



House of Commons
Home Affairs Committee

The work of the Immigration Directorates (Q4 2015)

Second Report of Session 2016–17



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*Report, together with formal minutes
relating to the report*

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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 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

Committee reports are published on the Committee's website at www.parliament.uk/homeaffcom and in print by Order of the House.

Committee staff

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

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1 Introduction

1. The Home Office releases immigration statistics on a quarterly basis. The statistics provide an overview of the Home Office's work on immigration control, entry clearance, asylum and enforcement, and provide a platform for us to assess the performance of the Department, and particularly the UK Visas and Immigration, Immigration Enforcement and Border Force directorates. In line with the timescale for publication of the statistics, we carry out this scrutiny on a quarterly basis. We do so by studying key indicators of performance across quarters as well as over longer periods. Those indicators include:

- Visa applications
- Sponsors and licensing
- New asylum cases
- Syrian resettlement
- Asylum and immigration caseload
- Grants of settlement
- Appeals and tribunals performance
- Staff numbers
- MPs' correspondence
- Migration Refusal Pool
- Immigration detention
- Foreign National Offenders

2. This Report covers Q4 2015 (October–December). The availability of published data for Q4 also allows us to measure performance for the most recent calendar year against previous years. While our quarterly analysis covers a broad range of indicators, in our Reports we also examine specific topics. In this Report we focus on the Government's response to concerns over fraud at English language test centres.

3. In addition to the release of Home Office immigration statistics, the Office for National Statistics (ONS) publishes a Migration Statistics Quarterly Report. The latest ONS report (published in February 2016) showed that in the year ending September 2015 net long-term international migration (a period of at least a year in a country that is not a person's usual residence) was 323,000, an increase of 31,000 from the year ending September 2014 and significantly above the Government's target of reducing immigration to the tens of thousands. As shown in the table below, the net increase was the result of a decrease in emigration and immigration being at a similar level to the previous year.

2 Visa applications

4. The majority of people from outside the European Economic Area (EEA) wishing to visit or relocate to the UK require a visa to do so. Responsibility for processing visa applications rests with UK Visas and Immigration (UKVI), a directorate within the Home Office. In 2015 UKVI received 2.84 million visa applications (an increase from 2.75 million in 2014). The vast majority of applications were for temporary visas for those visiting the UK or transiting through it. In this Report we focus on applications for longer-term visas. Anyone who is not a resident of the EU, EEA or Switzerland will require a visa to visit the UK for a period longer than six months. Table 2 below provides a breakdown of the number of visas, excluding visitor and transit, granted in the years 2011–15.

Table 2: Visas granted by reason (excluding visitor and transit visas)

Year	Work	Study	Short-term study*	Family	Dependant joining or accompanying	Other**	Total granted
2011	149,310	261,870	61,406	44,940	14,155	33,126	564,807
2012	145,110	209,749	68,351	40,149	11,700	32,481	507,450
2013	154,760	218,625	77,601	33,162	11,720	36,182	532,050
2014	167,147	220,041	73,607	34,876	11,065	39,341	546,077
2015	165,977	210,348	62,626	37,859	9,801	47,717	534,328
Change: latest year	-1,170	-9,693	-10,981	+2,983	-1,264	+8,376	-11,749
% change	-1%	-4%	-15%	+9%	-11%	+21%	-2%

* The Short-term study category (previously described as 'student visitor') allows individuals to come to the UK for 6 months (or 11 months if they will be studying an English Language course) and cannot extend their stay.

** Other category includes EEA family permits (+5,324), the family route (+2,983) and Tier 2 skilled work (+1,365).

Source: Home Office, [Immigration Statistics](#), February 2016, Table Vi_04_q Visas, February 2016

The nationalities granted the most visas (excluding visitors and transit) were Chinese (93,076; excluding Hong Kong), Indian (85,403) and US (35,124).²

Processing applications

5. Applications for a visa can be made from within the UK ('in-country applications') or from outside the UK ('out-of-country applications'). Data released by the Home Office provide a snapshot of the sources of UKVI's workload:

- At the end of Q4 2015 there were 154,291 in-country applications pending completion of which 13,341 (8.6%) had been received but not yet entered on the computer system.³ An increase from 120,460 pending applications at the end of 2014 and of which 5,050 (4.2%) had been received but not yet entered on the computer system.

2 Office for National Statistics, [Migration Statistics Quarterly Report](#), February 2016. Estimates of Non-EU long-term immigration based on the International Passenger Survey differ from Home Office figures relating to the number of visa applications. Potential reasons for this difference include: differences in coverage (the Home Office figures include both long-term and short-term migrants and their dependants), sampling variation in the IPS, and timing differences between when visas are granted and when an individual travels.

3 UK Visas and Immigration, [Temporary and permanent migration transparency data](#), February 2016, Table InC_3 and InC_4

- The number of out-of-country applications in progress at the end of Q4 totalled 31,354, a decrease of almost a third from Q3 (44,834) and less than half the figure for Q2 2015 (77,758).⁴

In our Q2 2015 Report we voiced concern at the high number of cases still to be loaded on to the Case Information Database (CID). The Government explained the reasons for this:

The number of cases still to be loaded on to the Case Information Database (CID) was higher in Q2 2015 than Q2 2014 as a result of a significant rise in Human Rights applications at the very end of Q1 and first days of Q2 ahead of the implementation of the latest phase of the Immigration Act 2014. These cases are not a backlog: 7,219 applications equate to approximately 4 days' average intake for temporary and permanent migration paper-based application routes.⁵

Whether or not the number of cases still to be entered on to the database can be considered a backlog, we note that it has almost doubled in the space of three months despite a fall in the number of applications (154,291 in Q4 compared with 163,505 in Q3).

Customer service standards

6. From January 2014 various service standards have applied to non-complex cases; these are straightforward cases where the customer has been compliant and met all of their obligations. The service standards are set out in the Tables below:

Table 3: Service standards for processing visa applications: in-country applications

Type of visa	Customer Service Standard (target 98.5%)
Temporary*	8 weeks**
Permanent	6 months
Sponsorship (pre-licence)	8 weeks
Sponsorship (post-licence, basic compliance assessment or renewal)	18 weeks
Premium service	Same day

* With the exception of Croatia and ECAA for which the standard is 6 months. Temporary migration visa applications include those under Tiers 1, 2, 4 and 5 and those for spouse/partner.

** One week is defined as five-working days

Source: UK Visas and Immigration, [Temporary and permanent migration transparency data](#), February 2016, Notes

4 UK Visas and Immigration, [International operations transparency data](#), February 2016, Table Visa_3

5 Home Affairs Committee, [Third Special Report of Session 2015–16, The work of the Immigration Directorates \(Q2 2015\): Government Response to the Committee's Second Report of Session 2015–16](#), HC 693

Table 4: Service standards for processing visa applications: out of country applications

Type of visa	Customer Service Standard
All non-settlement visas	90% in 3 weeks; 98% in 6 weeks; 100% in 12 weeks
Settlement visas	95% in 12 weeks
Family Reunion and Refugee Resettlement Programme	95% in 12 weeks of the application date and 100% within 24 weeks of the application date.

