacceptable for case records to be missing such fundamental data which enables them to undergo important security checks. We cannot understand how this can have been allowed to happen for so many applications. We recognise that this issue is a historical rather than a current failing on the Agency’s behalf and one that should be attributed to its leadership at the time the applications were made. The Agency says it is satisfied with the action it took to try and improve the data quality by

---

13 UKBA Controlled Archives Closure Report p7
14 Ev 38
reformatting it. However, given that 328 cases were still unable to undergo a PNC check and 28 were unable to be checked against the Watchlist we regard this as a most unsatisfactory consequence.

**Cases with a hit on the Police National Computer**

23. Of Deloitte’s sample, 29% of cases had a ‘hit’ on the Police National Computer, 22 were confirmed and 267 were ‘possible’. The Agency says that it only required Deloitte to confirm that the check had been carried out, not to comment on the outcome of the check, therefore Deloitte has said that ‘no remediation is required’ as the ‘relevant PNC check has been performed’.\(^{15}\) The Agency tells us that in total there were 3,077 cases with previous hits on the Police National Computer but no contact information to enable the case to be progressed even after it re-ran these cases against the Computer’s live database.\(^{16}\) The Agency tells us these cases can be broken down into the following categories:

- **1,502 cases had a positive hit on the PNC for ‘non-criminal reasons such as holding a firearms licence. These case remain closed’.**\(^{17}\) *We understand that these individuals are unlikely to pose a security risk but we are puzzled that there is no contact information available for any of them. In the example given by the Agency (holding a shotgun licence), licence-holders have to supply their name and address.*

- **1,468 cases had convictions that predated April 2011 and were considered as addressed as part of the Case Review Directorate’s work on the controlled archives. Therefore the Agency did not re-open these cases.*\(^{18}\) *Given the Agency’s poor record in carrying out checks on legacy cases prior to April 2012 we are by no means reassured that this issue has been addressed properly. We recommend the Agency re-examines these cases individually before closing them and reports its findings to this Committee. The public has a right to know about individuals who may be living in their communities with no legal right to be here and who may have committed criminal offences whilst in the country.*

- **24 cases have been identified as having an impending prosecution, the Agency is working with the police to trace the individuals in question.**

- **83 cases had a PNC hit which post-dated April 2011, again the Agency is working with the police to trace these individuals. ** *We are concerned to hear that the authorities do not have contact details for individuals who are awaiting prosecution or who have recently been in contact with the police. It is vital that the Agency continues to work with the police and prosecutors to try and locate these individuals.*

\(^{15}\) Deloitte, Independent Review of Controlled Archive Process Prior to Case Closure, p3

\(^{16}\) UKBA Controlled Archives Closure Report, p7-8

\(^{17}\) UKBA Controlled Archives Closure Report, p5

\(^{18}\) UKBA Controlled Archives Closure Report, p6
24. We are disappointed that even after the Inspector’s discovery in April 2012, the Agency failed to carry out its programme of checks properly. This is especially worrying given that the controlled archives were to be closed upon completion. We had expected the Agency to take a thorough approach to the task, one that demonstrated awareness of its responsibility to trace all the individuals it was possible to trace and to ensure that all cases were closed appropriately.

25. The exceptions uncovered as a result of Deloitte’s and the Agency’s assurance work raise concerns that, despite the remediation carried out by the Agency, there are still potentially hundreds of legacy applicants in the UK of whom the Agency has found a footprint but has not been able to locate.

26. The uncovered exceptions aside, we find it difficult to agree with the Agency that:

‘Doing these checks means we have confirmed that individuals are not working, receiving benefits, have financial products or have come into contact with the police. Where there is no trace of the individual we have to conclude that they are no longer in the UK.’

27. We know that there are a large number of failed asylum and immigration applicants living in the shadows in the UK who are unlikely to have records on many of the databases searched by the Agency. Based on evidence seen so far we do not believe that the checking programme, even when properly completed, can offer reassurance that all 80,300 applicants whose cases the Agency has now closed have left the UK.

28. Mr Whiteman has told us that:

‘if in the future...an individual from a closed case does come to the attention of the UK Border Agency, the case will be reactivated and progressed.’

We are unsure as to how any matches with the controlled archive cases will be achieved. We expect the Agency to tell us what mechanisms it has in place for flagging up individuals it come into contact with who have a record in the closed archives.

**Asylum cases that were not reported to this Committee**

29. A key discovery made by the Chief Inspector of Borders and Immigration was that 33,000 legacy asylum applications being caseworked by the CAAU were not reported to the Committee as part of the asylum legacy backlog. These cases included Active Review cases,
Leave in Line cases and cases affected by data quality errors. CAAU staff told the Inspector that they represented 30-40% of their work. The Inspector’s report said that it:

‘remains unclear as to why these statistics were excluded, as the original asylum claims all fell before March 2007. We therefore…recommend that the UK Border Agency ensures that all the information it provides to the Home Affairs Select Committee is accurate and includes all legacy cases where asylum applications were made before March 2007.’

30. When he gave evidence to this Committee the Inspector told us that

“They [CAAU staff] were adamant that the cases had not been reported to you. It was something of a bugbear for the staff in the CAAU, because 30% to 40% of their work fell into this category and they felt it was not being reported or acknowledged.”

He also told us that when his draft inspection report was sent to the Agency for factual checking this conclusion was never challenged.

31. When Lin Homer, the Chief Executive of the Agency from August 2005 until January 2010, came to give evidence to this Committee she told us that these cases had been reported to the Committee but not as part of the asylum backlog. We challenged Ms Homer’s statement on the basis of the Inspector’s report but Ms Homer continued to insist throughout the session that she has reported the cases to the Committee.

‘I would repeat that I don’t believe those 33,000 cases were not brought to this Committee. I think they were not brought under the CRD banner’.

We put it to Ms Homer that she had supplied the information:

‘In such a way that we could not find it…and the Chief Inspector also didn’t find it’.

32. Ms Homer undertook to write to the Committee setting out the evidence in which she had reported these cases. Her statements and our response can be seen from the diagram below.

---

21 Active Review cases are cases where an individual has been granted a temporary form of humanitarian protection or Discretionary Leave to Remain and has applied for further leave to remain. Leave in Line cases are cases where there has been a change in the applicant’s circumstances which mean that dependents now also need to be taken into consideration.

22 Chief Inspector of Borders and Immigration, Report into the Agency’s handling of the legacy asylum and migration cases, p58

23 Chief Inspector of Borders and Immigration, Report into the Agency’s handling of the legacy asylum and migration cases, p52

24 Chief Inspector of Borders and Immigration, evidence to HASC, 4 December, Q3

25 Chief Inspector of Borders and Immigration, evidence to HASC, 4 December, Q3

26 HC 781-i, Q48

27 HC 781-i, Q64

28 HC 781-i, Q75 and 76
Lin Homer’s statements about the unreported asylum cases

Lin Homer’s statement

In my letter to you of 7 July 2009 footnote 6 of the annex explained that the figures reported included such cases (active review cases) as they had been granted and concluded. This footnote was repeated in my letters of 19 October 2009, 4 February 2012 and 1 November 2010.

“During the evidence session of the 15 January 2008 Ms Buck questioned me about asylum cases given exceptional leave to remain (Q71-73). In paragraphs 15-18 of my follow up letter to the Committee on 18 February 2008 I explained that an applicant granted a period of less than four years exceptional leave will, upon application be subject to an ‘Active Review’ to determine whether they continue to qualify for leave to remain in the UK.

You will also be aware that the Public Accounts Committee took evidence on the ‘active review’ of refugee status as part of its inquiry into the management of asylum applications in 2009.

Committee’s response

- The footnote in question references ‘Cases granted some form of leave, be it limited or indefinite commission by Case Resolution Directorate’ as forming part of the cohort of asylum cases so far granted leave to remain.
- There is no information to suggest that these cases were reported to the Committee as forming part of the continuing backlog as the Committee was not given a figure in any of the letters referred to by Ms Homer for the total remaining number of cases in the backlog.
- It is not clear that this category covers the three types of cases the Inspector is concerned were not reported to the Committee (Active Review cases, Leave-in Line cases and those affected by data quality errors). From the description in the footnote it seems likely it is limited to Active Review cases.
- These cases are not referred to by the terminology used by the Agency (Active Review, Leave in Line and data quality errors) above, neither are they addressed in the main body of the letter.

- Ms Homer and her then colleague Ms Miles did not provide any information on exceptional leave to remain cases that had been refused indefinite leave to remain in the session of 15 January.
- In her letter of 18 February 2008 Ms Homer discusses Exceptional Leave to Remain (ELR) cases and confirms that cases granted ELR will be subject to an Active Review.
- In answer to Ms Buck’s question of the 15 January she says the following: ‘We do not hold the information requested about the exact number of individuals granted exceptional leave to remain cases that have been refused indefinite leave to remain. However, a distinction is made between cases where an applicant was previously granted a block period of four years’ exceptional leave to remain, and cases where a shorter period of leave was granted.’
- It is not clear how this relates to asylum cases that were in the Controlled Archive or the Case Resolution Directorate. In any case Ms Homer is unable to provide the information requested by the Committee.

- The Inspector raised concerns that the extent of the backlog was not reported to the Home Affairs Committee. He did not address the issue of the provision of information by the Agency to other Committees.

33. We do not believe that Ms Homer informed this, or our predecessor committees about the cohort of cases in question. The statements referred to by Ms Homer have, at best, a tenuous link with the issue and certainly do not provide evidence that she informed this Committee about the full extent of the asylum backlog. We are supported in this opinion by the Chief Inspector of Borders and Immigration, John Vine, who told us that, despite Ms Homer’s statements:

‘I stand by my report...I do not recognise those figures as being part of this issue’.29

34. It is appalling that a senior civil servant should have misled the Committee in the way that Ms Homer did and that she continues, even in the light of the Inspector’s findings, to try and evade responsibility for her failings. Reference to important figures in an obscure footnote in a previous letter is not an acceptable response. The Inspector’s findings about the asylum and immigration backlog are the latest in a long

29 Q3 [John Vine]
line of failings in the Border Agency, many of which occurred throughout Ms Homer’s time as Chief Executive.

35. When he gave evidence to us the Chief Inspector said that, in respect of dealing with the asylum and immigration backlog the Agency was not fit for purpose.30 He also said that there was ‘a lack of transparency’ in the Agency and that ‘customer and complaints handling ... are shockingly poor’.31 Furthermore the Inspector commented that ‘sometimes this Agency feels as though it were in silos’.32 He went on to offer several examples of incidents where different Directorates within the Agency had been unaware of each others’ work on the same cases. He cited in particular the case of an individual who, at his appeal for Further Leave to Remain in the UK, produced a letter from the Agency granting him leave to remain which the Agency’s Presenting Officer was completely unaware of.33 In fact the Inspector could only name one part of the Agency that he judged to be performing well, the International Directorate.34

36. This whole episode raises serious concerns about the accountability of the most senior civil servants to Parliament. It is shocking that after five years under Lin Homer’s leadership an organisation that was described at the beginning of the period as being ‘not fit for purpose’ should have improved its performance so little. Given this background, we are astounded that Ms Homer has been promoted to become Chief Executive and Permanent Secretary at Her Majesty’s Revenue and Customs and can therefore have little confidence in her ability to lead HMRC at what is a challenging time for that organisation. Indeed we note from Ms Homer’s appearance before the Public Accounts Committee in January that one million letters were left unanswered at HMRC throughout 2012 and that 100,000 of these still remained unanswered on the date of her appearance before the Public Accounts Committee.

37. We recommend that Parliament be given a stronger role in the pre-appointment scrutiny of civil servants who will be leading government departments and we believe this strengthens the case for select committees to be given the power of veto. The status quo, in which catastrophic leadership failure is no obstacle to promotion, is totally unacceptable. We recommend that in future any failures of this nature should have serious consequences for the individual’s career.

38. Rob Whiteman has since written to this Committee and told us that the Agency did not continue to include these asylum cases in the legacy backlog because:

‘On expiry of their limited leave these individuals will need to make a fresh application for further leave to remain should they wish to remain in the UK and therefore no action was required by the CRD and CAAU teams working on the legacy cases.’35

---

30 Q12 [John Vine]
31 Q12 [John Vine]
32 Q14 [John Vine]
33 Q24 [John Vine]
34 Q27 [John Vine]
35 Ev 37 [18 December letter]
39. This statement appears to be at odds with the report from the Chief Inspector which found that these cases represented 30-40% of the CAAU’s casework and that staff were upset that this substantial element of their work was not being reported to this Committee. It is difficult to see how both the Chief Inspector’s findings and Mr Whiteman’s statement can be correct and we expect Mr Whiteman to clarify the issue immediately.

40. Mr Whiteman also told us that, having analysed the Active Review cases

‘We estimate that there are currently 11,000 Active Review cases. These cases will be managed as part of a new Directorate, Complex Casework Directorate, which will be established early next year to manage the Agency’s older and complex cases’.36

We expect the Agency to tell us how these 11,000 Active Review cases relate to the group of 33,000 cases uncovered by the Chief Inspector. We also note that, far from having cleared the backlog, the Agency appears to be setting up a new directorate, the Complex Casework Directorate, to solve the more difficult cases which still remain outstanding. The Agency needs to tell us how this new Directorate is related to the CAAU and the backlog casework that they are currently concluding. Further comments on the Agency’s use of changing terminology to disguise unresolved problems can be found in the section below.

36 As above.
Other issues about the clearing of the asylum and immigration backlogs

Use of Terminology

41. The Agency’s target for the legacy programme was to conclude all legacy cases by the summer of 2011. However, as shown by the diagram below, when it became clear that it wasn’t going to make this target the Agency simply changed its definition of ‘conclusion’ and set up a new directorate to deal with un-concluded cases.

Changes to the Agency’s definition of ‘conclusion’

<table>
<thead>
<tr>
<th>2007</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grant or permanent residency</td>
<td>Completed review by the CRD</td>
</tr>
<tr>
<td>Voluntary or enforced removal from country</td>
<td>Cases awaiting decisions following late representations</td>
</tr>
<tr>
<td>Found to have been given status prior to July 2006</td>
<td>Cases awaiting conclusion facing barriers to removal</td>
</tr>
<tr>
<td>Found to be a duplicate records</td>
<td>(Given by a Director of the CRD)</td>
</tr>
<tr>
<td>(Given by the Agency to this Committee)</td>
<td>(Given by the Agency to this Committee)</td>
</tr>
</tbody>
</table>

42. The Agency did not conclude its work on the legacy programme within its original target time. Rather than admit this, it simply sent the cases which it had reviewed but not yet concluded off to a new unit, the Case Assurance and Audit Unit (CAAU). We are disappointed that the Agency chose to address the issue in this way. The Agency’s action in setting up a further Directorate, the Complex Casework Directorate, to conclude difficult older cases suggests to us that, despite its claims, the Agency has no intention of taking a more transparent approach to terminology and reporting in the future.

43. It is unclear as to what genuinely new purpose the CAAU was set up to achieve. The handover of cases between units led to unnecessary confusion, resulting in extra work and delay. The Chief Inspector found that:

- There was no strategic oversight of the transition from the CRD to the CAAU and that management of the change was ‘fundamentally flawed’;

- over 9,000 cases that had not even been reviewed by the CRD were transferred to the CAAU in error;

37 Chief Inspector of Borders and Immigration, An Inspection of the UK Border Agency’s handling of legacy asylum and migration cases, p14-15

38 Q2
• the CAAU was inadequately resourced for the task it was given;39

• and, as discussed below, the Agency’s correspondence handling over this period was seriously flawed.

44. Keeping the cases in the Case Resolution Directorate and concluding them properly would have been a more prudent and transparent approach than establishing the Case Assurance and Audit Unit to take on cases which were not concluded by the Case Review Directorate.

Correspondence with applicants, legal representatives and MPs

45. The Inspector’s report found that throughout the handover of cases from the CRD to the CAAU the Agency was completely overwhelmed with correspondence from affected individuals, their legal representatives and MPs. The Inspector found that, throughout July and August 2011 there were in excess of 100,000 pieces of post in the CAAU which were inherited from the CRD in March 2011. At one point, he said, over 150 boxes of post from applicants, Members and legal representatives ‘lay unopened in a room in Liverpool’.40 The Inspector told this Committee that much of the correspondence was generated by the Agency and its commercial partner rushing to chase up cases before the closure of the CRD. In his opinion, this led to many cases being put into the controlled archives erroneously.41

46. As regards terminology, it is indeed very confusing the way in which designation is given to what is essentially a very large backlog. In this report, we have mentioned the controlled archives, the Case Assurance and Audit Unit, Case Review Directorate, Active Review cases, and now a new one, Complex Casework Directorate, leaving aside the Performance and Compliance Unit mentioned earlier. What all this means cannot be clear to the public, the legal profession, or for that matter the media, who want to know the latest and accurate situation of outstanding applications to UKBA, and how long they have been outstanding.

47. We agree that this shambolic approach to correspondence is likely to have led to many cases being placed in the controlled archives when in fact the applicant was trying to make contact with the Agency. The deluge of correspondence was no doubt the result of the Agency publicly claiming to have cleared its backlog when it had not done so and a poorly timed mail merge exercise to the nine thousand or more individuals whose cases were passed to the CAAU without even being reviewed by the CRD. On this issue alone, of totally misplaced boxes of correspondence involving thousands of cases, we can only conclude the organisation has been poorly led and mismanaged. We hope that the Agency will learn from this episode and undertake to finish programmes properly in the future instead of fudging its terminology to meet targets.

39 Q9
40 Chief Inspector of Borders and immigration, An Inspection of the UK Border Agency’s handling of legacy asylum and migration cases, p2 and p6
41 Q5
3 Key indicators of the Agency’s performance

48. The Committee assesses the Agency’s performance on a quarterly basis against a number of key indicators covering the major aspects of its work. This list is not definitive and the committee may decide, as and when new issues arise, to add further indicators.

- Foreign national offenders
- The asylum and immigration backlog: live casework
- New asylum cases
- Immigration
- Immigration detention
- Appeals and tribunals
- Sponsors and licensing
- Enforcement action
- Migration Refusal Pool
- Intelligence
- Departmental information and cooperation with Parliament
Foreign National Offenders and ex-Foreign National Offenders

Ex-FNOS released without being considered for deportation

No significant change:

- 47 of the ex-FNOS released without being considered for deportation in 2006 remained untraced at the end of Q3 2012. This was down from 50 in the previous quarter.
- Four additional ex-FNOS from the 2006 cohort were removed from the UK in Q3 2012 taking the total to 405.
- Three of the 28 ex-FNOS released without being considered for deportation in 2011 remain untraced.
- Three ex-FNOS were released without being considered for deportation in 2012.

Ex-FNOS living in the community

- No significant change: 3,980 ex-FNOS were living in the community whilst awaiting deportation in Q3 2012 a slight increase of 26 on Q2 2012. 65% of these cases are over two years old.

Removals in this quarter

- No significant change: 340 ex-FNOS eligible for deportation were released in Q3 2012, 96% of their cases were outstanding at the end of Q3 2012. This is similar to Q2 2012 when 318 ex-FNOS were released with 94% of cases outstanding at the end of the quarter.
- Worse performance: Of the ex-FNOS whose deportation cases were outstanding 211 were delayed because their cases were still being concluded by the UKBA. This is a rise of 39% from Q2 2012.
- Worse performance: 118 days was the average length of time it took to deport an ex-FNO in Q3 2012, an increase of 10 days from the previous quarter.
- Improved performance: There were 165 failed removals in Q3 2012, 13% of the total number of removals. This is an improvement from Q2 2012 when there were 200 failed removals.
- No significant change: 45% of removals were carried out during the Early Release Scheme period in Q3 2012 compared with 43% in Q2 2012.
- No significant change: 38% of removals were carried out under the Facilitated Returns Scheme in Q3 2012 compared with 39% in Q2 2012.
49. The Committee is pleased to note that the Agency is making some progress in locating and removing ex-FNOs from the 2006 cohort who were released without being considered for deportation.

50. However, the overall number of ex-foreign national offenders living in the community whilst awaiting deportation has grown incrementally since the beginning of the year and the backlog of ex-offenders who have been here for over two years remains stubbornly high. The Government is simply not getting to grips with an issue that both endangers and infuriates the public. We reiterate our previous recommendation that ex-FNOs should be considered for deportation earlier in their sentence. The Home Office should work to overcome logistical and legal obstacles to doing so.
Asylum and immigration backlog: live casework

Asylum backlog

- 28,500 backlog asylum applications were being caseworked by the Agency in Q3 2012.

- At the end of Q3 2012 56% of all legacy asylum applications concluded to date had been granted leave to remain and 24% of applicants were removed. 21% of applications were found to be duplicates.

Immigration backlog

- 4,000 backlog migration cases were being caseworked by the Agency in Q3 2012.

- At the end of Q3 2012 48% of all legacy migration cases concluded to date had been granted leave to remain and 29% of applicants had been removed. 24% of cases were found to be duplicates.

Key issue: prioritising the conclusion of legacy casework

Graph 2: Asylum and immigration backlog casework

51. The asylum and migration backlog is made up of “live” cases, where the Agency has established contact with people who were previously untraceable. The number of live asylum and immigration backlog cases has grown steadily throughout the year, this is to be expected as the Agency began to properly implement its tracing programme in this period. When the controlled archives closed the Agency had 33,900 backlog asylum cases and 7,000 backlog immigration cases that it needs to conclude. Most of the individuals concerned will have waited many years to find out the result of their applications. The Agency must now prioritise the conclusion of their cases and work fast to give them a
swift decision. The age of the cases and the controversy surrounding the backlog make it important that the Agency considers the merits of each application properly and records the reasons behind its decision making. As we recommended in our Fourth Report of 2010-12, in cases where severe delays in decision-making have been the fault of the Government and not the applicant, and where the passage of time has made evidence harder to find or has led to the applicant’s being better integrated into British society, there is an argument in favour of granting the applicant leave to remain.

New asylum cases

Initial decisions and conclusions

- **Worse performance:** 10,914 asylum cases were awaiting an initial decision at the end of Q3 2012 a 19% increase on the previous quarter.

- **Worse performance:** There was a 53% rise in the number of asylum seekers awaiting an initial decision for more than 6 months in the year up to September 2012.

- **No significant change** 63% of asylum cases were concluded within one year in Q3 2012 a 3% rise on the previous year.

Applicants previously removed from the UK

- 4 individuals were removed from the UK and subsequently granted refugee status or humanitarian protection in Q3 2012. The individuals were nationals of Iran, Pakistan and Sri Lanka.

Settlement applications

- **Unacceptable performance:** 1,754 settlement applications were made by asylum seekers in Q3 2012, 91% were outstanding at the end of the quarter.\(^{42}\)

- **Unacceptable performance:** 109 days was the average length of time taken to process a settlement application in Q3 2012.

---

\(^{42}\) Settlement applications are made by individuals whose period of leave on the grounds of humanitarian protection or being granted asylum has expired and who have applied for a residence permit to remain in the UK.
Key issue: a growing backlog of cases pending an initial decision for more than 6 months

Graph 3: Main and dependent applicants waiting more than 6 months for an initial decision

52. We are concerned to see a 53% rise in the number of asylum seekers awaiting an initial decision for more than six months in the year up to September 2012. The number of cases being concluded within a year has only risen by 3% in the same period, now accounting for only 63% of the total. We recognise that there will be difficulties with some cases but if our asylum system is to function properly the Agency must keep on top of its caseload. The figures for the last year indicate that this is not what is happening, the Agency should review its resource model for processing these cases and make the changes needed to start reversing the increase in the number of cases waiting for an initial decision for longer than six months.
Immigration

Number of visas issued

- There was a 14% decline in the number of visas issued in the year up to September 2012.
- There has been a 28% decrease in the number of settlement visas issued in the year up to September 2012.43
- There has been a 26% decline in the number of student visas issued in the year up to September 2012.

Processing of in-country immigration cases

The Agency’s targets are to process 90% of Tier 1, 2 and 5 and 85% of in-country postal applications within four weeks.

- **New backlog**: Only 18% of Tier 1 and 14% of Tier 4 applications were processed on time in Q3 2012 a decline from 26% and 28% respectively in the previous quarter.
- **Improved performance**: 79% of Tier 2 and 71% of Tier 5 applications were processed on time in Q3 2012, an increase from 33% and 34% respectively in the previous quarter.
- **New backlog**: 59,000 in-country immigration applications had not been loaded onto the Agency’s Case Information Database (CID) at the end of Q3 2012.

Processing of out of country immigration cases

- **Improved performance**: The Agency consistently exceeded its processing targets for out-of-country visa applications in Tiers 2, 4 and 5 in Q3 2012. 100% of visas in all three tiers were processed within its final 60 day target time.
- **No significant change**: The Agency missed its processing targets for out of country visa applications in Tier 1 by a few percentage points. 99% of visas were processed within its final 60 day target time.

---

43 Settlement visas are applications for permanent leave to reside in the UK.
53. The Agency’s performance in processing applications for Further Leave to Remain in Q3 2012 is shocking. Its targets for Tiers 1, 2 and 5 are to process 90% of postal applications in four weeks and 90% of premium applications in 24 hours. Its targets for Tier 4 are to process 85% of postal applications in four weeks and 85% of premium applications within 24 hours.

**Postal applications**

54. In Quarter 3 2012 only 18% of Tier 1 applications made by post were processed within target time (four weeks), within Tier 1, only 20% of Entrepreneur applications were processed on time. Tier 4 fared even worse with only 14% of student postal applications being processed within four weeks. Tier 2 and Tier 5 saw a better performance but still fell considerably short of the 90% target.

**Premium applications**

55. The Agency’s premium service is designed to enable users to have their applications for Further Leave to Remain processed within 24 hours. In Q3 2012 the Agency processed only 73% of Tier 1 and 72% of Tier 2 FLTR applications within the 24 hour target time. It processed 73% and 75% of Tier 4 and 5 visas on time. This is an unacceptable performance considering that the Agency is charging main applicants between £661 and £1,800 for premium applications. The Agency processed more postal applications on time than premium applications, this is unacceptable.

---

44 Prices are dependent on Tier, please see the Agency’s website for a full breakdown of fees:

http://www.ukba.homeoffice.gov.uk/aboutus/contact/applyinginperson/cost/
56. The Agency has given applicants a notably poor level of customer service which cannot be serving the Government’s aim of keeping the ‘brightest and the best’ in the UK. Parliamentary Questions reveal that it takes 45 minutes to deal with a case. Given that figure, it is inexcusable that so many people are not having their cases processed on time. In total 28,558 visa applications were not processed within target times in Q3 2012, more than double the number that were, 10,842. The delays create a vicious cycle of paperwork as, the longer the delay, the more letters MPs will write and the more bureaucracy there will be to handle. People are paying a high cost to obtain their visas, and more for the premium services. The Agency needs to consider these people more as customers, and fulfil its responsibilities in the timescale it has promised. The Agency must explain to Parliament what has gone wrong throughout 2012, what it is doing to solve the problem and when services will be running within target times again. We note that, in contrast, out of country visa applications are processed within target times and that the Agency often exceeds these targets, as we saw recently in Abu Dhabi. The Agency needs to examine how the strong performance of the International Directorate can be replicated for in-country applications.

In-country applications not yet loaded onto the Agency’s computer systems

57. We report quarterly on UKBA’s performance and with each Quarter a new backlog is revealed. The appearance of the backlog of cases still to be loaded onto the UKBA’s computers—which numbers some 59,000 people—is absolutely unacceptable. As Members of Parliament, we receive countless calls from constituents who are distressed by the Agency’s unresponsiveness. It was Rt Hon John Spellar MP who wrote to us to alert us to this backlog, which was not previously disclosed by the Agency. A further backlog was revealed by John Vine’s work on visas.

58. It is completely unacceptable for Members of Parliament to ring up about constituency cases and be told that the Agency has no record of them, because they have not been entered onto its databases yet. This should be a priority for the Agency so Members can at least access case information.

59. Information on this backlog was only volunteered by the Chief Executive when questioned by the Committee. The Agency needs to be transparent and keep the Committee informed of any new backlogs that emerge, and of any current backlogs that exist that the Committee is not aware of.

45 Q105 (footnote), Ev 17
Immigration detention

Rule 35 reports

- Rule 35 of the Detention Centre Rules states that medical practitioners are required to report to the Agency any detainee whose health is likely to be injuriously affected by detention or any condition of detention and any detainee they are concerned may be a victim of torture.

- 231 reports were made under Rule 35 to the Agency in Q3 2012, 13 reports (6%) resulted in the individual in question being released. This is a similar number to the previous quarter when 5% of reports resulted in the individual being released.

Child detention

- **Improved performance:** 48 children entered immigration detention in Q3 2012 a decline from 60 the previous quarter.

- **Improved performance:** 54 children left immigration detention in Q3 2012. 87% of these had been held for 3 days or less an improvement from 77% on the previous quarter.

Key issue: Acting on rule 35 reports

60. In our previous “focus” report, we recommended that the Agency inform us how many individuals the Rule 35 reports it receives each quarter relate to and why medical advice was overruled on so many occasions. We also recommended that it should immediately carry out an independent review of the application of Rule 35 across the immigration detention estate. When Rob Whiteman gave evidence to us this quarter he told us that the Agency took Rule 35 reports very seriously. He told us that the reason such a small number of reports resulted in an individual’s release was that detainees could refer themselves to the Agency under Rule 35 and that their legal team could too. This however contradicts both the Detention Centre Rules and the Agency’s own guidance which states quite clearly:

> ‘Rule 35 reports should be prepared and submitted by medical practitioners only’. 48

---

46 Q80
47 Q81
48 UK Border Agency, Detention services order 17/2012, p3
61. The same guidance defines a medical practitioner as:

A person who is vocationally trained as a general practitioner and fully registered within the meaning of the Medical Act 1983.49

When pressed by this Committee in follow up correspondence Mr Whiteman conceded that only medical practitioners are able to make Rule 35 reports.50

62. The Agency cannot plausibly claim to take Rule 35 reports very seriously when its Chief Executive does not understand his own guidance. Furthermore Mr Whiteman’s answer gave the misleading impression that a proportion of reports may not have a sound medical basis as they were not necessarily made by medical practitioners. We are concerned at the enormous gap between the number of reports received and the number of individuals released. The Agency must tell Parliament the reasons for which its caseworkers overrule the advice of medical practitioners. We reiterate our previous recommendation that the Agency should carry out an immediate independent review of the application of Rule 35 in immigration detention. Further intransigence will continue to pose a risk to individuals, as mental health issues may not be properly identified.

