



House of Commons
Home Affairs Committee

**The work of the
Immigration
Directorates (Q3 2015):
Government Response
to the Committee's
Sixth Report of Session
2015–16**

**First Special Report of Session
2016–17**

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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.

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The current staff of the Committee are Carol Oxborough (Clerk), Phil Jones (Second Clerk), Harriet Deane (Committee Specialist), Adrian Hitchins (Committee Specialist), Kunal Mundul (Committee Specialist), Andy Boyd (Senior Committee Assistant), Mandy Sullivan (Committee Assistant) and Jessica Bridges-Palmer (Select Committee Media Officer).

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First Special Report

The Home Affairs Committee published its Sixth Report of Session 2015–16, on *The work of the Immigration Directorates (Q3 2015)* (HC 772) on 4 March 2016. The Government's response was received on 25 May 2016 and is appended to this report.

In the Government response, the Committee's recommendations are in bold text and the Government's responses are in plain text.

Appendix: Government response

The Home Office would like to thank the Committee for its report on the work of the immigration directorates published in March 2016. The Government's response is below.

Asylum applications

Conclusion/Recommendation 1 – UKVI altered its service standards timetable so that a higher proportion of new straightforward claims for asylum are given an initial decision within six months. This is at the same time as the number of applications is rising. The total number of main applications in the year ending September 2015 was 19% higher than in the year ending September 2014. In Q3 2015 the number of main applicants and dependants reached 12,028 compared to 7,567 in Q2 2015.

Taken with:

Conclusion/Recommendation 2 – The number of asylum applications surpassed the number of decisions made in Q3 2015. We are concerned that the department may not be able to maintain the service levels it has set itself on initial decisions for new asylum claims within 6 months. To do so may require further funding and resources.

Government's Response:

The Committee's concerns about capacity in the immigration system to continue to meet service standards given the recent increase in asylum claims are noted. The Government will carry on providing resources for the processing of asylum claims and keep the position under review in order to ensure processing times are kept within service standards as far as possible.

Conclusion/Recommendation 3 – We recommend that the Home Office reconsider its country guidance on Eritrea, taking into account the findings of the Independent Advisory Group on Country of Origin Information. We will continue to monitor closely the proportion of successful and unsuccessful asylum applications from Eritreans.

Government's Response:

Home Office country information and guidance is based on a careful and objective assessment of the situation in Eritrea using evidence taken from a range of sources such as local, national and international organisations, including human rights organisations, information from the Foreign and Commonwealth Office, and trusted media outlets.

The Home Office regularly updates this guidance and did so several times in 2015. The guidance was most recently revised in September 2015 to take into account the United Nations' report of the Commission of Inquiry on Human Rights in Eritrea which was published in June.

We are making further changes to the guidance in light of the recommendations made by the Independent Advisory Group on Country of Origin Information (IAGCI) and the information obtained from a recent Home Office fact finding mission to Asmara in February 2016, the findings of which we will publish in due course.

COMPASS contracts and asylum accommodation

Conclusion/Recommendation 4 – Accommodation for asylum seekers in Middlesbrough had doors that were painted a predominant colour. This was clearly wrong. We welcome the decision that the doors will be repainted, and that the repainting will be expedited, so that within a matter of weeks no single colour will predominate. Jomast and G4S must inform us when the repainting has been completed.

Taken with:

Conclusion/Recommendation 5 – It is appalling that asylum seekers should be required to wear wristbands. This stigmatises asylum seekers, and makes them easily identifiable and therefore open to harassment and abuse. We struggle to see how this practice could ever have been considered acceptable in the first place. It risks besmirching the UK's reputation in relation to its asylum practices. We believe it is laughable for Mr Vyvyan-Robinson to have suggested that a wristband worn by an asylum seeker is the same as a wristband worn by someone on holiday. It is vital that organisations receiving taxpayer money should be sensitive to the needs of the work they are doing. It is also vital that private organisations who perform public functions should adhere to the same standards that the public would expect of a publicly-delivered service.