Source: UK Visas and Immigration, [Temporary and permanent migration transparency data](#), February 2016, Notes

Service standards do not apply to cases defined as non-straightforward. In our Report on Q2 2015 we questioned the benefit of having a performance benchmark that excluded the significant number of cases that were complex. The Department told us:

We only exclude cases from the service standards which are particularly complex, for instance where we are required to undertake a Human Rights assessment, or where we are otherwise prevented from taking a decision. This might be where the customer has failed to respond appropriately to our enquiries, where a face to face interview is required or where there is an ongoing investigation or litigation, which could have a bearing on our decision. We are not able to provide a service standard for these cases as we are dependent on information from other sources and we cannot control the timescales for its provision.⁶

7. In Q4 2015 service standards did not apply to 26% of cases, an increase from the previous quarter (19%).⁷ **This Committee has in the past expressed concern about the way in which internal service standards operate. Since UKVI introduced its own customer service standards in 2014 we have seen the goalposts shifted, as UKVI have changed the parameters without consultation or explanation, and a lack of transparency, particularly when UKVI choose to exclude vast numbers of cases from the standards and provide only general observations to justify such action. We reiterate the conclusion from our previous report that if service standards are to mean anything their application must be transparent and the criteria on which they are based justified. Whenever UKVI wishes to amend the customer service standards, this Committee must be notified by a letter from the head of UKVI.**

8. Table 5 shows that the vast majority of straightforward in-country applications are being progressed within the service standards.

6 Home Affairs Committee, [Third Special Report of Session 2015–16, The work of the Immigration Directorates \(Q2 2015\): Government Response to the Committee’s Second Report of Session 2015–16](#), HC 693

7 UK Visas and Immigration, [Temporary and permanent migration transparency data](#), February 2016, Table InC_05

Table 5: Work in-progress Casework summary against service standards: in-country applications

	Cases in progress within service standards	Cases in progress outside service standards: less than 6 months	Cases in progress outside service standards: more than 6 months	Total number of cases in progress outside service standards	Cases where service standards do not apply
Q1 2015	60,759	19	45	64	41,452
Q2 2015	87,576	51	62	113	31,274
Q3 2015	122,006	121	17	138	28,468
Q4 2015	100,675	50	204	254	35,743

Source: UK Visas and Immigration, [Temporary and permanent migration transparency data](#), February 2016, Table InC_5

Data for those cases concluded in Q4 2015 show a number of areas where service standards have not been met:

- Only 90.8% of applications for Tier 4 Sponsor visas made in Q2 2015 were processed within customer service standards, down from 100% in the previous quarter and 99.7% for the quarter before that.⁸
- In Q4 2015 UKVI missed its same day premium service target for Tier 1 visas in 27 out of 398 straightforward cases. This is not a new issue as only 88.5% of Tier 1 cases were resolved the same day in the previous quarter.⁹

UKVI states that it is meeting its service standards for in-country visa applications in the overwhelming majority of cases, although we note that the number of cases in progress that will not meet these service standards, while very low, is steadily increasing. We also note that, at the end of Q4 2015, the number of cases that had been received but had yet to be inputted was 85% higher than at the end of the previous quarter despite the overall number of applications being lower. We are concerned that this may be the first sign of a backlog developing. In response to this Report, the Home Office must set out the steps which UKVI is taking to address this potential backlog.

9. With regard to out-of-country applications, there also appears to be a high number of outstanding cases in the refugee/humanitarian family reunion category of visa applications. UKVI's target is to process all such applications within 24 weeks and 95% of cases within 12 weeks but, as the table below shows, many have been outstanding for over a year.

⁸ Using the most recent figures available from UK Visas and Immigration, [Temporary and permanent migration transparency data](#), February 2016, Table InC_02

⁹ UK Visas and Immigration, [Temporary and permanent migration transparency data](#), February 2016, Table InC_07

Table 6: Out-of-country refugee/humanitarian family reunion visa applications in progress: Quarter 4 2015

Category	Total outstanding applications	Outstanding: less than six months	Outstanding: six months – one year	Outstanding: more than a year
Family reunion	1,373	1,032 (75%)	1	340 (25%)
Refugee resettlement programme*	20	6 (30%)	0	14 (70%)

* This table contains data on the visas issued in relation to part of the Refugee Resettlement Programme. Specifically, these figures do not relate to those resettled under the Syrian Vulnerable Persons Resettlement Scheme.

Source: UK Visas and Immigration, [International operations transparency data](#), February 2016, Table Visa_05

In response to this report UKVI must explain why so many cases in the family reunion and refugee resettlement categories have not been progressed within the customer service standards and what steps are being taken to address this. Processing of such applications should be a particular priority given the ongoing humanitarian crisis in the Middle East and Europe.

Sponsorship and licensing

10. Applications under Tier 2, Tier 4 and Tier 5 require a sponsoring body. Under Tier 2 (skilled workers) and Tier 5 (Temporary workers) the sponsor must be an employer based in the UK. Under Tier 4, the sponsor must be an education provider. Such organisations have to apply to UKVI to get sponsor status. There are currently 27,489 Tier 2 sponsors, 1,466 Tier 4 sponsors and 3,752 sponsors under Tier 5. The tables below show the number of sponsor applications for each Tier and the number of sponsors registered overall.

Table 7: Number of new sponsor applications in each Tier

Quarter	Tier 2	Tiers 2, 4	Tiers 2, 4, 5	Tiers 2, 5	Tier 4	Tiers 4, 5	Tier 5	Total
Q4 2014	1,916	5	0	57	41	2	122	2,143
Q1 2015	1,623	5	0	47	43	1	160	1,879
Q2 2015	1,792	8	3	47	42	0	133	2,025
Q3 2015	1,973	6	0	38	38	0	106	2,161
Q4 2015	1,876	3	3	33	31	0	90	2,036

Source: UK Visas and Immigration, [Sponsorship transparency data](#), February 2016, Table SP_02

Table 8: Number of sponsors registered on points based system (PBS) routes

Quarter	Tier 2	Tier 4	Tier 5
Q4 2014	27,088	1,590	3,622
Q1 2015	27,239	1,569	3,668
Q2 2015	27,422	1,529	3,736
Q3 2015	27,504	1,450	3,751
Q4 2015	27,489	1,466	3,752

Source: UK Visas and Immigration, [Sponsorship transparency data](#), February 2016, Table SP_01

11. With the exception of the recent fall in Tier 4 visas being processed within service standards that we identified above, UKVI has consistently met the customer service standards for processing sponsorship applications introduced in Q1 2014 (as set out in Table 3). The average number of days to process a sponsor application in Q4 2015 was 22 days (a slight increase from 21 days in Q3).¹⁰ **In our Report *Immigration: Skill Shortages* we concluded that the period of time allowed for an organisation to give further information in the event of a suspension or revocation of a licence was not long enough. We note that UKVI does not agree that the current arrangements require review. We remain concerned and will continue to monitor the system of sponsorship. We will hold UKVI to account if we find that the process of suspension and resolution is not being administered effectively.**

