



House of Commons
Home Affairs Committee

**The work of the
Immigration
Directorates: Calais:
Government Response
to the Committee's
Eighteenth Report of
Session 2014–15**

**First Special Report of Session 2015–
16**

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Home Affairs Committee

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First Special Report

On 23 March 2015 the Home Affairs Committee published its Eighteenth Report of Session 2014-15, The work of the Immigration Directorates: Calais (HC 902). The Government's response to the Report was received on 20 July 2015, and is published as an Appendix to this Special Report.

Appendix: Government response

The Government would like to thank the Committee for its report on the work of the immigration directorates published in March 2015.

We have considered the recommendations of the report and the Government's response is below.

Conclusion/Recommendation 1

We welcome the Joint Statement between the UK and French governments on Calais, and the £12 million investment over three years from the UK Government on security measures at Calais, taken in cooperation with the French. Juxtaposed border controls mean that we operate our border on French soil (as the French do at Folkestone), so issues around border integrity need to be shared. The joint statement between the UK and French Governments is a welcome acknowledgement of the two countries' shared responsibilities in this area. (Paragraph 8)

Taken with

Conclusion/Recommendation 2

It is important that improvements in security at one site do not simply displace clandestine activity to another site. Much of the investment from the UK Government appears to have gone into improving security around the Port of Calais ferry terminal, rather than the Eurotunnel terminal at Coquelles. If the Government accepts there is a security problem at both sites, then it should contribute to security measures at both sites. (Paragraph 9)

Taken with

Conclusion/Recommendation 3

It is apparent that extra security slows the traffic, creates queues and can increase the vulnerability of the lorries to infiltration by migrants. Improvements in security must be combined with improvements in managing the traffic flow. (Paragraph 10)

Government Response:

The Government welcomes the Committee's acknowledgement of the UK investment in improving security and fluidity at the juxtaposed ports. Good progress has been made with the full £12m committed to reinforce port security at Calais, Coquelles (Eurotunnel) and Dunkirk, of which £6m has already been spent. This includes installation of high security fencing, infra-red cameras and anti-intrusion measures. Improvements to the layout of the port speed up flows of traffic and create secure buffer zones for heavy goods vehicles. This investment is in addition to previous security improvements funded by the UK Government, including £2m to upgrade detection technology, and £1m to extend dog searching capability at Calais, Coquelles and Dunkirk. UK and French officials are working with Eurotunnel on installing additional security measures at Coquelles to prevent migrants making incursions into the port.

Under the UK-France Joint Declaration, nearly €1m has been allocated to improve perimeter security at Coquelles. On 2 July 2015 additional intervention funding to better secure the Channel Tunnel site was announced. UK and French officials are currently working with Eurotunnel to develop a further programme of port improvements for security, fluidity and capacity at Coquelles, to help secure the port and prevent access to the site and platforms. Work has started on temporary and permanent fencing at key areas around the Coquelles site which will be completed at the end of July. This includes along the approach road where migrants are targeting vehicles and alongside the platforms where migrants are targeting trains waiting to depart. Consideration is being given to additional measures to enhance border security at the juxtaposed ports based on relevant assessment of security.

We have strengthened our partnership with the haulage sector and food industry in order to address the risk of clandestine entry to the UK, and harm to the haulier sector and associated industries. Improvements to the layout of Calais port, implemented as part of the UK-France declaration will speed up flows of traffic. This will reduce the risk of queuing vehicles on the approach roads being targeted by migrants.

The Government, working closely with the French authorities, will create a new secure zone at the port of Calais for UK-bound lorries. This will provide a secure waiting area for 230 vehicles—the equivalent of removing a two-and-a-half mile queue from the approaching road. This should transform protection for lorries and their drivers—removing them from the open road where they can become targets for migrants attempting to board their vehicles.

We continue to closely monitor migrant activity at the juxtaposed channel ports, in conjunction with French partners, and will respond accordingly.