Taken with:

Conclusion/Recommendation 6 – We welcome Clearsprings' decision to end the use of wristbands and move to a smart card system for monitoring entitlement to meals. The problems caused by wristbands demonstrate the importance of greater use of technology such as smart cards when dealing with asylum seeker entitlements. We expect all providers of asylum seeker support services to use technological solutions to develop more sophisticated and appropriate mechanisms to monitor entitlement.

Taken with:

Conclusion/Recommendation 7 – The response to both the red door and wristband episodes has been one of damage limitation and managing perceptions. A situation that was considered acceptable is now accepted as being ill-judged. It appears that the predominance of red doors in asylum seeker accommodation was inadvertent rather than a deliberate identification system; and similarly, the use of wristbands was a means of ensuring only those who were entitled to them received meals at Lynx House. There seems to be an acute lack of awareness of the particular sensitivities of asylum seekers and why making them identifiable in such ways is wrong.

Taken with:

Conclusion/Recommendation 8 – The complaints and inspection processes operated by the contractors and the Home Office appear to be flawed if they failed to identify the issues with red doors and wristbands. The COMPASS contract does not seem to make it clear who is accountable for making sure issues such as the red doors are acted upon when issues arise outside a formal complaints mechanism. Moreover, it is obvious that asylum seekers are unlikely to complain to an organisation that they see as having absolute control over their future. If you have been arrested, imprisoned and tortured for your beliefs in your home country, you are likely to be suspicious of someone who assures you a complaint mechanism is anonymous. The Home Office should encourage the providers to establish user-groups for asylum seekers in their accommodation. This would enable asylum seekers to present problems and complaints with the reassurance of a collective viewpoint, and without individuals feeling at risk from having to identify themselves as complainants.

Government's Response:

Along with the Committee, the Government welcomes the decision of the accommodation provider in Middlesbrough to repaint the doors so they are not a predominant colour and the decision by the provider in Cardiff to end immediately the use of wristbands. The Home Office has asked for and received an assurance from all accommodation providers that they are not operating policies or practices that allow asylum seekers to be identified as such by the public.

The Home Office has also conducted an audit into asylum accommodation in Middlesbrough which concluded that there was no deliberate red door policy. The audit has, however, made a number of recommendations, including ones to ensure that the views and concerns of vulnerable asylum seekers are better listened to and responded to as part of the current inspection and compliance regime. Furthermore, the Home Office is establishing an Advisory Board to enable the department to discuss accommodation related issues with key stakeholders, including the Scottish Refugee Council.

Conclusion/Recommendation 9 – Delivery of the COMPASS contract has been mostly unsatisfactory to date. The only benefit so far gained from reducing the number of contracts from 22 to six—and essentially down to three because there are only three providers—has been to make managing the contracts administratively easier for the Home Office. However, these extremely unfortunate episodes of red doors and wristbands have highlighted some of the problems around oversight of the contracts, particularly in relation to ensuring that the way asylum seekers are accommodated and treated meets basic standards.

Taken with:

Conclusion/Recommendation 10 – We intend to examine these matters further. In particular, we plan to investigate the following issues:

- **The quality of accommodation provided in all parts of the UK under the COMPASS contract.**
- **The effectiveness of the Home Office inspection regime in ensuring minimum standards are met within each region, and whether the Home Office team of 17 inspectors is sufficient.**
- **The complaint system operated by contractors in each region; the number and characteristics of the complaints received; and any information gathered through informal reporting systems separate from those managed by contractors.**
- **What financial penalties the contractor or sub-contractor have incurred under COMPASS and for what reasons.**
- **We were not able to take evidence from Serco—the other main COMPASS contractor— for the purposes of this report, but we intend to do so in the future.**

Government's Response:

The COMPASS contract requires accommodation to be safe, habitable, fit for purpose and correctly equipped. The COMPASS providers are required to inspect properties each month and the Home Office's own contract compliance teams reinforce this by visiting properties regularly. Where issues are identified we work with contractors to ensure these are quickly addressed and, when they are not, we can and do impose sanctions.