12. **UKVI is meeting its own 40-day performance target on processing sponsor applications. We question whether that standard is sufficiently stretching, given that the average number of days taken to process an application has consistently been less than the customer service standard.**

Enforcement

13. UKVI may visit a body applying to be a sponsor before making a decision on its application for a Tier 4 licence. UKVI also conducts follow-up visits to ensure bodies are complying with the conditions of their status as sponsors. Non-compliance can result in a sponsor's licence being suspended or revoked. In response to our Q2 2015 Report the Government told us that it had "invested a significant amount of time in developing the investigatory function of sponsorship compliance. It is now far more targeted against those where we have intelligence to indicate there is abuse". The Government explained that since 2013 they have "aimed to make as many unannounced visits to sponsors as possible, in line with the recommendations of the HASC and our own operational risk assessments."¹¹

14. An overview of UKVI's work in enforcing the sponsorship regime is set out in the tables below.

¹⁰ UK Visas and Immigration, [Sponsorship transparency data](#), February 2016, Table SP_05

¹¹ Home Affairs Committee, [Third Special Report of Session 2015–16, The work of the Immigration Directorates \(Q2 2015\): Government Response to the Committee's Second Report of Session 2015–16](#), HC 693

Table 9: Visits to sponsors

Quarter	Pre-registration				Follow-up visits (of which unannounced)			
	Tier 2	Tier 4	Tier 5	Total*	Tier 2	Tier 4	Tier 5	Total
Q4 2014	189	19	4	220	1,089 (777)	52 (35)	40 (11)	1,224 (844)
Q1 2015	286	26	8	323	1,002 (644)	87 (42)	31 (11)	1,166 (719)
Q2 2015	276	47	7	377	791 (498)	39 (29)	34 (5)	914 (506)
Q3 2015	295	14	7	320	797 (480)	27 (16)	27 (5)	874 (511)
Q4 2015	311	14	4	330	529 (316)	37 (21)	20 (9)	601 (349)

* Total also includes visits to bodies whose licences cover multiple tiers

Source: UK Visas and Immigration, [Sponsorship transparency data](#), February 2016, Tables SP_08 and SP_09

Table 10: Action taken against sponsors

Quarter	Tier 2 Suspended	Tier 2 Revoked	Tier 4 Intention to revoke	Tier 4 Revoked	Tier 5 Suspended	Tier 5 Revoked	Total
Q4 2014	84	196	13	22	8	5	328
Q1 2015	108	190	16	18	8	14	354
Q2 2015	159	149	20	16	4	3	351
Q3 2015	217	227	88	24	9	8	573
Q4 2015	142	169	60	14	1	4	390

Source: UK Visas and Immigration, [Sponsorship transparency data](#), February 2016, Table ScC01

Table 11: Response to notifications of potential non-compliance of those sponsored

Quarter	Total processed notifications	Curtailment action required: Tier 2 and 5	Curtailment action required: Tier 4	No further action required	Leave curtailed
Q4 2014	32,648	3,385	13,292	15,971	9,632
Q1 2015	44,776	15,269	19,619	9,888	17,297
Q2 2015	39,318	12,664	16,587	10,067	16,072
Q3 2015	30,750	5,176	11,213	14,361	9,364
Q4 2015	29,606	11,055	5,666	12,885	8,364

Source: UK Visas and Immigration, [Sponsorship transparency data](#), February 2016, Table SN_01 and SN_02

15. Over the last 12 months the number of actions taken against sponsors has remained broadly consistent while, over the same period, the number of follow-up visits has more than halved. This suggests that UKVI has successfully improved the targeting of its post-licence enforcement work. The Home Office must explain the extent to which pre-registration visits have served to prevent potentially illegitimate

sponsors from gaining sponsorship status. UKVI should also consider whether increasing its investigative actions at this stage of the process might prove an efficient use of resources over the longer term.

16. Universities UK told us that the approach of the Home Office to compliance was opaque and occasionally arbitrary:

For instance, institutions do not always receive sufficient feedback from officials following compliance inspections on the basis of which they could make improvements and adhere with what the Home Office sees as best practice. We believe there are many improvements that could be made to improve the situation for sponsors.¹²

An inspection of the Tier 4 curtailment process in 2015 by the Independent Chief Inspector of Borders and Immigration (ICIBI) supports the complaint of a lack of clarity made by Universities UK.¹³ The sponsor is obliged to notify Immigration Enforcement when there is a change in the situation of the person they are sponsoring, for example where an international student fails to enrol on a course. The ICIBI found that half of Sponsorship Management System (SMS) notifications from sponsors were sifted out as not requiring curtailment; in 2015 nearly 13,000 notifications required no further action (see Table 11). The ICIBI concluded that this indicated that sponsors were unclear what changes in a student's circumstances they were required to report, and an exaggerated fear of the consequences of not reporting even the most minor change, and that a lack of direct feedback meant this trend was unlikely to change significantly. He recommended that the Government find "a workable solution to providing Tier 4 licensed sponsors with direct feedback on the quality of their SMS notifications, with a view to achieving a significant reduction in the number of unnecessary notifications submitted each year."¹⁴

17. The Government only partially accepted the ICIBI's recommendation.¹⁵ It acknowledged sponsors' eagerness for feedback but explained that, while a new caseworking system currently being developed might include a feedback mechanism, it could not confirm that it would be viable. The Government also explained that:

UKVI continues to work with the education sector to ensure its understanding of the Sponsorship guidance and its requirements in terms of reporting activity to UKVI. This continued joint working will educate sponsors on reporting only the necessary information required by UKVI.¹⁶

The complaint from Universities UK suggests that the Government has much more work to do in the area of joint-working. We discuss the ICIBI's report further at paragraph 74.

12 Written evidence submitted by Universities UK, [ETS0006](#)

13 Independent Chief Inspector of Borders and Inspection, [A short notice inspection of the Tier 4 curtailment process: July – September 2015](#), 23 March 2016

14 Independent Chief Inspector of Borders and Inspection, [A short notice inspection of the Tier 4 curtailment process: July – September 2015](#), 23 March 2016

15 Home Office, [Response to the Independent Chief Inspector of Borders and Inspection, A short notice inspection of the Tier 4 curtailment process: July – September 2015](#), published 23 March 2016

16 Home Office, [Response to the Independent Chief Inspector of Borders and Inspection, A short notice inspection of the Tier 4 curtailment process: July – September 2015](#), published 23 March 2016

18. **Universities UK told us that institutions find the compliance regime around student visa sponsorship to be opaque, and that there is a lack of constructive engagement with the sector and a lack of feedback from the Home Office. This sector generates over £10 billion of export earnings for the UK economy and deserves more respect.**

19. **We note the Independent Chief Inspector of Borders and Immigration’s conclusion that the absence of direct feedback to sponsors makes it unlikely that the number of unnecessary notifications submitted each year will reduce significantly. We agree with the ICIBI that this will perpetuate the continued waste of time by academic institutions and the Home Office in processing large volumes of worthless notifications. We will add the number of unnecessary notifications to future Committee reports as a key indicator of the performance of UKVI.**

English Language Tests

20. A number of organisations including the NUS, Study UK, the Group of Pathways Colleges, the UK Council for International Student Affairs and Universities UK, have raised concerns with us over the Home Office’s response to allegations of fraud at English language test centres. For certain visa applications applicants must demonstrate a level of proficiency in the English language.¹⁷ This is achieved through passing a Test of English for International Communication (TOEIC) with a Home Office approved Secure English Language Testing (SELT) provider. Test centres are located in the UK and in countries around the world.