49 UK Border Agency, Detention services order 17/2012, p2
50 Ev 38, para 9
Appeals and tribunals

Appeals Improvement Plan: progress against targets

Border Agency to represent at 90% of appeals

- **Improved performance**: An Agency representative was present at 95% of all appeal hearings by the end of Q3 2012 an increase of 19% on the previous quarter.

90% of bundles to be received by the court by the prescribed date

- **Unacceptable performance**: 66% of cases bundles were delivered to the court on time by the Agency in Q2 2012.

UK Border Agency to increase the number of appeals it wins

**No significant change:**

- The Agency won 64% of asylum appeals in Q2 2012 and lost 30%, as it had done the previous quarter.
- The Agency won 46% of managed migration cases in Q2 2012 and lost 43% as it had done the previous quarter.
- The Agency won 38% of entry clearance cases in Q2 2012 and lost 36%, as it had done the previous quarter.
- The Agency won 52% of family visit visa cases in Q2 2012 and lost 30%. This was a 5% increase in win rate from the previous quarter.
- The Agency won 60% of deportation cases in Q2 2012 and lost 30%. This was a 5% decrease in win rate from the previous quarter.\(^{52}\)

Reduce appeal volumes

- **No significant change**: 25,500 appeals were lodged against the Agency’s decision in Q2 2012 the same volume as were lodged in the previous quarter.

---

\(^{51}\) Figures relate to First Tier Tribunal cases.

\(^{52}\) Appeal outcomes are published as national statistics, the latest available statistics are for Q2 2012 the previous quarter to the one covered by the report. Management statistics relating to the Agency’s Appeals Improvement Programme are available for Q3 2012.
Key issue: closing the Family Visit Visa full right of appeal

63. We are concerned that the full right of appeal for the Family Visit Visa is being closed off at a time when the Agency is winning only just over half the appeals made against its decisions. We reiterate below the recommendations we made in our previous two reports which should help to reduce the volume of appeals without closing off important routes of appeal. Removing this will create extra pressure on the entry clearance operation with no guarantee it will save time or money.

64. There are a number of simple changes the Agency could make to reduce the volume of appeals it handles. Firstly the refusal notices it issues should set out in clear bullet points why the application has been rejected. If, for example, it is due to missing documentation the applicant should be asked to provide this to the Agency as part of the same application. It should then be reviewed within an acceptable timescale. This could reduce both the time it would take for the applicant to get a decision and the resources spent on appeals. Secondly, we understand that the Agency does not specify all the documentation it requires to grant an application. For example it asks for “proof of funds” instead of bank statements. We recommend that the Agency list specific documents that are likely to be needed in order to grant an application. This will ensure that the application process is as clear as possible and should reduce the amount of verification work and appeals work that has to be done at a later stage. We will return to the issue of the entry clearance operation as the focus of our next report.
Sponsors and licensing

New sponsor applications

- 834 new sponsorship applications were made in Q3 2012, 722 for Tier 2, 35 for Tier 4 and 77 for Tier 5.\textsuperscript{53}
- 89% of applicants who applied for sponsor status in Q3 2012 had a decision made on their application by 17 December 2012.
- 41 days was the average length of time it took to process a sponsor application in Q3 2012. This was a decrease from 82 days in the previous quarter.

Pre registration visits

- 8% of successful Tier 2 sponsors applicants whose applications were received in Q3 2012 had a pre-registration visit.
- 47% of successful Tier 4 sponsor applicants whose applications were received in Q3 2012 had a pre-registration visit.
- 5% of successful Tier 5 sponsor applicants whose applications were received in Q3 2012 had a pre-registration visit.

Follow up visits

Worse performance:

- 31% of follow up visits to Tier 2 sponsors were unannounced in Q3 2012 a decrease from 42% in the previous quarter.
- 30% of follow up visits to Tier 4 sponsors were unannounced in Q3 2012 a decrease from 36% in the previous quarter.
- 11% of follow up visits to Tier 5 sponsors were unannounced in Q3 2012 a decrease from 33% in the previous quarter.

Key issue: post licence visits

65. We are concerned that the proportion of post licence visits that are unannounced is declining in all sponsor Tiers. We reiterate the recommendation made in our previous reports that the majority of post licence visits should be unannounced. This should ensure that the enforcement system is both rigorous and gives the public confidence that the government is cracking down on illegal immigration. In its Fifth Report of the

\textsuperscript{53} Not all applications for sponsor status in Tier 4 are for new licences, the figure also includes reinstatements.
Session the Agency committed to test the approach of undertaking 100% unannounced visits on sponsors where it suspects non-compliance by March 2013. We will expect to see the results of this test when we next take evidence from the Agency.

Enforcement action

Non compliance notifications

Performance unknown:

- 22,780 sponsor notifications regarding the non-compliance of overseas students were made to the Agency by Tier 4 sponsors in Q3 2012.\(^{54}\)

- 5,967 sponsor notifications regarding the non-compliance of employees and temporary workers were made to the Agency by Tier 2 and Tier 5 sponsors in Q3 2012.

- The Agency told this Committee that it does not know how many of the non-compliance notifications received in Q3 2012 were followed up within the quarter.

Suspension and revocation of sponsor licences

- 96 Tier 2 sponsors had their licenses revoked in Q3 2012 and 271 had their licenses suspended.

- 47 Tier 4 sponsors had their licenses revoked in Q3 2012 and 62 had their licenses suspended.

- 4 Tier 4 sponsors had their licenses revoked in Q3 2012 and 15 had their licenses suspended.

Key issue: tracking the follow up of non-compliance notifications

66. It is unacceptable that the Agency does not know how many of the potential non-compliance notifications received in Q3 2012 had been followed up by the end of the Quarter. If the Agency does not keep track of its performance in this area then it will undermine the work of Sponsors who are required to make non-compliance reports if they suspect a sponsee of breaking the terms of their visa. We reiterate our comments from our previous report:

We recommend that the Agency immediately instigates a way of tracking follow up actions taken on potential non-compliance reports. Without this we cannot

\(^{54}\) The Agency points out that sponsors self select from a number of categories when they make notifications so a proportion of non-compliance notifications will be miscategorised. It has not told us how many non-compliance notifications were miscategorised.
see how it can keep track of the number of people who may be breaking the terms of their visa and therefore remaining in the country illegally.

**Migration Refusal Pool**

**Size of the Migration Refusal Pool**

**Worse performance:** The size of the Migration Refusal Pool grew by 4% in Q3 2012 to 181,541 cases. This is a 12% increase since the start of the year.

**Key issue: tackling the continued growth of the Migration Refusal Pool**

67. The Migration Refusal Pool has increased by 4% since Q2 2012. The Committee welcomes the fact that the Agency has now contracted Capita to concentrate on clearing this backlog and has established performance benchmarks against which to measure the result. The Committee has taken evidence from Capita at the start of this contract and will be closely monitoring its performance throughout. We expect the Government to publish its own assessment of Capita’s performance in delivering this contract twice a year.

68. Capita informed the Committee that it was dealing with the existing backlog but was not dealing with more recent refusals. The way to prevent the backlog from growing is to check applicants as soon as they are refused, rather than wait months to do so. The Agency must have sufficient resources in place to carry out timely checks that individuals refused Leave to Remain have left the country. Otherwise the backlog will build in perpetuity.

69. We note that there are 86 members of Capita staff on UKBA premises with access to the database. We are concerned that Capita was unable to answer our question about whether it had the permission of applicants to deal with their data.

Q30 Chair: Just two questions that come out of that before I call other colleagues; when applicants sign their application to the UKBA they agree that their information can be passed to other Government departments when they make an application?

Alistair MacTaggart: I believe that is the case, yes.

Q31 Chair: There is no agreement that it should be passed to a private-sector company. Were you aware of that?

Alistair MacTaggart: I was not aware of that.

Chair: The problem being that you are looking at information that the applicant has not consented to you seeing.

Paul Pindar: We are not aware of that, if that is the case.
Chair: No. Obviously I think you should have a look at it to make sure you don’t get into difficulties with the Information Commissioner, since you are not the data owner.

Alistair MacTaggart: I believe the Information Commissioner will be looking at that with UKBA.55

Although we welcome the fact that the Migration Refusal Pool backlog is now to be tackled in a focused way it appears that Capita’s contract amounts to telephoning or sending text messages to individuals asking them to leave and cleansing the Agency’s data in the process. This is a contract worth between £2.5 and £3m. We do not understand why the Agency was not able to do this in a strategic and timely way itself.

### Intelligence

#### Allegations received in Q3 2012

- 28,243 allegations about possible illegal immigration or other immigration violations were received in Q3 2012.
- 99% of these were given an initial assessment in 48 hours.
- 15,269 allegations (54%) were investigated further by the UKBA.
- 797 allegations (2.8% of the total) resulted in enforcement being taken, including 561 arrests.
- The Agency is not yet able to track how many enforcement actions resulted in an individual being deported.

#### Progress on the National Allegations Database

- The National Allegations Database went live on 30 September. UKBA informed us that this will enable the Agency to track individual allegations through to outcome.

#### Key issue: an improved intelligence picture about the results of allegations made

70. In successive reports we have called for the Agency to inform people who make allegations as to their outcome. We are particularly concerned that a spouse reporting marital fraud, for example, is still being treated as a third party reporting the case. It is important that where a family member is making a report, particularly if they have sponsored the individual in question, they are kept up to date with progress. We will be monitoring closely the performance of the National Allegations Database. As a result of

---

55 Home Affairs Committee, Session 2012–13, Capita’s work for the UK Border Agency, HC 914-i, Qq 30-31
being able to track allegations through the system we expect to see a proper analysis from the Agency as to why such a small proportion of allegations made result in enforcement action being taken.

**Departmental information and cooperation with Parliament**

**Departmental information**

- 13,165 FTE equivalent staff were working for the Agency in Q3 2012.
- The Agency spent £27,000 on external consultants in Q3 2012

**Cooperation with Parliament**

No significant change:

- The Agency responded to 83% of MPs’ emails within 20 working days in Q3 2012. This fell 12% short of their target and was a slight decrease from the previous quarter.
- The Agency resolved 78% of queries made via their MP’s Inquiry Line within 10 working days. This fell 12% short of their target, the same as in the previous quarter.
- The Agency’s response to this Committee’s data request for Q3 2012 arrived 6 days late.

71. We are concerned by the Agency’s failure to meet targets for responding to MPs, as people only turn to their Member of Parliament as a last resort. For this reason, they need to be dealt with in a timely and proper manner. We note that even if the Agency meets these targets it does not mean that cases are resolved. Part of the problem in responding to MPs is the delay in uploading information to the Case Information Database and this must be dealt with as a first step.

72. It is only because of our questioning of the Minister that we heard about the Migration Refusal Pool and even now we are hearing about further backlogs. This is unacceptable. UKBA must disclose all relevant information to Parliament and not wait until it is asked.
4 Border Agency Backlogs

<table>
<thead>
<tr>
<th></th>
<th>No. of cases Q2</th>
<th>No. of cases Q3</th>
<th>Difference</th>
<th>% Increase or decrease since Q2 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>‘Live’ asylum cohort</td>
<td>25,500</td>
<td>28,500</td>
<td>+3,000</td>
<td>+12%</td>
</tr>
<tr>
<td>Asylum controlled archive</td>
<td>74,000</td>
<td>0</td>
<td>-74,000</td>
<td>-100%</td>
</tr>
<tr>
<td>Live immigration cases</td>
<td>3,500</td>
<td>4,000</td>
<td>+500</td>
<td>+14%</td>
</tr>
<tr>
<td>Immigration controlled archive</td>
<td>21,000</td>
<td>0</td>
<td>-21000</td>
<td>-100%</td>
</tr>
<tr>
<td>FNOs living in the community</td>
<td>3,954</td>
<td>3,980</td>
<td>+26</td>
<td>+4%</td>
</tr>
<tr>
<td>FNOs – untraced</td>
<td>50</td>
<td>47</td>
<td>-3</td>
<td>+1%</td>
</tr>
<tr>
<td>Migration refusal pool</td>
<td>174,057</td>
<td>181,541</td>
<td>+7,484</td>
<td>+1%</td>
</tr>
<tr>
<td>FLTR applications not processed within targets</td>
<td>23,095</td>
<td>28,558</td>
<td>+5,463</td>
<td>+24%</td>
</tr>
<tr>
<td>No of cases still to be loaded on CID</td>
<td>Unknown</td>
<td>59,000</td>
<td>+59,000</td>
<td>Unknown</td>
</tr>
<tr>
<td>FLTR on the basis of marriage or civil partnership – cases pending review</td>
<td>Unknown</td>
<td>14,000</td>
<td>+14,000</td>
<td>Unknown</td>
</tr>
<tr>
<td>FLTR on basis of marriage or civil partnership – cases pending initial decision</td>
<td>Unknown</td>
<td>+2,100</td>
<td>+2,100</td>
<td>Unknown</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>325,156</strong></td>
<td><strong>321,726</strong></td>
<td><strong>3,430</strong></td>
<td><strong>-1%</strong></td>
</tr>
</tbody>
</table>

73. Bearing in mind that this has been an exceptional Quarter, where 96,000 cases in the controlled archives were simply closed, we find that UKBA’s progress in dealing with the backlogs is far too slow. At this rate, it would take years to deal with the current backlog.

74. Senior Agency staff should not receive bonuses until there is evidence that the backlog is being substantially reduced and new backlogs are not emerging.

75. Despite the closure of the controlled archives, 96,000 cases since last quarter, the total backlog has only reduced by 1%. New backlogs are continuing to emerge. The Agency’s work affects thousands of people’s lives, public safety, public services and the economy, but it continues to be an Agency playing catch up. Until we are able to publish a Report on the Agency both without the discovery of a new backlog and with a decrease in the present backlogs we will not be able to declare it fit for purpose.

---

56 The asylum controlled archive was closed in Quarter 4 2012
57 The immigration controlled archive was closed in Quarter 4 2012
Conclusions and recommendations

The Agency’s handling of the asylum and immigration backlog

1. The Inspector’s report makes it clear that, contrary to its public claims, the Agency was not carrying out its full programme of checks on legacy cases either before or after they were placed in the controlled archives. The Agency has repeatedly told this Committee that it could have confidence that legacy applicants were no longer in the country as an extensive checking programme carried out over five years had not found any trace of them. We know that there are a significant number of failed asylum seekers and illegal immigrants living in the UK and avoiding contact with public authorities. Recent figures from the London School of Economics put the number of illegal immigrants in the UK at 618,000 and in 2008 the Red Cross reported that it had been approached for help by 10,000 destitute asylum seekers. Therefore, no tracing programme was likely to discover everyone who had slipped through the net. The fact that a sustained and thorough tracing programme did not even take place makes it even less likely that individuals living here have been identified. It is possible that tens of thousands of individuals whom the Agency has not been able to trace are still here. (Paragraph 10)

The Agency’s response to the Chief Inspector’s findings

2. Mr Whiteman did not however inform this Committee that the Agency had regularly supplied it with incorrect information since 2006. This in our view is unacceptable and undermines Mr Whiteman’s claims to take the provision of accurate information to the Committee seriously. No senior official in the Border Agency took any steps to alert this Committee to what had happened until the Independent Chief Inspector published his report. This is hardly the mark of a transparent organisation which recognises its accountability to Parliament. Instead the Agency appears to have tried to sweep its mistakes under the carpet in the hope that they would remain unnoticed. (Paragraph 15)

3. We are astonished that the Agency provided this Committee, and its predecessors, with information that turned out to be patently wrong on so many occasions over the last six years. If it was not attempting to mislead the Committee then it must be a sign that senior officials had no idea as to what was actually going on in their organisation. We find it very hard to believe that no one within the Agency had any idea that checks were not being carried out as they should have been and we expect the Agency to share the findings of its disciplinary investigation with us as soon as it is completed. (Paragraph 16)

4. However, we welcome the establishment of the Performance and Compliance Unit within the Agency, We also welcome the oversight that the Chief Inspector will have of its work. We expect this to mark the beginning of a move towards greater transparency on behalf of the Agency; transparency that is evidenced by accurate and clear information provided to Parliament in a timely manner. (Paragraph 17)
Checks against DWP’s databases

5. understand that DWP has provided a ‘statement of assurance about the data’. We expect the Agency to provide us with a copy of the Department of Work and Pensions’ statement about the checks performed by the Agency against its databases. The Agency must also tell us how many of the cases this statement of assurance applies to. (Paragraph 19)

6. Deloitte has verified that this has taken place in relation to the cases in its sample. We are satisfied that misallocation to the controlled archive of cases with a ‘matchkey three’ against DWP data has, most likely, been corrected appropriately. (Paragraph 20)

Security checks

7. It is totally unacceptable for case records to be missing such fundamental data which enables them to undergo important security checks. We cannot understand how this can have been allowed to happen for so many applications. We recognise that this issue is a historical rather than a current failing on the Agency’s behalf and one that should be attributed to its leadership at the time the applications were made. The Agency says it is satisfied with the action it took to try and improve the data quality by reformatting it. However, given that 328 cases were still unable to undergo a PNC check and 28 were unable to be checked against the Watchlist we regard this as a most unsatisfactory consequence. (Paragraph 22)

Cases with a hit on the Police National Computer

8. We understand that these individuals are unlikely to pose a security risk but we are puzzled that there is no contact information available for any of them. In the example given by the Agency (holding a shotgun licence), licence-holders have to supply their name and address (Paragraph 23)

9. Given the Agency’s poor record in carrying out checks on legacy cases prior to April 2012 we are by no means reassured that this issue has been addressed properly. We recommend the Agency re-examines these cases individually before closing them and reports its findings to this Committee. The public has a right to know about individuals who may be living in their communities with no legal right to be here and who may have committed criminal offences whilst in the country (Paragraph 23)

10. We are concerned to hear that the authorities do not have contact details for individuals who are awaiting prosecution or who have recently been in contact with the police. It is vital that the Agency continues to work with the police and prosecutors to try and locate these individuals. (Paragraph 23)

11. We are disappointed that even after the Inspector’s discovery in April 2012, the Agency failed to carry out its programme of checks properly. This is especially worrying given that the controlled archives were to be closed upon completion. We had expected the Agency to take a thorough approach to the task, one that
demonstrated awareness of its responsibility to trace all the individuals it was possible to trace and to ensure that all cases were closed appropriately. (Paragraph 24)

12. We know that there are a large number of failed asylum and immigration applicants living in the shadows in the UK who are unlikely to have records on many of the databases searched by the Agency. Based on evidence seen so far we do not believe that the checking programme, even when properly completed, can offer reassurance that all 80,300 applicants whose cases the Agency has now closed have left the UK. (Paragraph 27)

13. We are unsure as to how any matches with the controlled archive cases will be achieved. We expect the Agency to tell us what mechanisms it has in place for flagging up individuals it come into contact with who have a record in the closed archives. (Paragraph 28)

Asylum cases that were not reported to this Committee

14. It is appalling that a senior civil servant should have misled the Committee in the way that Ms Homer did and that she continues, even in the light of the Inspector’s findings, to try and evade responsibility for her failings. Reference to important figures in an obscure footnote in a previous letter is not an acceptable response. The Inspector’s findings about the asylum and immigration backlog are the latest in a long line of failings in the Border Agency, many of which occurred throughout Ms Homer’s time as Chief Executive. (Paragraph 34)

15. This whole episode raises serious concerns about the accountability of the most senior civil servants to Parliament. It is shocking that after five years under Lin Homer’s leadership an organisation that was described at the beginning of the period as being ‘not fit for purpose’ should have improved its performance so little. Given this background, we are astounded that Ms Homer has been promoted to become Chief Executive and Permanent Secretary at Her Majesty’s Revenue and Customs and can therefore have little confidence in her ability to lead HMRC at what is a challenging time for that organisation. Indeed we note from Ms Homer’s appearance before the Public Accounts Committee in January that one million letters were left unanswered at HMRC throughout 2012 and that 100,000 of these still remained unanswered on the date of her appearance before the Public Accounts Committee. (Paragraph 36)

16. We recommend that Parliament be given a stronger role in the pre-appointment scrutiny of civil servants who will be leading government departments and we believe this strengthens the case for select committees to be given the power of veto. The status quo, in which catastrophic leadership failure is no obstacle to promotion, is totally unacceptable. We recommend that in future any failures of this nature should have serious consequences for the individual’s career. (Paragraph 37)

17. This statement appears to be at odds with the report from the Chief Inspector which found that these cases represented 30-40% of the CAAU’s casework and that staff were upset that this substantial element of their work was not being reported to this
Committee. It is difficult to see how both the Chief Inspector’s findings and Mr Whiteman’s statement can be correct and we expect Mr Whiteman to clarify the issue immediately. (Paragraph 39)

18. We expect the Agency to tell us how these 11,000 Active Review cases relate to the group of 33,000 cases uncovered by the Chief Inspector. We also note that, far from having cleared the backlog, the Agency appears to be setting up a new directorate, the Complex Casework Directorate, to solve the more difficult cases which still remain outstanding. The Agency needs to tell us how this new Directorate is related to the CAAU and the backlog casework that they are currently concluding. (Paragraph 40)

Use of Terminology

19. The Agency did not conclude its work on the legacy programme within its original target time. Rather than admit this, it simply sent the cases which it had reviewed but not yet concluded off to a new unit, the Case Assurance and Audit Unit (CAAU). We are disappointed that the Agency chose to address the issue in this way. The Agency’s action in setting up a further Directorate, the Complex Casework Directorate, to conclude difficult older cases suggests to us that, despite its claims, the Agency has no intention of taking a more transparent approach to terminology and reporting in the future. (Paragraph 42)

20. Keeping the cases in the Case Resolution Directorate and concluding them properly would have been a more prudent and transparent approach than establishing the Case Assurance and Audit Unit to take on cases which were not concluded by the Case Review Directorate. (Paragraph 44)

Correspondence with applicants’ legal representatives and MPs

21. We agree that this shambolic approach to correspondence is likely to have led to many cases being placed in the controlled archives when in fact the applicant was trying to make contact with the Agency. The deluge of correspondence was no doubt the result of the Agency publicly claiming to have cleared its backlog when it had not done so and a poorly timed mail merge exercise to the nine thousand or more individuals whose cases were passed to the CAAU without even being reviewed by the CRD. On this issue alone, of totally misplaced boxes of correspondence involving thousands of cases, we can only conclude the organisation has been poorly led and mismanaged. We hope that the Agency will learn from this episode and undertake to finish programmes properly in the future instead of fudging its terminology to meet targets. (Paragraph 47)

Key issue: tackling the backlog of ex-FNOs living in the community

22. The Committee is pleased to note that the Agency is making some progress in locating and removing ex-FNOs from the 2006 cohort who were released without being considered for deportation. (Paragraph 49)
23. However, the overall number of ex-foreign national offenders living in the community whilst awaiting deportation has grown incrementally since the beginning of the year and the backlog of ex-offenders who have been here for over two years remains stubbornly high. The Government is simply not getting to grips with an issue that both endangers and infuriates the public. We reiterate our previous recommendation that ex-FNOs should be considered for deportation earlier in their sentence. The Home Office should work to overcome logistical and legal obstacles to doing so. (Paragraph 50)

Key issue: prioritising the conclusion of legacy casework

24. When the controlled archives closed the Agency had 33,900 backlog asylum cases and 7,000 backlog immigration cases that it needs to conclude. Most of the individuals concerned will have waited many years to find out the result of their applications. The Agency must now prioritise the conclusion of their cases and work fast to give them a swift decision. The age of the cases and the controversy surrounding the backlog make it important that the Agency considers the merits of each application properly and records the reasons behind its decision making. As we recommended in our Fourth Report of 2010-12, in cases where severe delays in decision-making have been the fault of the Government and not the applicant, and where the passage of time has made evidence harder to find or has led to the applicant’s being better integrated into British society, there is an argument in favour of granting the applicant leave to remain. (Paragraph 51)

Key issue: a growing backlog of cases pending an initial decision for more than 6 months

25. We are concerned to see a 53% rise in the number of asylum seekers awaiting an initial decision for more than six months in the year up to September 2012. The number of cases being concluded within a year has only risen by 3% in the same period, now accounting for only 63% of the total. We recognise that there will be difficulties with some cases but if our asylum system is to function properly the Agency must keep on top of its caseload. The figures for the last year indicate that this is not what is happening, the Agency should review its resource model for processing these cases and make the changes needed to start reversing the increase in the number of cases waiting for an initial decision for longer than six months. (Paragraph 52)

Premium applications

The Agency’s premium service is designed to enable users to have their applications for Further Leave to Remain processed within 24 hours. In Q3 2012 the Agency processed only 73% of Tier 1 and 72% of Tier 2 FLTR applications within the 24 hour target time. It processed 73% and 75% of Tier 4 and 5 visas on time. This is an unacceptable performance considering that the Agency is charging main applicants between £661 and £1,800 for premium applications.

26. The Agency has given applicants a notably poor level of customer service which cannot be serving the Government’s aim of keeping the ‘brightest and the best’ in the UK. Parliamentary Questions reveal that it takes 45 minutes to deal with a case.
Given that figure, it is inexcusable that so many people are not having their cases processed on time. In total 28,558 visa applications were not processed within target times in Q3 2012, more than double the number that were, 10,842. The delays create a vicious cycle of paperwork as, the longer the delay, the more letters MPs will write and the more bureaucracy there will be to handle. People are paying a high cost to obtain their visas, and more for the premium services. The Agency needs to consider these people more as customers, and fulfil its responsibilities in the timescale it has promised. The Agency must explain to Parliament what has gone wrong throughout 2012, what it is doing to solve the problem and when services will be running within target times again. We note that, in contrast, out of country visa applications are processed within target times and that the Agency often exceeds these targets, as we saw recently in Abu Dhabi. The Agency needs to examine how the strong performance of the International Directorate can be replicated for in-country applications. (Paragraph 56)

**Key issue: Acting on rule 35 reports**

27. The Agency cannot plausibly claim to take Rule 35 reports very seriously when its Chief Executive does not understand his own guidance. Furthermore Mr Whiteman’s answer gave the misleading impression that a proportion of reports may not have a sound medical basis as they were not necessarily made by medical practitioners. We are concerned at the enormous gap between the number of reports received and the number of individuals released. The Agency must tell Parliament the reasons for which its caseworkers overrule the advice of medical practitioners. We reiterate our previous recommendation that the Agency should carry out an immediate independent review of the application of Rule 35 in immigration detention. Further intransigence will continue to pose a risk to individuals, as mental health issues may not be properly identified. (Paragraph 62)

**Key issue: closing the Family Visit Visa full right of appeal**

28. We are concerned that the full right of appeal for the Family Visit Visa is being closed off at a time when the Agency is winning only just over half the appeals made against its decisions. We reiterate below the recommendations we made in our previous two reports which should help to reduce the volume of appeals without closing off important routes of appeal. Removing this will create extra pressure on the entry clearance operation with no guarantee it will save time or money. (Paragraph 63)

29. There are a number of simple changes the Agency could make to reduce the volume of appeals it handles. Firstly the refusal notices it issues should set out in clear bullet points why the application has been rejected. If, for example, it is due to missing documentation the applicant should be asked to provide this to the Agency as part of the same application. It should then be reviewed within an acceptable timescale. This could reduce both the time it would take for the applicant to get a decision and the resources spent on appeals. Secondly, we understand that the Agency does not specify all the documentation it requires to grant an application. For example it asks for “proof of funds” instead of bank statements. We recommend that the Agency list
specific documents that are likely to be needed in order to grant an application. This will ensure that the application process is as clear as possible and should reduce the amount of verification work and appeals work that has to be done at a later stage. We will return to the issue of the entry clearance operation as the focus of our next report. (Paragraph 64)

Key issue: post licence visits

30. We are concerned that the proportion of post licence visits that are unannounced is declining in all sponsor Tiers. We reiterate the recommendation made in our previous reports that the majority of post licence visits should be unannounced. This should ensure that the enforcement system is both rigorous and gives the public confidence that the government is cracking down on illegal immigration. In its Fifth Report of the Session the Agency committed to test the approach of undertaking 100% unannounced visits on sponsors where it suspects non-compliance by March 2013. We will expect to see the results of this test when we next take evidence from the Agency. (Paragraph 65)

Key issue: tracking the follow up of non-compliance notifications

31. It is unacceptable that the Agency does not know how many of the potential non-compliance notifications received in Q3 2012 had been followed up by the end of the Quarter. If the Agency does not keep track of its performance in this area then it will undermine the work of Sponsors who are required to make non-compliance reports if they suspect a sponsee of breaking the terms of their visa. We reiterate our comments from our previous report:

> We recommend that the Agency immediately instigates a way of tracking follow up actions taken on potential non-compliance reports. Without this we cannot see how it can keep track of the number of people who may be breaking the terms of their visa and therefore remaining in the country illegally. (Paragraph 66)

Key issue: tackling the continued growth of the Migration Refusal Pool

32. The Migration Refusal Pool has increased by 4% since Q2 2012. The Committee welcomes the fact that the Agency has now contracted Capita to concentrate on clearing this backlog and has established performance benchmarks against which to measure the result. The Committee has taken evidence from Capita at the start of this contract and will be closely monitoring its performance throughout. We expect the Government to publish its own assessment of Capita’s performance in delivering this contract twice a year. (Paragraph 67)

33. Capita informed the Committee that it was dealing with the existing backlog but was not dealing with more recent refusals. The way to prevent the backlog from growing is to check applicants as soon as they are refused, rather than wait months to do so. The Agency must have sufficient resources in place to carry out timely checks that
individuals refused Leave to Remain have left the country. Otherwise the backlog will build in perpetuity. (Paragraph 68)

34. Although we welcome the fact that the Migration Refusal Pool backlog is now to be tackled in a focused way it appears that Capita’s contract amounts to telephoning or sending text messages to individuals asking them to leave and cleansing the Agency’s data in the process. This is a contract worth between £2.5 and £3m. We do not understand why the Agency was not able to do this in a strategic and timely way itself. (Paragraph 69)

Key issue: an improved intelligence picture about the results of allegations made

35. In successive reports we have called for the Agency to inform people who make allegations as to their outcome. We are particularly concerned that a spouse reporting marital fraud, for example, is still being treated as a third party reporting the case. It is important that where a family member is making a report, particularly if they have sponsored the individual in question, they are kept up to date with progress. We will be monitoring closely the performance of the National Allegations Database. As a result of being able to track allegations through the system we expect to see a proper analysis from the Agency as to why such a small proportion of allegations made result in enforcement action being taken. (Paragraph 70)

Departmental information and cooperation with Parliament

36. We are concerned by the Agency’s failure to meet targets for responding to MPs, as people only turn to their Member of Parliament as a last resort. For this reason, they need to be dealt with in a timely and proper manner. We note that even if the Agency meets these targets it does not mean that cases are resolved. Part of the problem in responding to MPs is the delay in uploading information to the Case Information Database and this must be dealt with as a first step. (Paragraph 71)

37. It is only because of our questioning of the Minister that we heard about the Migration Refusal Pool and even now we are hearing about further backlogs. This is unacceptable. UKBA must disclose all relevant information to Parliament and not wait until it is asked. (Paragraph 72)

Border Agency Backlogs

38. Bearing in mind that this has been an exceptional Quarter, where 96,000 cases in the controlled archives were simply closed, we find that UKBA’s progress in dealing with the backlogs is far too slow. At this rate, it would take years to deal with the current backlog. (Paragraph 73)

39. Senior Agency staff should not receive bonuses until there is evidence that the backlog is being substantially reduced and new backlogs are not emerging. (Paragraph 74)
40. Despite the closure of the controlled archives, 96,000 cases since last quarter, the total backlog has only reduced by 1%. New backlogs are continuing to emerge. The Agency’s work affects thousands of people’s lives, public safety, public services and the economy, but it continues to be an Agency playing catch up. Until we are able to publish a Report on the Agency both without the discovery of a new backlog and with a decrease in the present backlogs we will not be able to declare it fit for purpose. (Paragraph 75)
Formal Minutes

Tuesday 19 March 2013

Members present:

Keith Vaz, in the Chair
Nicola Blackwood  Bridget Phillipson
James Clappison    Mark Reckless
Michael Ellis      Chris Ruane
Julian Huppert     Mr Davis Winnick
Steve McCabe

Draft Report (*The work of the UK Border Agency (July–September 2012)*), proposed by the Chair, brought up and read.