Conclusion/Recommendation 4

The people of Calais are presented with a difficult situation not of their own making. They have a large population of transient homeless people who show little desire to settle in Calais. The townspeople are bound by humanitarian instincts to look after

the migrants near Calais, particularly the families and children, and they do not want a large number of people sleeping rough in Calais town. We understand of course why the day centre and the night shelter have been provided, and such support will only ever be temporary and cannot provide a long term answer to the problem. Such camps have the potential, like Sangatte, to make a bad situation worse. The UK Government has repeatedly stated that it is not providing funds for the day centre or night shelter. The Joint Statement between the UK and French Governments states that the Governments will take effective measures to protect vulnerable persons such as the victims of human trafficking, and that this will include “ensuring such victims receive appropriate support and assistance”. The Government should explain what specific support it is providing, if it is not contributing towards the day centre or night shelter at Calais. (Paragraph 12)

Taken with

Conclusion/Recommendation 5

The French and UK Governments should ensure that the migrants in Calais have access to advice on asylum, and understand that a successful claim is a legal path to secure rights in the EU. Every effort must be made to ensure someone who is fleeing war or persecution, who could apply for asylum either in France or the UK, does not decline the opportunity through a lack of information, or the provision of misinformation by fellow migrants, traffickers or others. Disrupting the criminal gangs and their influence over the migrants is an important part of achieving this objective. There needs to be a sustained campaign to inform migrants in Calais of the reality of life in the UK and France, of their rights to claim asylum, and the safety that a successful claim can bring. (Paragraph 17)

Taken with

Conclusion/Recommendation 6

It would be highly persuasive that the approach of the UK Government towards improved security at Calais was effective, if the UK Government could demonstrate the increase in asylum applications in Pas-de-Calais with published figures. (Paragraph 18)

Taken with

Conclusion/Recommendation 7

Countering illegal migration creates a huge amount of work and absorbs a vast amount of resources. The number of interceptions by Border Force and PAF, the French Border Police, highlights the sheer scale of the problem. And yet we have seen no evidence that France or the UK is pursuing a policy of processing and deporting

the individuals found at Calais. We find it bizarre that there are thousands of attempts to enter the UK illegally through Calais, at great cost and inconvenience to business and leisure travellers, transport companies, and hauliers, and yet the people who are caught are simply released back into the French countryside. Nothing in this process appears to serve as a disincentive to returning to Calais and trying again and again, and there is no evidence it has affected the number of migrants living in the Calais area. It appears to be an admission of stalemate and something must be done to break this cycle. (Paragraph 21)

Government Response:

The UK is not providing funding for the day centre, which is entirely a matter for the French. Under the joint intervention fund, funding will also be used to support victims of human trafficking in Calais.

A joint communications campaign, involving British officials speaking to migrants in Calais, has commenced to inform migrants of the reality of life in the UK and France and of their rights to claim asylum. An objective of the campaign is to encourage migrants to claim asylum in France, and deter them from travelling to the UK. The exercise is also improving our intelligence picture of illegal migrants in Calais, for example their motivations and methods for coming to the UK. This information will, in part, be used to inform a longer-term upstream communications campaign to dissuade illegal migrants in source and transit countries from approaching the UK. When the Home Secretary met with M. Cazeneuve, on 2 July, it was agreed that the joint information campaigns would be continued and strengthened.

The number of asylum claims in Calais has increased this year. French Interior Minister, Bernard Cazeneuve announced, on his visit to Calais on 4 May 2015, that there have been 455 asylum claims in Calais since the beginning of 2015.¹ This compares with an average of 350 asylum claims in Calais per year between 2011 and 2013, and 885 in 2014.²

To reduce further the number of migrants in Calais attempting to enter the UK illegally, the French have increased the number of migrants returned to their country of origin. Mr Cazeneuve announced, in May 2015, that 1,700 returns from Calais had been completed in 2014. The UK also cooperates with the French on joint returns. We have conducted 11 joint Albania and Albania/Kosovo flights with French colleagues, which have returned around 750 illegal migrants, between April 2014 and May 2015.

Conclusion/Recommendation 8

We welcome the work of the Task Force to address human trafficking and look forward to further updates of its successful work. The joint statement between the UK and France on Calais said the measures to fight organised gang involvement in trafficking would be effective immediately, and we welcome the number of joint

¹ This figure relates to January to April 2015.