21. In February 2014, the BBC broadcast a *Panorama* programme which had uncovered a practice of fraudulent activity at two language test centres run by ETS—one of the world’s largest language examiners and a Home Office-approved SELT provider for three years. The *Panorama* documentary showed examples of people sitting the tests on an applicant’s behalf and instances where the invigilator read out the answers to a multiple choice test. The Home Office subsequently ended its contract with ETS (in April 2014) and launched a criminal investigation into ETS which is ongoing. All applications made in the UK to extend study that were supported by an ETS certificate were placed on hold and all prospective students overseas using an ETS test certificate were subject to interview by Home Office staff.

22. In response to the BBC’s findings, ETS informed the Home Office that, following its own analysis of tests from 96 test centres, it had detected tens of thousands of cases of fraud. It alleged that tests must have been taken by surrogates. In total, ETS determined that there were almost 34,000 invalid test results in which they were certain there was evidence of proxy test taking and a further 22,000 ‘questionable’ test results.¹⁸ The Home Office recognised that “where ETS had cancelled a test score because of impersonation and proxy test taking that test score had been obtained by deception.”¹⁹ The Home Office determined that “persons in that position who then used that test score had sought to obtain leave by deception.”²⁰ From May 2014 the Home Office began the process of

17 Visas include Tier 1 (Entrepreneur); Tier 1 (Graduate Entrepreneur), Tier 2 (General); Tier 2 (Minister of Religion); Tier 2 (Sportsperson), Tier 4 (General), Representative of an overseas business, Partner, Parent, Settlement, Citizenship

18 UK Visas and Immigration, [Temporary and permanent migration transparency data](#), February 2016, Tables SELT_01

19 Upper Tribunal Immigration and Asylum Chamber, [R \(on the application of Gazi\) v Secretary of State for the Home Department \(ETS – judicial review\) \(IJR\)](#), 27 May 2015, para 8

20 Upper Tribunal Immigration and Asylum Chamber, [R \(on the application of Gazi\) v Secretary of State for the Home Department \(ETS – judicial review\) \(IJR\)](#), 27 May 2015, para 8

revoking people's leave to remain and detaining and removing those affected—primarily international students—from the UK. Appeals were almost always only permitted once people had been removed from the UK.

23. To date, more than 28,000 refusal, curtailment and removal decisions have been made in respect of ETS-linked cases and over 4,600 people have been removed from the UK. The Indian Workers' Association estimate that 70% of those affected are of Indian nationality.²¹ Around a hundred privately-operated further education colleges have also had their licences suspended or revoked.²² Oliver Robbins, Second Permanent Secretary at the Home Office, told us that:

The ETS case shows widespread, deep and very troublesome deception of the immigration rules. The Home Office is convinced that its response has been both immediate and proportionate to the risks that that has highlighted.²³

Critics of the process argue, however, that the response of the Home Office has been overly aggressive, with some students being detained during dawn raids and deported without the opportunity to sort out their belongings; that in many cases it has been based on insufficient evidence of wrongdoing, leading to many innocent people being caught up by the Department's sweeping action; and that those affected have not been granted the opportunity to review and contest the evidence against them. The veracity of the analysis undertaken by ETS has also been questioned.²⁴ **It is extraordinary that the Home Office has carried out no independent investigation itself of the allegations of fraud in relation to English language testing and instead has relied on evidence from ETS, one of its approved providers and a party under criminal investigation. We note the failure of ETS, an organisation that has received millions of pounds in fees from those sitting the tests, to give evidence in court on this matter.**

The legal basis

24. Within chapter 50 of the Secretary of State's Enforcement Instructions and Guidance ("EIG") there is a discrete section dealing with "Leave to Remain by Deception", with reference to section 10(1)(b) of the 1999 Act.²⁵ This contains the following passage:

The evidence of deception should be clear and unambiguous in order to initiate action under section 10. Where possible, original documentary evidence, admissions under caution or statements from two or more witnesses should be obtained which substantiate that an offence has been committed before authority is given to initiate action under section 10 [...]

The evidence must always prove to a high degree of probability that deception had been used to gain the leave, whether or not an admission of deception is made. The onus—as always in such situations—is on the officer making the assertion to prove his case."²⁶

21 The Hindu, [48,000 students wrongly deported from the UK: tribunal](#), 28 March 2016

22 UK Visas and Immigration, [Temporary and permanent migration transparency data](#), February 2016, Tables SELT_01 and SELT_02

23 Oral evidence taken by the Home Affairs Committee on 12 April 2016, [The work of the Home Office](#), Q 131

24 Written evidence submitted by the NUS, [ETS0003](#), see also discussion of expert witness evidence in Upper Tribunal Immigration and Asylum Chamber, [SM and Qadir v Secretary of State for the Home Department](#), 27 May 2015

25 UK Visas and Immigration, Enforcement Instructions and Guidance, [Chapter 50](#)

26 <http://www.bailii.org/uk/cases/UKUT/IAC/2015/327.html> para23

Legal challenge

25. On 23 March 2016 the Home Office lost a test case brought by two students whom the Home Office had intended to deport.²⁷ The Upper Immigration Tribunal ruled that it was satisfied—albeit by an “admittedly narrow margin”—that there was sufficient evidence for the Home Office to bring forward an allegation of deception, but that the Home Office had not discharged the legal burden of establishing that either appellant procured his English language certificate by dishonesty. The Tribunal determined that the appellants were “the clear winners”.²⁸

26. In their judgment on the case the Hon. Justice McCloskey, President of the Upper Tribunal’s Immigration and Asylum Chamber and Deputy Upper Tribunal Judge Saini were particularly critical of the Home Office and identified a series of shortcomings in the testimony of the Department’s representatives:

- i) Neither witness has any qualifications or expertise, vocational or otherwise, in the scientific subject matter of these appeals, namely voice recognition technology and techniques.
- ii) In making its decisions in individual cases, the Home Office was entirely dependent on the information provided by ETS. At a later stage viz from around June 2014 this dependency extended to what was reported by its delegation which went to the United States.
- iii) ETS was the sole arbiter of the information disclosed and assertions made to the delegation. For its part, the delegation—unsurprisingly, given its lack of expertise—and indeed, the entirety of the Secretary of State’s officials and decision makers accepted uncritically everything reported by ETS.
- iv) The Home Office has at no time had advice or input from a suitable expert.
- v) There was no evidence from any ETS witness—this notwithstanding the elaborate critique of Dr Harrison compiled over one year ago.²⁹
- vi) The test results of the 33,000 suspect TOEIC scores, coupled with the information disclosed and assertions made to the Secretary of State’s delegation during a one day meeting, constitute the totality of the material provided by ETS.
- vii) Almost remarkably, ETS provided no evidence, directly or indirectly, to this Tribunal. Its refusal to provide the voice recordings of these two Appellants in particular is mildly astonishing.
- viii) While the judgment of this Tribunal in Gazi, promulgated in May 2015, raised significant questions about the witness statements of Ms Collings and Mr Millington, these were not addressed, much less answered, in their evidence at the hearing [...].