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

Paragraphs 1 to 75 read and agreed to.

Resolved, That the Report be the Fourteenth Report of the Committee to the House.

Ordered, That the Chair 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.

Written evidence was ordered to be reported to the House for printing with the Report (in addition to that ordered to be reported for publishing on 18 December 2012 and 22 January 2013).

[Adjourned till Tuesday 26 March at 2.15 p.m.]
Witnesses

Tuesday 4 December 2012
John Vine CBE OPM, Chief Inspector of Borders and Immigration

Tuesday 18 December 2012
Rob Whiteman, Chief Executive, UK Border Agency
Mark Harper MP, Minister of State for Immigration

List of printed written evidence

1. Letter from Rob Whiteman to Chair, 6 December 2012  Ev 26
2. Letter from Rob Whiteman to Chair, 18 December 2012  Ev 37
3. Letter from Rob Whiteman to Chair, 16 January 2013  Ev 37
4. Letter from Mark Harper to Chair, 16 January 2013  Ev 39
5. Email from UKBA staff to Chair, 4 January 2013  Ev 39
6. Letter from Rob Whiteman to Chair, 22 February 2013  Ev 40
7. Letter from Rob Whiteman to Chair, 8 March 2013  Ev 43
# List of Reports from the Committee during the current Parliament

## Session 2012–13

<table>
<thead>
<tr>
<th>First Report</th>
<th>Effectiveness of the Committee in 2010–12</th>
<th>HC 144</th>
</tr>
</thead>
<tbody>
<tr>
<td>Second Report</td>
<td>Work of the Permanent Secretary (April–Dec 2011)</td>
<td>HC 145</td>
</tr>
<tr>
<td>Third Report</td>
<td>Pre-appointment Hearing for Her Majesty’s Chief Inspector of Constabulary</td>
<td>HC 183</td>
</tr>
<tr>
<td>Fourth Report</td>
<td>Private Investigators</td>
<td>HC 100</td>
</tr>
<tr>
<td>Fifth Report</td>
<td>The work of the UK Border Agency (Dec 2011–March 2012)</td>
<td>HC 71</td>
</tr>
<tr>
<td>Sixth Report</td>
<td>The work of the Border Force</td>
<td>HC 523</td>
</tr>
<tr>
<td>Seventh Report</td>
<td>Olympics Security</td>
<td>HC 531</td>
</tr>
<tr>
<td>Eighth Report</td>
<td>The work of the UK Border Agency (April–June 2012)</td>
<td>HC 603</td>
</tr>
<tr>
<td>Ninth Report</td>
<td>Drugs: Breaking the Cycle</td>
<td>HC 184</td>
</tr>
<tr>
<td>Eleventh Report</td>
<td>Independent Police Complaints Commission</td>
<td>HC 494</td>
</tr>
<tr>
<td>Twelfth Report</td>
<td>The draft Anti-social Behaviour Bill: pre-legislative scrutiny</td>
<td>HC 836</td>
</tr>
<tr>
<td>Thirteenth Report</td>
<td>Undercover Policing: Interim Report</td>
<td>HC 837</td>
</tr>
</tbody>
</table>

## Session 2010–12

<table>
<thead>
<tr>
<th>First Report</th>
<th>Immigration Cap</th>
<th>HC 361</th>
</tr>
</thead>
<tbody>
<tr>
<td>Second Report</td>
<td>Policing: Police and Crime Commissioners</td>
<td>HC 511</td>
</tr>
<tr>
<td>Third Report</td>
<td>Firearms Control</td>
<td>HC 447</td>
</tr>
<tr>
<td>Fourth Report</td>
<td>The work of the UK Border Agency</td>
<td>HC 587</td>
</tr>
<tr>
<td>Fifth Report</td>
<td>Police use of Tasers</td>
<td>HC 646</td>
</tr>
<tr>
<td>Sixth Report</td>
<td>Police Finances</td>
<td>HC 695</td>
</tr>
<tr>
<td>Seventh Report</td>
<td>Student Visas</td>
<td>HC 773</td>
</tr>
<tr>
<td>Eighth Report</td>
<td>Forced marriage</td>
<td>HC 880</td>
</tr>
<tr>
<td>Ninth Report</td>
<td>The work of the UK Border Agency (November 2010-March 2011)</td>
<td>HC 929</td>
</tr>
<tr>
<td>Tenth Report</td>
<td>Implications for the Justice and Home Affairs area of the accession of Turkey to the European Union</td>
<td>HC 789</td>
</tr>
<tr>
<td>Eleventh Report</td>
<td>Student Visas – follow up</td>
<td>HC 1445</td>
</tr>
<tr>
<td>Twelfth Report</td>
<td>Home Office – Work of the Permanent Secretary</td>
<td>HC 928</td>
</tr>
<tr>
<td>Thirteenth Report</td>
<td>Unauthorised tapping into or hacking of mobile communications</td>
<td>HC 907</td>
</tr>
<tr>
<td>Fourteenth Report</td>
<td>New Landscape of Policing</td>
<td>HC 939</td>
</tr>
<tr>
<td>Fifteenth Report</td>
<td>The work of the UK Border Agency (April-July 2011)</td>
<td>HC 1497</td>
</tr>
<tr>
<td>Report Number</td>
<td>Title</td>
<td>HC</td>
</tr>
<tr>
<td>----------------</td>
<td>----------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>Sixteenth</td>
<td>Policing large scale disorder</td>
<td>1456</td>
</tr>
<tr>
<td>Seventeenth</td>
<td>UK Border Controls</td>
<td>1647</td>
</tr>
<tr>
<td>Eighteenth</td>
<td>Rules governing enforced removals from the UK</td>
<td>563</td>
</tr>
<tr>
<td>Nineteenth</td>
<td>Roots of violent radicalisation</td>
<td>1446</td>
</tr>
<tr>
<td>Twentieth</td>
<td>Extradition</td>
<td>644</td>
</tr>
<tr>
<td>Twenty-first</td>
<td>Work of the UK Border Agency (August-Dec 2011)</td>
<td>1722</td>
</tr>
</tbody>
</table>
Oral evidence

Taken before the Home Affairs Committee
on Tuesday 4 December 2012

Members present:
Keith Vaz (Chair)
Nicola Blackwood
Mr James Clappison
Michael Ellis
Dr Julian Huppert
Steve McCabe
Nicola Blackwood
Mr James Clappison
Michael Ellis
Dr Julian Huppert
Steve McCabe

Examination of Witness

Witness: John Vine, CBE QPM, Independent Chief Inspector of Borders and Immigration, gave evidence.

Q1 Chair: Mr Vine, thank you very much for coming to give evidence to the Committee. We are now looking at the work of the UKBA, and we are accepting evidence from the Independent Chief Inspector of Borders and Immigration. Mr Vine, when you were first appointed, you will know that the Committee was very worried as to whether you would be independent, and whether you were able to conduct the forensic examination of the UKBA that we felt was necessary—and you proved us wrong. In the reports that you have published, you have proved to be extremely forthright, open and transparent in your work.

Michael Ellis: I did not—

Chair: Mr Ellis, I think you were not on the Committee at that time, so of course you would not have—I think you were not elected at that time. Thank you very much for all the work that you have done, Mr Vine.

John Vine: Thank you, Chair.

Q2 Chair: Your last report is pretty shocking. As you know, as a result of your report last week, the former head and deputy head of the UKBA, and the current executive director, Jonathan Sedgwick, were called to give evidence. They both apologised to the Committee for what they had said to us previously. I have to tell you that, subsequently, we received a letter from Lin Homer—not quite going back on her apology—saying that she did write to us about this information. It was in a footnote in a letter—I think in 2008—in an exchange of information between one of our former members, Karen Buck, the Member for Westminster North, and herself. We are not convinced that she has not reported it to us, so we do not think she has reported it to us. Do you stand by your report?

John Vine: I stand by my report, Chairman, certainly. We asked the Border Agency to provide us with the data. We then did fieldwork at Liverpool, asking the senior managers of the CAAU. They were adamant that the cases had not been reported to you. It was something of a bugbear for the staff in the CAAU, because 30% to 40% of their work fell into this category and they felt it was not being reported or acknowledged.

Further to that, the emerging findings of my report were communicated to the agency verbally. The draft report went for factual accuracy checking and it was never challenged on this issue. Finally, the recommendation that is made on page 52 of the report is directly underneath paragraph 6.14, which refers to this issue. The response of the Border Agency is that it accepts the recommendation and is implementing it. I have taken the liberty of looking at the annex. I think it is point 6 in annex A of the letter that was sent to you in 2009.

Chair: It is, indeed.

John Vine: That is quite an interesting first question. What I try to do is report on aspects of the organisation, and I try to report against the facts. I do produce reports that say that the agency is improving in some respects. For example, some of my reports on visas have shown an improvement in the quality of decision making. In fact, I would even say that last week’s report on tier 4 student visas showed some improvements in several aspects.

I was shocked to find some of the things that I did on the asylum and legacy cases, because that has been in the public domain for such a long time. The management of the change, from the case resolution directorate to the case audit and assurance unit, was so fundamentally flawed that I was able to present the findings in that report that I have.

Q3 Chair: In particular, you mentioned 33,000 extra asylum cases that you said were not referred to this Committee. Ms Homer says that you are mistaken and that she did report it. I assume she is referring to her footnote, because we certainly have not seen it in any formal evidence to us. We are also convinced that she has not reported it to us. Do you stand by your report?

John Vine: I stand by my report, Chairman, certainly. We asked the Border Agency to provide us with the data. We then did fieldwork at Liverpool, asking the senior managers of the CAAU. They were adamant that the cases had not been reported to you. It was something of a bugbear for the staff in the CAAU, because 30% to 40% of their work fell into this category and they felt it was not being reported or acknowledged.

Further to that, the emerging findings of my report were communicated to the agency verbally. The draft report went for factual accuracy checking and it was never challenged on this issue. Finally, the recommendation that is made on page 52 of the report is directly underneath paragraph 6.14, which refers to this issue. The response of the Border Agency is that it accepts the recommendation and is implementing it. I have taken the liberty of looking at the annex. I think it is point 6 in annex A of the letter that was sent to you in 2009.

Chair: It is, indeed.

John Vine: I do not recognise those figures as being part of this issue.

Chair: That is very helpful.

Mr Winnick: There is a Division.

Chair: Yes, I know, Mr Winnick. Sorry, I did not want to interrupt you in the middle of your sentence, but there is a Division in the House, so I am suspending the Committee for 10 minutes to enable Members to vote.
4 December 2012  John Vine, CBE QPM

Sitting suspended for a Division in the House.

On resuming—

Q4 Chair: Mr Vine, we were quite satisfied that we were not told about this, and thank you for giving us the relevant references. We were very concerned about what has happened, and that was why we had Mr Sedgwick and Ms Homer in.

John Vine: Yes.

Q5 Chair: Turning to other aspects of your report, we were pretty shocked to learn about these 150 post office boxes and the 100,000 unopened letters that you discovered, as you published in your last report. How is it possible that you could discover that this had happened, yet senior people such as Rob Whitehead and others, who sit on the board and presumably know what is happening in their own organisation, are unaware of the fact that there were almost a tenth of a million letters that had not been opened?

John Vine: Quite frankly, I do not know the answer to that question. I went, and we were told at Liverpool—at the time of the inspection in September 2011—there were 100,000 pieces of unopened correspondence. This was mainly as a result of correspondence that had been generated by the commercial partner of the agency chasing up the cases before the closure of CRD. There was a rush, towards the end of the closure of CRD, to try to locate individuals before they were placed in the controlled archive. What I fear happened was that many cases were put in the controlled archive erroneously, because we discovered—

Q6 Chair: You discovered EU citizens in there, I understand.

John Vine: Yes. If the mail had been opened, those cases could have been dealt with; instead, they were put in the controlled archive. What the agency now has to do—and it had started doing this at the time of inspection—is to go through all the cases and thoroughly check them against the proper databases. As a result, we were told that it was estimated that 31,500 cases were going to become live. Of course, what this means is that this issue is an ongoing burden that is still to be resolved. We found evidence during the inspection that cases that were ready to be decided by CRD were not progressed, and we cannot understand why they were not progressed.

Q7 Chair: What concerns us is that I received a letter from Mr Whitehead—I do not know whether you received a copy—saying that the controlled archive closed on 21 November. If that is, in fact, the case, in just seven weeks, 12,000 cases were being looked at every single week over a seven-week period. That sounds like an extraordinary figure to me. Have you been notified of the closure of the controlled archive?

John Vine: No, this is the first I have heard of it, but what I wonder about is whether this is closing another—

Q8 Chair: Closing it and opening it somewhere else.

John Vine: Yes, opening it somewhere else. What I have commented on throughout in this report is the use of terminology. Throughout this saga of legacy asylum cases, we have had the terms “closed”, “concluded” and “reviewed”. I think there are five separate terms we found throughout the whole saga. What is important is that whatever is happening with the controlled archive, there will still be cases that are coming live that need a decision. They will need caseworking to a conclusion.

Q9 Chair: So you suspect that when we were told it was all closed—Mr Whiteman made a promise to this Committee that it would end by December—they have been looked at and put somewhere else, but not concluded.

John Vine: Yes. What happened with CRD was that cases were reviewed. There was a rush to review them, but then they were left for the CAAU to deal with, and this was part of the problem. The CAAU never had a realistic understanding of the amount of work it was accepting when it was created in April 2011. What has to happen is that the same thing does not happen again and history repeats itself.

Q10 Chair: Indeed. A final question from me about the general overview. When John Reid was Home Secretary, he said that this organisation was not fit for purpose. Do you think it is fit for purpose now—not getting there or on the way to improvement, but now, all those years after he made that statement?

John Vine: The last time I was before the Committee, you asked me a similar question. I said there was slow improvement. In some parts of the agency I see improvement. In the particular part of the agency that I inspected, I was disappointed not to find the progress I expected to see.

Q11 Chair: So at the moment it is not fit for purpose?

John Vine: I would say in this respect—particularly in respect to this report—that the agency needs to set a new date for the conclusion of asylum legacy cases and stick to it, and in the meantime be as transparent as possible in informing you and members of the public about the actuality of the data.

Chair: Thank you.

Q12 Mr Clappison: Can I ask you a little bit about culture? Over a period of years—I am not confusing it to any one period of government—the Committee has tried hard to find out information. We have asked questions again and again, received letters and called people to account. Do you feel there is a culture of withholding information on some occasions?

John Vine: I feel there is a lack of transparency. I have felt that with a number of reports and I have actually said that in a number of reports. For example, if I take customer service and complaints handling, which are in this report, they are, in my view, shockingly poor. When we looked at letters and correspondence sent by MPs, members of the public or legal representatives, a third of the cases that we examined were repeat requests for information about cases that they believed were ongoing. By any benchmark of a public sector organisation, that is a poor level of service.
In other reports, we found that complaints handling was equally poor, so whenever I can, I make recommendations for transparency and the exposure of data. A good example of that was the detained fast-track report, which was something that had been ongoing for years but never publicly reported on. The first recommendation I made was that the agency should report on it publicly on a yearly basis. I think greater transparency by the agency would help its public image.

Q13 Mr Clappison: If I may say, your work has been immensely helpful on this, but you will understand our sense of frustration. We can ask questions over and over again, and if part of the bureaucracy is determined to withhold information or not to be transparent, it is fully capable of doing so by the way in which it presents information—or does not present information—to Committees of MPs.

John Vine: I quite understand. I just hope that you can use the information I produce in my reports to hold the agency to account.

Chair: They have been extremely useful.

Q14 Steve McCabe: Mr Vine, was there any explanation as to why only 104 of the 764 individuals who were refused asylum—I think it was between April 2011 and February 2012—were removed?

John Vine: There was no explanation as such. I have reported before that sometimes this agency feels as though it is in silos. The enforcement arm is contained within local immigration teams, which are not part of the same directorate that deals with the asylum and legacy casework. I believe that more can be done to ensure that these cases are treated as a priority by local immigration teams. I do not think that that is happening.

We saw the same thing when I informed you about the migration refusal pool earlier this year, when we looked at the local immigration team in Hampshire and Isle of Wight. The local immigration team did not have an understanding of its responsibilities to remove those people from the UK. It was not treating them as a priority. I think the issue here is that the local immigration team has other priorities, and is not giving this the priority it deserves.

Q15 Steve McCabe: I see. Can I also ask about those with criminal records? Your sample suggests that a number of applicants with criminal records were granted leave to remain, which seems contrary to the public image.

John Vine: I do not have that information in this report. What I do have is evidence that suggests that it is difficult to ascertain the rationale behind some of the decisions that were made. There is one page—I am just trying to remember where it is in the report; I think it is on page 32—where I point out examples of inconsistent decision making. These were cases that were reviewed by the case resolution directorate, when it was in existence, and, on the face of it, on that review it said that in these cases the individuals should not be allowed to remain. When it got to the CAAU, they overturned all three of those decisions that are contained on page 32, but there is no way of checking from the information on the database the reasons or rationale for that.

Q16 Steve McCabe: There is no way of knowing if they carried out any checks at all?

John Vine: No, on the face of it. One of the other worrying aspects was that PNC warnings index checks and security checks were carried out before anybody was granted leave, but they regularly expired, because they have to be done every three months and, of course, the check expired before the casework on individuals was completed. They kept on repeating themselves, so it is extra work for the agency. It also means that the agency does not know at a particular point in time whether an applicant has in fact come to the attention of the police.

Q17 Steve McCabe: So in essence we do not know.

John Vine: Not from this study.

Q18 Steve McCabe: Thank you. May I ask one last question about the case assurance and audit unit. You have identified that a number of cases were granted asylum—I think you just said it a second ago—where they had been refused by the predecessor unit, but when they were reviewed by the case assurance and audit unit, they were granted asylum.

John Vine: When they were reviewed by the previous unit, that was the indicative position. Then they were granted by the CAAU.

Q19 Steve McCabe: So how much confidence do you have that the 6,000 cases in which people were granted asylum under the legacy scheme were legitimately granted asylum—that a fair, rational and thorough decision was arrived at?

John Vine: Under CRD, the criteria for granting asylum were quite loose. The criteria were not terribly rigorous. I have no evidence to suggest that those criteria were not applied but, from inspecting the case files, I am unable to find the rationale that the caseworker used to make the decision. For example, if I contrast decision making for visas overseas, we used to make this point when we examined visas that had been issued. It was very rare to find that the caseworker had put in the file notes the reason why the visa had been issued, which made inspection or audit completely worthless. That has been improved by the agency. The agency has taken that on board and the caseworkers overseas do put the reasons on the file. I think that is really important so that we can see the rationale behind the decision.

Q20 Steve McCabe: Given that, would you think, as an inspector, that it would be sensible, when a review takes place and a decision is made—particularly when it overturns an earlier recommendation—that it should be an obligation on the staff member to explain how they arrived at that conclusion?

John Vine: Yes, that should be good practice.
Q21 Steve McCabe: Otherwise you cannot really inspect the decision at all.

John Vine: The real issue was the fact that, instead of CRD reviewing the case, when we examined the case files, we did not see any reason why it could not have dealt with the cases much earlier. We found plenty of evidence in the cohort of live cases of 23,000. They supposedly involved significant barriers to decision making, but we did not find a great deal of evidence that there were significant barriers in those cases.

Q22 Dr Huppert: Mr Vine, it is a pleasure to see you again. May I say that one of the things that I found most surprising about this report was section 7.29—you no doubt remember it—saying that 2,000 of the cases involving individuals who could not be found were complying with reporting conditions? This seemed to be a fairly fundamental breakdown in communication. Could you say a bit more about what was going on and how UKBA did not manage to find these people?

John Vine: At the time we were aiming to look at this particular piece of work, another piece of work cropped up—the issue over terminal 3 at Heathrow airport—and I ended up doing a piece of work for the Home Secretary on border checks. The Border Agency started looking at this issue because it knew we were going to come to it next and have a look at CAAU work. It discovered that there were 2,000 individuals who were reporting at the centres, apparently, whose cases had been placed into the asylum controlled archives and were traceable.

Q23 Dr Huppert: How did that happen? These people were reporting on a regular basis.

John Vine: I do not know how it happened. The CAAU discovered that itself when preparing for inspection. I found it quite amazing that it could have 2,000 people whose cases were placed in the controlled archive who were reporting at its own reporting centres. Perhaps it is characteristic of an organisation where one part is not quite up to speed with what another part is doing.

Q24 Dr Huppert: Indeed, so do you think it is a general problem that bits of the UKBA do not communicate appropriately with each other and do not understand what is happening?

John Vine: There is another example of that in this report. It is the case on the opposite page—page 58—where there was a mail-merge exercise by CAAU to try to do the proper checks on the people who were in the controlled archive. In that case, that is an example where one person of the agency sent a letter to someone who was appealing against a refusal to grant him leave to remain in the UK. He produced that letter in an open tribunal, and the tribunal had to be suspended to verify whether it was in fact a genuine letter. The presenting officer in the tribunal was not aware of what another part of the agency had sent to the applicant in that case. In fact, the tribunal should not have been ongoing. There should have been no tribunal because, in effect, one part of the agency had already sent a letter to the applicant to say, “You are going to be granted leave to remain.”

Q25 Dr Huppert: I am afraid this does not entirely surprise me. I am dealing with a case at the moment where a constituent was told that he had applied out of time for something, and the proof that his application was received in time was in a letter from the Border Agency, dated two weeks before the agency claimed to have received it.

John Vine: It is the same issue.

Q26 Dr Huppert: It is a fairly fundamental problem. To be generous to the Border Agency, perhaps, are there any sections that you think are performing well?

John Vine: There are some sections that are performing better than this. Would you like me to describe the areas—

Q27 Dr Huppert: I was hoping for ones that could be described as performing well, rather than “better than disastrous”.

John Vine: I have already said that I think the quality of decision making on visas is much improved. When I look at the operational instructions to entry clearance officers overseas, they specifically refer to recommendations from inspection that the agency has accepted, so there is plenty of evidence that they are implementing the recommendations very clearly and directing staff accordingly. For example, we also found in the tier 4 visa report that some of the quality of decision making is pretty good and more consistent than it has been between posts, although there are still some inconsistencies. When I looked, for example—as I have already mentioned—at the detained fast-track report, there we found that 94%—I think—for all decisions made by the agency were upheld by the judge at appeal, which is a much improved position from previously, so there are things that are improving.

It strikes me that we are still coming across examples of backlogs of work across a whole range of Border Agency work. It is regrettable that those are not on the table and in front of this Committee more transparently than has in fact been the case.

Q28 Dr Huppert: I am slightly alarmed that your description of an area that is going well is—if I got the words down correctly; we will check in the transcript—when “some of the decision making is good”. For an organ of the state, it strikes me that that ought to be a fairly minimal requirement.

John Vine: Going back to this report, I would say that some of the decision making covered by the report was very poor. Again, if you look at some of the case studies I have put in the report, I do not think the quality of the decision making, in terms of these cases where people have waited many, many years for their status to be decided, is good at all.

Q29 Dr Huppert: You have mentioned the issue about transparency, and that information should be provided to this Committee. What else do you think ought to be done to improve this area fundamentally? This is an area that has been a problem for a long
Why can we not simply be told time. The Border Agency was set up after the directorate was deemed to be not fit for purpose. It has continued to be a problem. Is it about changing the person at the top? Is it about structural reorganisation? What would your advice be on how to fix this once and for all?

**John Vine:** I am not sure that I could mention just one or two things that would be the solution. In my annual report, which was presented to Parliament a few weeks ago by the Home Secretary, I raised a number of areas. I think that line management in parts of the agency should be improved. When I looked at Heathrow and Gatwick, I found that line management in Border Force operations could be much improved. Data integrity and the management of data have been long-standing issues—I have been reporting on this ever since I started in this role—so that people can have confidence in the data. I also think that compliance is an issue, and accountability is an issue within the agency. In my view it is important that there are clear objectives, and that people are held accountable against those clear objectives. I think accountability could be improved at all levels, and I am not entirely sure that there are the mechanisms in place in the agency to hold people to account for their performance.

**Chair:** Thank you. That is very helpful.

**Q30 Mr Winnick:** As far as your position is concerned, Mr Vine, it was our suggestion that the word “independent” should be put in before “chief inspector”, so I think it probably helped. On the general issue, would you accept there is a lack of public confidence in the way in which immigration is dealt with, certainly as far as statistics, and a lack of confidence—both public and parliamentary—over the current situation, and certainly over UKBA?

**John Vine:** There probably is a lack of public confidence. What needs to happen is some of the basics need be got right more often. For example, if you look at the management of the issue we are talking about in this report, there is a whole section on the management of the transition between CRD and CAAU. I do not think it was handled well. That is not the first time I have talked about the management of major change in the Border Agency or Border Force. I spoke about it in my investigation report into border checks and, for example, regarding the introduction of new regimes at airports during the busy summer period. In this respect, it was clear, from looking at the transition risk register, that risks that were identified have not been addressed, which has led to some of the findings in this report.

**Q31 Mr Winnick:** I want to ask you about these various designations: CAAU, CRD, CID, non-cohort cases, controlled archives and so on. Does any of this make sense?

**John Vine:** No.

**Q32 Mr Winnick:** Why can we not simply be told “the backlog” and done with?

**John Vine:** What is important is that the terminology needs to be precise and there needs to be some common understanding of what it means. I would argue that CAAU is a meaningless term. What is a case audit and assurance unit?

**Mr Winnick:** Precisely.

**John Vine:** What does a case audit and assurance unit actually do? At least “case resolution directorate” had one or two words in it that might give you a clue as to what its purpose was but, to me, CAAU does not, and this is something we have discovered before. When I did the investigation into border checks, we had similar acronyms being used, which people did not understand. There was no common understanding—from the top down through the organisation—about some of the acronyms that were used. But the words are absolutely critical. A “concluded” case is a much different thing from a “reviewed” case, and it might be a very different thing from a “closed” case, so the imprecise use of terminology adds to the complexity of what is already a complex issue, and makes it not easy to understand and less transparent.

**Q33 Mr Winnick:** You see this divide in the real world that MPs inhabit—and yourself for that matter. We get people writing to us, or often coming to our surgeries, to say, “I have been here since 1998 or 1999. What is happening?” As all my colleagues are bound to do, I write to the UKBA chief executive, and inevitably the response is, “This case is being considered.” Surely a person who has been here so long is either allowed to stay or not allowed to stay. Presumably these people who come to see us fall into one of these endless categories which, as you have just indicated, make little sense.

**John Vine:** Your feeling is absolutely correct on this matter. What this report does is basically confirm the gut feeling of MPs about that situation. You are experiencing people coming into your surgery saying, “Hang on a minute. If all this is being closed down in March 2011 and all these cases have been resolved, why have I not heard from the Border Agency, because I am in there somewhere?” In the absence of a response from the agency, the only place they can go to is very often their MP’s surgery.

**Chair:** Indeed. Thank you very much.

**Q34 Karl Turner:** Have you carried out any further assessments of the operation of the border security checks since your report in April, and do you think the Border Force is now sufficiently resourced and organised to carry out the new framework of checks more efficiently?

**John Vine:** Yes, I have. I conducted a short-notice inspection of Heathrow terminals 3 and 4 in May, prior to the Olympics, to assure myself that the recommendations of the border report were being implemented. I have just finished another short-notice inspection of Birmingham airport. The report will be published in the new year, but I can tell the Committee that I found that checks were being implemented in accordance with my findings in the border report. I am more comforted now with the resourcing levels I am witnessing at the ports and, as far as I can see from inspection, the checks that I think should be carried out are being carried out.
Q35 Bridget Phillipson: Mr Vine, returning to your comments earlier about the mechanisms to hold people to account within the UK Border Agency, there is a particular problem with initial decision making in asylum cases, given the number of decisions that are overturned. What action do you think could be taken? Individuals and representative groups complain about the lack of accountability—that the decision that is made in the first instance is the wrong one. Obviously that has consequences for the person making the application, but there is no confidence that that will be put right in future so that other people get the right decision in the first place. What action could the agency take to address that?