Conclusion/Recommendation 11 – Both G4S and Clearsprings told us that finding sufficient accommodation for asylum seekers in parts of the country is difficult, and this is clearly made more difficult by some local authorities being unwilling to take part in the dispersal system. Clearsprings, which holds the contract in parts of the country with the most expensive rents, made it clear that they would welcome more local authorities providing dispersal accommodation. The Home Office has said it wants more local authorities to take part. Asylum seekers should be dispersed throughout the country and therefore we recommend that more local authorities take part in the dispersal accommodation system and provide suitable accommodation for asylum seekers. Local authorities who have very few, and in many instances no, asylum seekers should be actively encouraged by Ministers to volunteer in the existing scheme. As for Middlesbrough, it is clear that there is disagreement about whether the number of asylum seekers has gone down since the one in 200 ratio of asylum seeker to local resident was breached. It is not clear who holds responsibility for allowing the one in 200 ratio to be breached, nor for making sure it is reduced.

Taken with:

Conclusion/Recommendation 12 – The Chief Executive of G4S told us that the number of asylum seekers in their contract area had risen from 9,000 to 17,000. If these numbers keep rising, the pressure on available dispersal accommodation will remain high, and it

is likely that other forms of accommodation may need to be used to provide temporary accommodation for asylum seekers. Problems have arisen with asylum seekers being accommodated in hotels where there are also paying guests, because of the different rules which apply to asylum seeker guests about meals and other issues. It seems to us that, where it is necessary to use temporary accommodation for asylum seekers, it would be sensible to designate this accommodation as hostels entirely for this purpose. However, the Home Office would need first to assess the cost implications for public funds and contractors, based on projections of the fluctuations in numbers of asylum seekers needing this type of alternative accommodation. G4S informed us that they are paid an average of £9.35 per asylum seeker per night.

Government's Response:

The Government's dispersal policy aims to ensure a reasonable distribution of asylum seekers across UK local authorities. We work to a maximum agreed dispersal ratio of 1:200 asylum seekers per head of total population. We would not normally go beyond that ratio without the agreement of the relevant local authority.

We work closely with local authorities to ensure the impact of asylum dispersals is considered and acted upon and are looking to expand the number of local authorities in the dispersal scheme. We will continue to consult with those who are currently not part of the scheme.

Regional Strategic Migrations Partnerships consider the impact of asylum seeker dispersal on communities and local services, so that adjustments to dispersal patterns can be made where appropriate. This ensures that community cohesion, social welfare and safety issues are properly considered.

Over the last couple of years, the UK has seen an increase in asylum intake and a change in the mix of nationalities; this has meant that there is increased pressure on the asylum accommodation system. Under the COMPASS contracts, providers are allowed to use contingency accommodation to cope with an unexpected surge in demand, but we have made clear to providers that this is only ever acceptable in exceptional situations and asylum seekers must be moved to appropriate longer term accommodation as soon as possible.

Syrian refugees

Conclusion/Recommendation 13 – In our last Report on the work of the Immigration Directorates (Q2 2015) we welcomed the Prime Minister's pledge to resettle 20,000 Syrians before the end of this Parliament. We would like to congratulate all those involved in ensuring that the Prime Minister's commitment to resettle 1,000 Syrian refugees by Christmas 2015 was delivered, and in particular the Minister for Syrian Refugees and his team who hit the Prime Minister's target and found suitable accommodation. We also expressed concern about whether the UK would be able to increase its capacity to resettle this number of refugees to such a short timescale. We reiterate that concern, particularly in light of the evidence we have heard regarding the COMPASS contracts and the problems with finding sufficient suitable dispersal accommodation. We hope that the Government will continue to explore how individual members of the public can help to provide support and accommodation for the Syrian

refugees. While accepting that those who so offer will undoubtedly have genuine and generous reasons for doing so, local authorities must be satisfied about the proposed arrangements. We will continue to monitor the number of Syrians resettled under the Syrian Vulnerable Persons Scheme.