² Information provided by Denis Gaudin, Sous-Prefet of Calais, published in national press *Liberation* on 21 May 2015.

investigations between the UK and French authorities aimed specifically at criminal gangs involved in trafficking. The joint statement said it would commit the UK to set clear and ambitious targets to show the full impact in the fight against organised immigration crime. We recommend that the Government publish these targets and publish the performance against these targets. (Paragraph 23)

Government Response:

The dedicated UK Task Force, and the embedding of a National Crime Agency (NCA) officer into OCRIEST in Paris, have significantly improved lines of communication, intelligence sharing and joint operations, with the French, on tackling the organised crime groups that facilitate illegal migration in the Calais area.

The NCA has a series of qualitative performance measures agreed with the Home Secretary, and we are looking to apply a similar approach to our joint working with the French against organised immigration crime. Through closer joint working the number of organised criminal networks dismantled in the Calais region in 2014 has increased by 30% compared to the previous year.

Conclusion/Recommendation 9

The situation in Calais needs to be dealt with as near to the source countries as possible. This is an international problem which can only be addressed by concerted efforts on the part of the international community. The UK Government, in cooperation with other nations, must continue to address the factors that force large numbers to migrate from their own country to Europe. (Paragraph 26)

Taken with

Conclusion/Recommendation 10

Securing Europe's southern external border should be a high priority for the EU, and current arrangements are clearly not working. In particular, Operation Triton has failed in its central objective of reducing migration in the central Mediterranean. Heedless of the increased risks to the lives of migrants, the traffickers continue to load people onto overcrowded vessels that are not fit to reach Lampedusa, let alone the European mainland. (Paragraph 27)

Taken with

Conclusion/Recommendation 11

The deaths of so many people in the Mediterranean is a cause for great concern. People traffickers seem to act with impunity. The UK and French governments, both who have historic links to North Africa, should take the lead in ensuring the EU

makes a priority of stopping the flows of migrants at source and cutting off the funds that are obtained by criminal gangs who deal with people trafficking. (Paragraph 28)

Government Response:

The current situation in the Mediterranean is a tragic reminder of the huge risks migrants take when they attempt the perilous journey to reach Europe. The UK is playing its full part in dealing with the immediate situation to prevent further loss of life at sea deploying assets which have saved over 5000 lives to date. But we agree with the Committee that these efforts alone will not make the problem go away; we need to treat the root causes and stem the flow. This can only be achieved with a comprehensive, long term solution.

We need to build stability in Libya and source countries, helping to create livelihoods and reduce the push factors from these countries. We need to break the link between people making the treacherous journey across the Mediterranean and achieving settlement in the EU.

We also need to tackle the large organised crime gangs and trafficking networks who facilitate and profit from this human misery. We are already taking action against the criminal gangs: we are setting up a 90 strong dedicated law enforcement taskforce to tackle the threat posed by illegal migration from North Africa. This team will bring together officers from the National Crime Agency, Border Force, Immigration Enforcement and the CPS to relentlessly pursue and disrupt organised crime groups.

The UK is taking further action as part of a core group of EU Member States and African partners leading the EU 'Khartoum Process'. This Horn of Africa initiative focuses on combating people smuggling and trafficking in that region. In the longer-term, stability and regional development are the only sustainable solution.

Conclusion/Recommendation 12

The Schengen Agreement was designed to enable travel without border checks between Member States. The citizens of those countries enjoy free movement without the inconvenience of passport or identity checks. Unfortunately, it also makes it easier for individuals who have illegally entered the EU to move between countries. Migrants heading to the UK become stuck at Calais only because the UK did not sign up to Schengen and the border controls remain. The countries of Schengen need to acknowledge that as far as migrant issues are concerned, the Agreement is not working as it was intended. (Paragraph 30)

Taken with

Conclusion/Recommendation 13

The free movement of migrants within the Schengen area has implications for each country and their own approaches to immigration and to asylum. The countries of southern Europe, in particular Greece, Italy and Spain, need assistance in managing

the immigration flows, but they also need other countries within the Schengen area to take their share of the burden. Otherwise trust breaks down and mechanisms like the Dublin Convention do not work. (Paragraph 31)

Government Response:

No response required.