John Vine: The agency needs to learn from its appeals. I believe it has set up a unit—we have not examined it to inspection level—that analyses lost appeals. I think it needs to learn from some of the lessons of those cases, because sometimes I have found the appeal rate to be unacceptably high in areas of the business. It was the case that the appeal rate against decision making overseas was particularly high, and I think they have learned some of the lessons from their decisions. What I found there was that they do administrative reviews much better, within the 28 days they have set themselves. Their refusal letters are worded much better. They have learned a lot of that from analysing appeals and I think that that needs to be more widespread across the business.

Part of the problem is that sometimes, because we look at a particular area and it falls within one silo of the business, the learning does not seem to translate to another part of the business. That is something that the chief executive and his board must try to do more of in order to make best use of inspection.

Q36 Bridget Phillipson: Do you know whether feedback is offered directly to decision makers following appeals? For example, if an appeal is found in the applicant’s favour, will that be communicated to the decision maker who made the initial decision? Decision makers will often act in good faith and try to make the right decision, but when their decision is proven not to have been the right one, is direct feedback offered to them so that they might learn from that?

John Vine: I have come across examples where this has happened, but remember that a decision made by an immigration officer is a judgment that is made, and the immigration judge may make another judgment. It does not necessarily make the decision wrong, per se, but there is still room there to understand the rationale behind the immigration judge’s decision. In short, I think you would have to ask the chief executive of the agency whether that is common practice in the agency.

Chair: Dr Huppert has a supplementary.

Dr Huppert: A quick question on this. I believe Canada has a separate body that deals with asylum cases and I think there is a 1% appeal rate, which is incredibly low.

John Vine: I know it has another body, but I do not know the detail of its performance.

Q37 Dr Huppert: Do you have any sense of its performance and whether it is something we should look at?

John Vine: I went to Canada a year or so ago to look at the system very briefly. I know they had a backlog of cases, because they told me so, but I do not know whether the appeal rate was as low as that. It is a separate body, and not part of the equivalent of the Border Agency.

Q38 Dr Huppert: Was there a sense that this was a good way forward? Did they suggest that we should be looking at it here?

John Vine: That really was not my remit, but I certainly had a sense that they had their own difficulties.

Q39 Chair: Let us conclude with some specific questions about a number of issues that are outstanding with you. On the issue of lost documents, when I tabled a parliamentary question, I received the reply that the information was not held centrally, meaning that the UK Border Agency does not know how many documents of applicants it has lost. Do you know where these lost documents are recorded? Have you come across the issue of lost documents?

John Vine: We have certainly come across the issue—we come across the issue in every inspection. With this inspection, 7% of the file sample that we requested we never received. No, let me correct that. It was that 7% of the file sample was incorrectly filed. When we asked for nearly 400 files, to have a look at the legacy cases, 7% of them were misfiled. In other words, they were not in the right place. Very often we find—and in other respects we find, Chair—that the files are missing, and we report on that in every inspection.

Q40 Chair: But they do not have a record of lost documents. When people make complaints and write in to say, “You have lost our documents,” would that information be held there?

John Vine: That might be the case. Sometimes it is because port files are created as well, so duplicate files float around. In any system, obviously, if files are taken out of the system without any record of where they have gone, that does not help. This is part of the cultural issue that Mr Clappison raised earlier. I would like to see a much more rigorous approach taken to data management and file management generally. Part of the issue is that sometimes workers in the agency do not see the people behind these files. They are inundated with files. They probably come in for a day’s work and their desk is piled high with case files, and I think part of the cultural problem is that they do not see the individuals and the human story behind the decisions they are taking.

Q41 Chair: In respect to the entry clearance operation, the Committee will be concentrating on this next year. We are looking at the hubs that have been created. As constituency MPs, we are concerned with the quality of the refusal notice. I keep putting to them that the best way of getting clarity is if you have a
clear indication as to why someone has been removed. Basically four or five blobs, instead of this huge text that is sometimes on the front of a refusal notice that nobody understands. It is a no-brainer. If they were to do this, it would cut down on appeals.

**John Vine:** Yes. I quite agree with you. We have raised that in previous reports. It is worth you knowing that, following this report, I have been asked by the Home Secretary to conduct an investigation into the legacy casework in the new year. I am agreeing terms of reference with the Home Secretary. She is commissioning me under the Act to go back and have a look at legacy casework in the new year, and I will be able to report to her, hopefully by spring of next year.

**Q42 Chair:** In respect of the vacancy that currently exists for permanent secretary at the Home Office, we noted in your border report concerning Brodie Clark that the role of the permanent secretary is quite important. Does that affect your work at all? The Home Office has been without a permanent secretary for six months now.

**John Vine:** It has not affected my work in any direct way, Chairman, no.

**Q43 Mark Reckless:** Have you considered applying for the role?

**John Vine:** That is very flattering of you, Mr Reckless, but I have not considered applying, no.

**Mr Winnick:** There is always time.

**Q44 Chair:** Before you do, there was an article in *The Times* about one of your assistant chief inspectors of borders being investigated for apparently smuggling tranquillisers. You have probably seen this article.

**John Vine:** Yes, I have seen it.

**Chair:** Do you have any comment to make? Are you investigating this?

**John Vine:** The matter is being investigated by the Home Office. I cannot comment further because it is obviously a matter under investigation.

**Q45 Chair:** But it is being dealt with?

**John Vine:** What I would say to the Committee is that this was nothing to do with the inspection. It is a matter of personal misconduct in a private way, and it will be investigated accordingly.

**Q46 Chair:** Finally, when will you know whether your contract is being renewed? You were appointed in 2008. You came before the Committee just after you were appointed to this new post. You combined two critical areas into one post, which you have done extremely well. The whole Committee feels you have done a fantastically effective job. When will it come up for renewal?

**John Vine:** I am sure that discussions will be taking place over the next few months. As it stands, my contract comes to an end in June next year.

**Q47 Chair:** Will you be staying on? Have you decided?

**John Vine:** At the moment I have not been approached or asked, so I am going to wait and see.

**Q48 Chair:** Is that the process? They ask you to stay on?

**John Vine:** I think that is the process that has been commonly understood, and I am just carrying on with my work. I have many, many pieces of work in process at the moment, and more reports coming out later this year and in the spring of next year, so that is what I am concentrating on at the moment.

**Q49 Chair:** As far as this Committee is concerned, we are delighted with the reports and the work that you are doing. Please carry on the good work.

**John Vine:** Thank you very much, Chairman.

**Chair:** Thank you, Mr Vine. That concludes this session.
Tuesday 18 December 2012

Members present:
Keith Vaz (Chair)
Nicola Blackwood
Michael Ellis
Steve McCabe
Bridget Phillipson
Mark Reckless
Karl Turner
Mr David Winnick

Examination of Witness

Witness: Rob Whiteman, Chief Executive, UK Border Agency, gave evidence.

Q50 Chair: Could I call the Committee to order? Could I welcome the Chief Executive of the UK Border Agency? Welcome back, Mr Whiteman. Can I refer all those present to the Register of Members’ Interests, where the members of this Committee have their interests noted, and can I also declare an interest that my wife is an immigration lawyer?

Mr Whiteman, when you last came before us, we had not seen the publication of John Vine’s report. You were the first to issue a statement after the report was published, and I think you said that it made “stark reading”, and to quote you: “The Independent Chief Inspector’s report demonstrates the significant failings that occurred”. We welcomed your appointment last year as someone who had come from outside the service, who had joined the UKBA, and we accept your assurances that you were trying to make things better. Were you as disappointed as we were about the findings of the Chief Inspector?

Rob Whiteman: Of course, Chairman, it was a very stark report, setting out as it did the events of last year, when the Case Resolution Directorate concluded its work and handed over to the CAAU. I had given evidence to you when I joined UKBA in the following September and then in December that I believed there would be lessons for the Agency to draw upon in relation to the way the legacy had been dealt with and that the controlled archive possibly controlled live cases, but we welcome John Vine’s report. It is better that we know what went wrong at the time, in order to make sure it does not happen again.

Chair: That is now; it is not a historic failing under Lin Homer, is it?

Q51 Chair: Let us examine that. One of the questions I put to him was, “How is it possible that you could discover that there were 100,000 unopened letters in 150 boxes in Liverpool, and that Rob Whiteman and other senior figures could not have discovered that? How is it possible that a Chief Inspector, coming from outside, knows more about the Agency than the people sitting on the executive board?” This information clearly came, as he told us, from front-line people in your service. That is a failing that is now; it is not a historic failing under Lin Homer, is it?

Rob Whiteman: The report primarily deals with what took place last summer in July 2011. Actually, Chairman, in the way that we are now creating a very full picture of the work of the Agency, I believe that much of the information that Mr Vine will be able to draw upon in future will come from us. You will know that the Home Secretary has asked Mr Vine to look at the performance and compliance unit in order to make sure that it is fit for purpose in the way that we want it to be, and I believe that much of the evidence in time will be from us.

Q52 Chair: Yes, but should this not be your board? You have senior people sitting on that board who are responsible to Ministers, and Ministers are responsible to the House about what is happening. Ministers do not have day-to-day operational control over the UKBA. We have people like you, Jonathan Sedgwick, Mr Oppenheim and others. Are you telling this Committee that you are satisfied that in his next report he is not going to say, “Well, I have had a look and I have found that there are indeed unopened letters at the moment in any of the sections of UKBA.”? Have you put in place the mechanism of tracing where these files are?

Rob Whiteman: Yes, a couple of things there. First of all, Chairman, we are in the process of creating a new board.

Q53 Chair: As of when?

Rob Whiteman: When I took over the Agency, I believe I inherited some people with energy for the future, but we have been out to advertisement for three directors.

Chair: All right. Which posts are you advertising?

Rob Whiteman: I am sorry I cannot give the name on this occasion; it is going through final clearances. We are about to announce a Director of Immigration and Settlement, which is the board-level role responsible for this area. We are about to announce a new Director of Enforcement and Crime. We have made an outstanding appointment with a senior figure from policing in order to lead our crime and enforcement operations. We have also made a very strong external appointment, all three being external to the Agency, for our new Director of Resources and Organisational Development, so we will have those board positions,
those directors, in place in the new year, and I think that the new board will be much stronger than that that I inherited.

Q54 Chair: Your view is you have changed the senior management and therefore we will get better results, but Mr Vine’s view is, in the report that he has given us, that it is the front-line services who have given him this information. This 100,000² unopened letters does not come from members of the board. It comes from those who are on the front line, who met Mr Vine. Are you confident that you and others are going out to meet the people who are doing this work and they are telling you what is wrong with the service?

Rob Whiteman: Yes, indeed. Over the last two months, I have conducted 23 sessions with staff. They are called viewpoint sessions. They have ranged from groups of 300 to 1,500. We have held 23 sessions within the country. I did every single one, a three-hour session of questions and answers with staff. We have held 24 sessions overseas, and senior managers have held those in posts, and we have heard a huge amount from staff about the opportunities for making our work right, as well as the problems that they face.

As well as creating a new board, Chairman, I would stress again the importance of the new corporate capacity that we have put in place. Management information used to be dealt with by every part of the Agency. They dealt with their own figures. In the run-up to a Home Affairs Select Committee they would generate figures that would be consolidated into the report. We now have a centralised strategy and intelligence directorate. We have taken performance staff from all the bits across the Agency—

Q55 Chair: So there are many structural changes?

Rob Whiteman: And created a performance and compliance unit that gives assurance to any numbers that you see.

Q56 Chair: Very good. Let us go on to the one promise you made, and to other members who will come in now. You came before the Committee last year and you made me a promise, which you appear to have kept, which is that the controlled archive would be closed by 31 December. I think I owe you a cup of tea or a mince pie as a result of you keeping your promise.

Rob Whiteman: I will gladly accept both. Thank you, Chair.

Q57 Chair: You have come up with some very interesting figures, because when we published our last report you said you would close the controlled archive. As we know, the report arrived today. However, in the controlled archive—which of course is not controlled to this extent, because there were some live cases already in that controlled—in the dead files, we found some live cases. You found 6,000 on 18 September³ as the result of the first wave of work that you had done. Since 18 September, you will have now closed an additional 72,000 files, yes⁴?

Rob Whiteman: Yes.

Q58 Chair: How many live cases have you found in the 72,000 files that you now have closed that are absolutely dead?

Rob Whiteman: In total, of the asylum work, we now have live files totalling 33,900.

Chair: Sorry, I know that. I will come to those figures in a moment. Other members of the Committee will. I am talking about the astonishing speed with which you have cleared this backlog, which delights the Committee because we do not like backlogs, and I know you do not like backlogs. On 18 September, you came before this Committee and said, in the dead files, which you call the controlled archive—we will just call them dead files for the moment, or we maybe should call it purgatory because it is in between death and life—you found 6,000 live files in the dead files, on 18 September.

Rob Whiteman: Yes.

Q59 Chair: As of today, since you have closed the rest, the thousands of other files, in the last seven weeks you have closed over 12,000 files a week. If you cleared completely—do you understand where I am going?

Rob Whiteman: I do.

Chair: On 18 September, you said you had found 6,000 live cases⁶.

Rob Whiteman: Which I think, at the time, put the total to about 28,000.²

Chair: Forget about the total; I am talking about what you found. You found 6,000⁹ live files in the dead files that you looked at, but since 18 September you have closed 12,000 files a week; fantastic performance. How many live cases did you find since 18 September, which were sitting in the controlled archive, which people thought were dead but in fact were live?

Rob Whiteman: I am afraid I don’t have the figure to hand, and the reason for that is, Chairman, as I said to you last time, the dates that we were about to close after my last appearance up to 21 November, we had done a great deal of work on them already.

Chair: We understand that. Yes.

Rob Whiteman: In fact, we had already gone through them all at least once, and so, of course, the live files that we had found were in relation to the files that we were about to close after making a second check.

Q60 Chair: Sorry, Mr Whiteman, that is not what you told me. In April this year, you discovered—we discovered—that contrary to your public statements, “No tracing programme has been carried out on cases in the controlled archive”. You are telling me that, since 18 September, no live cases have been found, even though in the report you have given us today you say that 3,077 cases were run against the Police

---

² See footnote 1
³ At the evidence session in September we advised that the controlled archive had reduced by 6,000—not that we had found 6,000 cases.
⁴ Not all 72,500 cases in the controlled archives were closed.
⁵ See footnote 3
⁶ Correct figure 29,000
⁷ Correct figure 29,000
⁸ See footnote 3
National Computer and were returned with a positive hit, and they, therefore, must have information that relates to where these people are. Within this group you list people on the PNC for non-criminal reasons, such as owning a firearms licence, and 24 people who had an impending prosecution. You say that 1,468 cases returned a hit on the Police National Computer, which showed the individuals to have a conviction that pre-dated 2011. Are you saying there is information on the Police National Computer that is not related to living people or people who can be traced? On the report you have given us today, we seem to be missing about 4,400 people.

Rob Whiteman: No, that is not the case, Chairman. What we have given you today is our own assurance report, which sets out the two sets of checks that we have made on all of these cases before closure against the Warnings Index, the Police National Computer and a range of databases, as I have written to the Committee about before. The assurance process that we went through in order to make sure that any files we were closing were in line with those criteria. We asked Deloitte to make sure that our assurance process was correct.

Chair: Yes. We will come on to the Deloitte report in a minute.

Rob Whiteman: What we are saying in some of those cases, we are giving you the exceptions in order that there is absolute and full transparency. We are giving you the exceptions of how we did that closure programme. There were some records where we did not have sufficient name or other details. In other words, there was very poor data quality, where it was not possible to match them against the Police National Computer, the PNC. Wherever there are names and good data quality, we have carried out the checks in full. We have given you transparently where there was poor data quality.

Q61 Chair: Finally on this, so that we are absolutely clear, as of 18 September, you found 6,000 live cases in the cases that you had closed. Since 18 September, you have found no new live cases. When we published our last report, the Minister for Immigration was on breakfast television, saying that the cases would be looked at, studied carefully, monitored and then put to one side, after you could not find the people. You are telling me that no new live cases have been found since 18 September?

Rob Whiteman: I am not telling you that, Chairman.

Chair: How many have been found?

Rob Whiteman: I have tried three times to say that is exactly not what I have said.

Chair: How many have been found?

Rob Whiteman: When we closed, the final live tally for asylum cases is 33,000. I am very sorry, but I cannot remember what the tally was in September after we had found the additional 6,000. In the final closure, we did find some more live cases.

Q62 Chair: How many have been found?

Rob Whiteman: I do not have that figure to hand, and I will gladly supply it to the Committee.

Chair: Could it be 3,500? You wrote to us and you said 3,500. Could it be the 3,500?

Rob Whiteman: I will refer—

Q63 Chair: Mr Whiteman, with all the great people you have on your board, you must have expected a question from the Home Affairs Select Committee, which would have been phrased, “You have closed all these files once and for all—hooray—but how many live cases did you find in them?” That must have been a question that would have been uppermost in your mind.

Rob Whiteman: It is, and the live cases we found in there total 33,000 on closing the archive, and I am referring to my letter but I do not believe I give a figure.

Chair: Sorry, 33,000! On the closure of the controlled archive, you found 33,000 live cases?

Rob Whiteman: In total, over the lifetime of its closure. You will remember, Chairman, that in the past I have advised you of the live cohort. At one stage, it stood at 21,000, and then 25,000. The final tally of the number of live cases is 33,000, or 33,900 asylum cases, and 7,000 from the migration archive. What that means, if I could just be clear on this is, to run it down, where there were once half a million legacy cases that we said would be closed, that came down to around 126,000 cases, where we said they were in the controlled archive. In other words, of the 126,000 cases that were in the two archives, both asylum and migration—

Chair: We understand, Mr Whiteman.

Rob Whiteman: The live cases are now 40,000. That half a million-plus now stands at 40,000.

Q64 Chair: We understand that perfectly, and you are not responsible for anything that went on in the past. I accept that. I have asked you, what is the figure since 18 September? Would you please tell us? Write to us and give us the live cases that you have found in the controlled archive since you last gave evidence to us. That is all I want to know.

Rob Whiteman: I will gladly do so, and I have given you the final figure, Chairman.

Chair: That is over the lifetime of the controlled archive.

Rob Whiteman: I will also give you the figure of what happened in the final movement.

Q65 Chair: Excellent. That is very helpful. You understand why we are concerned about numbers here, because this is immigration, but also because your predecessor did not give us the figures and had to come before this Committee and apologise, though she subsequently wrote and she said the figures were contained in a footnote in a letter she sent in 2008.

---

As per comment 11, this refers to the 33,900 live asylum cases as set out in the closure report. This figure comprises cases in the existing live asylum cohort and those transferred from the asylum controlled archive.

See comment 13

Correct figure is 40,900
which is not acceptable to this Committee. As you said in your response to John Vine, it is unacceptable to give information to a Select Committee that is not accurate, and you accepted that.

Rob Whiteman: I accept it in full, Chairman, and I would like to add my apology to that of Mrs Homer and Mr Sedgwick for what happened. I have said to you in writing that I believe this was not deliberate on the part of the Agency.

Chair: You did.

Rob Whiteman: I hope I can give you some assurance now that the processes that we put in place and the transparency with which we are giving you all the information means that you really should feel assured that on this occasion the records have been closed properly.

Chair: Thank you. We are grateful for that assurance.

Q66 Mr Winnick: The controlled archives have been closed. Mr Whiteman, yes?

Rob Whiteman: Yes.

Q67 Mr Winnick: They have been closed, and it has been confirmed in the letter you wrote to us on 21 November, and you wrote a letter dated today, which was on the table as we came in. Can I just go through one or two other names? You see, the controlled archives are closed, the Case Audit and Assurance Unit is open, is it not?

Rob Whiteman: Yes.

Q68 Mr Winnick: Yes, so that is around. Asylum cases of the past, that continues?

Rob Whiteman: That is what the CAAU is working on. It is the same thing, Mr Winnick.

Q69 Mr Winnick: It is the same. The Case Resolution Unit, that is the same, is it?

Rob Whiteman: That is the unit that closed last year by July 2011.

Q70 Mr Winnick: These names keep cropping up in contemporary papers. Live asylum cohort: is that closed, open—

Rob Whiteman: Same thing now; in other words, Mr Winnick, all the old asylum cases, the pre-2006 legacy16, now stands at 33,000 live asylum cases from those half a million cases, 7,000 migration cases. Those 40,000 live cases are being worked on by the CAAU.

Q71 Mr Winnick: Yes. Just two more that crop up—and if they are closed, you will tell us; migration controlled archives?

Rob Whiteman: The migration archive is closed, yes.

Q72 Mr Winnick: And Migration Refusal Unit?

Rob Whiteman: No, that is something new, and I will gladly move on to that if you wish me to.

Chair: We will come on to that in a minute.

Q73 Mr Winnick: That is another category. What I am asking you is, with all these names that have cropped up over the last few years, which I accept you are not directly responsible for some of the designations and the units that were set up within the organisation, could you now tell us precisely which exist? We know that the Case Audit and Assurance Unit is in existence; you have told the Chair, yes?

Rob Whiteman: That is correct, Mr Winnick.

Mr Winnick: That is one. What other ones?

Rob Whiteman: All the other units that you mentioned were in the past and/or have now closed. If it helps, the Agency deals with two things, Mr Winnick. We deal with flow, new work that is coming into the system, and we deal with stock. In terms of older cases, we have now reduced all of those controlled archives17 to 40,00018 cases, which we will now work on. While it has been very difficult closing the archives and we welcome John Vine’s report, it is good that we have closed them, because really what you want to hold me to account for are the 40,00019 cases we will deal with, and they are complex cases. What does the Agency do with the 3.5 million new cases that we receive a year? As I have said to you in previous committees, it is absolutely our intention to stabilise performance this year in order that as new work comes through the system, which includes adding cases to the Migration Refusals Pool, we deal with inflow in an effective way. I do think it is a positive thing that we have closed the controlled archives because, as I have said to you on previous occasions, we had over 100 staff tied up with dealing with the controlled archives, and we now want to move on to making sure that we are up to date with new work as it comes in and that we provide a much speedier service than we have done in the past, and I think the closure of the archives is an important stepping stone from how we have worked in the past to how we intend to work in the future.

Q74 Mr Winnick: But Parliament wants to hold you to account—this Committee and Parliament as a whole—over the cases that are outstanding, whichever name is given. Controlled archives over so many years is now finished, but nevertheless we have the Case Audit and Assurance Unit. What that means to ordinary people outside, heaven knows. I wonder if it would not be far better—I do not know if the Minister or the Secretary of State ever asked you the question that I am now going to ask you. Why isn’t all this simply seen as a backlog and defined as such? Why these names? The total backlog in migration cases and asylum cases. Surely, that would be the easiest way of going about matters, without these names.

Rob Whiteman: I see. I am sorry. If it would help you—

Mr Winnick: I think it would help Parliament, and I think it would help—

Rob Whiteman: I will refer to it as a backlog of asylum work. That is clearly what it is. They are cases from pre-200620, and we are very pleased to now have that backlog of older cases down to 33,00021.

---

16 Legacy cases are defined as pre 5 March 2007.
17 Refers to legacy cases not just cases in controlled archives.
18 Correct figure 40,900.
19 See footnote 16.
20 See footnote 18.
21 Correct figure 33,900.
asylum cases from the half a million where it once stood, and we think that is a positive thing that we have the pre-2006 backlog down to that level in order that we can now concentrate on being much more effective with new work as it comes in.

Q75 Mr Winnick: As I am sure you recognise without any doubt at all, immigration—be it asylum or otherwise—is a very sensitive issue, to say the least, among the general public. It is also a matter of great concern, obviously, to this Committee, what is being done to clear up the backlog, and it would be far better, in my view, and you start to take the point, that everything should be explained in ordinary English without terms like Case Audit and Assurance Unit, which, for the life of me, I doubt the average person and the average Member of Parliament would understand for one moment. Can I ask you this question? If you were asked by the Minister—but I will ask you this question—how many cases in either category, migration or asylum, go back further than three years?

Rob Whiteman: It is a question I am asked a great deal. In asylum work, we have the cases that I just described. Of course, in the current asylum work, which is called the asylum WIP, the asylum work in progress three years for some work would not be considered a backlog. Dealing with some asylum claims, by the time that we receive the application and it goes through judicial processes and we receive it—Mr Winnick: So, three years is a short amount of time?

Rob Whiteman: While we are dealing ever more quickly with asylum claims, we are logging claims and dealing with them, but, for instance, 50% of them within 30 days, but it is not unusual for some asylum work to take three years, and that would not be considered unusual.

Q76 Mr Winnick: Can I tell you, Mr Whiteman, people come and see me at my surgery—I made the point in previous sessions, not three years—they say, “Look, my case has been going on since 1999.” I know it is the previous Government; present Government does not seem to make any difference in respect to these people all continuing to wait. It is not three years. In many cases, as I say, it goes back to the final years of the past century, and that continues to be the position. That is a question.

Rob Whiteman: I think, in cases that are that old, Mr Winnick, the case will be that, clearly, for it to be that old, we have considered that asylum does not apply, and of course what happens with very old cases is that people have multiple rights of appeal through the judicial system. The Agency’s position is that we only grant asylum where we think it is valid. We do not grant asylum because people have taken significant legal challenge to the Agency’s decisions over the years.

Q77 Mr Winnick: Yes, I am sorry to interrupt, Mr Whiteman, but the replies that I get from the UKBA say nothing of the kind. They say the cases are being considered, and these are cases that go back 10 years or more.

Rob Whiteman: But of course what will happen, Mr Winnick, is people put fresh applications in. What the Agency must be held to account for is that, as we receive applications, we deal with them. If a case is 10 years old, it is not that we have taken 10 years to deal with it. It is that people have made multiple applications, we will have a new application to deal with, and we will deal with it as quickly as we can.

Chair: We will come on to that later. Thank you, Mr Whiteman. That is very helpful. We will come back to that.

Q78 Karl Turner: I want to ask you about sponsor notifications, please, Mr Whiteman. The Home Secretary has said recently that since August you have received 90,000 notifications about international students who may no longer have the right to remain in the UK. How many of these have been followed up?

Rob Whiteman: Referring, if I may, to the John Vine report briefly, into Tier 4, John Vine made many positive comments in his report about the way that we are dealing with sponsorship and decision quality, which we welcome acknowledgement that we are going in the right direction. He did say in his report that there were 123,000 notifications as at the time he was writing the report. Those were followed up and they have been dealt with. What has happened now is a new amount of work that has come in, and, as the Home Secretary has said, since we revoked London Metropolitan University, we have had some 90,000 notifications from different institutions that they may have students where we should consider their details here. Of those 90,000, we are now working through them. We are creating a new team in the new year in the Liverpool area, which involves some DVLA staff who are transferring over, and those 90,000 notifications that we have received we will have processed by the end of March in terms of triaging them, making a decision on, “Is this important information or less important information?” The ones that then go through to being considered for curtailment we will act upon, but initially all those notifications will be considered by the end of March.

Q79 Karl Turner: Mr Vine also mentioned his concerns about resources as well. He said he did not think you had enough resource to assess all the sponsor notifications you received. What resources do you have now in place?

Rob Whiteman: As I cover in my letter to you, looking at the information I just gave you in my most recent letter, for Tier 2 sponsor applications, we received 3,000; Tier 4, we received 121 applications to be sponsors; Tier 5, 670 in the year to date for the quarter that I report to you. We have a team in Sheffield, the Sponsor Management Team, which deals with those applications. They deal with applications to be a sponsor; the numbers that I have just given you, Mr Turner. Of course, those sponsors then provide information to us. They give us notifications of actions. The job of the team is to process licence applications, carry out visits—we
18 December 2012      Rob Whiteman

often visit, as I give you in my letter—and then we receive notices from sponsors. Because student notifications are greater than we expected, the London Metropolitan decision led to a great many notifications coming through. We have created an additional team. It is going to have up to 45 staff. We are recruiting that at the moment. We are transferring some staff over from DVLA. That will be up and running in the new year in the Liverpool area, and that will help the curtailments get up to date.

Chair: Excellent; thank you.

Q80 Bridget Phillipson: Mr Whiteman, turning to Rule 35, if I could, 231 reports under Rule 35 were made by the Agency in the third quarter of this year, but only 13 individuals were subsequently released, and the figures are very similar for the two previous quarters. Could you explain to the Committee why so few individuals are being released?

Rob Whiteman: We take Rule 35 very seriously, Ms Phillipson. Everybody who enters detention is given a health screening. In effect, that is rather akin to the primary care services that one would get from a GP. If the medical practitioner believes that there are mental health issues that he or she is not able to deal with, then they are referred to specialist NHS mental health services. At times, this may include people being sectioned. Where there are concerns around mental health, we do get these Rule 35 reports. I would say identifying 27 people in one quarter or 14 people in one quarter or 13 people in another quarter shows that we are taking this seriously and that we do identify people with mental-health problems who we decide no longer to detain. Put bluntly, the number of referrals, the number of people who claim mental health issues, is much higher than the number of people that we are advised have mental health issues by medical practitioners, so there are claims made around mental health that we disagree with when they are case-worked.

Q81 Bridget Phillipson: Do you mean that doctors, therefore, just refer anybody in? You only have to claim you have mental health problems, and the doctor would just accept that and make a Rule 35 recommendation?

Rob Whiteman: People can also refer themselves for consideration by our case worker, so the case worker may have information from a medical practitioner. They may have information from the applicant themselves23. The applicant’s lawyers may have written to the case worker. The case workers receive 231 Rule 35 reports in that quarter, or they make 231 Rule 35 assessments, and the number where we have released from detention is 13. The assurance I would give you is that is not the end of it. There will be cases within these figures where people apply again for reconsideration. We do take this very seriously, and the fact that every quarter we do release some people where they deem that they should not be held in detention for immigration purposes I hope demonstrates how seriously we take it.

We are improving our processes as well. In October of this year, we gave new guidance on Rule 35. This has involved training in all our immigration removal centres, and the training involves healthcare representatives as well as our own staff24, so this is clearly an area that we do take very seriously, and indeed have just issued fresh guidance and training to everybody involved25.

Q82 Bridget Phillipson: Just turning to a separate issue briefly, if I may, in terms of asylum applications, female success rates at appeal remain consistently higher than those of men. Could you identify what reasons there may be for that?