27 The students had been detained on returning on the UK and were therefore able to appeal from within the UK

28 Upper Tribunal Immigration and Asylum Chamber, unreported judgment, [SM and Qadir v Secretary of State for the Home Department](#), 7 March 2016

29 Dr Harrison was an expert witness engaged by the appellants.

- ix) While certain documentary evidence [...] might have fortified the Secretary of State's case, none was produced.
- x) Similarly, although requested, none of the voice recording files pertaining to the Appellants was provided for analysis and consideration by Dr Harrison.³⁰

The judges further observed that the Home Office's failure to provide correspondence referred to in a Home Office witness statement "was not harmonious with elementary good litigation practice and is in breach of every litigant's duty of candour owed to the court or tribunal", while some of the evidence the Home Office did provide was "so incomplete and opaque as to be virtually meaningless".³¹

27. During the case the Home Office revealed that it had created a third class of results which comprised students whose results were not classed by ETS as invalid or questionable but that were considered illegitimate by the Home Office for the sole reason that they had taken their tests at centres where *numerous* numbers of test cases had been diagnosed as fraudulent. Persons belonging to this category were *usually* invited to undergo a fresh test. The Home Office witness was unable to define 'numerous' or elaborate on the term 'usually'.³²

28. We asked the Minister for Immigration how many of the 22,000 people with 'questionable' test results had been allowed to re-sit their tests or be interviewed by the Home Office. In evidence to us the Home Office Second Permanent Secretary, Mr Oliver Robbins, told us all persons in that category "have been offered a process to either re-take the test and sit an interview with the Home Office or withdraw themselves from it".³³ It is strange therefore that the Minister had previously informed us that the Home Office "do not hold this information in a format that allows us to answer this question."³⁴

29. It is wholly unsatisfactory that the Home Office initially informed us that it did not hold information on how many people with 'questionable' English language test results had been able to re-sit the test or be interviewed by the Home Office, when it was able to provide this information a few weeks later. It is also unacceptable that the Home Office was unable to tell us how many of the tests related to people who were not applying under the Tier 4 student visa process, how many cases relating to the ETS debacle were currently before a Tribunal, or how many tests ETS found to be valid. We find it deeply concerning that the Home Office was unable to provide this information given the gravity of this matter and the number of people affected. We are also not satisfied by the definitions of tests declared 'valid', 'not-valid' or 'questionable'.

30. A key area explored at the Tribunal was the reliability of the ETS data, particularly with regard to error rates and false positives. Evidence from Dr Harrison, the expert witness at the trial, suggested that these risks were substantially underplayed by both the Home Office and ETS. Dr Harrison testified that:

30 Upper Tribunal Immigration and Asylum Chamber, unreported judgment, [SM and Qadir v Secretary of State for the Home Department](#), 7 March 2016

31 Upper Tribunal Immigration and Asylum Chamber, unreported judgment, [SM and Qadir v Secretary of State for the Home Department](#), 7 March 2016, para 15 and para 66

32 Upper Tribunal Immigration and Asylum Chamber, unreported judgment, [SM and Qadir v Secretary of State for the Home Department](#), 7 March 2016

33 Oral evidence taken by the Home Affairs Committee on 12 April 2016, [The work of the Home Office](#), Q 120

34 Letter from the Minister for Immigration to the Chair of the Committee, 24 March 2016

- a) While the ETS automated voice sample analysis is in the abstract reasonable, the available evidence fails to demonstrate a satisfactory level of reliability.
- b) The significant shortcomings in the technical information available mean that one cannot have confidence in the reliability and accuracy of either the automated testing results or the results, modified or otherwise, flowing from the later human intervention exercise.³⁵

31. The evidence provided by Dr Harrison was not disputed by the Home Office, either during the trial nor in the year preceding the trial when it was first made available. The Home Office maintains that it “is satisfied with the process which ETS employed to identify those who had sought to benefit from cheating or had used proxy test takers and has taken fair and decisive action.”³⁶ Mr Robbins told us “the validation process we went through, including with expertise back in the UK, including the two human-factor checks after the software check, we are convinced are rigorous enough. That has been endorsed by a number of judgments since.”³⁷

32. The Home Office dispute the decision of the Tribunal and have sought leave to appeal it. On 12 April we attempted to question Mr Robbins on this subject. Despite being the lead civil servant on immigration issues we found Mr Robbins to be insufficiently prepared for the meeting and he was unable to provide certain basic information; in places his answers contradicted replies previously given by the Minister.

Impact and response

33. The UK Council for International Student Affairs consider the Home Office’s response to the discovery of fraudulent English language tests to be “one of the largest actions ever taken against students in the UK,” while Higher Education UK and Europe told us that they see the Home Office’s actions as part of a wider trend to reduce the number of international students studying in this country.³⁸

34. The recent judgment of the Upper Tribunal on the operation of the English language testing system raises serious questions about the conduct of the Home Office. The Home Office appears to have accepted at face value, and continues to accept, claims of widespread fraud from ETS—a company that was part of the problem, had already been discredited and is subject to criminal investigation. This is deeply troubling, particularly given that an expert witness has raised serious questions over the reliability and accuracy of ETS’s analysis and first did so well over a year ago. Despite this, arrests and removals have continued. In any circumstances the lack of independent assessment would be difficult to comprehend but when the consequences of such a decision include thousands of people suffering the trauma of detention and removal from the UK, such actions lead us to seriously question the judgement of the Home Office.

35 Upper Tribunal Immigration and Asylum Chamber unreported judgment, [SM and Qadir v Secretary of State for the Home Department](#), 7 March 2016, para 34

36 Letter from the Minister for Immigration to the Chair of the Committee, 24 March 2016

37 Oral evidence taken by the Home Affairs Committee on 12 April 2016, [The work of the Home Office](#), Q127

38 Written evidence submitted by the UK Council for International Student Affairs, [ETS0001](#); written evidence submitted by Higher Education UK and Europe [ETS0002](#)

35. We have received evidence that people were only told why their visas were being revoked after extensive requests for information, and that those affected did not have the opportunity to review and contest evidence presented against them. It does not seem to us fair that the UK is removing people from the country without, as a minimum, making them aware of the evidence against them. It is clear that, if the problem of fraud in English language testing is not handled properly, the UK risks causing extensive damage to its reputation as a leading destination for international study, not to mention the emotional and financial cost to the individuals affected.