Conclusion/Recommendation 14

The Government must provide this Committee, no later than 27 March 2015, an exhaustive list of those categories of travel which will be including within the scope of 100% exit checks and of those which will not. The Government should also provide an estimate of the percentage of all travellers who will and will not fall within the scope of the programme. (Paragraph 34)

Taken with

Conclusion/Recommendation 15

The Coalition Agreement said “We support E-borders and will reintroduce exit checks.” We have been told several times by the Government that it will deliver 100% exit checks for all passengers leaving the UK by the end of March 2015. However, as of February 2015, a number of significant exclusions have crept into this pledge, excluding those travelling within the common travel area with the Republic of Ireland, and under-16s travelling by coach. (Paragraph 42)

Taken with

Conclusion/Recommendation 16

It is becoming obvious that the Home Office cannot guarantee exit checks will be in place on 8 April 2015. Logistical problems remain around how to inspect passports for fifty individuals in a coach, who cannot be seen from the check-in booth. This has been known from the start. It is not clear if the systems that collect the passport data will be compatible with the ferry companies’ existing systems. The Home Office is faced with a decision whether to push the date back further and allow for effective preparation, admit there are problems in some transport, such as coaches, which could involve introducing exit checks gradually, or assert that nothing is wrong and carry on as normal. (Paragraph 43)

Taken with

Conclusion/Recommendation 17

We would not be surprised if further forms of travel or categories of passenger were declared out-of-scope to allow for exit checks to be declared a success. We recommend that the Government publish a single, definitive document listing what is in scope and what is out of scope of the exit checks scheme. (Paragraph 44)

Government Response:

The Government introduced exit checks on all scheduled international commercial air, sea, and rail routes from the United Kingdom on 8 April 2015. Exit checks were introduced on time, on budget and with no disruption to passengers or freight traffic. German Wings was granted additional time to prepare following the loss of its aircraft in March 2015, and went live on 30 April. Two carriers, FlyNiki and Condor Ferries, whose services are seasonal, went live on 22 and 24 May respectively.

Limited transitional arrangements with some carriers concluded on 3 June. Journeys within the Common Travel Area, and general aviation/general maritime traffic, are not within the scope of exit checks. Organised coach parties of school groups where students are aged 16 or under are also excluded.

The Government is grateful to ports and carriers for the constructive partnership that has led to the smooth implementation of this phase of the exit checks programme, and will continue to work with them closely. Given the immigration control and border security objectives of the policy, it would not be appropriate to comment on the detailed operation of exit checks at an individual port level.

Conclusion/Recommendation 18

In our previous report on the work of the Immigration Directorates we warned that, if implemented wrongly, there was a chance that exit checks could introduce delays and queues, that these will be highly visible and could have a serious impact on UK business, trade and tourism. There has been plenty of time to discuss how exit checks would be implemented. The responsibility for making sure that exit checks are introduced without any problems lies with the Home Office. (Paragraph 45)

Government Response:

There have been no queues at ports as a consequence of exit checks, or any call so far on the contingency arrangements maintained by Border Force. We continue to work closely with ports and carriers to ensure that exit checks arrangements are resilient.

Conclusion/Recommendation 19

The Home Office, the police and Border Force are clearly reliant on access to timely information to enable them to intervene when criminals attempt to enter the UK. The murder of Alice Gross and the violence inflicted on Professor Paul Kohler show that such reliance is inadequate. Other agencies in Europe need to make relevant

data available via the criminal records system and the Schengen Information System. The Home Office needs to have the IT system in place that can manage the volume of information and disseminate it to the relevant bodies in the UK. E-borders has been terminated. The Warnings Index is over fifteen years old, and considerably overdue to be renewed. While API coverage is good for those entering by air, it is poor for people entering by rail or boat. We support the Government's efforts to improve the data it receives from other countries on people with criminal records who the UK may consider undesirable. However, we are unconvinced that the Home Office's IT systems are fit for purpose given the ever increasing volume of data. (Paragraph 51)

Government Response:

Where foreign criminals present a threat to society we will take action to remove them from the UK and prevent their return where they have been identified. We already have rigorous systems in place to deliver public protection that are recognised as world leading, but we are not complacent and clearly there have been occasions where foreign national have committed serious crimes in the UK. At the border, all passengers are checked against police, security and immigration watchlists, and a further check is made on the fingerprints of passengers with biometric UK visas and entry clearances. The purpose of this check is to verify that the individual entering the UK is the same person who applied for their visa or entry clearance.