Rob Whiteman: No. I don’t have any reasons here. It is a figure that we look at. We are conscious of that, and therefore we do ask our case workers to consider whether there are any differential factors that we are not taking into account. As I have just said to you with mental health issues, we are frequently updating our guidance and we discuss these issues. Within our own quality assurance systems, we have a matrix of scoring our decision quality. That is on an upward trend, so at the moment—when a case is reviewed—we are hitting 85%26, where, allowing for all the factors in a decision, at least 85% of them are clearly being taken into account. It does not mean only 85% of decisions are right. It means the decision quality is that 85% of all factors have clearly been taken into account in the decision. Please be assured, Ms Phillipson, in terms of our decision-quality matrix and how we make sure we are taking sound decisions, we do take gender, sexual orientation and indeed issues of mental health into account.

Q83 Bridget Phillipson: But it would suggest, because there is a discrepancy between the appeal rates, and given that men outnumber women two to one in applications, there is perhaps a problem still with the initial decision-making process. If I accept that, could I ask what guidance or training is offered to staff when their decisions are overturned on appeal? I appreciate staff make decisions in good faith and sometimes information comes to light subsequently, but where there is a suggestion that the initial decision was not the right one, are staff given any guidance or training to try to prevent this happening in future?

Rob Whiteman: Indeed. One of the loops that we use is a decision audit, and that’s a decision we’re looking at. So is the information that we get from appeals, where appeals are allowed and our view is dismissed, and how we feed that back in to case workers. Every region of the country, until the summer, had their own appeals team as well as their own asylum teams, and the creation of a new appeals command—a national appeals and litigation command—is working on this very point of decision quality, so where we are losing appeals, we are feeding that back to case workers, both here and overseas.

Chair: Very helpful.

24 The training was for IRC healthcare representatives only—separate training for caseworkers will follow the issue of revised Asylum Instructions on Rule 35 reports
25 See footnote 24
26 Witness correction: 90%
Rob Whiteman: I know, Chairman, you always take a great interest in decision quality overseas. For example, in our Beijing post, we have seen appeals allowed fall from around 50% to 13% in a year because of this very point that we are feeding back to case workers within the country and clearance officers overseas much better than we have before about appeal decisions.

Chair: Indeed; that is very helpful. Thank you.

Q84 Mark Reckless: While we are there, congratulations on that work. On your website, you say your target for processing in-country Tier 1 applications for further leave to remain is to complete 90% within four weeks, yet in a reply on 2 November this year to a Freedom of Information request, UKBA said that 58% of further leave to remain applications made between January and June are still outstanding. Is this a new backlog building up?

Rob Whiteman: I am pleased to say, Mr Reckless, it is coming down fast. The figures were going in the wrong way for us, and the reason—

Q85 Chair: Sorry, could we have that in numbers, rather than "coming down fast" or "going in the wrong direction"? What are the numbers?

Rob Whiteman: I will just get the figures for you, if you will bear with me. Chair. Sorry, I had started to look for something else. I am sorry; I don’t have those figures to hand. I will answer the question. Earlier in the year, Mr Reckless, we had some spike in work in temporary migration around policy changes that took place to settlement routes, and that did lead to an increase in work, more than we had modelled for.

Chair: You will let us have the figures? Not today. Would you write to us with the figures? We know you do not have them.

Rob Whiteman: I will do, yes.

Q86 Mark Reckless: Just a quick follow-up; also, on your website, you say you are currently working on applications made on or before 4 August. Is that correct, and anyone who has applied since 4 August, there has been no consideration of their case at all?

Rob Whiteman: On Tier 4, we are working on applications received on 7 November, and on Tier 1 applications, again, I will write to the Committee with the date of those. If I may, Chair. I do know you want the figures, but we have been through all of the figures recently in temporary migration. Where Tier 4—I said earlier, in answer to—would be up to date—Tier 1 will be up to date for January, and I will write to you with those figures.

Q87 Chair: Sorry, Mr Whiteman. The reason why we press you for numbers is because we do not want you to be in the same position as Lin Homer, coming back and apologising to us. Descriptions are great, but it is immigration. Figures are important. Write to us with the figures. We would be delighted to get them.

Can I just ask about international students? A number of presidents of NUSes throughout the country have contacted this Committee because there are hundreds of international students who are trapped in the UK over Christmas because their passports are with the UKBA and they do not have their leave completed. This is a major problem for a lot of people coming here, especially after what the Home Secretary said last week about overseas students. What are we going to do about getting their passports back before 25 December, so they can spend their Christmas with their families?

Rob Whiteman: We are returning the passports, Chairman.

Q88 Chair: All of them? So they will all be done by Christmas day?

Rob Whiteman: At the moment, we are providing a 72-hour service and a 24-hour service for really urgent ones, where people had flights. We have improved that.

Chair: Christmas day is next Tuesday.

Rob Whiteman: All applications that we are receiving at the moment to return the passport we are processing within one day. All applications that we receive to return the passport by 20 December we will act upon.

Chair: “Act upon” is not, “I will give their passports back.” Can you tell this Committee—

Rob Whiteman: I will confirm that all applications we receive by the 20th to have a passport back, we will return the passport.

Chair: On the 20th?

Rob Whiteman: Within a day of the 20th, we will—

Chair: So, the 21st? One day after the 20th is the 21st, normally.

Rob Whiteman: We will dispatch within 24 hours of receiving the application.

Chair: Excellent. That will reassure all the students who are watching avidly these proceedings.

Q89 Steve McCabe: Just on passports, Mr Whiteman, the Agency has an unfortunate habit of losing people’s passports. Why do you think this happens?

Rob Whiteman: As I said in an earlier answer, people make different applications for different products at different times. People may apply for a student visa and then apply for asylum, may come across our enforcement teams, and therefore different parts of the Agency are dealing with the case at any one stage. We are working very hard on this, so a central record on our record management system of where passports are being held, in order that one part of the business can know if a passport is being held for another purpose. We have worked very hard on that.

Steve McCabe: That central record now exists?

Rob Whiteman: Yes.

Q90 Steve McCabe: Yes. It is just that I would have thought that in an Agency that specialises in immigration, a passport would be quite a high-value

27 The policy changes relate to post-study work, which wasn’t technically a settlement route

28 Applications for the return of a passport to facilitate Christmas travel.

29 See comment 6

30 The central Record Management System does now exist but is not yet being used to record the location of travel documents. This capability is currently being developed.
item. Can I ask specifically on that, how many passports have been lost this year, and how many people have you had to contact to say, ‘Sorry, we have lost your passports and your documents while you have been in the queue awaiting your further leave to remain application to be decided’?

Rob Whiteman: I am very sorry, Mr McCabe; I do not have figures on that.

Q91 Steve McCabe: Now that you have the central record, will you be carrying out a check like that so you could help?

Rob Whiteman: I was not expecting that question. I am very sorry. I will write to the Committee with details of that.

Chair: If you could, because we are very keen to know how many passports and documents have been lost. You can provide us that information in writing; excellent.

Q92 Steve McCabe: Can I just finally ask you on a separate issue, about employee sponsors, do you think you carry out enough pre-registration checks with employee sponsors? I think you do about 25%. Is that right?

Rob Whiteman: Yes. In the figures I provided to the Committee in the year to date for the three quarters to the end of September 2012, we carried out 604 pre-registration visits on Tier 2 and 36 pre-registration visits on Tier 5. At the same time, we carried out post-registration visits. For Tier 2, we carried out 4,698 post-registration visits in the year to date, and on Tier 5, we carried out 360 post-registration visits for the year to date, including within those post-registration visits a number of unannounced visits, and 38% of Tier 2 post-registration visits that we carry out are unannounced, which we think is part of the tools that we have to hand.

Q93 Steve McCabe: I asked this because this is a controversial issue for the Government. Some people accuse the Government of not letting enough people in under this scheme, and others claim that too many people are able to slip through; a difficult one to win on. I am just wondering, do you carry out enough checks for you to be confident that the public can have confidence in what you are doing?

Rob Whiteman: Yes. We think that the numbers of checks we carry out at all stages in terms of pre-licence applications and post-registration visits is right.

Steve McCabe: So you are satisfied?

Rob Whiteman: I think that is borne out by the fact that we do suspend and revoke licences in the year to date for 2012—

Q94 Steve McCabe: Sure, but it is all about numbers. I know you suspend and revoke licences, but if you are only looking at roughly 25%, I am just trying to be confident that you are looking at enough for us to have faith in the system. That is why I am asking.

Rob Whiteman: Yes. As you say, Mr McCabe, it is an important balance to get right. We wish good employers to be able to start up quickly and create jobs, and to be able to bring foreign nationals where it is appropriate and those skills are required. The Agency takes growth very seriously. We are an immigration agency that also wishes to tackle abuse, and therefore we take a focused approach to those employers where we will carry out both pre-licence visits and post-registration visits, and the figures bear out that in the year to date. For 2012, for the three quarters, we have suspended some 469 Tier 2 sponsors and revoked 252 sponsors, and on Tier 5, 36 and 20 respectively, so I think we are getting the balance right of helping business to set up and receive licences where that is right, but we are carrying out a significant number of visits and we are also revoking licences where we think that is appropriate.

Steve McCabe: Okay; thank you.

Chair: Very helpful.

Q95 Michael Ellis: Mr Whiteman, do you know what I think? I think that possibly some cautious congratulations may be in order to you and your department, because I think it was the Labour Home Secretary, John Reid, who said, as long ago as May 2006, that your department was not fit for purpose. That is right, is it not? Would you say you are moving it now towards it being at least fit for some of its purposes? Is that the case that you are making this afternoon to this Committee?

Rob Whiteman: I think what I would say is that the Agency still has a long way to go, but because we have stabilised performance, we have closed the controlled archives, we are getting Tier 1, Tier 2, Tier 5 up to date, that there is some optimism on our part that some of the changes we want to make in the next year and we are putting in place at the moment will see big improvements. The Home Secretary announced last week that next year we will carry out, in a full year, up to 100,000 extra interviews overseas in order to test the credibility of people coming through the flow.

Q96 Michael Ellis: These are interviews that are going to take place overseas, before people come to this country?

Rob Whiteman: Indeed, Mr Ellis. We think that that is very important that we are doing it. At the same time, here in London, for example, we have doubled the number of arrest staff. We have recently recruited another 120 arrests team staff in London. The work that we are carrying out with the Metropolitan Police in the nine-week period since Operation Nexus was launched in October saw that, of the 43,000 people the Metropolitan Police arrested, some 28% of them were foreign nationals. We identified this because we have UKBA staff in 22 custody suites.

Q97 Michael Ellis: It is good to identify them, but are you doing more than just identifying them?

Rob Whiteman: Of those identified, we put 282 in detention, of which half have already been removed, and these are foreign national offenders. I hope, Mr Ellis, to answer your question. What you see is utter transparency that there have been problems with the
Agency and the steps we are taking to try to deal with that, but getting on to a better footing for the work that we are going into next year.

Q98 Michael Ellis: So, you will accept my cautious congratulations?
Rob Whiteman: I will gladly accept them, sir; thank you.

Q99 Michael Ellis: There is more work to be done, though, is there not?
Rob Whiteman: There is indeed.

Q100 Michael Ellis: You have a highly competent ministerial team now to support you, but what I want to ask you about is a question that I have asked you about before. This is about ex-national offenders. This is a serious issue. I have asked you about this before. There are still 96% of the ex-foreign national offenders that were released in the third quarter of this year who still had their deportation cases outstanding at the end of the quarter. Why is it that we have ex-foreign national offenders, people who are not welcome in this country, who have abused their position in this country to commit offences and who are undesirable? Why are they not being deported more quickly?
Rob Whiteman: I thank you for the question, Mr Ellis. I have set out to the Committee before some of the challenges. We do have problems of judges releasing cases that we would rather not see released. Some 80% of what we call the non-detained foreign national offenders we would prefer to hold in detention, but courts release them. When people are released, it can be that some countries are difficult to remove to.

Q101 Michael Ellis: Sorry, Mr Whiteman. Is it all about the judges? If it is all about the judges, then say so, because I appreciate that if you are bringing them before the courts and the judges are saying, "We are not going to deport them," or, "We are not going to put them in custody," that is not your fault. You cannot overrule the judges. But it is not all about the judges, is it?
Rob Whiteman: No, and if I may just set out some of the more positive improvements that are taking place at the moment, first of all we are identifying a new position in the National Offender Management Service, not all individuals entering the prison estate.

Q102 Michael Ellis: Which are the main countries?
Rob Whiteman: Mr Ellis, we have made a great deal of progress recently with Pakistan, for example. We have a memorandum of understanding where our counterparts, our colleagues in Pakistan, have put additional resources into the High Commission, and we are receiving more and quicker documentation, which we believe is welcome. I mentioned to you Operation Nexus in the Met, where we are catching foreign national offenders because we are putting people into custody suites. I also believe, Mr Ellis, that we have recently seen some criticisms of the senior judiciary for legal firms making late applications to remove people from charter flights, which are spurious, or more spurious, and we have had cases recently where the senior judiciary have been very critical of legal firms for doing that.

Michael Ellis: I appreciate that.
Rob Whiteman: There are a number of factors where we think we can show you that some progress in these very difficult and complex areas is taking place.

Q103 Michael Ellis: I, for one, accept that point. We have seen some very high-profile deportation cases indeed; some last-minute delaying tactics by firms of solicitors. Of course, judges can always issue costs orders where they find that a frivolous application has been made, and that might have an effect. Perhaps lawyers acting for the UKBA might wish to make applications for costs orders against solicitors who are later found to have made spurious applications. Perhaps those applications would dry up a little bit. Just finally from me, the Civil Service is telling me that over 3,000 ex-foreign national offenders are living in the community, awaiting deportation. Does that marry up with your figures?
Rob Whiteman: It does. These are figures that we have provided to the Committee where we are still monitoring people and holding them under very often quite restrictive leave, and what happens in those cases, Mr Ellis—our position, the position of the Home Office and UKBA—is that if there are people we cannot return at the moment because the conditions in the country do not allow it, we will continue to monitor those cases and act upon them. A Sierra Leonian was in the country for 17 years. This involved 71 adjudications against him while he was in prison. Disputes whenever removal was attempted, but actually, while originally there had been the civil war that did not allow return to Sierra Leone, he is now out. He is back. It may have taken those years while the conditions changed, but I think the message I would give is, please be assured that the Border Agency and the Home Office are absolutely determined not to let the barriers of removal mean that serious foreign national offenders are not deported when we get the opportunity to do so. Only last week, we returned a Portuguese national; very difficult circumstances. Every one of these cases can be difficult. It took six escorts of medics to take him to the consulate to get a document. He wouldn’t take his medication, Mr Ellis, for HIV, but we got a document and he is being removed.
Michael Ellis: Thank you very much, Mr Whiteman.
Rob Whiteman: Please be assured that we are absolutely determined on these cases, Mr Ellis.

33 The UK Border Agency checks the nationality and immigration status of all those individuals referred to it by the National Offender Management Service, not all individuals entering the prison estate.

34 This is one reason why the UK Border Agency may not be able to return foreign national offenders; there are others.
Q104 Chair: We accept that determination. We will shortly have a backlog of Ministers before us because we are over time, but could you give me a yes/no answer to this? Do you know the current figure for the backlog of putting applications on the UKBA database when people make applications? Did you know that there is a now a backlog of putting the cases on?
Rob Whiteman: Yes.

Q105 Chair: Yes. Do you know the figure?
Rob Whiteman: Yes.
Chair: Yes. What is it, then?
Rob Whiteman: The figure of cases awaiting to be put on the system stands at around 50,000 cases. That will be up to date by the beginning of March.
Chair: Sorry, there are 50,000 cases that have not yet been put on the database?
Rob Whiteman: Yes. You asked me a straight question. Of course, some of those cases—
Chair: And you gave me a straight and astonishing answer: 50,000.
Rob Whiteman: I would point out some of those cases are very new. We work on the basis that—remember we receive 1 million applications a year.

Q106 Chair: Indeed, but that sounds like a lot, 50,000.
Rob Whiteman: We work on the basis that we want all cases logged on the system within a week.
Chair: That is great, but I am just expressing astonishment at the figure.
Rob Whiteman: Remember, we get a million applications a year.
Chair: Yes, I do, but I just thought 50,000 is a lot.
Rob Whiteman: But I gave you the answer.

Q107 Chair: You did indeed, and I am grateful for that honesty. When you last came before us, you said Serco had won the contract for the Migration Refusal Pool. You were going to give them—
Rob Whiteman: Capita.
Chair: Sorry; Capita. My apologies; Capita. I knew it was one of the two. You were going to give them £40 million. Have you now worked out what you want them to do? You said benchmarks were being worked out.

Q108 Chair: Excellent. Good. Finally, in respect of the intelligence database, which Damian Green spoke about when he last came before us, is that up and running? People can now make complaints and they can be dealt with.
Rob Whiteman: Indeed, and 99% of those allegations are being dealt with within 48 hours.

Q109 Chair: Meaning what? You send an email or you actually find the people?
Rob Whiteman: We consider the intelligence that we have received. We deal with that, 99% of them within 48 hours, and indeed we have made 560 arrests and returns based on information that we have had from the allegations database.

Q110 Chair: Since—
Rob Whiteman: Since it was launched.
Chair: On which day?
Rob Whiteman: I am very careful; I don’t want to give you any incorrect dates or figures, Chair. I will write to you with the exact figures.

Q111 Chair: Finally, following on from what Mr Winnick has said and what John Vine has said in the report, please look at the names that you give to these organisations. When you go into a hospital, you know you go into Accident & Emergency, and if you are about to be very sick, you go to Intensive Care. Could we please have names that match what you are doing, rather than the CAAU or the CRU, or all these other different cohorts? It would be really helpful to the public.
Rob Whiteman: Indeed. I am grateful for your advice, Chairman, and we will look at that.
Chair: Thank you very much. A happy Christmas.
Rob Whiteman: Merry Christmas. Thank you very much for your time.

36 To clarify, ‘being dealt with’ means ‘receive an initial assessment.’
37 See footnote 36
38 July to September 2012, arrests only.
39 The first phase of the National Allegations Database was launched on 30 September 2011.

Examination of Witness

Witness: Mr Mark Harper MP, Minister of State for Immigration, gave evidence.

Q112 Chair: Thank you very much for coming. Did you learn anything new as a result of sitting through the session with your Chief Executive of the UKBA that you did not know before, or do you know all the stuff that he has told the Committee?
Mr Harper: Chairman, fortunately not. I thought it was helpful, particularly since this is my first appearance here, given what has happened in the past, to make it very clear how seriously I take both the Agency and Minister’s accountability to Parliament. I thought it was helpful to sit through the session, listening to the questioning, and you can be reassured to know that many of the questions you asked are ones that I also ask, and I ask almost as vigorously as you do.
Q113 Chair: Excellent. Can I welcome you most warmly to your post as Immigration Minister? We did not see you predecessor as often as we would have liked, but we hope to see you more often because we know, certainly in the conversations I have had with you, that you want to have a very hands-on approach. I am not saying Damian Green did not have a hands-on approach, but I know that you do. As an accountant with your own accountancy firm before you came into Parliament, you know the value and importance of numbers, so was it a surprise to you when you heard about the John Vine report—basically, that 33,000 cases that ought to have been reported to the Committee were not reported to the Committee—and are you now confident that you have all the figures at your disposal that will enable you to make sure your policy matches the operational arm of the UKBA?

Mr Harper: Mr Chairman, one of the interesting things from a timing perspective, although the timing was not entirely welcome, to have the Vine report on the CAAU and the—by the way, I take completely the Committee’s point about the intelligibility of names of bits of the Agency and names given to pools of work. They are not as clear as they ought to be, and I will take that point and I will try, in what I do, to make sure we are clearer about what we are doing. It was helpful in one respect, though, because I think it demonstrated to me the importance of knowing the numbers, and I take that very seriously. My officials have probably got bored with me asking for numbers to be reconciled so that, when you have a starting point and a finishing point, you know what has happened in between. On the CAAU stuff, I think the numbers are clear.

One of the encouraging things that Rob Whiteman has been doing since he has been Chief Executive is pulling together work across the Agency so that he, his senior management team and the board focus on all of the Agency’s operations, rather than what had tended to happen in the past, which is where the Agency focused on a particular area that happened to be where there was a problem, took its eye off the ball in other areas, and then those other areas then became a problem. The restructuring he has done into the operational commands and cross-cutting parts of the Agency across the business and pulling some of that intelligence, numbers and the data in a consistent way is to try to get that grip across the Agency. It is a lot better than it was. I think I would probably be cautious in saying at this point we know everything there is to know about everything; just because I learned from history the un wisdom of doing so.

Q114 Chair: Indeed. In respect of the figures that you get, I presume you get them on a regular basis. We get them every three months. They usually, incidentally, arrive late, but we practically accept this is the way in which UKBA operates. You get these figures regularly, so you are aware that there is now a backlog of 50,000 cases that have yet to be put on the database, which is a surprise to me.

Mr Harper: Yes. It is just worth remembering, of course, in terms of what Rob was saying, if you get a million applications a year, that is 20,000 a week, so 50,000 is a couple of weeks’ worth that have not been entered. I am not trying to minimise it in terms of the scale.

One of the interesting things, picking up on your point you said to Rob at the beginning, about getting out and about, it is one of the things that I am very keen to do, and in the time that I have been Minister I have been to UKBA’s operations in Croydon three times. I have recently been to Sheffield, so I was able—picking up Mr Reckless’s point—to talk to some of the staff engaged in the temporary migration part of the business. What Rob said was correct. They are out of their service standards there. They have performance plans in each of the parts of the business to get back on track by March, and I was able to talk to some of the operational leads there to look at some of the work they are doing to get back on track, but I very much want to make sure I do get the opportunity to go out and talk to front-line staff to see what is going on in the business.

Q115 Chair: Which is very helpful to the Committee and, I think, to Members of Parliament because you have an operation there. These are senior figures. They are paid a huge amount of money. Some of them even get bonuses. Are you with the Committee on the point that nobody should really get a bonus in the current climate in the UKBA, or do you think that because there are Civil Service rules and they get their bonuses, you do not have a view on it?

Mr Harper: What I would say is this: I am very clear that the performance of the Agency in the past left much to be desired. Clearly, one of the things that we are now doing—we have brought in a new Chief Executive. Rob outlined for you clearly the changes he is making in the senior management structure. My view is, if we want to hire good people, which we do, and we want them to do a good job at turning the Agency around and delivering good performance, then we need to pay them properly. If their performance warrants it—and there are clear rules about how this works in the Civil Service—then they should be entitled to bonuses. If their performance is poor, then clearly they should not.

Q116 Chair: Should you not be the judge of that, rather than the Civil Service? Ministers for Immigration have come before this Committee. We have heard from Mr Ellis what John Reid has said about them. Mr Whiteman, to give him credit, has not taken a bonus since he has been Chief Executive, though Lin Homer and Jonathan Sedgwick, who had to come before the Committee recently, had taken bonuses of £30,000 on salaries in excess of £150,000, up to £200,000. It is not that we are sitting here feeling jealous about how much they earn. The fact is the public want to know that it is going well, and at the moment it is not perfect, is it?

Mr Harper: No, it is not perfect, but I think we want to judge people on what they are doing to run the Agency now, so I would not want to have a blanket rule that said no one can have a bonus. It should be based on their performance. Where the Minister should decide it, it comes back to the same issue about whether Ministers should hire senior civil servants. The danger then is that you blur that line between what Ministers are responsible for and what you are hiring these people for, as you say, on good salaries,
to be responsible for the operational performance of those agencies.

Q117 Chair: Let me ask you a couple of questions concerning overall policy. You are different from Immigration Ministers because in the past, certainly when I came into the House, we used to be able to write to Ministers and get a reply from them. I know one or two of my colleagues still write to you exceptionally, but the rest all of course write to Mr Whiteman or to the account manager, who is quite a junior person in an office somewhere in the regions. You do not routinely write back on immigration cases. Do you routinely see Members of Parliament who bring cases to you and ask you, for example, to intervene and overturn decisions abroad?

Mr Harper: I do, and I can say I do routinely write back to Members of Parliament on a range of immigration matters. It is, sadly, not possible for me to write back to all Members of Parliament because I would probably literally do nothing but write letters, but I think I am probably one of the Ministers in Government who writes the largest number of letters to Members of Parliament in response to their queries. Although sometimes it would be tempting not to, I find it very helpful, because reading individual cases—and I have heard some examples from Members today—is a very good test of how the Agency is performing. When Mr Winnick gave some examples of specific cases that date back many years, I read some of those and I look at them, and you do look and them and it is a very salutary lesson about why you need to have an Agency delivering good performance, because I am very conscious that in all of these cases you have real people involved in them. I have had a number of Members come to see me or speak to me on the phone about individual cases, and I have discovered that my popularity during divisions in my time that I spend in the House has increased hugely from colleagues of all parties wanting to raise individual cases with me. In my previous job, people wanted to raise different sorts of issues with me, but in this one I take those very seriously because I recognise they are about real people—people’s constituents—and I try, where I can, to make sure the Agency does a good job as concerns them.

Q118 Chair: Can I welcome the decision taken by the Home Secretary and yourself to have face-to-face interviews abroad? This has been a recommendation of the Select Committee that has been batted back by Ministers over a number of years. We are concerned, though, how you are going to get the person power out into the hubs that you are creating. The Select Committee’s next inquiry is to look at the entry clearance operation, and we will be looking at one of the hubs. We are glad you are doing that. The face-to-face interviews are very important. In terms of overall immigration policy, do you think there is an optimum size of the United Kingdom, in terms of the numbers of people here?

Mr Harper: No, that is not how we looked at it. You will know, two days after getting my job, we had a debate in the house about the optimum size of the UK. The pledge that the Government has made to the country, the public, is to reduce net migration from hundreds of thousands to the tens of thousands, which we think is a more sustainable figure.

Q119 Chair: Are you on track to do that?

Mr Harper: I think we are. We saw in the figures published at the end of November a very welcome fall of a quarter in net migration, and interestingly, it was not just a fall in the numbers—it was achieving our other policy objectives—so we saw a fall, for example, in the number of student visas, but we saw a welcome increase in the number of students going to our excellent universities. We saw a fall in the number of people coming here to work, but an increase in the number of skilled workers. It is not just about driving down the numbers; it is about being more selective about who comes here. To use the phrase, “to have the best and the brightest”, we want smart people coming here to work, we want smart students coming here to study, and of course there is no cap on the number of students that come to our excellent universities, so I think our policy is going in the right direction.

Chair: Excellent; let us move to students.

Q120 Michael Ellis: Neatly on to students, as you mentioned the international student situation. The Government has, as you have already indicated, said that it wants to reduce the number of immigrants from the hundreds of thousands to the tens of thousands, and it does not appear to be keen to take students out of the immigration figures. What is stopping you from removing them from your target to reduce net immigration to the tens of thousands?

Mr Harper: The figures, of course, are produced by the Office for National Statistics, and they use the internationally agreed definition of a migrant, which is somebody who changes their country of residence for more than a year. Of course, if you take the argument that all of the universities use, which is that students come here, they do their course and then they leave, in the year they make a contribution to net migration, but over time they do not, because they arrive and as they leave, and as a new cohort of students arrives, one lot leaves. But what we found in the past was—the one study that has been done by the Home Office—we know 20% of students are here for five years. We do not know about the other 80%. Quite a lot of students stay to work after their degree course, or they stay here for other reasons. We do not want to hit our target by redefining it and pretending that we are hitting it that way. I do not think the public would find that credible, so I think the numbers need to stay in the system and we need to focus on the best and the brightest coming to our excellent universities.

Q121 Michael Ellis: It would be the easy way out—would it not?—for the Government to seek to redefine or change the goal-posts.

Mr Harper: It would, and I think it would be damaging for two reasons. One, because I think the public would see straight through it, and secondly, it would damage our credibility because people would think we were not being serious about controlling immigration. Students are a very good example. It was
a sector largely outside the universities where there was a lot of abuse, and everybody knows there was a lot of abuse, and that is why we have decided to deal with it. What we have demonstrated is you can deal with the abuse and take the abuse out of the system, while still protecting our valuable university sector, and that is what we are trying to do, and I think we have been succeeding.

Q122 Michael Ellis: We want to protect our valuable university sector, and it is very valuable, but there have also been several examples of bogus colleges that the Government has acted against, and in some cases have closed themselves down. Is that right?

Mr Harper: There are a number of sponsors who did not apply to keep their sponsor licence, and then there are people who applied for licences where they were not granted them because we did not think they were delivering on their immigration commitments. That is absolutely the case, and there are something like 500 sponsors no longer on the register that were at some point before. We can see in the figures that that has started to deliver the right outcomes.

Q123 Michael Ellis: So you are quite satisfied that, without having to move any goal-posts in terms of definition of exceptional talent, you are able to maintain the target of reducing net migration down to tens of thousands by the end of this Parliament is fully achievable?

Mr Harper: Yes, we think we are on track to achieve that.

Q124 Michael Ellis: Do you think there are examples of cases, for example, London Metropolitan University, where it lost its licence, where genuine as well as bogus students had to find another sponsor, and what do you think about that situation?

Mr Harper: I make no apology for the fact that the UK Border Agency revoked London Metropolitan University’s sponsor licence. It was very clear, and it was literally just on the cusp of the change of Ministers. My predecessor announced to the House, either in a statement or a UQ, what had happened, and I, coincidentally, was sitting in the House, not knowing that just a few days later it would be my responsibility, so I am glad I paid attention. One of the things from that, which I have had said to me on a number of occasions, was how the genuine students were impacted, and the arrangements we have put in place now are welcome, where we have allowed all those students that were genuine to finish their course or the academic year, whichever comes first. They have all been written to and asked what they wanted to do, and we have started to work through their responses.

Q125 Michael Ellis: Finally from me, are you satisfied that this robust approach from the Government, where places of further education or higher education have seen that it is possible to lose a licence, if things are not done properly, has resonated throughout that sector?

Mr Harper: Yes, it has, and I have had some very positive meetings with Universities UK, with the Russell Group and also with some individual institutions, and one of the things we are very keen to do is to work with the university sector. They want to comply with their commitments. We want to work with them to help them meet their immigration commitments. We are not trying to catch them out. We are trying to help them comply. They have been very positive about that, and I hope we can improve that co-operative relationship in the coming months.

Michael Ellis: Thank you, Minister.

Q126 Chair: Face-to-face interviews abroad are an essential part of that because, before they even come to the UK, you will know whether they are genuine or not.

Mr Harper: Yes, and some of the piloting we have done on that has demonstrated that there are people where, effectively, the institution is being duped; it is getting people applying for it, but the level of English is not appropriate and the students are not genuine.