36. Those who have received ‘section 10 notices’ must leave the UK before they can appeal the decision. Only students with the necessary financial means will be able to appeal and at the moment they must do so without access to the audio files that allegedly incriminate them. The Upper Tribunal judgment makes the following observation about out-of-country appeals:

We are conscious that some future appeals may be of the ‘out of country’ species. It is our understanding that neither the First Tier Tribunal nor this tribunal has experience of an out of country appeal of this kind, whether through the medium of video link or Skype or otherwise. The question of whether mechanisms of this kind are satisfactory and, in particular, the legal question of whether they provide an appellant with a fair hearing will depend upon the particular context and circumstances of the individual case. This, predictably is an issue which may require future judicial determination.³⁹

37. We do not condone fraud and it is right that swift and proportionate action is taken when fraud is uncovered. However, given the severity of the consequences, the Home Office must only act when it is certain that it can meet the burden of proof. The recent case in which two students appealed successfully against the Secretary of State’s decision for removal raises serious questions about the way in which the Home Office has responded to the allegations of fraud within English language test centres. This decision appears to have been a knee-jerk reaction to the *Panorama* documentary. The Home Office’s action is already having wider ramifications.

38. We want to be satisfied that the Home Office’s actions are proportionate and just. The Committee has decided, given the number of outstanding issues relating to English language testing, to undertake a full inquiry into this matter. These issues include procurement and licensing, investigations, inspections and how much money has been spent. As a starting point to this inquiry the Home Office must, in response to this Report, set out the process for out-of-country appeals; the steps which will be taken to ensure a fair hearing; and whether this will include appellants being given access to the evidence against them. We will also be insisting that ETS give evidence to the Committee, something they have failed to do in court.

³⁹ Upper Tribunal Immigration and Asylum Chamber unreported judgment, [SM and Qadir v Secretary of State for the Home Department](#), 7 March 2016, para 104

3 Asylum cases

New applications

39. In 2015 there were 32,414 asylum applications from main applicants, an increase of 29% from the 25,033 applications received in 2014.⁴⁰ This is the highest number of applications since 2004 but considerably below the peak of 84,132 applications in 2002. Including dependants, the number of asylum applications increased by 20% from 32,344 in 2014 to 38,878 in 2015 (around 1 dependant for every 5 main applicants).⁴¹ In 2015 the UK received the ninth highest number of asylum applications in the EU, and it ranked 17th in terms of number of applications per head of population.⁴² The table below shows the number of applications received, initial decisions for main applicants made and protection granted, for 2015 and previous years.

Table 12: Asylum applications and decisions for main applications

Year	Total applications	Total Initial decisions	Granted some form of protection*	Granted as a % of initial decisions
2012	21,843	16,774	6,059	36%
2013	23,584	17,543	6,542	37%
2014	25,033	19,782	8,150	41%
2015	32,414	28,950	11,419	39%
Percentage change on previous year	+29%	+46%	+40%	-

* Granted includes grants of asylum, humanitarian protection, discretionary leave, leave to remain under family life or private life rules, leave outside the rules and UASC leave.

Source: Home Office, [Immigration Statistics](#), February 2016, Table AS_01

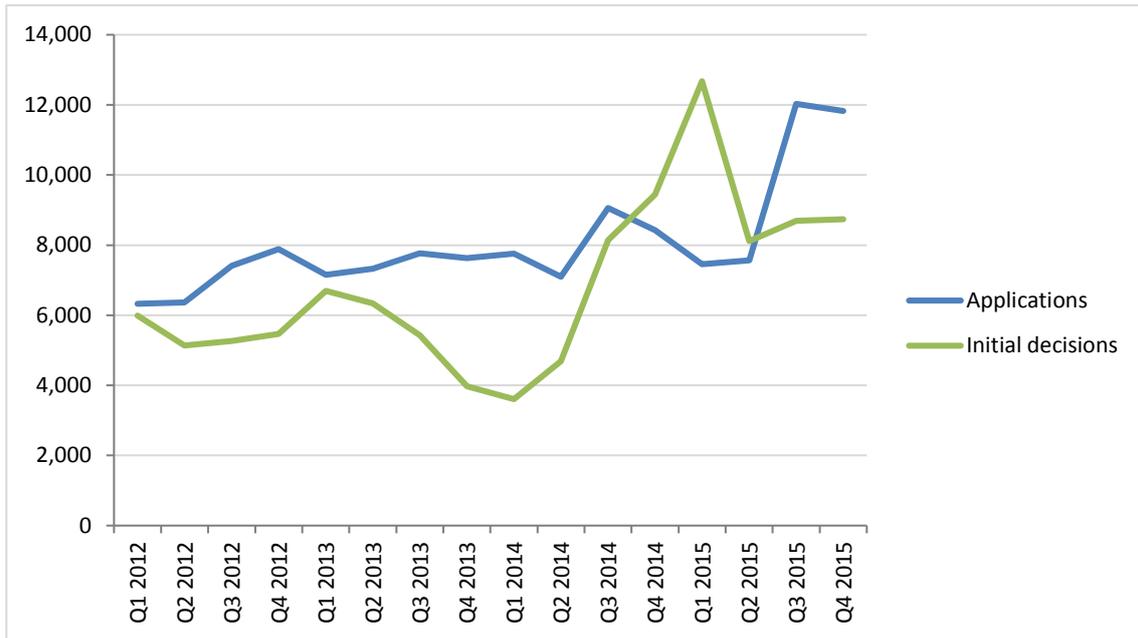
40. The Government has committed to providing a decision within six months to all straightforward asylum claims made after 1 April 2014 and within a year for all cases considered to be 'non-straightforward'. The charts below show UKVI's performance in meeting these standards. Chart 2 shows the number of initial decisions made each quarter against the number of applications for asylum from main applicants and their dependants.

40 Home Office, [Immigration Statistics](#), February 2016, Table AS_01

41 Home Office, [Immigration Statistics](#), February 2016, Table AS_02

42 Home Office, [Immigration Statistics](#), February 2016, Summary

Chart 2: Asylum applications and initial decisions for main applicants and dependents by quarter

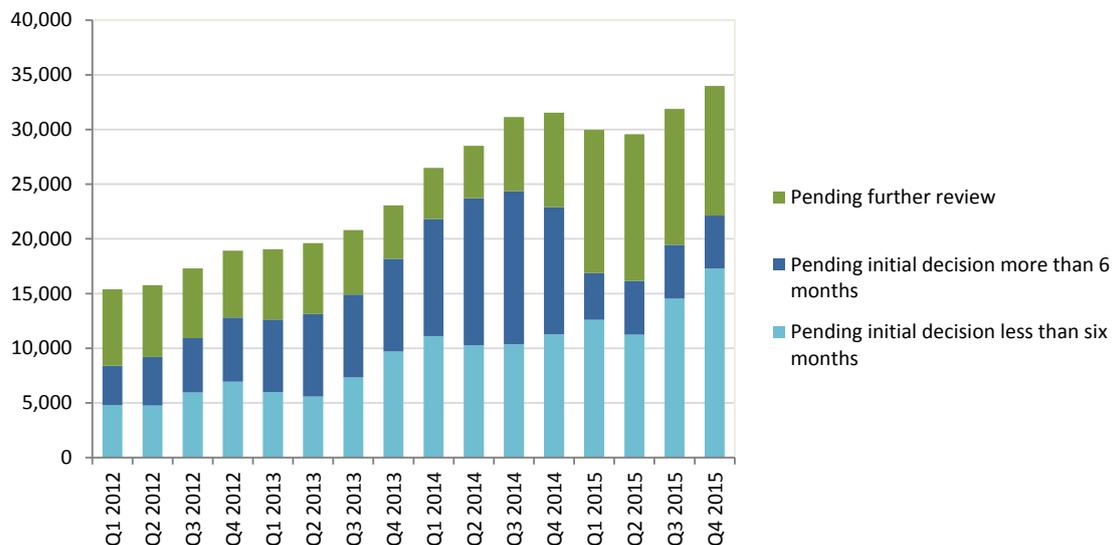


Source: Home Office, [Immigration Statistics](#), February 2016, AS_01q

41. We are concerned that following a concerted effort by UKVI at the beginning of 2015 to address the high number of applications pending an initial decision, by the end of 2015 the number of initial decisions being made is once again being far outstripped by the number of applications received (see chart 2). When workflow is under control applications would be expected to slightly exceed the number of decisions but when there is a backlog of cases the reverse must occur if that backlog is to be addressed.