Taken with:

Conclusion/Recommendation 14 – In its response to this report, the Government must set out what action is being taken in relation to unaccompanied children at risk in conflict regions, following the recent discussions with the UNHCR and the Government's announcement of 28 January 2016. This should include an estimate of the numbers of children who (a) will be resettled in the UK direct from conflict zones and (b) will be resettled in the UK from Europe. The Government should also clarify whether its plans include resettling unaccompanied children who may be in transit from conflict regions and still at risk. It should also specify where in Europe it is deploying additional resources and expertise to help protect unaccompanied children.

Government's Response:

The Government continues to work closely with local authorities, international delivery partners and the voluntary sector, to ensure the system to resettle refugees is scaled up in a way that protects the interests of all concerned.

The generosity shown by British businesses and families who have offered to shelter Syrian refugees in their own properties has been both typical of the British spirit and extraordinary in its sentiment. At the Conservative Party Conference, the Home Secretary said that we would build on offers of support to develop a community sponsorship scheme to allow individuals, charities, faith groups, churches and businesses to support refugees. We are now working with the individuals and groups who have made offers on developing a sustainable model for helping vulnerable people settle and integrate in the UK and, where they are able, find employment.

In relation to resettling children in the UK, the Government announced on 28 January, that it will work with the Office of the United Nations High Commissioner for Refugees to lead a new initiative to identify and resettle unaccompanied children from conflict regions in the exceptional cases where it is in the child's best interests to do so.

On 21st April the Government announced a new resettlement scheme that will protect the most vulnerable children. The new scheme has been designed with the UNHCR to resettle 'children at risk' from the Middle East and North Africa region. The Government has committed to resettling several hundred individuals in the first year with a view to resettling up to 3000 individuals over the lifetime of this Parliament, the majority of which will be children, where the UNHCR deem it to be in their best interests. This will be open to people of all nationalities and it is in addition to the Government's existing commitment to resettle 20,000 Syrians under the Vulnerable Persons Resettlement scheme.

On the UNHCR's recommendation the scheme will not target unaccompanied children alone, but will be extended to all 'Children at Risk' as defined by the UNHCR. This broad category encompasses unaccompanied children and separated children (those separated

from their parents and/or other family members) as well as other vulnerable children such as child carers and those facing the risk of child labour, child marriage or other forms of neglect, abuse or exploitation.

In Europe, alongside continuing to meet our obligations under the Dublin Regulation, the Government will provide further resources to the European Asylum Support Office, to help identify children at risk on first arrival in the European Union at border 'hotspots' in Greece and Italy. The Home Secretary has asked the Anti-Slavery Commissioner, Kevin Hyland, to visit the hotspots in Italy and Greece to make an assessment and provide advice on what more can be done to ensure unaccompanied children and others are protected from traffickers.

In addition to this, the Department for International Development has created the £10m Refugee Children Fund to support the needs of vulnerable refugee and migrant children, specifically in Europe. The Fund will support UNHCR, Save the Children and the International Rescue Committee to work with host authorities to care for and assist unaccompanied or separated children in Europe and the Balkans.

Furthermore, the Government has offered 75 expert personnel to help with processing and administration of migrants in reception centres, act as interpreters, provide medical support and bolster our existing team assisting the Commission to ensure effective and efficient co-ordination. The teams we send to Greece will include experts in supporting vulnerable groups, such as unaccompanied children and those trained to tackle people trafficking. This will help ensure that vulnerable people, including children, are identified and can access asylum procedures as quickly as possible.

The Immigration Act 2016 includes a commitment to admit a number of unaccompanied refugee children from Europe. The Prime Minister announced on 4 May that the Government will offer further assistance to selected Member States under particular pressure, by supporting efforts to protect unaccompanied refugee children. Specifically, the Government will resettle a number of unaccompanied children who are in Greece, Italy and France who arrived in the EU before 20 March 2016. The Government will consult closely with local authorities, the UNHCR, other Member States and relevant Non Governmental Organisations to develop how this initiative will operate. It is important that we continue to act in the best interest of the child, as well as fulfilling our obligations to children who are already in the UK.