Where we are aware of individuals who pose a risk, Border Force officers can—and do—refuse them entry. Recent Home Office IT upgrade programmes have resulted in the re-platform and re-hosting of the Warnings Index in industry standard data centres with effective disaster recovery and business continuity.

Over 100,000 requests were made to overseas partners via the ACPO Criminal Records Office (ACRO) on foreign nationals in 2014/15—compared with only 8,802 in 2010/11. This means checks have increased well over 1,000% in that timeframe, and this is helping to remove more and more criminals off our streets.

The UK is also helped by remaining part of a number of key EU measures. Now we are connected to the second generation Schengen Information System (SISII) which has enhanced the information we receive on people and objects for law enforcement and border security purposes. Where we can, we are maximising the use of SISII to disrupt criminal activity as well as to track and monitor UK registered sex offenders. We are pressing Member States to take a similar proactive approach to sharing this kind of information, which enables law enforcement bodies to identify and take action against mobile criminals.

The Government is also pressing other Member States to establish a more proactive approach to sharing criminal conviction data especially for the most serious offences such as murder, child sex offences and terrorism. The Commission also wants to accelerate the development of a system to collect convictions of Third Country Nationals in the EU.

Conclusion/Recommendation 20

The number of asylum applications receiving an initial decision within six months has increased steadily since the beginning of 2012. Only in the final quarter of 2014 has the number decreased, to 11,629. This does represent progress, particularly in light of the increasing number of applications, but the number waiting is still too high. We welcome the acceptance in UKVI that this is an issue and the new resources dedicated to address the problem. The fact that the additional resource has been added is an admittance that the restructure in 2012 that led to a reduction in the number of staff making decisions was a mistake. Performance is improving, but we cannot see how all applications will receive an initial decision within 6 months by the end of March 2015. (Paragraph 58)

Government Response:

The Home Office met its commitment to decide straightforward claims made before 1 April 2014 by the end of March 2015 and to decide straightforward cases made after 1 April 2014 within six months. A straightforward claim is one which follows the standard process and doesn't require additional checks or further information.

In the year ending March 2015, the number of initial decisions on asylum claims increased by 72% to 26,066. The total number of outstanding initial decisions for main applicants and dependants has fallen in recent quarters (Q4 2014: 22,898; Q1 2015: 16,879).

Conclusion/Recommendation 21

In Q4 2014, there were 20,473 cases remaining in the OLCU. Over 10,000 cases have been removed since Q4 2012. We welcome the continued reduction in asylum cases in the Older Live Cases Unit since Q4 2012. (Paragraph 59)

Government Response:

The Home Office's commitment is to review and communicate a decision on all legacy cases, and to conclude cases, by way of a grant of leave or removal from the UK, wherever possible. We will not grant leave simply because we cannot remove.

In Q1 2015 there were 20,181 records that had not been concluded, however 19,759 of those have been reviewed by Older Cases Live Unit (OLCU) and a decision made that the person has no basis on which to remain in the United Kingdom.

Conclusion/Recommendation 22

We have made numerous recommendations relating to how Immigration Enforcement address the issues of Foreign National Offenders. Immigration Enforcement have put resources into addressing the problem, but there are improvements that could still be made, particularly around securing agreements with other countries, and implementing those agreements, to remove FNOs. We

recommend that our successor Committee in the new Parliament continues to scrutinise the subject of Foreign National Offenders. (Paragraph 64)

Government's Response:

The Home Office has removed over 24,000 foreign national offenders (FNOs) since April 2010, including over 5,050 in 2014-15. We expect to see a still higher figure when the latest immigration statistics are published in August 2015. Around 1,800 FNOs have been removed under the Early Removals Scheme in each of the last three years, resulting in significant savings to the public purse.