42. Chart 3 below shows the number of cases pending a decision. Apart from a brief dip in the first half of 2015, the number of cases where an initial decision is pending or a further review is required has grown steadily since 2012.

Chart 3: Asylum applications pending initial decision and further review



Source: Home Office, [Immigration Statistics](#), February 2016, AS_01q

Worse performance

- At the end of 2015, 33,990 applications received from main applicants and their dependants were ‘pending a decision’. This is the highest figure recorded in the data (which goes back to 2010) and an increase of 8% from the end of 2014.

43. The Home Office breaks down applications pending a decision into three categories: those that have been pending for less than six months, for more than six months and those pending further review. The number of cases pending an initial decision within six months rose during the course of 2015, from 11,269 in Q4 2014 to 17,287 by Q4 2015, reflecting the increase in the overall number of applications and despite UKVI making over 12,000 more decisions in 2015 as it did in the previous year.⁴³

Improved performance

- The number of applications pending a decision for more than six months fell by 58% over 2015, from 11,629 in Q4 2014 to 4,860 by Q4 2015. The Home Office states that this reflects a reallocation of resources to this area of work.

Worse performance

- Unfortunately the progress outlined above is to some extent undermined by the number of cases pending further review which, over the same period, has risen 37% from 8,647 to 11,843.⁴⁴

The available data do not allow us to judge whether UKVI is meeting its service standards of processing straightforward cases within six months and non-straightforward cases within 12 months as no such breakdown is provided.

44. We welcome UKVI’s achievement in greatly reducing the number of asylum applications where a decision has been pending for more than six months. However, over the same period, there has been a sharp rise in asylum cases requiring further review. The Home Office must explain the reasons for this rise. We also remind the Home Office of our recommendation from our Q2 2015 Report that they should publish their service standards for making an initial decision and its performance against them, for both straightforward and non-straightforward asylum cases, which they have so far failed to do.

45. UKVI is in danger of being overwhelmed by the extent of its asylum casework. The second half of 2015 saw the highest number of applications for asylum since 2003 and as a result the number of cases pending a decision is at its highest ever level. The ongoing migration crisis in Europe suggests that the pressures on UKVI will get worse. We need to process asylum applications as efficiently as possible, not least to prevent pressures building up elsewhere in the system, including in the demand for asylum accommodation. When the number of asylum applications increases, as it did in 2015, more staff should be allocated to dealing with asylum cases to ensure that UKVI can meet its own service standards.

43 Home Office, [Immigration Statistics](#), February 2016, Table AS_02

44 Home Office, [Immigration Statistics](#), February 2016, Table AS_02

Nationality of new applicants for asylum

46. World events are a key driver of asylum applications as evidenced by the ongoing flows of migrants arriving in Europe from the crisis in Syria. The number of applicants from Syria has increased year-on-year since the outbreak of the civil war in 2011. However, in 2015, the largest number of applications for asylum in the UK came from nationals of Eritrea (3,729), reflecting the human rights situation there.⁴⁵

47. The table below shows the number of applications from the most common nationalities applying for asylum and the proportion of decisions that resulted in some form of protection being granted.⁴⁶

Table 13: Common nationalities for asylum claims and percentage of initial decisions granting some form of protection (decisions may not relate to applications in the same year)

Country	Total number of applications (% of decisions in favour of granting protection)			
	2012	2013	2014	2015
Eritrea	728 (83%)	1,387 (82%)	3,233 (87%)	3,279 (48%)
Iran	2,259 (53%)	2,410 (55%)	2,000 (55%)	3,248 (54%)
Sudan	636 (73%)	743 (73%)	1,449 (79%)	2,918 (84%)
Syria	988 (78%)	1,648 (85%)	2,025 (88%)	2,609 (85%)
Pakistan	3,280 (15%)	3,359 (22%)	2,726 (20%)	2,441 (21%)
Afghanistan	1,008 (33%)	1,038 (33%)	1,139 (34%)	2,240 (35%)
Albania	819 (36%)	1,325 (31%)	1,576 (23%)	1,504 (24%)
Iraq	275 (25%)	310 (30%)	588 (31%)	2,185 (20%)

Source: Home Office, [Immigration Statistics](#), February 2016, Table AS_01

World events and geopolitics will be a key driver behind the chances of applications succeeding as well the number of applications being made in total. While it may be possible to use the data on asylum applications to draw general conclusions about the safety and security of people in particular countries and whether the situation has improved or worsened over recent years, one should not rely on such statistics alone. For example, in 2015 only 48% of decisions on applications for asylum from Eritrean nationals resulted in protection being granted compared with 87% in 2014. Relying on the data alone, this could suggest that the situation in Eritrea had improved markedly over the course of a year. However, as we set out in our Q3 Report, the work of the UN in Eritrea suggests that such improvement is still pending. The reduction in the number of asylum applications granted was a result of the UK Government changing its guidance on Eritrea. In our Q3 Report we also noted that the Independent Advisory Group on Country of Origin Information (IAGCI) had raised serious concerns about the UK Government's changes to its country guidance.⁴⁷

45 Home Office, [Immigration Statistics](#), February 2016, Asylum

46 Success rate is based on the number of initial decisions in a given year that resulted in some form of protection being granted and excludes grants on appeal.

47 Home Affairs Committee, Sixth Report of Session 2015–16, [The work of the Immigration Directorates \(Q3 2015\)](#), HC 772

48. The number of applications for asylum from Eritrea in 2015 was the highest recorded. The number of appeals lodged by Eritrean nationals also rose, from 172 in 2014 to 1,718 in 2015. 80% of appeals by Eritrean nationals determined in 2015 were allowed, an increase from the 44% allowed in the previous year.