These additional initiatives will complement the very significant existing aid and assistance the UK has given in response to the Syrian conflict and migration crisis; including our existing resettlement programmes.

Spouse visas and the £18,600 threshold

Conclusion/Recommendation 15 – We agree that the same rules should apply to a British citizen and to a citizen of an EU country residing in the UK, who both wish to bring a non-EU spouse to the UK. The Prime Minister told the House of Commons that these rules had now been accepted by EU partners and we welcome the Prime Minister's achievements.

Taken with:

Conclusion/Recommendation 16 – We note that the minimum income threshold rules have been challenged in the courts, that the most recent decision in the Court of Appeal upheld the rules, and that the case is now before the Supreme Court. We remain open to the possibility of holding an inquiry into the minimum income threshold if these developments do not resolve the matter satisfactorily.

Government's Response:

The Prime Minister's re-negotiation with the EU secured agreement for new legislation to prevent migrants from using marriage to an EU national, living in the UK, to avoid our tough domestic immigration rules. This means that in the future, non-EU nationals will be subject to the national immigration rules of the Member State that they first reside in – in the UK, this means a visa fee, as well as language and income requirements.

Under the family Immigration Rules the minimum income threshold of £18,600 for sponsoring a non-European Economic Area (EEA) partner to come or remain in the UK, £22,400 for sponsoring a partner and one non-EEA child, and an additional £2,400 for each further child. This reflects the independent Migration Advisory Committee's advice on the income which means a family settled in the UK generally cannot access income-related benefits.

The Court of Appeal has recognised the lawfulness of the minimum income threshold, finding that it strikes a fair balance between the interests of those wishing to sponsor a non-EEA partner to settle in the UK and of the community in general.

Conclusion/Recommendation 17 – We have received representations concerning English Language testing. We will consider these matters in our next report.

Government's Response:

English language ability is a key strand of the immigration requirements for many of those coming to work, study or settle in the UK. Significant abuse within the English language testing sector was uncovered in 2013/2014, following which the Home Office commissioned an independent review. A key outcome was the need to develop new and robust business and commercial requirements for Secure English Language Tests (SELT).

The new, strengthened arrangements for SELT came into effect on 6th April 2015. The changes aim to simplify the English language requirements for customers, improve standards, provide clearer timeframes for test bookings and results. It will also allow us to more closely monitor the security of arrangements for the tests.

Immigration detention and the Shaw Review

Conclusion/Recommendation 18 – We support the broad thrust of the Government's overall approach to implementing the recommendations in the Shaw review. While the Government is proving elusive on which recommendations it agrees with and which it does not, we agree, in principle, on the areas of action it has chosen to pursue: detention reviews, not detaining people at risk, and improving healthcare. The remedial measures set out by the Minister for immigration should, once implemented, greatly reduce the number of people entering detention, and the length of time detainees are held.

Taken with:

Conclusion/Recommendation 19 – We support the recommendations of the Shaw review regarding presumptions against detention for vulnerable people. We note that this means people who are vulnerable, and who may have suffered torture, will have to be managed in the community while their claims are considered. The Minister's statement that the mental health needs assessment and action plan will be carried out together with the Department of Health and NHS is important. Consideration needs to be given to how provision will be made available for such healthcare in the community.

Taken with:

Conclusion/Recommendation 20 – In the Government response to this report, the Minister should explain why he could not give this Committee an assurance that he would accept Mr Shaw's recommendation for an absolute exclusion from detention for pregnant women.

Government's Response:

We welcome the helpful report by Mr Shaw on welfare in detention. The changes we are making in response to Mr Shaw's report were set out in a Written Ministerial Statement on 14 January. These focus on three key reforms – the introduction of a new adults at risk concept into decision making on immigration detention, a more detailed mental health needs analysis in Immigration Removal Centres (IRCs), and a new approach to the case management of those detained.