Chair: No, we are with you on that. That is our recommendation.

Mr Harper: I think we are completely in agreement.

Q127 Karl Turner: Minister, if the Government’s policy is to attract the brightest and the best to Britain, why is there currently a limit of 1,000 visas for people of exceptional talent?

Mr Harper: This was a new route to come to the United Kingdom to work or flourish.

Q128 Karl Turner: What is your definition of exceptional talent?

Mr Harper: The way we have done it is we have a number of organisations—the Royal Society, the Arts Council England, the British Academy and the Royal Academy of Engineering—and we have said people they recognise in their fields as being exceptional. The last thing we want is the Government and Ministers trying to pick out in different professions and areas of talent who are exceptional. That would be absurd. It is much better to have expert bodies saying, “Here are the smart people. We think these people are exceptional,” and then giving them a route to come to the United Kingdom to work for flourish.

46 To clarify: there were 51 grants under this route in the year ending September 2012 (the most recent published statistics). The route opened in August 2011 and there have been 52 grants in total since then (to the end of September 2012). This could be clarified by removing the comma after ‘year.’
Q129 Mark Reckless: Your Civil Service Director for Immigration and Migration Policy said that the higher education was a bit of a cottage industry and needed to gear up in dealing properly with Tier 4 sponsors. Do you agree with that characterisation or feel it has made any progress in that direction?

Mr Harper: Since I have been coming into the job, I have met with those that represent the universities and a number of institutions themselves. My sense is they take their responsibilities very seriously. The revocation of London Metropolitan University’s sponsor licence, as you discussed earlier with Rob Whiteman, had an effect on universities in terms of their notifications to the Agency of the seriousness with which they take this, but certainly, in the conversations I have had, universities take this very seriously. Most of them do not want people coming to their universities who cannot speak English properly, who are not adequately up to speed to benefit from their study. They want smart people coming to their universities, and the way we take those sponsors on and the way we audit them helps them to comply. We want to work closely with them to keep them up to the mark, and they are very willing to work with us to do so.

Q130 Karl Turner: Do you think what was done with London Met has had a salutary effect on other providers?

Mr Harper: I think it has. For most universities, or for a lot of universities, international students are very important to their student body but also to their financial success, and that was a lesson to them about what could happen if they did not meet their sponsorship requirements. Perhaps if they are ones that did not take that seriously before, they do now, but what we want to do is use that to work with them. We have been doing a number of workshops with universities to set out for them what their obligations are and how they can meet them, but we also want them to meet them sensibly. We don’t want them to be so worried about things that they spend an absurd amount of money on it or are notifying us about things they do not need to notify us about, so we very much see a co-regulation approach, which is what they have suggested, where we work with them to help them meet their requirements, as a very sensible one, so that we hit our immigration goals but they also deliver high-quality education to people from around the world, which is to the benefit of our country.

Q131 Mr Winnick: Mr Harper, if I can turn back to what you said to the Chair just for one moment, I welcome what you said about looking at definitions or designations, and I think that would be very useful indeed. I wonder, however, if you could also look into the question of the backlog generally. It would be very helpful, I think, to the public and certainly to this Committee if we knew, for example, the number of applications that go back so many years. I mentioned three years, five years. As you know, Mr Whiteman said that when it comes to asylum, three years does not add up to anything. In other cases, and perhaps also with asylum beyond five years, that would be—I think the Chair would agree—helpful to the Committee.

Mr Harper: Mr Winnick, I am grateful for the question. I was listening very carefully to your discussion with Rob Whiteman. I am very keen on not creating complexity where it does not exist, but just trying to pick a single number and say there is a backlog can mislead as much as it can help people.

Q132 Mr Winnick: I meant the number of years. For example, how many outstanding cases—migration, if we leave aside asylum—go back further than five years, for all kinds of reasons?

Mr Harper: Yes, that, I think, puts your finger on it; I guess you would be measuring it from the very first time someone made an application. Of course, what you do not know is what has happened in between. For example, on asylum, it may be that we have done all the work; we have made a decision that the person is not entitled to asylum; but we cannot remove them from the country because of what is going on in their home country. It may be—and we inherited a number of these, which is, to use the term, “in the Migration Refusal Pool”—cases where we have made a decision, where we have refused somebody leave, and then nothing happened and we did not take any steps to remove them. We have done the work on the decision but we have not taken the steps to deal with the removal and encouraging someone to leave. The danger of just lumping them all together in a big number or looking at an age profile, whether that really tells you anything about the operations of the Agency today and how effectively it is working through the cases. I am not adverse to looking at how we break the numbers down and how we present them to the Committee, but I think it is important to make sure we present them in a way that is meaningful and also gives you the opportunity to hold both us and the Agency to account for how we then work through those cases and deal with them. I am perfectly open to a discussion with the Committee, and I know when you write to us and ask us for a range of figures, I am perfectly open to thinking about how we can best support you and give you meaningful data that you can then question us on. I am very open to having that debate.

Q133 Chair: That is very helpful, but the issue that Mr Winnick raised, which he has always raised with immigration ministers, is you write a letter, it takes weeks to get a reply, frankly, even letters that go to the head of the UKBA, and he has staff in his office. I have made representations from people who have lost sponsorship licences and other issues, and you just do not get a reply, and people come back and say, “We have come months ago, there is no reply,” so I have a separate file called the Mark Harper file, where I am giving you examples. I am not writing to you. I am writing to my account manager because I want the system to work, but I am giving you examples. Who is the client in all of this? It must be the applicant. You worked in your own accountancy firm. You were trained by KPMG. Would KPMG deal with clients who are not adequately up to speed to benefit from their study because of what is going on in their home country. It may be—and we inherited a number of these, which is, to use the term, “in the Migration Refusal Pool”—cases where we have made a decision, where we have refused somebody leave, and then nothing happened and we did not take any steps to remove them. We have done the work on the decision but we have not taken the steps to deal with the removal and encouraging someone to leave. The danger of just lumping them all together in a big number or looking at an age profile, whether that really tells you anything about the operations of the Agency today and how effectively it is working through the cases.
who write to them in the same way? People pay very large fees. To get citizenship is £900 now.

**Mr Harper:** They do, and I think the correspondence issue, which I accept is not as good as it should be, is symptomatic of the performance of the Agency. The fact that the correspondence is not as timely as one would like is symptomatic of the fact there are more cases outstanding than there ought to be and that people are waiting for a long time, and if you are not careful, you end up in a process where, because you have not dealt with someone’s case, they, quite rightly, either turn to the Agency or, quite rightly, go to their Member of Parliament. That then generates another piece of work, which then generates some work to respond to.

**Chair:** Exactly; there is a paper trail.

**Mr Harper:** I think the real way of dealing with the business, under control and working on a more timely basis, and then people will not have to go to their Members of Parliament. They will not feel the need to do that, and things will come back under control.

---

**Q134 Chair:** Absolutely. We have mentioned these 50,000 cases. It will take until March. I know it is two weeks’ work out of a million applications, but it will take until March to get them all on, even if we stop today, and in the meantime, constituents will have come to our surgery and said, “They haven’t replied to us,” and the reason is they are not even on a database.

**Mr Harper:** Certainly. On the temporary migration cases, where the Agency has accepted that it is outside its performance standards and it has put in place some plans to put some extra people in place and to work through those and get back into those service standards by the end of March, clearly, in the interim, you are going to have people who have made an application, they have looked at what they should have expected that to be dealt with, the period to be dealt with. They are going to have been disappointed, and a number of them are going to then contact the Agency either directly or through their MP, and that is going to generate some more work. The Agency knows that, but the way to fix that is to fix the root cause, which is to get the business back on track.

**Chair:** Indeed.

**Q135 Steve McCabe:** Minister, the Agency cannot tell us how long it takes on average to follow up sponsor notifications about potential non-compliance, and they cannot reconcile those notifications with formal action because the information is recorded in two different systems. Does that surprise you?

**Mr Harper:** It certainly doesn’t surprise me now. One of the things that is a challenge in the Agency, which again is being worked on, is to get a much more robust IT platform and also to get a much better sense of management information, and one of the things I welcome is the Agency having set up its performance and compliance unit, to have a consistent way of producing management information that is properly checked and is robust. I also welcome the fact, as you will know, that the Home Secretary has said that she is going to ask the Chief Inspector specifically to look at that unit so that we all have—Ministers and the Committee—assurance that it is doing its job properly.

---

**Q136 Steve McCabe:** I do not want to put words in your mouth, but should I assume that it is your intention that this Agency will develop a reliable performance measure in this area?

**Mr Harper:** Yes. I want to make sure that in all the bits of its business it has a good handle on what is going on and it can produce data, and in fact it does not have to produce it specially. It has access to it as part of its business as usual. I think that is getting better. They have a much better handle on the operations across the business, and that is one of the things that needs to continue developing.

---

**Q137 Steve McCabe:** Would you care to put a timescale on it? Is this something the Committee might be able to look at in a year’s time?

**Mr Harper:** Not in that particular one. I think, if it is helpful to the Committee, I will go away and look at coming back to the Committee with a sense of what it is reasonable for you to expect over time. That may be one of the things you then want to come back to in terms of the general performance of data, and as you said, a number of the questions you had for Rob Whiteman were about specific numbers, and he rightly, I think, wanted to take some time to write to you to make sure he was giving accurate data, rather than doing it on the fly, but this is a useful area for us
to pursue. It is something I want to do, and it is clearly something that is important to the Committee.

**Steve McCabe:** Thank you.

Q138 Bridget Phillipson: Minister, we had some questions earlier to Mr Whiteman about former foreign national prisoners. On that area, in order to try to deport more former foreign national prisoners, the Immigration Rules were changed in order to qualify Article 8 rights. However, we have not seen an increase in deportation cases. The numbers of outstanding cases continue to rise. When do you expect that we will see these changes having some effect on the numbers of former foreign national prisoners that we can deport?

**Mr Harper:** I think it is worth remembering that we did, for example, in 2011 remove about 4,600 foreign national offenders from the UK, and people sometimes miss that we are on a regular basis removing people from the UK all the time. On the specific Article 8 issue, obviously it has taken a little while for that to work through, so there has been a number of cases decided—what you have seen over the last few months—where they have still been decided on the old basis, and they have been very frustrating, I think, for the public, who have looked at them and been appalled sometimes at the outcome, as have Ministers. Those cases have certainly demonstrated to me that we are absolutely right to make the changes.

We are now starting to see cases coming through that will have been decided on the new basis, and I very much hope that as they work their way through the system and as the tribunals makes those decisions, they listen to what Parliament said clearly in the summer and they start supporting the decisions the Agency has made on getting that balance right about the public interest and upholding our decisions to remove people. We have not really seen those coming through. There are a number of test cases in the works, and I very much hope that judges pay attention to what Parliament set out.

Q139 Bridget Phillipson: I also asked Mr Whiteman earlier about the disparity of the appeal rate at asylum between men’s and women’s cases and said that women’s cases tend to be overturned at a greater level. Sometimes we don’t, and we need to learn from those. Mr Whiteman did not comment on this, and I want to ask you if you think there is a reason to not do that on a blanket basis, but we look at it on a case-by-case basis in an individual case, and I would like to make sure we got decisions right, every single case, the first time. Sometimes we don’t, and we need to learn from those and do a better job the next time around, but I don’t think there is a systematic reason why we would not be returning people to Sri Lanka if we do not think they need protection because of fear of persecution.

**Mr Harper:** Yes. There are two different things there. We make decisions on asylum cases based on the facts of the case, so we look at the circumstances in the country and we have reports on countries where we look at all of those facts and we look at the facts on the ground, but we also look at the individual case, the threat or the risk of persecution to an individual person. We do return people to Sri Lanka, I do not think there is a reason to not do that on a blanket basis, but we look at it on a case-by-case basis in an individual case, and I would like to make sure we got decisions right, every single case, the first time. Sometimes we don’t, and we need to learn from those and do a better job the next time around, but I don’t think there is a systematic reason why we would not be returning people to Sri Lanka if we do not think they need protection because of fear of persecution.

**Bridget Phillipson:** Thank you.

Q141 Chair: Can I ask just a number of quick, final questions to you before the Home Secretary comes in? Did you see the reports in *The Guardian* about the COMPASS asylum housing contract? As you know, this was not done by you; as you are aware, this was done by your predecessor. Indeed, I think it was done by Dame Helen Ghosh. She was responsible for procurement. The contract was taken away from a lot of local providers and given to G4S. One resident, describing the accommodation, said, ‘The whole floor had diarrhoea and vomit on it.’ An ambulance comes to the building every week, and people are being housed three to a room in properties that were dirty and I very much hope that judges pay attention to what Parliament said clearly in the summer and they start supporting the decisions the Agency has made on getting that balance right about the public interest and upholding our decisions to remove people. We have not really seen those coming through. There are a number of test cases in the works, and I very much hope that judges pay attention to what Parliament set out.

Q139 Bridget Phillipson: I also asked Mr Whiteman earlier about the disparity of the appeal rate at asylum between men’s and women’s cases and said that women’s cases tend to be overturned at a greater level. Sometimes we don’t, and we need to learn from those. Mr Whiteman did not comment on this, and I want to ask you if you think there is a reason to not do that on a blanket basis, but we look at it on a case-by-case basis in an individual case, and I would like to make sure we got decisions right, every single case, the first time. Sometimes we don’t, and we need to learn from those and do a better job the next time around, but I don’t think there is a systematic reason why we would not be returning people to Sri Lanka if we do not think they need protection because of fear of persecution.

**Bridget Phillipson:** Thank you.

Q141 Chair: Can I ask just a number of quick, final questions to you before the Home Secretary comes in? Did you see the reports in *The Guardian* about the COMPASS asylum housing contract? As you know, this was not done by you; as you are aware, this was done by your predecessor. Indeed, I think it was done by Dame Helen Ghosh. She was responsible for procurement. The contract was taken away from a lot of local providers and given to G4S. One resident, describing the accommodation, said, ‘The whole floor had diarrhoea and vomit on it.’ An ambulance comes to the building every week, and people are being housed three to a room in properties that were dirty
and unsuitable, and a pregnant asylum-seeker had been evicted by the subcontractor;41 even though the subcontractors made it very clear, and G4S made it very clear, they always asked permission of the UKBA. Are you aware of the concerns about the way in which the COMPASS contract is being auctioned?

Mr Harper: I have seen various stories in newspapers, and we have been asked to comment on them. Having looked into the facts of those cases and looked at the response, be it from my officials in the Agency and also from the contractor, in the cases that I have seen, I have been satisfied that things have been done properly and have not always been exactly as set out in those newspaper stories.

Chair: But you know about this and you are aware of it?

Mr Harper: I am very familiar with the contract. It is something that I take seriously, and when those sorts of stories come up, I am then given suggested responses to them to clear. I always make sure I am satisfied that we are treating people properly, and as I said to you, I am very clear that in all of these cases we have real people involved; we often have families. I want to make sure that we are doing a good job to deliver that level of service that those people should be able to expect, and so far I think that G4S is performing well on delivering on that contract.

Q142 Chair: When do you think you will be in a position to announce the new Head of the UK Border Force? I assume interviews have been completed.

Mr Harper: I have met all of the candidates.

Chair: How many candidates? This is the shortlist?

Mr Harper: Yes, the shortlist. The Civil Service Commissioners are going through the interview process now, and I know this is probably your least favourite word, but we hope to make an announcement—

Chair: Shortly?

Mr Harper: I will not say “shortly”. I will say “in due course”. It is not too far away. The process is really very well under way. We are down to a shortlist.

Chair: So you, as the Minister, meet the shortlisted candidates?

Mr Harper: Yes, we followed the correct process. I have met the shortlisted candidates, together with a member of the Civil Service Commissioners.

Chair: Can you have a preference?

Mr Harper: No. The way it works is I met with the shortlisted candidates, together with a member of the Civil Service Commissioners, who will be doing the interview process, to make sure it is completely scrupulous. I have set out for all of the candidates what Ministers expect from the Head of Border Force. That was listened to by the Commissioners and will be taken into account—Ministers’ expectations—in the same way for all of them, and they will put the candidates through their paces, and then they will come back and will recommend to myself and the Home Secretary who they think should be appointed.41

Chair: Excellent. I am not promising you that every time we will have such a comfortable time before the

---

41 The candidate placed top of the order of merit will be put forward and ministers would be asked to agree to their appointment.
Select Committee, but we are very grateful for what you have said and we look forward to seeing you again; the best of luck in the job, and happy Christmas.

Mr Harper: A pleasure; thank you very much indeed, Committee.
Written evidence

Letter from Rob Whiteman, Chief Executive, UK Border Agency, to the Chair of the Committee, 6 December 2012

FOREIGN NATIONAL OFFENDERS (FNO) (QUESTIONS 1–14)

1. The table below provides a breakdown of the status of the 2006 cohort of 1,013 FNOs released without consideration for deportation, as at the end of quarter three 2012:

<table>
<thead>
<tr>
<th>Cases concluded</th>
<th>Of which removed/deported</th>
<th>Of which not removed</th>
<th>Going through deportation process</th>
<th>Serving custodial sentence</th>
<th>Not located</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>At end Q3 2012</td>
<td>857</td>
<td>405</td>
<td>452</td>
<td>97</td>
<td>12</td>
<td>47</td>
</tr>
</tbody>
</table>

2. A further four cases from this cohort were concluded in quarter 3 of 2012, all of which were removed. An additional three were located and are now going through the deportation process.

3. The UK Border Agency (UKBA) and the National Offender Management Service (NOMS) have reviewed the mechanism for referring foreign nationals sentenced to serve a prison sentence upon arrival in prison. The process is generally effective at ensuring UKBA are notified, however the timeliness of the referral falls outside the agreed five day service level. A review of cases showed that 37% of cases were referred within five days of sentencing, although almost 80% of referrals are completed with 30 days, and there is a separate process for referring cases where release is imminent. However in order to minimise the risk of failing to refer foreign nationals, UKBA are now conducting weekly checks for immigration record matches against all newly sentenced NOMS prisoners. I will continue to provide updates on the development of this process and other mechanisms for identifying criminality amongst foreign nationals.

4. With regard to the cohort of 28 FNOs released without consideration for deportation in 2010–11, three remained untraced. We are continuing to attempt to trace these individuals and their details have been circulated on the Police National Computer stating that the UK Border Agency should be contacted if they are encountered. We have also sought information on their whereabouts using internal and external databases. All were convicted of offences in the “other” category—the least serious category of offence.

5. The table below shows the number of FNOs released from prison, transferred into immigration detention and released without consideration for deportation in quarter three 2012:

<table>
<thead>
<tr>
<th>Q3 2012</th>
<th>Released from prison</th>
<th>Transferred in to immigration detention</th>
<th>Released without consideration for deportation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>819</td>
<td>1,160</td>
<td>1</td>
</tr>
</tbody>
</table>

6. Since my letter of 7 September it has come to light that a further two individuals were released from prison without consideration for deportation in quarter two of 2012. Both individuals, and the individual released in quarter three, were convicted of “other” offences and are currently not detained.

7. The table below shows the status of the FNOs eligible for deportation released from prison in quarter three of 2012:

<table>
<thead>
<tr>
<th>Q3 2012</th>
<th>Deported</th>
<th>Concluded1</th>
<th>Outstanding</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>3</td>
<td>10</td>
<td>327</td>
<td>340</td>
</tr>
</tbody>
</table>

8. The table below shows a breakdown of the status of the outstanding cases:

1 Includes those subsequently found to have a form of nationality/status that precluded deportation and those against whom we did not pursue deportation due to the loss (or the likely loss) at appeal.
2 Includes cases currently being caseworked, application to revoke deportation order, children issues, further representations, medical reasons, awaiting travel documents, deportation order not yet served, awaiting removal, decision served.
9. Note these figures refer to FNO cases outstanding at the end of the same quarter in which they were released. Some will have been released late in that quarter and so while they remain outstanding they may have only been so for a short period of time.

10. The table below shows the number of FNOs facing removal or deportation who at that time could not be removed, the number of FNOs who had been waiting 12 months or more for a travel document to enforce their removal, and the number of FNOs subject to deportation action living in the community, at the end of quarter three 2012:

<table>
<thead>
<tr>
<th>End of Q3 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>FNOs facing removal or deportation who at that time could not be removed</td>
</tr>
<tr>
<td>FNOs waiting 12 months or more for a travel document to enforce removal</td>
</tr>
<tr>
<td>FNOs subject to deportation action living in the community</td>
</tr>
</tbody>
</table>

11. The table below shows details of failed removals of FNOs, and the average time taken to remove an FNO, in quarter three of 2012:

<table>
<thead>
<tr>
<th>Q3 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of failed removal attempts</td>
</tr>
<tr>
<td>Percentage of total removal attempts</td>
</tr>
<tr>
<td>Average time (in days) taken to deport</td>
</tr>
</tbody>
</table>

12. Note this relates to removal attempts, not individuals. One individual may account for multiple failed removals, and in most instances individuals involved in failed removals are successfully removed at a later date.

13. The table below shows a breakdown of the length of time since release of the FNOs living in the community at the end of quarter three 2012:

<table>
<thead>
<tr>
<th>Q 3 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than six months</td>
</tr>
<tr>
<td>Less than 12 months</td>
</tr>
<tr>
<td>Less than 24 months</td>
</tr>
<tr>
<td>More than 24 months</td>
</tr>
<tr>
<td>More than 60 months</td>
</tr>
<tr>
<td>Data quality issues</td>
</tr>
<tr>
<td><strong>Total</strong></td>
</tr>
</tbody>
</table>

14. The table below shows the percentage of FNO removals that were made during their Early Release Scheme (ERS) period and under the Facilitated Returns Scheme (FRS) in quarter three 2012:

<table>
<thead>
<tr>
<th>Q 3 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Includes cases currently being caseworked, application to revoke deportation order, children issues, further representations, medical reasons, awaiting travel documents, deportation order not yet served, awaiting removal, decision served.</td>
</tr>
<tr>
<td>4 Appeal against deportation, asylum claim, judicial review.</td>
</tr>
<tr>
<td>5 Emergency Travel Document (ETD) compliant but country situation prohibits removal; ETD required, non compliant and unwilling to go voluntarily.</td>
</tr>
<tr>
<td>6 Nationality not confirmed; unable to revoke asylum.</td>
</tr>
<tr>
<td>7 Includes absconders and those who for legal reasons we are unable to detain.</td>
</tr>
<tr>
<td>8 The length of time between date time served and removal date.</td>
</tr>
<tr>
<td>9 These are cases where the custodial end date or early release date were not recorded at the time. Manual checks conducted since my letter of 7 September have reduced the number of cases in this category from 162 at the end of quarter 2 2012. The remainder are old cases that we will continue to work through to determine the release date.</td>
</tr>
<tr>
<td>10 Note that individuals may be removed under FRS as well as during their ERS period, therefore some records will be included in both categories.</td>
</tr>
</tbody>
</table>

---

Note: This text is a natural language representation of the content of the image. It does not include any formatting or layout information, such as tables or images, that may have been present in the original document.
Asylum and Immigration Caseload (18–21)

15. As I informed the Committee in my letter of 21 November, the Agency has completed its tracing programme and all of the cases remaining in the controlled archives have either been transferred to the live cohorts for caseworking or, where no trace was found, closed. Deloitte conducted an independent assurance exercise of this process to ensure that all the necessary checks were undertaken and the National Audit Office has been kept informed. Should any individual associated with a closed case subsequently come to light their case will be reactivated and, where appropriate, action taken to remove them from the UK.

16. Due to the way we record our data, I am unable to provide figures exactly in the format requested. The table below shows the number of cases in the asylum and migration live cohorts and the asylum and migration controlled archives at the end of the month specified (figures are to the nearest 500):

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Live asylum cohort</td>
<td>23,000</td>
<td>21,500</td>
<td>17,000</td>
<td>21,000</td>
<td>25,500</td>
<td>28,500</td>
</tr>
<tr>
<td>Asylum controlled archive</td>
<td>75,500</td>
<td>98,000</td>
<td>93,000</td>
<td>80,000</td>
<td>74,000</td>
<td>70,000</td>
</tr>
<tr>
<td>Migration live cohort</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>3,500</td>
<td>4,000</td>
</tr>
<tr>
<td>Migration controlled archive</td>
<td>26,000</td>
<td>26,000</td>
<td>22,000</td>
<td>21,500</td>
<td>21,000</td>
<td>19,000</td>
</tr>
</tbody>
</table>

17. The table below shows a breakdown of the outcomes of the total concluded asylum legacy cases as at the end of quarter three 2012 (rounded to the nearest 100):

<table>
<thead>
<tr>
<th>Conclusion total at end of Q3 2012</th>
<th>Grant</th>
<th>Removal</th>
<th>Duplicate</th>
<th>Deceased</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grant</td>
<td>8,400</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Removal</td>
<td>3,600</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Duplicate</td>
<td>3,100</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deceased</td>
<td>*</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>15,100</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Negligible (50 or less)

18. The table below shows a breakdown of the outcomes of the total concluded migration legacy cases as at the end of quarter three of 2012 (rounded to the nearest 100):

<table>
<thead>
<tr>
<th>Conclusions total at the end of Q3 2012</th>
<th>Grant</th>
<th>Removal</th>
<th>Duplicate</th>
<th>Deceased</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grant</td>
<td>1,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Removal</td>
<td>600</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Duplicate</td>
<td>500</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Deceased</td>
<td>*</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2,100</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Negligible (50 or less)

19. I am unable to split granted figures by permanent and temporary grants of leave as we do not hold this information historically.

20. The controlled archive is managed within the CAAU and is not a stand alone unit. Therefore the controlled archive Full Time Equivalent (FTE) is included in the total CAAU FTE at the end of quarter three 2012 as follows:

<table>
<thead>
<tr>
<th>End of Q3 2012</th>
<th>FTE employed in CAAU (including agency staff)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>199**</td>
</tr>
</tbody>
</table>

**Negligible (50 or less)**

Migration Refusal Pool

21. Each month the Agency decides cases, of which a proportion will be refusals. The Committee is aware that we keep a record of these refusals in order to satisfy ourselves that these individuals have subsequently left the UK. As reported in the Independent Chief Inspector’s report in to the Hampshire and Isle of Wight Local Immigration Team, we have previously targeted enforcement work on these cases at a regional level. We are now looking at the Migration Refusal Pool in a more systematic way through our national command, which will include bulk checking against a range of Home Office and other government databases and credit reference

**11 The 50 additional FTE since my last letter are temporary agency staff.**
agency checks. As we clear casework backlogs the number of refusals will increase and these new refusals will be the subject of bulk checking at a future date.

22. The table below shows details of the number of records in the Migration Refusal Pool (MRP) over quarter three 2012:

<table>
<thead>
<tr>
<th>Net number of records at the beginning of Q3 2012</th>
<th>Number of records that left the pool during Q3 2012</th>
<th>Number of records that entered the pool during Q3 2012</th>
<th>Net number of records at the end of Q3 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>MRP 174,057</td>
<td>24,772</td>
<td>32,256</td>
<td>181,541</td>
</tr>
</tbody>
</table>

23. A number of records in the MRP were assessed by the Agency during quarter three 2012 as part of our business as usual activities (casework and conclusion of applications; enforcement operations and removals etc). It is not possible to state how many of these records were assessed as a result of proactive work to tackle the MRP without conducting a manual check of each record which would incur a disproportionate cost. However, as I stated before the Committee in September, the responsibility for initially assessing records in the MRP has been contracted to Capita. This contract was signed on 29 October.

**Sponsors and Licensing (22–30)**

24. The table below shows the number of sponsors registered at the beginning of quarter three 2012:

<table>
<thead>
<tr>
<th>Q3 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tiers 2 and 5</td>
</tr>
<tr>
<td>Tier 4</td>
</tr>
</tbody>
</table>

25. The table below shows the number of sponsor applications made in each Tier in quarter three 2012:

<table>
<thead>
<tr>
<th>Q3 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tier 2</td>
</tr>
<tr>
<td>Tier 4</td>
</tr>
<tr>
<td>Tier 5</td>
</tr>
<tr>
<td>Tiers 2 and 5</td>
</tr>
</tbody>
</table>

26. The table below shows the number of new sponsor applicants that received a pre-registration visit in quarter three 2012:

<table>
<thead>
<tr>
<th>Pre-registration visits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tier 2</td>
</tr>
<tr>
<td>Tier 4</td>
</tr>
<tr>
<td>Tier 5</td>
</tr>
<tr>
<td>Tiers 2 and 5</td>
</tr>
</tbody>
</table>

27. The table below shows the number of follow up visits made to sponsors in each Tier in quarter three 2012, and the number of these that were unannounced:

<table>
<thead>
<tr>
<th>Follow up visits</th>
<th>Unannounced follow up visits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tier 2</td>
<td>1,467</td>
</tr>
<tr>
<td>Tier 4</td>
<td>411</td>
</tr>
<tr>
<td>Tier 5</td>
<td>153</td>
</tr>
</tbody>
</table>

28. At the end of quarter three 2012 77% of Tier 4 sponsors had Highly Trusted Sponsor status.

29. The table below shows the average and maximum time taken to process a sponsor application in quarter three 2012:

12 Tier 2 and Tier 5 sponsors appear on the same sponsor register.
13 Not all of these applications are for new licences. For example, the figures also include reinstatements.
14 These are sponsors that have applied for both a Tier 2 and Tier 5 sponsor licence simultaneously.
15 Our service standard is to process 80% of sponsor applications within four weeks.
16 This was due to an administrative oversight in formally closing the case on our database. In fact the decision was made and dispatched to the applicant within 25 days of receipt.
30. The time taken to process an application may be extended for a number of reasons, including awaiting the outcome of investigations by other government departments and agencies. Where an institution that applies for a sponsor licence is already, or becomes, under investigation by, for example, the police, we will co-operate fully with their investigation which may mean delaying issuing our decision. Additionally our decision may rest upon the outcome of these external investigations which we have no power to accelerate.

**Visa Applications (31–34)**

31. The table below shows the percentage of visa applications processed within the Agency’s service standards in quarter three 2012:

<table>
<thead>
<tr>
<th></th>
<th>15 days (target: 90%)</th>
<th>30 days (target: 98%)</th>
<th>60 days (target: 100%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tier 1</td>
<td>85%</td>
<td>96%</td>
<td>99%</td>
</tr>
<tr>
<td>Tier 2</td>
<td>94%</td>
<td>99%</td>
<td>100%</td>
</tr>
<tr>
<td>Tier 4</td>
<td>95%</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Tier 5</td>
<td>94%</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

32. The table below shows the number of visa applications in progress as at the end of quarter three 2012 for both temporary and permanent migration broken down by case type. It is not possible to run a report to show the equivalent figures retrospectively.