Prisoner transfer is another mechanism under which an FNO can be removed from the UK, with the EU Prisoner Transfer Agreement (PTA) the primary agreement under which we may transfer prisoners. Since December 2011 (the date the EU PTA came into force), 47 prisoners have been transferred from England and Wales to other EU Member States under the EU PTA. This number is expected to rise as the remaining Member States complete their internal implementation of the PTA, and as procedures improve through increased engagement.

During the last Parliament, the Immigration Act reformed deportation policy, introducing new powers to deport foreign offenders more quickly and, reducing the number of appeal routes that allow FNOs to lodge spurious attempts to remain in the country. FNOs can no longer rely routinely on claiming a right to family life as a reason to stay in the UK. Where there is no risk of serious irreversible harm, FNOs are deported before their appeal is heard. Over 1,000 FNOs have so far been removed under the new 'deport first, appeal later' provisions.

The Government recognises that more can be done. It will increase FNO removals further in 2015-16 and will continue work across government to increase the speed and volume of FNO deportations.

Conclusion/Recommendation 23

The backlog total remains over 351,000. The biggest contributor to the total backlog remains the Migration Refusal Pool currently at 174,000. In early 2012, when we started publishing a table of outstanding cases, the Migration Refusal Pool was at 150,000. Three years and a £4 million contract to Capita later, the Migration Refusal Pool has increased in size. We repeat our previous recommendations that these backlogs must be cleared as a priority. (Paragraph 65)

Government Response:

The Migration Refusal Pool is not a backlog, nor is it a list of people who are waiting to be removed. It is a pool of records that captures individuals who have received a negative decision. It includes records of individuals for whom there is no evidence that they remain in the country. Records flow in and out of the pool, for example as fresh refusals are made or where our checks establish individuals have left the UK.

The overall size of the Migration Refusal Pool (MRP) has consistently reduced. The post-2008 pool has reduced in size, quarter by quarter, since June 2013. The combined pre-2008 and post-2008 pool has also significantly reduced in size since the pre-2008 pool was reported by the Independent Chief Inspector in December 2014.

Before Capita were employed to triage and contact manage MRP records, the combined MRP stood at a total of over 413,000 records, 190,000 (post 2008) and 223,600 (pre 2008). The combined pool now stands at 243,000 records.

The latest published figures (Q1 2015) show that since December 2012, the department, supported by Capita, has followed up on 538,300 records of individuals in the MRP, reducing the overall size of the pool by 170,000 records. The vast majority of this reduction is as a result of 106,000 recorded departures and the remainder consists of cases closed due to data cleansing, persons obtaining leave to remain, or other resolution work.

In a further 75,000 cases, many of which remain in the MRP, there is no evidence that the individual remains in the UK

Conclusion/Recommendation 24

Over this Parliament, the Committee has monitored the performance of three chief officers for immigration and visas. We welcome the abolition of the UKBA. However, the structural change must go hand in hand with the change of personnel in such cases. We commend the work of the current head of UKVI, Sarah Rapson. Under her leadership, the directorate has responded well to the challenges posed by the Committee. We have seen improvements to customer service, in particular the key role of the MPs account manager. What MPs and their constituents want is simple answers to straightforward questions such as “Where is my case in the system?” “How long will it take?” and “When will it be determined?” We are, at last, seeing an improvement in this system. The good work of the international section headed by Simon Hayes should also be acknowledged. However, this work may well be compromised if the number of ECOs is reduced and the overseas operations curtailed. Not everything can be done in Sheffield. We hope that our successor Committee will continue to produce regular scrutiny of the immigration service so that the gains made over the last five years will not be dissipated. (Paragraph 66)

Government Response:

Changes to UKVI’s overseas operations will continue during this Parliament. We shall continue to improve customer access, extending the reach of our application centres and mobile services. We shall also continue to pre-empt or respond to changing demand trends by rebalancing resource between our decision making operations, in the process ensuring value for money and managing the cost pressure on visa fee levels. That will include exploiting the opportunities to use our UK locations to improve security in decision making, optimise value and maintain or improve customer service standards.

UKVI International will continue to manage these changes carefully. Consolidating work from small sections into regional hubs and UK locations has helped to ensure that visa applications are processed consistently, and to a high standard, across the network, while largely maintaining or improving actual turnaround times for the vast majority of applications.