The Committee has raised a concern about people who are vulnerable having to be managed in the community. Under current policy, it is already the case that vulnerable individuals are not detained other than in exceptional circumstances, and that vulnerable people not subject to immigration detention are managed appropriately in the community by caring services. This will not change. The new adults at risk policy will mean that detention will not be appropriate if an individual is considered to be at risk, unless there are overriding immigration considerations of such significance as to outweigh the risk. The intention is that fewer people with a confirmed vulnerability will be detained in fewer instances and that, where detention becomes necessary, it will be for the shortest period necessary.

As Mr Shaw's report says, National Health Service (NHS) commissioning of healthcare is a major strategic step forward. It has already – in its first year of operation – brought improvements to healthcare in Immigration Removal Centres. We intend to deepen that collaboration. A more detailed mental health needs analysis in Immigration Removal Centres will use the expertise of the Centre for Mental Health. NHS commissioners will

use that analysis to consider and revisit current provision to ensure healthcare needs are being met appropriately. The Government also intends to publish a joint Department of Health, NHS and Home Office mental health action plan.

On 18 April the Government announced plans to end the routine detention of pregnant women. Similar to the arrangements put in place as part of the ending routine detention for families with children in 2014. The Immigration Act 2016 places a seventy-two hour time limit on the detention of pregnant women. This will be extendable to up to a week with Ministerial authorisation. We have also made it clear in the Act that pregnant women will be detained only if they can be removed from the UK shortly or if there are exceptional circumstances which justify the detention, and we have placed a duty on those making detention decisions in respect of pregnant women to have regard to the woman's welfare.

However, decisions on whether or not to detain individuals have never been predicated on absolute exclusions of any particular group. This is for good reason. There will always be occasions on which it will be appropriate to detain particular individuals – even if they are vulnerable in some way. For example, it may be perfectly reasonable to detain a pregnant woman, for a short period of time at an airport if she has no right to enter the UK and can be put on a flight home very quickly. The consequence of not detaining in these circumstances would be that any pregnant woman arriving at the UK border, without the right to enter or remain in the UK, but who did not want to comply with removal, would have to be admitted to the country until after the birth of her child. Or, an individual might present a risk to the public which may outweigh the fact that she is pregnant. These are perfectly legitimate and proportionate uses of detention in a limited context and they are very much in the public interest.

Conclusion/Recommendation 21 – We support Stephen Shaw's recommendation that the Home Office should close the pre-departure accommodation provided at the Cedars near Gatwick Airport, or change its use, so that it provides better value for the taxpayer. We regard the existing level of expenditure per detainee at this facility as outrageous and unsustainable. Mr Shaw referred to the accommodation as "palatial". It is unacceptable that so much money is being expended on this establishment when the Home Office itself is being squeezed for funds. The Government should set out the cost for creating and maintaining the Cedars to date.

Government's Response:

Cedars has only ever been intended to be used as a last resort after all voluntary return options have failed and following the advice of a panel of independent child safeguarding experts. The low level of use of Cedars is also likely to indicate that more families are accepting voluntary assistance to leave the UK when they no longer have a lawful basis to stay here.

Mr Shaw's Review into the welfare of those held in immigration detention recommended that the Home Office considers alternatives to Cedars on the grounds of value for money. This is under consideration.

Information about the cost of setting up and operating Cedars Pre-Departure Accommodation is already in the public domain. The cost of setting up the facility was £5.2 million. Yearly operating costs were published in the Independent Chief Inspector of Borders and Immigration's report on removals in 2015 and are set out in the table below:

Year	Cost (£)
2011/12	6,414,733
2012/13	7,626,078
2013/14	5,556,939
2014/15	5,757,284
Total	25,355,034

Source: "An Inspection of Removals – October 2014 – March 2015"

We have worked with those running Cedars to reduce the operating costs and expect the final accounts for this year, when published, to show a significant cost reduction.