<table>
<thead>
<tr>
<th>Category</th>
<th>Work in Progress</th>
</tr>
</thead>
<tbody>
<tr>
<td>EEA Family Permits</td>
<td>456</td>
</tr>
<tr>
<td>Family Visit</td>
<td>4,881</td>
</tr>
<tr>
<td>Other Non-Settlement</td>
<td>1,252</td>
</tr>
<tr>
<td>Other Visitor</td>
<td>20,382</td>
</tr>
<tr>
<td>PBS Tier 1</td>
<td>388</td>
</tr>
<tr>
<td>PBS Tier 2</td>
<td>1,074</td>
</tr>
<tr>
<td>PBS Tier 4</td>
<td>4,295</td>
</tr>
<tr>
<td>PBS Tier 5</td>
<td>370</td>
</tr>
<tr>
<td>Student</td>
<td>15</td>
</tr>
<tr>
<td>Transit</td>
<td>238</td>
</tr>
<tr>
<td>Work permit</td>
<td>20</td>
</tr>
<tr>
<td>Non-Settlement Total</td>
<td>33,371</td>
</tr>
<tr>
<td>Settlement</td>
<td>11,909</td>
</tr>
</tbody>
</table>

33. The table below shows the average, maximum and minimum length of time between receipt of an application for refugee/humanitarian family reunion and the applicant being notified of the decision in quarter three 2012:

<table>
<thead>
<tr>
<th></th>
<th>Q3 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average</td>
<td>49 days</td>
</tr>
<tr>
<td>Maximum</td>
<td>216 days</td>
</tr>
<tr>
<td>Minimum</td>
<td>1 day</td>
</tr>
</tbody>
</table>

34. The table below shows the number and percentage of applications for refugee/humanitarian family reunion still pending at the end of quarter three 2012 that had been pending for more than six months:

<table>
<thead>
<tr>
<th>Pending six to 12 months</th>
<th>Pending over 12 months</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number</td>
<td>7</td>
</tr>
<tr>
<td>Percentage</td>
<td>1%</td>
</tr>
<tr>
<td></td>
<td>29%</td>
</tr>
</tbody>
</table>

**Enforcement (35–38)**

35. In quarter one 2012 we issued 346 civil penalties to employers caught employing migrant workers illegally. At time of writing 43 of these penalties had been cancelled following an objection or appeal and 15 are still in the appeal process. Of the remaining 288 we have collected payments of over £480,000. We expect this figure to increase as many pay in instalments.

17 This was due to an administrative oversight in formally closing the case on our database. In fact the decision was made and dispatched to the applicant within 25 days of receipt.
36. Note that the number of civil penalties has reduced by one since my last letter to the Committee. This is because of a duplicate record. The previous figure of 47 penalties cancelled included cases where an objection had been received, the penalty cancelled and then reissued. The figure of 43 does not include reissued penalties in accordance with our definition of cancelled penalties.

37. 310 Carriers Liability Charges were raised during quarter two of 2012, of which 223 (72%) have been collected. To identify what proportion of these was collected by the due date would require a manual check of each record which would incur a disproportionate cost. We are pursuing all outstanding debt.

38. The table below shows the number of sponsor notifications regarding non-compliance received in quarter three 2012:

<table>
<thead>
<tr>
<th>Notifications in a potential non-compliance category \ Table 3.2</th>
<th>Tier 2 and 5</th>
<th>5,967</th>
<th>Tier 4</th>
<th>22,780</th>
</tr>
</thead>
</table>

39. These figures have increased considerably since quarter two 2012, demonstrating an increase in sponsor compliance in light of the revocation of London Metropolitan University’s sponsor licence.

40. The table below shows the number of sponsors that had their licences suspended or revoked in the quarter three 2012:

<table>
<thead>
<tr>
<th>Q3 2012</th>
<th>Suspended</th>
<th>Revoked</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tier 2</td>
<td>271</td>
<td>96</td>
</tr>
<tr>
<td>Tier 4</td>
<td>62</td>
<td>47</td>
</tr>
<tr>
<td>Tier 5</td>
<td>15</td>
<td>4</td>
</tr>
</tbody>
</table>

**APPEAL TRIBUNALS (39–45)**

41. The table below shows the number of First Tier Tribunal cases promulgated, allowed, dismissed and withdrawn in quarter two 2012:

<table>
<thead>
<tr>
<th>First Tier Tribunal</th>
<th>Promulgated</th>
<th>Allowed</th>
<th>Dismissed</th>
<th>Withdrawn</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asylum</td>
<td>3,113</td>
<td>919</td>
<td>1,995</td>
<td>199</td>
</tr>
<tr>
<td>Managed Migration</td>
<td>6,458</td>
<td>2,745</td>
<td>2,950</td>
<td>763</td>
</tr>
<tr>
<td>Entry Clearance</td>
<td>5,232</td>
<td>1,872</td>
<td>2,011</td>
<td>1,349</td>
</tr>
<tr>
<td>Family Visit Visa</td>
<td>7,500</td>
<td>2,250</td>
<td>3,888</td>
<td>1,362</td>
</tr>
<tr>
<td>Deportation</td>
<td>164</td>
<td>49</td>
<td>100</td>
<td>15</td>
</tr>
</tbody>
</table>

42. The table below shows the number of Upper Tribunal cases promulgated, allowed, dismissed, withdrawn and remitted in quarter two 2012:

<table>
<thead>
<tr>
<th>Upper Tribunal</th>
<th>Promulgated</th>
<th>Allowed</th>
<th>Dismissed</th>
<th>Withdrawn</th>
<th>Remitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asylum</td>
<td>624</td>
<td>169</td>
<td>388</td>
<td>47</td>
<td>20</td>
</tr>
<tr>
<td>Managed Migration</td>
<td>1,045</td>
<td>421</td>
<td>545</td>
<td>64</td>
<td>15</td>
</tr>
<tr>
<td>Entry Clearance</td>
<td>501</td>
<td>228</td>
<td>253</td>
<td>13</td>
<td>7</td>
</tr>
<tr>
<td>Family Visit Visa</td>
<td>184</td>
<td>73</td>
<td>109</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Deportation</td>
<td>52</td>
<td>12</td>
<td>39</td>
<td>1</td>
<td>0</td>
</tr>
</tbody>
</table>

43. The table below shows the number of deportation appeals (First Tier and Upper Tribunal) promulgated, allowed, dismissed and withdrawn in quarter two 2012:

<table>
<thead>
<tr>
<th>Promulgated</th>
<th>Allowed</th>
<th>Dismissed</th>
<th>Withdrawn</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deportation appeals</td>
<td>216</td>
<td>61</td>
<td>139</td>
</tr>
</tbody>
</table>

44. The table below shows the percentage of appeals at which the UK Border Agency was represented in quarter three 2012:

---

18 Note that sponsors self-select from a number of categories and a proportion are miscategorised.

19 The Sponsor Management System (SMS) does not distinguish between Tier 2 and Tier 5 employers for the purposes of sponsor notifications.
45. The table below shows the number of cases where leave to remain was granted in quarter two 2012 following an appeal being withdrawn:

<table>
<thead>
<tr>
<th>Admin removals</th>
<th>Asylum</th>
<th>Entry Clearance</th>
<th>Human Rights</th>
<th>Permanent migration</th>
<th>Temporary migration</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Tier</td>
<td>7</td>
<td>15</td>
<td>36</td>
<td>1</td>
<td>39</td>
<td>68</td>
</tr>
<tr>
<td>Upper Tier</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>2</td>
<td>8</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>7</td>
<td>15</td>
<td>37</td>
<td>1</td>
<td>41</td>
<td>76</td>
</tr>
</tbody>
</table>

46. There were no deportation appeals in this category in quarter two 2012.

47. Please see below an update on our performance against targets in the Appeals Improvement Plan:

**Bundle performance**

48. We aim to get appeal bundles to courts by target timescales which are in advance of the appeal hearing. Ministry of Justice (MoJ) management information indicates performance against these timescales continues to improve, from 63% in 2011–12 to 66% between April and June 2012.\(^{21}\)

**Representation**

49. We continue to achieve a 100% representation rate in the Upper Tribunal and at Deportation appeals. Management information suggests there has been significant increase in overall representation at First Tier hearings during quarter three, from 78% in July to 92% and 95% in August and September respectively. This is compared to 76% between April and June 2012. This improvement is due to recruitment into the presenting role and sharing staff resource between regional offices to meet hearing volumes.

**Appeal Outcomes**

50. MoJ published statistics show that over the three month period April to June\(^{22}\) UKBA won 49% of all appeals at the First Tier and 64% of asylum appeals. The win rate in 2011–12 was 44% (65% for asylum appeals).

**Reducing appeal volumes**

51. Appeal volumes are continuing to fall. MoJ published statistics show that in 2010–11 there were 136,800 appeals compared to 112,500 in 2011–12. April to June\(^{23}\) there were 25,500 appeals, compared to 26,700 in the same period last year.

52. The table below shows the average, shortest and longest time between the date when an appeal determination was received at the overseas post to the issuing of a visa/entry clearance for quarter two 2012:

<table>
<thead>
<tr>
<th></th>
<th>Average time taken</th>
<th>Shortest time taken</th>
<th>Longest time taken</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>22 days</td>
<td>1 day</td>
<td>180 days</td>
</tr>
</tbody>
</table>

**MPs’ Correspondence (46–47)**

53. The table below shows the percentage of further action referrals that were completed within service standard and the percentage of MPs’ emails that were answered within service standard in quarter three 2012:

<table>
<thead>
<tr>
<th>Q3 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Further action referrals</td>
</tr>
<tr>
<td>MPs’ emails</td>
</tr>
</tbody>
</table>

\(^{20}\) UKBA was represented at 703 out of 704 deportation hearings. We were not represented at one hearing due to a listing error whereby we were not sent notification of the hearing.

\(^{21}\) These are statistics published by the Ministry of Justice and data covering July to September 2012 has not yet been published.

\(^{22}\) As above.

\(^{23}\) As above.
54. 48 children entered immigration detention in quarter three 2012. As at 30 September 2012 there were no children in immigration detention.

55. It is not possible to provide definitive information on the number of people held in immigration detention found to have suffered a breach of Article 3 of the European Convention of Human Rights due to multiple grounds of challenge and the fact that cases are managed separately by different business areas.

56. The table below shows the number and proportion of people who entered immigration detention in the first three quarters of 2012 that were subsequently granted leave to enter or leave to remain in the UK, broken down by length of detention:

<table>
<thead>
<tr>
<th>Quarter</th>
<th>Length of detention</th>
<th>Granted leave to enter</th>
<th>Proportion granted leave</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012 Q1</td>
<td>Total</td>
<td>34</td>
<td>0.5%</td>
</tr>
<tr>
<td>2012 Q1</td>
<td>Three days or less</td>
<td>17</td>
<td>0.8%</td>
</tr>
<tr>
<td>2012 Q1</td>
<td>Four to seven days</td>
<td>5</td>
<td>0.4%</td>
</tr>
<tr>
<td>2012 Q1</td>
<td>Eight to 14 days</td>
<td>7</td>
<td>0.6%</td>
</tr>
<tr>
<td>2012 Q1</td>
<td>15 to 28 days</td>
<td>3</td>
<td>0.2%</td>
</tr>
<tr>
<td>2012 Q1</td>
<td>29 days to three months</td>
<td>2</td>
<td>0.1%</td>
</tr>
<tr>
<td>2012 Q2</td>
<td>Total</td>
<td>23</td>
<td>0.3%</td>
</tr>
<tr>
<td>2012 Q2</td>
<td>Three days or less</td>
<td>15</td>
<td>0.8%</td>
</tr>
<tr>
<td>2012 Q2</td>
<td>Four to seven days</td>
<td>2</td>
<td>0.2%</td>
</tr>
<tr>
<td>2012 Q2</td>
<td>Eight to 14 days</td>
<td>2</td>
<td>0.2%</td>
</tr>
<tr>
<td>2012 Q2</td>
<td>15 to 28 days</td>
<td>3</td>
<td>0.3%</td>
</tr>
<tr>
<td>2012 Q2</td>
<td>29 days to three months</td>
<td>1</td>
<td>0.1%</td>
</tr>
<tr>
<td>2012 Q3</td>
<td>Total</td>
<td>31</td>
<td>0.4%</td>
</tr>
<tr>
<td>2012 Q3</td>
<td>Three days or less</td>
<td>15</td>
<td>0.7%</td>
</tr>
<tr>
<td>2012 Q3</td>
<td>Four to seven days</td>
<td>6</td>
<td>0.5%</td>
</tr>
<tr>
<td>2012 Q3</td>
<td>Eight to 14 days</td>
<td>4</td>
<td>0.4%</td>
</tr>
<tr>
<td>2012 Q3</td>
<td>15 to 28 days</td>
<td>3</td>
<td>0.2%</td>
</tr>
<tr>
<td>2012 Q3</td>
<td>29 days to three months</td>
<td>3</td>
<td>0.2%</td>
</tr>
</tbody>
</table>

57. The table below shows the number and proportion of people who left immigration detention in the first three quarters of 2012 that were subsequently granted leave to enter or leave to remain in the UK:

<table>
<thead>
<tr>
<th>Quarter</th>
<th>Length of detention</th>
<th>Total number granted leave</th>
<th>Proportion granted leave</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012 Q1</td>
<td>Total</td>
<td>43</td>
<td>0.6%</td>
</tr>
<tr>
<td>2012 Q1</td>
<td>Three days or less</td>
<td>16</td>
<td>0.9%</td>
</tr>
<tr>
<td>2012 Q1</td>
<td>Four to seven days</td>
<td>4</td>
<td>0.4%</td>
</tr>
<tr>
<td>2012 Q1</td>
<td>Eight to 14 days</td>
<td>10</td>
<td>1.1%</td>
</tr>
<tr>
<td>2012 Q1</td>
<td>15 to 28 days</td>
<td>4</td>
<td>0.4%</td>
</tr>
<tr>
<td>2012 Q1</td>
<td>29 days to two months</td>
<td>2</td>
<td>0.2%</td>
</tr>
<tr>
<td>2012 Q1</td>
<td>Two to three months</td>
<td>3</td>
<td>0.7%</td>
</tr>
<tr>
<td>2012 Q1</td>
<td>Three to four months</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>2012 Q1</td>
<td>Four to six months</td>
<td>1</td>
<td>0.5%</td>
</tr>
<tr>
<td>2012 Q1</td>
<td>Six to 12 months</td>
<td>1</td>
<td>0.7%</td>
</tr>
<tr>
<td>2012 Q1</td>
<td>12 to 18 months</td>
<td>2</td>
<td>5.7%</td>
</tr>
<tr>
<td>2012 Q1</td>
<td>18 months or more</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>2012 Q2</td>
<td>Total</td>
<td>29</td>
<td>0.4%</td>
</tr>
<tr>
<td>2012 Q2</td>
<td>Three days or less</td>
<td>16</td>
<td>1%</td>
</tr>
<tr>
<td>2012 Q2</td>
<td>Four to seven days</td>
<td>2</td>
<td>0.2%</td>
</tr>
<tr>
<td>2012 Q2</td>
<td>Eight to 14 days</td>
<td>3</td>
<td>0.3%</td>
</tr>
<tr>
<td>2012 Q2</td>
<td>15 to 28 days</td>
<td>3</td>
<td>0.3%</td>
</tr>
<tr>
<td>2012 Q2</td>
<td>29 days to two months</td>
<td>2</td>
<td>0.2%</td>
</tr>
<tr>
<td>2012 Q2</td>
<td>Three to four months</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>2012 Q2</td>
<td>Four to six months</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>2012 Q2</td>
<td>Six to 12 months</td>
<td>1</td>
<td>0.7%</td>
</tr>
<tr>
<td>2012 Q2</td>
<td>12 to 18 months</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>2012 Q2</td>
<td>18 months or more</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>2012 Q3</td>
<td>Total</td>
<td>43</td>
<td>0.6%</td>
</tr>
<tr>
<td>2012 Q3</td>
<td>Three days or less</td>
<td>16</td>
<td>0.9%</td>
</tr>
<tr>
<td>2012 Q3</td>
<td>Four to seven days</td>
<td>7</td>
<td>0.7%</td>
</tr>
<tr>
<td>2012 Q3</td>
<td>Eight to 14 days</td>
<td>5</td>
<td>0.6%</td>
</tr>
<tr>
<td>2012 Q3</td>
<td>15 to 28 days</td>
<td>5</td>
<td>0.5%</td>
</tr>
<tr>
<td>2012 Q3</td>
<td>29 days to two months</td>
<td>5</td>
<td>0.4%</td>
</tr>
<tr>
<td>2012 Q3</td>
<td>Two to three months</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Quarter</td>
<td>Length of detention</td>
<td>Total number granted leave</td>
<td>Proportion granted leave</td>
</tr>
<tr>
<td>---------</td>
<td>-------------------</td>
<td>-----------------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>2012 Q3</td>
<td>Three to four months</td>
<td>3</td>
<td>1.3%</td>
</tr>
<tr>
<td>2012 Q3</td>
<td>Four to six months</td>
<td>1</td>
<td>0.4%</td>
</tr>
<tr>
<td>2012 Q3</td>
<td>Six to 12 months</td>
<td>1</td>
<td>0.7%</td>
</tr>
<tr>
<td>2012 Q3</td>
<td>12 to 18 months</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>2012 Q3</td>
<td>18 months or more</td>
<td>0</td>
<td>0%</td>
</tr>
</tbody>
</table>

58. All people held are detained in the United Kingdom solely under Immigration Act powers and exclude those in police cells, Prison Service establishments, short term holding rooms at ports and airports (for less than 24 hours), and those recorded as detained under both criminal and immigration powers and their dependants. Data relates to most recent period of sole detention. The period of detention starts when a person first enters the UK Border Agency estate. If the person is then moved from a removal centre to a police cell or Prison Service establishment, this period of stay will be included if the detention is solely under Immigration Act powers.

59. Information on the reasons why people who entered or left immigration detention and were subsequently granted leave to enter the UK were originally detained could only be obtained by manually checking individual records which would incur a disproportionate cost.

60. The table below shows the overall cost of detaining people who entered immigration detention and were subsequently granted leave to enter or leave to remain in the UK in quarters one, two and three of 2012.

<table>
<thead>
<tr>
<th>Quarter</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012 Q1</td>
<td>£26,214.00</td>
</tr>
<tr>
<td>2012 Q2</td>
<td>£16,626.00</td>
</tr>
<tr>
<td>2012 Q3</td>
<td>£28,968.00</td>
</tr>
</tbody>
</table>

61. The table below shows the overall cost of detaining people who left immigration detention and were subsequently granted leave to enter or leave to remain in the UK in quarters one, two and three of 2012.

<table>
<thead>
<tr>
<th>Quarter</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012 Q1</td>
<td>£175,440.00</td>
</tr>
<tr>
<td>2012 Q2</td>
<td>£61,914.00</td>
</tr>
<tr>
<td>2012 Q3</td>
<td>£114,852.00</td>
</tr>
</tbody>
</table>

62. The cost of detaining an individual in immigration detention is £102 per day. This value is based on the total cost of running the detention estate on a per bed, per day basis.

63. The fact that an individual detained by UKBA is subsequently granted leave does not necessarily mean that the decision to detain was incorrect. In many cases new information is provided at a later stage that alters the individual’s status, whilst in others an individual may enter detention for their own safety while a final decision is made on their case.

64. The table below shows the number of reports under Rule 35 that were made to UKBA about individuals in immigration detention, and the number of these that resulted in the individual being released, in the first three quarters of 2012:

<table>
<thead>
<tr>
<th></th>
<th>Q1 2012</th>
<th>Q2 2012</th>
<th>Q3 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rule 35 reports</td>
<td>314</td>
<td>280</td>
<td>231</td>
</tr>
<tr>
<td>Rule 35 reports resulting in release</td>
<td>27</td>
<td>14</td>
<td>13</td>
</tr>
</tbody>
</table>

65. The table below shows a breakdown of the number of reports made under Rule 35 in the first three quarters of 2012 by institution:

<table>
<thead>
<tr>
<th></th>
<th>Q1 2012</th>
<th>Q2 2012</th>
<th>Q3 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brook House IRC</td>
<td>17</td>
<td>15</td>
<td>20</td>
</tr>
<tr>
<td>Campsfield House IRC</td>
<td>17</td>
<td>28</td>
<td>12</td>
</tr>
<tr>
<td>Cedars PDA</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Colnbrook IRC</td>
<td>43</td>
<td>43</td>
<td>16</td>
</tr>
<tr>
<td>Dover IRC</td>
<td>22</td>
<td>38</td>
<td>38</td>
</tr>
<tr>
<td>Dungavel IRC</td>
<td>31</td>
<td>31</td>
<td>18</td>
</tr>
<tr>
<td>Harmondsworth IRC</td>
<td>31</td>
<td>35</td>
<td>16</td>
</tr>
<tr>
<td>Haslar IRC</td>
<td>6</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Larne House</td>
<td>1</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>Morton Hall IRC</td>
<td>60</td>
<td>39</td>
<td>35</td>
</tr>
</tbody>
</table>

The cost has been calculated based on the daily per bed per day cost of detention provided in response to question 61. As above.
66. The totals for each quarter in the above tables do not match as some detainees move between institutions. In such cases one individual’s Rule 35 report will be counted against more than one immigration removal centre.

INTELLIGENCE (65–70)

67. The National Allegations Database went live on 30 September as scheduled with the roll out of the Allegation Management System. The key benefits being introduced at this stage include the ability to count what we receive nationally (previously done manually) and an ability to track an individual allegation through to outcome. The next phase of the system, which will change the public facing elements of this system and provide members of the public with an e-form to submit, is scheduled currently for delivery in 2013.

68. The table below contains details of the allegations received, and action taken, during quarter three 2012:

<table>
<thead>
<tr>
<th></th>
<th>Q1 2012</th>
<th>Q2 2012</th>
<th>Q3 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pennine House</td>
<td>31</td>
<td>24</td>
<td>26</td>
</tr>
<tr>
<td>Tinsley House</td>
<td>23</td>
<td>9</td>
<td>17</td>
</tr>
<tr>
<td>Yarlswood IRC</td>
<td>81</td>
<td>64</td>
<td>74</td>
</tr>
</tbody>
</table>

69. Removals information is currently recorded on a separate system therefore data matching has to be carried out between the National Operations Database and the Case Information Database to identify those individuals arrested subsequently removed. Following the National Allegations Database becoming operational a unique reference number will be applied across both systems to allow the UK Border Agency to track the outcome of allegations based activity.

ASYLUM (71–92)

70. The table below shows the number of individuals removed from the UK and subsequently granted refugee status or humanitarian protection in quarter three 2012:

<table>
<thead>
<tr>
<th></th>
<th>Q3 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individuals removed from the UK and subsequently granted refugee status or humanitarian protection</td>
<td>4</td>
</tr>
</tbody>
</table>

71. These figures are made up of nationals of Iran, Pakistan and Sri Lanka. For data protection reasons I am unable to provide a more specific breakdown.

72. The table below shows the number of Azure cards\textsuperscript{30} in use during the first three quarters of 2012:

<table>
<thead>
<tr>
<th>Period</th>
<th>Number of unique Azure cards in use (averages)</th>
<th>Q1 2012</th>
<th>Q2 2012</th>
<th>Q3 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Q1 2012</td>
<td>2,846</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Q2 2012</td>
<td>2,764</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Q3 2012</td>
<td>2,823</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

73. Neither UKBA nor Sodexo maintain specific data for problems with Azure cards (ie those which do not function due to technical problems with the card and/or its interface with the Azure payment network). Issues that require corrective action are logged as generic support enquiries. I am therefore unable to provide the data requested.

\textsuperscript{26} A breakdown of the type of allegations received is not currently recorded.

\textsuperscript{27} Following initial assessment, details of allegations are logged and sent to the appropriate teams for research and development. No further action may be taken either because they were not linked to Agency priorities, they do not contain enough information to identify a crime, or they contain information which had been provided previously or which was known to be incorrect or vexatious.

\textsuperscript{28} This details the number of enforcement visits as a result of the receipt of an allegation by the UK Border Agency Intelligence Unit, not necessarily linked to allegations received in the same quarter. For historical data we are unable to link specific allegations to a specific enforcement activity. This has been addressed with implementation of the National Allegations Database.

\textsuperscript{29} Arrest information relates to the number of instances an arrest has been made and is not a count of the number of individuals arrested. Not all the individuals arrested are subject to immigration control and therefore are not removable. For example a British citizen may be arrested for facilitation and would not be removed.

\textsuperscript{30} The Azure is a pre-payment card designed to enable failed asylum claimants to buy essential food and toiletries while they make arrangements to leave the UK.
74. When a period of leave for applicants granted asylum or humanitarian protection expires, the applicant will then be subject to a review of their leave to remain in the UK in order to obtain a residence permit. To progress this a settlement case must be raised and considered before any residence permits are issued. Therefore the data provided in relation to questions 75–92 relates to settlement applications which support the issue of residence permits.

75. Our systems do not allow us to differentiate whether these applications are from individuals that have previously been granted asylum or humanitarian protection, therefore I am only able to provide a total for each quarter.

76. The table below shows the number of applications for settlement received from people granted asylum and humanitarian protection in the first three quarters of 2012:

<table>
<thead>
<tr>
<th>Quarter</th>
<th>Q1 2012</th>
<th>Q2 2012</th>
<th>Q3 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applications</td>
<td>1,776</td>
<td>1,952</td>
<td>1,754</td>
</tr>
</tbody>
</table>

77. The table below shows the number of applications for settlement received from people granted asylum and humanitarian protection that were outstanding at the end of the first three quarters of 2012:

<table>
<thead>
<tr>
<th>Quarter</th>
<th>Q1 2012</th>
<th>Q2 2012</th>
<th>Q3 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applications</td>
<td>93</td>
<td>657</td>
<td>1,601</td>
</tr>
</tbody>
</table>

78. The table below shows the average length of time that it took to process an application for settlement received from people granted asylum and humanitarian protection in the first three quarters of 2012:

<table>
<thead>
<tr>
<th>Quarter</th>
<th>Q1 2012</th>
<th>Q2 2012</th>
<th>Q3 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Times (days)</td>
<td>103</td>
<td>140</td>
<td>109</td>
</tr>
</tbody>
</table>

79. The table below shows the number of applications that took longer than the average time to process an application for settlement received from people granted asylum and humanitarian protection in the first three quarters of 2012:

<table>
<thead>
<tr>
<th>Quarter</th>
<th>Q1 2012</th>
<th>Q2 2012</th>
<th>Q3 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applications</td>
<td>639</td>
<td>642</td>
<td>92</td>
</tr>
</tbody>
</table>

80. The table below shows the maximum length of time that it took to process an application for settlement received from people granted asylum and humanitarian protection in the first three quarters of 2012:

<table>
<thead>
<tr>
<th>Quarter</th>
<th>Q1 2012</th>
<th>Q2 2012</th>
<th>Q3 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Time</td>
<td>301</td>
<td>221</td>
<td>129</td>
</tr>
</tbody>
</table>

81. The table below shows the number of acknowledgement letters that were issued to applicants that submitted an application for settlement received from people granted asylum and humanitarian protection in the first three quarters of 2012:

<table>
<thead>
<tr>
<th>Quarter</th>
<th>Q1 2012</th>
<th>Q2 2012</th>
<th>Q3 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acknowledgement letters issued</td>
<td>1,776</td>
<td>1,952</td>
<td>1,754</td>
</tr>
</tbody>
</table>

Staff Numbers and Remuneration (63—65)

82. The table below shows the number of full time equivalent (FTE) staff employed by the Agency, by group, at the end of quarter three 2012. Note this reflects the new Agency structure as outlined in the organisational chart that I provided with my letter of 7 September:

<table>
<thead>
<tr>
<th>Group</th>
<th>Q3 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>International Operations and Visas</td>
<td>1,982</td>
</tr>
<tr>
<td>Resource and Organisational Directorate</td>
<td>1,315</td>
</tr>
<tr>
<td>Strategy and Intelligence Directorate</td>
<td>541</td>
</tr>
<tr>
<td>Enforcement and Crime Group</td>
<td>4,102</td>
</tr>
<tr>
<td>Immigration and Settlement Group</td>
<td>4,243</td>
</tr>
<tr>
<td>Director of Operations</td>
<td>982</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>13,165</strong></td>
</tr>
</tbody>
</table>

83. The Agency spent £27,000 on external consultants in quarter three 2012.

December 2012
Letter from Rob Whiteman, Chief Executive, UK Border Agency, to the Chair of the Committee, 18 December 2012

In my letter of 21 November I advised you that the controlled archives had been closed. We have now completed our full internal assurance of the closure alongside Deloitte’s external assurance of the process. Attached is our report on the closure of the controlled archives including the final number of cases closed, the numbers located and transferred to caseworkers to progress and the details of the assurance process. Also enclosed is a copy of Deloitte’s external assurance report. I would draw your attention to the limitations, disclaimers and restrictions in the report, in particular, that the report is private and that it was produced for the Agency and not for the Committee.

As I explained, if in the future an individual from a closed case does come to the attention of the UK Border Agency, the case will be reactivated and progressed. We have put processes in place to ensure that where UK Border Agency staff encounter any of these individuals through allegations, representations, intelligence or enforcement activity, they notify the Case Assurance and Audit Unit (CAAU) so that they can reactivate the case. If it is found that one of these cases has no right to remain in the UK, we will pursue their removal. We have also noted the records of these closed cases on our watchlist so that if an applicant applies for entry clearance or attempts to re-enter the UK, staff at our posts abroad or at the border will be alerted and will take into account their previous immigration history in the consideration of their case.

CAAU will now focus their attention on considering the remaining live legacy cases and I will report on our progress with these cases in my regular updates.

As at 19 November 2012 there were 40,900 live legacy cases. This breaks down as:

- 33,900 asylum cases
- 7,000 migration cases

The Independent Chief Inspector’s (ICI) report of 22 November highlighted Active Review cases noting that these cases had not been included in the statistics provided to the Committee about the legacy cases. The Committee asked further about these cases at the evidence session on 27 November with Jonathan Sedgwick and Lin Homer.