Conclusion/Recommendation 22 – Stephen Shaw said it should be possible to see change in the number of people detained and the length of their detention within 12 months, or possibly even by the autumn. The Minister has set out a timescale for the range of actions that he expects to take place as a consequence of the Shaw review. We regularly monitor measures relating to immigration detention, and we will return to the issue of how many people are being detained and the length of time they spend in detention. If we do not see significant progress then we will revisit the issue of a maximum time limit on detention.

Government's Response:

We expect the impact of the adults at risk policy, along with the other initiatives we set out in the Written Ministerial Statement, to lead to a reduction in the number of vulnerable people detained, to a reduction in the length of time for which people are detained generally, to a quicker and more efficient use of the detention estate and, as a result, to an improvement in the welfare of those detained.

We expect to be able to publish the adults at risk policy shortly. Full implementation will follow in line with changes to the approach to the case management of those detained, and will be accompanied by the provision of training and guidance for those using the policy. We intend to ask Stephen Shaw to undertake a short follow-up review of implementation next year.

The Government has also committed, through the Immigration Act 2016, to ensuring that there is sufficient judicial oversight of detention. The Government has therefore introduced a duty to arrange consideration of bail before the Tribunal, at four months from the point of detention or the last consideration, and every 4 months thereafter. This is in addition to any bail application individuals may make themselves.

Rule 35 reports

Conclusion/Recommendation 23 – The Rule 35 Reports process was heavily criticised in the Shaw review, and he recommended that the Government immediately consider an alternative to the Rule 35 mechanism. In its response to this report, the Government should set out its response to Stephen Shaw's specific recommendation on Rule 35.

Government's Response:

In line with Mr Shaw's recommendation that the use of Rule 35 should be reviewed, and as stated in the Written Ministerial Statement of 14 January, we will strengthen our processes for dealing with those cases of torture, health issues and threats of self-harm that we are made aware of after individuals are detained. This will include developing bespoke training for GPs on reporting concerns about the welfare of individuals in detention and how to identify potential victims of torture. This work is being taken forward in the context of the wider work on the adults at risk policy.

Foreign national offenders and ex-foreign national offenders (FNOs)

Conclusion/Recommendation 24 – We remain unconvinced that the process for the general public to report suspected illegal activity relating to immigration is working as effectively as it could when so many reports do not lead to removals. The Government should tell us how many individuals have been arrested as a result of immigration enforcement action, and how many removals resulted from those actions.

Government's Response:

In Q3 2015 we received over 16,000 pieces of information, of varying quality, from the public about illegal activity. We take information we receive from the public very seriously. Each piece of information is considered, assessed, stored and, if appropriate, actioned. Where a member of the public provides their contact details, and asks for feedback, we will provide it as far as possible without compromising operational security.

The quality of the information received is a key factor in our ability to respond. In Q4 2015 there were 756 enforcement visit arrests linked to information received, with 110 subsequent removals. It is important to note that this data is only arrests linked to allegations from members of the public, not total arrests and removals from enforcement action. It is also important to note that removals do not always occur in the same quarter as the arrest.

We are developing a wider reaching range of interventions in order to use the information the public provide more effectively. To support this we introduced a new intelligence system in May 2016 that will make recording intelligence simpler and will later in the year link directly to the Police National Database (PND) so the information the public provides can be assessed in conjunction with intelligence held on wider criminality.

Conclusion/Recommendation 25 – We welcome the Voluntary Return Service initiative as a useful additional tool for encouraging removals from the UK. We request that the Government provides quarterly figures on the numbers leaving the UK under this programme, and the main countries of destination for those taking part.

Government's Response:

The Voluntary Return Service (VRS) brings together all Home Office voluntary return functions under one service and also includes – for the first time – the capability to provide the most complex cases with tailored assistance directly from the Home Office. The service deals with a range of cases, from registering someone's intention to leave, to helping someone secure a travel document, to booking a flight and all the way through to support for complex needs and help from Non-Government Organisations in countries of return for the returnee to reintegrate in a sustainable way.

The Home Office is driving increasing numbers of voluntary departures from the UK through proactive encouragement, as well as by making it harder for those who do not have the appropriate status to access benefits and services. Where someone refuses to leave the UK voluntarily we will take steps to enforce their swift removal and prevent them returning for up to 10 years.

Statistics regarding the performance of Immigration Enforcement on voluntary returns are included in the Immigration Statistics published by the Home Office. Success in driving more voluntary departures can be seen in the latest published statistics, which show a 28% rise in notified voluntary departures between year ending December 2014 and December 2015, from 10,832 to 13,869.

Conclusion/Recommendation 26 – The Government should inform us in response to this report how many individuals are in the UK whom the UK would like to deport, whose circumstances reflect the same principles as highlighted by the case of the Zimbabwean Andre Babbage and the Moroccan CS. The Director General of Immigration Enforcement, Mandie Campbell, should note that when called to give evidence to this Committee she should have figures readily available, as her colleague Sarah Rapson has done. This would enable more effective scrutiny of the Immigration Enforcement section, rather than leading to an exchange of correspondence after the session.

Government's Response:

In the case of CS (Morocco) the UK's Upper Tribunal made a reference to the European Court of Justice about a specific and technical point of law as to whether a foreign national offender from a non-EU country can benefit from EU law rights if they are a parent with sole care of a child who has EU citizenship. The Advocate General's opinion is not binding on the Court of Justice, and we await the Court's judgement. Once the judgement has been handed down on the specific point of law referred to it, the case will go back to the UK's Upper Tribunal, which will apply that point of law to the facts of the case to determine CS's appeal against deportation. The Government refrains from commenting on the particulars of a case where judicial proceedings are ongoing. This specific case is also subject to an anonymity order, imposed by UK Courts, which must be respected.

The Government continues to consider for deportation all foreign nationals who have been convicted of an offence and sentenced to a period of imprisonment.

Andre Babbage was released following a High Court ruling which the Home Office contested. The decision to release was based on the specifics of this case and has not set a precedent. It would therefore be wrong to draw conclusions about the total Foreign National Offenders cohort or any sub-set of it from this case.

Decisions to detain are made on a case by case basis, taking account of removability and any risk of absconding. Removal can sometimes be delayed because of an individual's non-compliance with the process, including them refusing to comply with the re-documentation process. The Home Office, in conjunction with the Foreign and Commonwealth Office, works with foreign embassies to address any issues with documentation or particular individuals to enable removal as quickly as possible.

We do not routinely provide data relating to specific countries as publishing such data could result in undermining diplomatic relationships with those countries, particularly where they might have less incentive to co-operate with us.

Immigration backlogs

Conclusion/Recommendation 27 – Our predecessor Committee regularly expressed its concern about the immigration backlogs. The current backlog of cases reached 358,923 in Q3 2015, an increase of 7,000 from a year earlier. It is deeply concerning that there has been so little improvement and we have to return and restate the issue again.

Government's Response:

The Home Office deals with millions of immigration transactions overseas, in country and at the border. At any one time the number of cases across the immigration system will be significant, but this does not necessarily constitute a backlog.

UK Visas and Immigration is operating within its service standards on all principal application types and therefore does not have backlogs in these areas. The 358,923 number quoted reflects case working across the Home Office including live asylum cases, people applying to extend their temporary leave or for permanent residence, as well as those whose applications have been refused and are in the Migration Refusal Pool (MRP). The MRP is not a casework backlog. Many of the individuals in the MRP would have left the UK after their refusal but before exit checks were introduced to record their departure. The overall MRP has been consistently reducing as a result of the contact management and casework resource allocated to it. At the end of Q4 2015, the combined MRP was 216,746, having reduced by more than 50,000 records in the last 12 months and by 14,863 in the last quarter alone.