Active Reviews are cases where individuals have been granted limited leave to remain by the Case Resolution Directorate or CAAU and have been given status in the UK. They were captured as conclusions in the legacy reports. We did not continue to include them in the legacy statistics because, on the expiry of their limited leave, these individuals will need to make a fresh application for further leave should they wish to remain in the UK and therefore no action was required by the CRD and CAAU teams working on the legacy cases.

We have conducted further analysis of the Active Review cases since we shared our data with the Independent Chief Inspector. We estimate that there are currently 11,000 Active Review cases. These cases will be managed as part of a new Directorate, Complex Casework Directorate, which will be established early next year to manage the Agency’s older and complex cases.

- UK Border Agency report on the closure of the controlled archives.
- Deloitte’s external assurance report.

Letter from Rob Whiteman, Chief Executive, UK Border Agency, to the Chair of the Committee, 16 January 2013

Thank you for your letter of 7 January following my evidence session on 18 December. Please find the additional information requested below.

Provision of Information to the Committee

1. Senior colleagues and I became aware of the nature of the Independent Chief Inspector’s likely findings about the checks that had been completed before cases were put into the controlled archive during the course of his inspection visits from the end of May 2012. I told the Committee in my evidence session in September that there were lessons to be learnt as we closed the controlled archives. Jonathan Sedgwick and I wrote to you in November once this matter had been investigated and the full facts established in John Vine’s report.

2. We reported to the Committee on legacy cases that transferred to the Case Audit and Assurance Unit (CAAU) by the Case Resolution Directorate (CRD). As we set out in our response to the Independent Chief Inspector’s report, I have always been clear that due to the quality of case records which pre-date October 2001 (when use of the Case Information Database (CID) commenced), the Agency was not certain all cases had been captured in the data. Appropriate caveats have been provided to the Committee on the data accuracy of this group.

Through the Performance and Compliance Unit (PCU), we are continuing to improve the quality of our data and endeavour to present as accurate and comprehensive a picture as possible to the Committee on our future progress on pre-2007 legacy cases. As the Committee is aware, the Home Secretary has also asked the...
Independent Chief Inspector to conduct a further investigation into the work of PCU as well as an investigation in to ongoing CAAU operations.

**Findings of Deloitte’s Independent Review of Controlled Archive Process prior to Case Closure**

3. Our application and screening processes for an asylum or visa application always seek to establish an individual’s personal details. However, since the outset the Agency has been clear that the data held for these legacy cases contained errors and duplication and that records for some of the cases predated the electronic information held on CID. Incomplete records may have occurred during the migration of previously held electronic data onto CID.

4. Deloitte sampled 1,000 cases (1.2% of all closed cases). Home Office analysts have confirmed that this was a robust sample design, given that the cases to review had been selected at random by Deloitte based on unique ID numbers with no inherent sample bias. As we say in our closure report we are confident that the results of the independent review are sufficient and give an accurate reflection of the closure process as a whole.

**UKBA's Controlled Archives Closure Report**

5. In our closure report we set out how the 1,502 cases with a hit had no cautions, convictions, warnings or reprimands and that individuals can be on the PNC for non-criminal reasons such as holding a firearm licence. The information returned for these cases noted that no further action was required by the police. We are continuing to work with the police to double check that there is no further information they can supply to us which could help us trace these cases.

6. We mean that all cases with a PNC hit prior to April 2011 were checked by CRD before being placed in the controlled archives and any necessary action was taken at that point. Therefore the pre-April 2011 PNC hit on these cases has not been considered again. However, any other subsequent activity after April 2011 on these cases (either on the PNC or on other external databases) will have been picked up and considered as part of the closure process.

**Sponsor Notifications**

7. Between 31 August and 1 December 2012 we received 101,325 notifications from Tier 4 sponsors. By 18 December we had undertaken the initial two stages of sifting through all of these notifications and had identified 24,980 students who need further consideration for curtailment of their leave.

8. There are 30 FTE staff processing notifications from sponsors and we are in the process of recruiting 35 additional staff.

**Rule 35 Reports**

9. Reports under Rule 35 of the Detention Centre Rules 2001 can only be made by the medical practitioner (ie doctor) at an immigration removal centre. This is reflected in the guidance contained in the relevant Detention Services Order. In my evidence I spoke about detainees (or their representatives) referring themselves for consideration under Rule 35, but such referrals are not in themselves Rule 35 reports.

**Additional Information**

10. Between 18 September and 21 November 2012 (the final closure date of the controlled archive—the date of my letter to the Committee), 11,700 cases were transferred to the live cohort after some trace of the individual was found following tracing activity.

11. 13% of FLTR applications made between 1 January and 30 June were still outstanding on 18 December 2012.

12. This is not the case—by 18 December 2012 UKBA had dealt with 9,242 Tier 1 applications made after 4 August 2012.

13. We do not hold this information centrally. We do however record the number of complaints received regarding potentially lost documents: between January and November 2012 the Agency received 720 such complaints (figures for December 2012 are not yet available). Please note that a complaint about a lost document may be unsubstantiated, while some complaints may relate to more than one document.

We take every precaution to ensure personal documents are kept safe. In the event that a file is lost, we are committed to replacing any supporting documents with minimal inconvenience to the person involved. Guidance on retention of valuable documents is being revised and consolidated to ensure consistency of
approach across the Agency. In addition the Paperless Programme is working on future plans for a central document bank, which will mean fewer movements of documents between departments.  

January 2013

Letter from Mark Harper MP, Minister for Immigration, to the Chair of the Committee,  
16 January 2013

Thank you for your letter of 9 January following my evidence session in front of the Committee on 18 December. Please find the additional information requested below.

LEGACY CASES

1. You will be aware that I assumed office as the Immigration Minister on 4 September 2012. I was advised of the issues surrounding the UK Border Agency’s tracing of cases in the controlled archive in a submission on 2 October 2012.

CHANGES TO THE IMMIGRATION RULES

2. There are two separate aspects to this issue. Applications made before 9 July 2012 under Part 8 (family members) of the Immigration Rules, which were not decided by that date, remain subject to the rules under which the initial application was made.

However, under the previous arrangements, the Government’s view of the correct balance to be struck in applying Article 8 to family cases was not properly reflected in the rules, but was subject to a separate consideration. Very often applicants would apply in the knowledge that they would not qualify under the rules but expecting the Government to grant a form of discretionary leave on the basis of a broader assessment of family life. Or, alternatively, they would apply solely for an Article 8 consideration. In that sense, there used to be two parallel processes: one under the published family rules and another seeking a discretionary grant on the grounds of Article 8.

From 9 July 2012, when the Government set out its detailed interpretation of Article 8 in the immigration system, this position changed. The two processes were drawn together, with the rules in Appendix FM setting out the Government’s view of how the qualified right to respect for family life under Article 8 should operate in the great majority of cases. For applications made before 9 July who failed to meet the old rules (ie Part 8) or who did not apply for leave under the old rules but instead sought leave outside the rules on the basis of family life, the case will be decided according to the new rules (ie Appendix FM). This is logical, since the Government cannot argue that it holds two valid interpretations of Article 8 at once: one in Appendix FM and a separate view in guidance covering pre-9 July discretionary decisions.

Since 9 July, applicants and caseworkers alike have had confidence that any assessment of family life will be undertaken within the framework of the new family rules set out in Appendix FM. This is without prejudice to those applicants who applied before the rules change, and who were seeking to rely upon the pre-existing rules rather than a discretionary assessment of Article 8.

SPONSOR NOTIFICATIONS

3. The UK Border Agency has already taken steps to deal with the outstanding sponsor notifications and from the start of the next financial year I expect it to be dealing with all notifications within four weeks of receipt. I will of course continue to monitor the Agency’s performance in this area.

January 2013

Supplementary written evidence submitted by the UK Border Agency (UKBA Q3 05)

STUDENT VISA APPLICATIONS: CHRISTMAS 2012

All urgent requests received before Christmas for passports to be returned were turned around within 72 hours or, where necessary and possible, within 24 hours. A total of 79 requests for passports to be returned were received in December. All these cases had their passports returned by 24 December.

Some people also requested expedition of their application where possible. The Agency received about 200 requests for expedition of applications and we successfully processed almost 90% of these before Christmas, prioritising these requests and contacting applicants where necessary to attend a biometric appointment in order that we could consider the application.
The UK Border Agency would be happy to look further into the circumstances of cases where Mr Vaz has been notified that the individual did not receive their passport, after submitting their request.

UK Border Agency
January 2013

Letter from Rob Whiteman, Chief Executive, UK Border Agency, to the Chair of the Committee, 22 February 2013

Thank you for your letter of 11 February requesting further information about the Agency’s performance in quarters one, two and three of 2012.

Answers to the Committee’s questions can be found below. Please note that the majority of figures quoted are management information. This information has not been quality assured under National Statistics protocols.

As I covered in my last evidence session our priority this financial year is to return the majority of routes to normal business levels by 31 March and subsequently return to meeting service standards.

Rob Whiteman
Chief Executive, UK Border Agency

1. What proportion of in-country immigration applications only for limited leave to remain and permanent leave to remain were processed within the UK Border Agency’s service standard targets between 1 July and 30 September 2012 by (a) points-based system tier and (b) category?

I. Please provide the equivalent information for the periods covering 1 April—30 June 2012 and the 1 January—31 March 2012.

The table below shows the proportion of in-country visa applications that were processed within the Agency’s service standards in quarter one, two and three 2012, broken down by Points Based System tier and category:31

<table>
<thead>
<tr>
<th>Quarter one 2012</th>
<th>Postal applications in four weeks</th>
<th>Premium applications in 24 hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tier 1 Total (target: 90%)</td>
<td>91%</td>
<td>72%</td>
</tr>
<tr>
<td>Gateway—HSW</td>
<td>72%</td>
<td>0%</td>
</tr>
<tr>
<td>T1 (non-biometric) Dep Child joining person with LTR—LTR</td>
<td>25%</td>
<td>100%</td>
</tr>
<tr>
<td>T1 (non-biometric) Dep Partner joining person with LTR—LTR</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>T1 HS—(Revised) General Migrant—Int</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>T1 HS—Dep Child Applying With Relatives</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>T1 HS—Dep Child Joining Relatives—LTR</td>
<td>91%</td>
<td>68%</td>
</tr>
<tr>
<td>T1 HS—Dep Over 18 Joining Relatives—LTR</td>
<td>0%</td>
<td>50%</td>
</tr>
<tr>
<td>T1 HS—Dep Partner Joining Relatives—LTR</td>
<td>80%</td>
<td>50%</td>
</tr>
<tr>
<td>T1 HS—Entrepreneur—LTR</td>
<td>64%</td>
<td>0%</td>
</tr>
<tr>
<td>T1 HS—General Migrant—LTR</td>
<td>84%</td>
<td>71%</td>
</tr>
<tr>
<td>T1 HS—Graduate Entrepreneur—LTR</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>T1 HS—HSMP IED Trans</td>
<td>100%</td>
<td>–</td>
</tr>
<tr>
<td>T1 HS—Investor—LTR</td>
<td>82%</td>
<td>0%</td>
</tr>
<tr>
<td>T1 HS—Post Study—LTR</td>
<td>93%</td>
<td>74%</td>
</tr>
<tr>
<td>Tier 2 total (target: 90%)</td>
<td>85%</td>
<td>52%</td>
</tr>
<tr>
<td>Rep BRP card—T2 SW—ICT (Long Term)—LTR</td>
<td>75%</td>
<td>–</td>
</tr>
<tr>
<td>Rep BRP card—T2 SW—ICT (Short Term)—LTR</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>T2 (Non—Biometric) Dep Child—LTR</td>
<td>–</td>
<td>100%</td>
</tr>
<tr>
<td>T2 SW—Dep Child Joining Relatives—LTR</td>
<td>83%</td>
<td>56%</td>
</tr>
<tr>
<td>T2 SW—Dep Over 18 Joining Relatives—LTR</td>
<td>40%</td>
<td>0%</td>
</tr>
<tr>
<td>T2 SW—Dep Partner Joining Relatives—LTR</td>
<td>77%</td>
<td>100%</td>
</tr>
<tr>
<td>T2 SW—General Migrant—LTR</td>
<td>83%</td>
<td>59%</td>
</tr>
<tr>
<td>T2 SW—ICT (Established Staff)—LTR</td>
<td>91%</td>
<td>69%</td>
</tr>
<tr>
<td>T2 SW—ICT (Graduate Trainee)—LTR</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>T2 SW—ICT (Long Term)—LTR</td>
<td>89%</td>
<td>42%</td>
</tr>
<tr>
<td>T2 SW—ICT (Short Term)—LTR</td>
<td>87%</td>
<td>65%</td>
</tr>
<tr>
<td>T2 SW—ICT (Skills Transfer)—LTR</td>
<td>50%</td>
<td>–</td>
</tr>
<tr>
<td>T2 SW—Int. Com. Tran. Migrant—LTR</td>
<td>100%</td>
<td>35%</td>
</tr>
<tr>
<td>T2 SW—Min. of Rel. Migrant—LTR</td>
<td>79%</td>
<td>50%</td>
</tr>
<tr>
<td>T2 SW—Sportspeople Migrant—LTR</td>
<td>87%</td>
<td>31%</td>
</tr>
<tr>
<td>Tier 4 total (target: 85%)</td>
<td>67%</td>
<td>69%</td>
</tr>
</tbody>
</table>

31 “-” means no cases in that category were processed in that quarter. All figures of “0%” relate to two or fewer cases processed in that quarter.
<table>
<thead>
<tr>
<th>Quarter one 2012</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Postal applications in four weeks</strong></td>
<td><strong>Premium applications in 24 hours</strong></td>
</tr>
<tr>
<td>T4—Child Student—LTR</td>
<td>55%</td>
<td>64%</td>
</tr>
<tr>
<td>T4—Dep Child Applying with Relatives—LTR</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>T4—Dep Child Joining Relatives—LTR</td>
<td>73%</td>
<td>62%</td>
</tr>
<tr>
<td>T4—Dep Over 18 Joining Relatives—LTR</td>
<td>46%</td>
<td>50%</td>
</tr>
<tr>
<td>T4—Dep Partner Applying With Relatives—LTR</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>T4—Dep Partner Joining Relatives—LTR</td>
<td>54%</td>
<td>0%</td>
</tr>
<tr>
<td>T4—General Student—LTR</td>
<td>66%</td>
<td>70%</td>
</tr>
<tr>
<td>T4—Sponsor Change</td>
<td>87%</td>
<td>–</td>
</tr>
<tr>
<td><strong>Tier 5 total (target: 90%)</strong></td>
<td>84%</td>
<td>35%</td>
</tr>
<tr>
<td>T5 TW—Charity Migrant—LTR</td>
<td>71%</td>
<td>–</td>
</tr>
<tr>
<td>T5 TW—Cre-Sport Migrant—LTR</td>
<td>83%</td>
<td>40%</td>
</tr>
<tr>
<td>T5 TW—Dep Child Joining Relatives—LTR</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>T5 TW—Dep Partner Joining Relatives—LTR</td>
<td>100%</td>
<td>–</td>
</tr>
<tr>
<td>T5 TW—Govt Auth Ex Migrant—LTR</td>
<td>89%</td>
<td>33%</td>
</tr>
<tr>
<td>T5 TW—Int Agree Migrant—LTR</td>
<td>90%</td>
<td>25%</td>
</tr>
<tr>
<td>T5 TW—Religious Migrant—LTR</td>
<td>81%</td>
<td>–</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Quarter two 2012</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>Postal applications in four weeks</strong></td>
<td><strong>Premium applications in 24 hours</strong></td>
</tr>
<tr>
<td>Tier 1 Total (target: 90%)</td>
<td>26%</td>
<td>67%</td>
</tr>
<tr>
<td>Gateway—HSW</td>
<td>33%</td>
<td>–</td>
</tr>
<tr>
<td>T1 (non-biometric) Dep Child joining person with LTR—LTR</td>
<td>0%</td>
<td>–</td>
</tr>
<tr>
<td>T1 (non-biometric) Dep Partner joining person with LTR—LTR</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>T1 HS—(Revised) General Migrant—Int</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>T1 HS—Dep Child Applying With Relatives</td>
<td>0%</td>
<td>–</td>
</tr>
<tr>
<td>T1 HS—Dep Child Joining Relatives—LTR</td>
<td>37%</td>
<td>72%</td>
</tr>
<tr>
<td>T1 HS—Dep Over 18 Joining Relatives—LTR</td>
<td>33%</td>
<td>57%</td>
</tr>
<tr>
<td>T1 HS—Dep Partner Joining Relatives—LTR</td>
<td>33%</td>
<td>62%</td>
</tr>
<tr>
<td>T1 HS—Entrepreneur—LTR</td>
<td>51%</td>
<td>0%</td>
</tr>
<tr>
<td>T1 HS—General Migrant—LTR</td>
<td>40%</td>
<td>73%</td>
</tr>
<tr>
<td>T1 HS—Graduate Entrepreneur—LTR</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>T1 HS—HSMP IED Trans</td>
<td>100%</td>
<td>50%</td>
</tr>
<tr>
<td>T1 HS—Investor—LTR</td>
<td>75%</td>
<td>0%</td>
</tr>
<tr>
<td>T1 HS—Post Study—LTR</td>
<td>13%</td>
<td>23%</td>
</tr>
<tr>
<td>Tier 2 total (target: 90%)</td>
<td>33%</td>
<td>62%</td>
</tr>
<tr>
<td>Rep BRP card—T2 SW—ICT (Long Term)—LTR</td>
<td>43%</td>
<td>–</td>
</tr>
<tr>
<td>Rep BRP card—T2 SW—ICT (Short Term)—LTR</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>T2 (Non—Biometric) Dep Child—LTR</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>T2 SW—Dep Child Applying With Relatives—LTR</td>
<td>100%</td>
<td>–</td>
</tr>
<tr>
<td>T2 SW—Dep Child Joining Relatives—LTR</td>
<td>36%</td>
<td>67%</td>
</tr>
<tr>
<td>T2 SW—Dep Over 18 Joining Relatives—LTR</td>
<td>13%</td>
<td>50%</td>
</tr>
<tr>
<td>T2 SW—Dep Partner Joining Relatives—LTR</td>
<td>24%</td>
<td>78%</td>
</tr>
<tr>
<td>T2 SW—General Migrant—LTR</td>
<td>32%</td>
<td>67%</td>
</tr>
<tr>
<td>T2 SW—ICT (Established Staff)—LTR</td>
<td>8%</td>
<td>70%</td>
</tr>
<tr>
<td>T2 SW—ICT (Graduate Trainee)—LTR</td>
<td>50%</td>
<td>–</td>
</tr>
<tr>
<td>T2 SW—ICT (Long Term)—LTR</td>
<td>34%</td>
<td>48%</td>
</tr>
<tr>
<td>T2 SW—ICT (Short Term)—LTR</td>
<td>37%</td>
<td>53%</td>
</tr>
<tr>
<td>T2 SW—ICT (Skills Transfer)—LTR</td>
<td>43%</td>
<td>0%</td>
</tr>
<tr>
<td>T2 SW—Int. Com. Tran. Migrant—LTR</td>
<td>38%</td>
<td>66%</td>
</tr>
<tr>
<td>T2 SW—Min. of Rel. Migrant—LTR</td>
<td>26%</td>
<td>69%</td>
</tr>
<tr>
<td>T2 SW—Sportspeople Migrant—LTR</td>
<td>45%</td>
<td>53%</td>
</tr>
<tr>
<td>Tier 4 total (target: 85%)</td>
<td>28%</td>
<td>56%</td>
</tr>
<tr>
<td>T4—Child Student—LTR</td>
<td>36%</td>
<td>74%</td>
</tr>
<tr>
<td>T4—Dep Child Applying with Relatives—LTR</td>
<td>100%</td>
<td>–</td>
</tr>
<tr>
<td>T4—Dep Child Joining Relatives—LTR</td>
<td>31%</td>
<td>83%</td>
</tr>
<tr>
<td>T4—Dep Over 18 Joining Relatives—LTR</td>
<td>21%</td>
<td>50%</td>
</tr>
<tr>
<td>T4—Dep Partner Applying With Relatives—LTR</td>
<td>100%</td>
<td>–</td>
</tr>
<tr>
<td>T4—Dep Partner Joining Relatives—LTR</td>
<td>28%</td>
<td>40%</td>
</tr>
<tr>
<td>T4—General Student—LTR</td>
<td>26%</td>
<td>55%</td>
</tr>
<tr>
<td>T4—Sponsor Change</td>
<td>96%</td>
<td>–</td>
</tr>
<tr>
<td>Tier 5 total (target: 90%)</td>
<td>34%</td>
<td>69%</td>
</tr>
<tr>
<td>T5 TW—Charity Migrant—LTR</td>
<td>33%</td>
<td>–</td>
</tr>
</tbody>
</table>
The table below shows the number of in-country visa applications in progress at the end of quarter three 2012 for both temporary and permanent migration broken down by case type:

<table>
<thead>
<tr>
<th>Quarter two 2012</th>
<th>Postal applications in four weeks</th>
<th>Premium applications in 24 hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>T5 TW—Cre-Sport Migrant—LTR</td>
<td>45%</td>
<td>20%</td>
</tr>
<tr>
<td>T5 TW—Dep Child Joining Relatives—LTR</td>
<td>0%</td>
<td>100%</td>
</tr>
<tr>
<td>T5 TW—Dep Partner Joining Relatives—LTR</td>
<td>0%</td>
<td>—</td>
</tr>
<tr>
<td>T5 TW—Govt Auth Ex Migrant—LTR</td>
<td>36%</td>
<td>67%</td>
</tr>
<tr>
<td>T5 TW—Int Agree Migrant—LTR</td>
<td>28%</td>
<td>80%</td>
</tr>
<tr>
<td>T5 TW—Religious Migrant—LTR</td>
<td>36%</td>
<td>—</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Tier 1 Total (target: 90%)</th>
<th>Postal applications in four weeks</th>
<th>Premium applications in 24 hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gateway—HSW</td>
<td>18%</td>
<td>73%</td>
</tr>
<tr>
<td>T1 (non-biometric) Dep Child joining person with LTR—LTR</td>
<td>25%</td>
<td>0%</td>
</tr>
<tr>
<td>T1 (non-biometric) Dep Partner joining person with LTR—LTR</td>
<td>0%</td>
<td>—</td>
</tr>
<tr>
<td>T1 HS—(Revised) General Migrant—Int</td>
<td>0%</td>
<td>—</td>
</tr>
<tr>
<td>T1 HS—Dep Child Applying With Relatives</td>
<td>44%</td>
<td>81%</td>
</tr>
<tr>
<td>T1 HS—Dep Child Joining Relatives—LTR</td>
<td>43%</td>
<td>33%</td>
</tr>
<tr>
<td>T1 HS—Dep Partner Joining Relatives—LTR</td>
<td>34%</td>
<td>79%</td>
</tr>
<tr>
<td>T1 HS—Entrepreneur—LTR</td>
<td>20%</td>
<td>—</td>
</tr>
<tr>
<td>T1 HS—General Migrant—LTR</td>
<td>31%</td>
<td>78%</td>
</tr>
<tr>
<td>T1 HS—Graduate Entrepreneur—LTR</td>
<td>0%</td>
<td>—</td>
</tr>
<tr>
<td>T1 HS—HSMP IED Trans</td>
<td>0%</td>
<td>100%</td>
</tr>
<tr>
<td>T1 HS—Investor—LTR</td>
<td>4%</td>
<td>0%</td>
</tr>
<tr>
<td>T1 HS—Post Study—LTR</td>
<td>16%</td>
<td>0%</td>
</tr>
<tr>
<td>Tier 2 total (target: 90%)</td>
<td>79%</td>
<td>72%</td>
</tr>
<tr>
<td>Rep BRP card—T2 SW—ICT (Long Term)—LTR</td>
<td>29%</td>
<td>—</td>
</tr>
<tr>
<td>Rep BRP card—T2 SW—ICT (Short Term)—LTR</td>
<td>0%</td>
<td>—</td>
</tr>
<tr>
<td>T2 (Non—Biometric) Dep Child—LTR</td>
<td>0%</td>
<td>—</td>
</tr>
<tr>
<td>T2 SW—Dep Child Applying With Relatives—LTR</td>
<td>74%</td>
<td>70%</td>
</tr>
<tr>
<td>T2 SW—Dep Child Joining Relatives—LTR</td>
<td>89%</td>
<td>50%</td>
</tr>
<tr>
<td>T2 SW—Dep Partner Joining Relatives—LTR</td>
<td>72%</td>
<td>67%</td>
</tr>
<tr>
<td>Tier 4 Total (target: 85%)</td>
<td>14%</td>
<td>73%</td>
</tr>
<tr>
<td>T4—Child Student—LTR</td>
<td>38%</td>
<td>67%</td>
</tr>
<tr>
<td>T4—Dep Child Applying With Relatives—LTR</td>
<td>31%</td>
<td>83%</td>
</tr>
<tr>
<td>T4—Dep Child Joining Relatives—LTR</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>T4—Dep Partner Applying With Relatives—LTR</td>
<td>50%</td>
<td>0%</td>
</tr>
<tr>
<td>T4—Dep Partner Joining Relatives—LTR</td>
<td>18%</td>
<td>50%</td>
</tr>
<tr>
<td>T4—General Student—LTR</td>
<td>12%</td>
<td>73%</td>
</tr>
<tr>
<td>T4—Sponsor Change</td>
<td>96%</td>
<td>—</td>
</tr>
<tr>
<td>Tier 5 Total (target: 90%)</td>
<td>71%</td>
<td>75%</td>
</tr>
<tr>
<td>T5 TW—Charity Migrant—LTR</td>
<td>53%</td>
<td>—</td>
</tr>
<tr>
<td>T5 TW—Cre-Sport Migrant—LTR</td>
<td>70%</td>
<td>100%</td>
</tr>
<tr>
<td>T5 TW—Dep Child Joining Relatives—LTR</td>
<td>50%</td>
<td>—</td>
</tr>
<tr>
<td>T5 TW—Dep Partner Joining Relatives—LTR</td>
<td>100%</td>
<td>—</td>
</tr>
<tr>
<td>T5 TW—Govt Auth Ex Migrant—LTR</td>
<td>77%</td>
<td>83%</td>
</tr>
<tr>
<td>T5 TW—Int Agree Migrant—LTR</td>
<td>78%</td>
<td>68%</td>
</tr>
<tr>
<td>T5 TW—Religious Migrant—LTR</td>
<td>56%</td>
<td>—</td>
</tr>
</tbody>
</table>
2. How many applications were there in “work in progress” for temporary and permanent in-country immigration applications by case type at 30 September 2012?

In addition, on 30 September 2012 there were 36,660 temporary migration and 20,228 permanent migration cases awaiting input on to our systems.

Rob Whiteman  
Chief Executive  
UK Border Agency  
February 2013

Letter from Rob Whiteman, Chief Executive, UK Border Agency, to the Chair of the Committee, 12 March 2013

Thank you for your letter of 28 February requesting further information about the Agency’s performance in quarters one, two and three of 2012.

Answers to the Committee’s questions can be found below. Please note that the majority of figures quoted are management information. This information has not been quality assured under National Statistics protocols.

I will brief the Committee at my next appearance on work to return these applications to processing within service standards.

Rob Whiteman  
Chief Executive, UK Border Agency

Questions

1. The number of in-country immigration applications only for limited leave to remain and permanent leave to remain which were:

   (a) processed within the UK Border Agency’s service standard targets between 1 July and 30 September 2012 (broken down by points-based system tier).

   (b) not processed within the UK Border Agency’s service standard targets between 1 July and 30 September 2012 (broken down by points-based system tier).

2. Please provide the equivalent information for the periods covering 1 April to 30 June 2012 and the 1 January to 31 March 2012.

I would also be grateful if you clarify whether the 2,100 FLTR applications on basis of marriage or civil partnership found to be pending initial decision by John Vine in his latest report are part of the figures requested or if they relate to a historical cohort.
1. The tables below show the number of in-country visa applications that were processed within and outside the Agency’s service standards in quarter one, two and three 2012, broken down by Points Based System tier.\footnote{All figures quoted have been derived from management information and are therefore provisional and subject to change. This information has not been quality assured under National Statistics protocols. Figures relate to main applicants only. Figures relate to combined points based system limited leave to remain and indefinite leave to remain cases dispatched between 1 January and 30 September 2012. Figures relate to postal applications only. Limited leave to remain cases are within service standard if the number of working days between biometric enrolment and dispatch date (or case creation and dispatch date if not enrolled) is less than 21 days. Indefinite leave to remain cases are within service standard if the number of calendar days between biometric enrolment and despatch date (or case creation and despatch date if not enrolled) is less than 183 days.}

<table>
<thead>
<tr>
<th>PBS Tier</th>
<th>Number of cases processed within service standard</th>
<th>Number of cases processed outside service standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tier 1</td>
<td>17,305</td>
<td>1,579</td>
</tr>
<tr>
<td>Tier 2</td>
<td>4,242</td>
<td>726</td>
</tr>
<tr>
<td>Tier 4</td>
<td>14,646</td>
<td>8,414</td>
</tr>
<tr>
<td>Tier 5</td>
<td>127</td>
<td>24</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Quarter 1, January to March 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tier 1</td>
</tr>
<tr>
<td>Tier 2</td>
</tr>
<tr>
<td>Tier 4</td>
</tr>
<tr>
<td>Tier 5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Quarter 2, April to June 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tier 1</td>
</tr>
<tr>
<td>Tier 2</td>
</tr>
<tr>
<td>Tier 4</td>
</tr>
<tr>
<td>Tier 5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Quarter 3, July to September 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tier 1</td>
</tr>
<tr>
<td>Tier 2</td>
</tr>
<tr>
<td>Tier 4</td>
</tr>
<tr>
<td>Tier 5</td>
</tr>
</tbody>
</table>

2. The 2,100 pending further leave to remain applications referred to in the John Vine report are not part of the PBS figures shown above and relate to a historical cohort of Family cases transferred to Temporary Migration in Sheffield from Croydon. All 2,100 cases had been cleared prior to publication of the Independent Chief Inspector’s report.

\footnote{Rob Whiteman
Chief Executive
UK Border Agency
March 2013}