49. **The high number of successful appeals against asylum decisions in respect of Eritrean nationals raises serious questions over the approach taken by the Home Office and the country guidance produced by the UK Government. We repeat the recommendation from our Report on Q3 2015 and call on the Government to reconsider its country guidance on Eritrea as a matter of urgency.**

Syrian Vulnerable Persons and 'children at risk' resettlement programmes

50. In our Report on Q2 2015 we set out the background to the Syrian Vulnerable Persons Scheme, initiated in January 2014 and then expanded on 7 September 2015 following the Prime Minister's statement that the UK would accept up to 20,000 Syrian refugees over the rest of this Parliament.⁴⁸ On 21 April 2016 the Government announced that the UK would provide an additional resettlement route to the UK specifically for 'children at risk' from the Middle East and North African (MENA) region. The scheme would be aimed at 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. The Government has committed to resettling several hundred individuals from the MENA region in the first year with a view to resettling up to 3,000 individuals over the lifetime of this Parliament.⁴⁹

51. The 'children at risk' scheme is not intended to provide assistance to children who have already left the MENA region and entered Europe. On 4 May 2016 the Prime Minister announced that unaccompanied children who were already in Europe and had entered before 20 March 2016 would also be eligible for resettlement to the UK.⁵⁰ The Government has not confirmed how many unaccompanied children from Europe will be resettled. **The Government currently includes progress with the Syrian Vulnerable Persons resettlement programme within the quarterly release of immigration statistics. We recommend that progress with the schemes to resettle 'children at risk' both from outside Europe and from France, Greece and Italy, as well as those resettled for family reunion reasons, be similarly included in the statistical release.**

52. The Table below gives the number of Syrians resettled under the Syrian Vulnerable Persons Scheme since it started in January 2014.

48 Second Report, Session 2015–16, [Work of the Immigration Directorates Q2 2015](#), HC 512, paras 22-30

49 Written statement by the Minister for Immigration, 21 April 2016, [HCWS687](#)

50 Announced during Prime Ministers Questions. 20th March 2016 is the date of the agreement between the EU and Turkey on returning migrants to Turkey who have entered the EU illegally.

Table 14: Individuals resettled under the Syrian Vulnerable Persons Scheme

Quarter	Number resettled
2014 Q1	13
2014 Q2	37
2014 Q3	40
2014 Q4	53
2015 Q1	44
2015 Q2	29
2015 Q3	36
2015 Q4	1,085
Total	1,337

Source: Home Office, [Immigration Statistics](#), February 2016, AS_19q

In the first two years of the Scheme the Government has managed to resettle 1,337 Syrians. Its target is 20,000 by the end of this Parliament. As we have set out in previous Reports, we remain concerned about the Government's ability to increase its capacity sufficiently to resettle such a number of refugees to this timescale. In particular, we would be keen to hear what progress has been made in implementing a scheme for private sponsorship of refugees, which the Home Secretary announced in October 2015. Furthermore, in an oral hearing in March we presented the Home Secretary with evidence of unfit housing conditions that some asylum seekers are currently having to endure.⁵¹ While this accommodation was provided under the COMPASS contracts rather than the Vulnerable Persons Scheme, this has only served to increase our concerns about the Government's ability to fulfil its pledge to resettle thousands of people fleeing the conflict in Syria. We intend to undertake an inquiry into the quality of asylum accommodation as a matter of priority and accommodation provided to those resettled under the Syrian Vulnerable Persons Scheme will be included in that inquiry. We will also be assessing the levels of support provided for refugees who come to the UK independently of recognised gateways compared to those resettled under the Vulnerable Persons Scheme.

'Take charge' requests under the Dublin Convention

53. We also wish to see greater transparency in relation to 'take charge' requests submitted under the Dublin regulations. Such requests are submitted where it is considered more appropriate for an asylum claim made in another EU country to be processed in the UK, on the basis that the person seeking asylum has family connections here. In the case of *ZAT v The Secretary of State*, one of the reasons given by the Tribunal for ordering the Government to admit seven applicants from the Calais camp under article 8 ECHR was the protracted time involved in making and processing requests under the Dublin Convention (para 55). The charity Citizens UK have identified 157 unaccompanied children living in the camp at Calais with close family members in the UK, who could benefit from the Dublin rules and take charge requests.

54. In oral evidence in March the Home Secretary told us that the processing times for take charge requests had been "significantly reduced" and indicated she would provide more detail in writing—but no such detail has been provided. During debate on the

51 Oral evidence taken on the Work of the Home Secretary, [23 March 2016](#), HC 299, Qs229-235

Immigration Bill (on 25 April), the Immigration Minister told the House in relation to young people in Calais and northern France that “in the past six weeks over 50 cases have been identified, 24 of which have been accepted for transfer to the UK from France under the Dublin family unity provisions, and more than half of them have already arrived in the UK”. However, Written Questions about the numbers of take charge requests received, the decisions made, and the time taken to process requests, are routinely answered with a statement that data is not held in a way that allows it to be reported on automatically and is therefore not available.

55. Given the significance of the issue, we recommend that information on “take charge” requests received from other EU states under the Dublin Convention is included in the statistical release—including information on the number of requests from each country, the number that involve children, the length of time taken to make decisions on such requests, and the number of requests that are accepted and rejected.

Unaccompanied children: expiration of discretionary leave

56. At the same time as the UK Government is pledging to resettle thousands of unaccompanied children from the Middle East it is actively removing to those countries individuals whose discretionary leave to remain in the UK, granted when they were unaccompanied children, has expired as they have reached adulthood. Hundreds of young men and women who, in many cases, have spent their formative years in the UK and who have integrated into UK society are being returned to countries they have little memory of and whose security is open to question, without any family networks to support them.

Table 15: Former unaccompanied children returned to the Middle East and North Africa since 2010⁵²

Removed in year	Afghanistan	Iran	Iraq	Libya	Syria
2010	321	9	69	-	-
2011	433	4	57	-	1
2012	234	4	64	1	-
2013	269	3	72	1	-
2014	154	2	38	1	-
2015	57	6	22	-	-
Total	1,468	28	322	3	1

57. In March 2016 the Court of Appeal overturned an injunction imposed last year which temporarily halted returns to Afghanistan amid concerns the country was too dangerous. We note that the United Nations Mission in Afghanistan report that the number of civilian casualties in Afghanistan during 2015 was the highest that mission has recorded and that the Afghan Government has urged against the return of the former child asylum seekers. The Home Office welcomed the decision of the Court of Appeal but said that every case would be treated on its merits.⁵³

52 [Written question 13206](http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2015-10-23/13206/), answered on 25 November 2015 and corrected on 9 February 2016 <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2015-10-23/13206/>

53 Bureau of investigative journalism, [Theresa May wins right deport failed asylum-seekers to Afghanistan after judges remove court injunction](http://www.bivjournalism.com/theresa-may-wins-right-deport-failed-asylum-seekers-to-afghanistan-after-judges-remove-court-injunction/), 3 March 2016

58. **Unaccompanied asylum seeking children resettled in the UK have every right to expect that the UK will offer them protection. It is important that individuals are not removed to countries that are known to be unsafe when they reach 18 years of age, particularly people who have become ‘westernised’ during their time in the UK and who lack support networks in the country to which they are deported. The Government should reconsider its approach to dealing with former unaccompanied asylum seeking children. The welfare of the individual must be the overriding concern, bearing in mind that they are individuals who have already suffered and that their anxiety will only be exacerbated by an extended period of uncertainty about their future on reaching their 18th birthday.**

Asylum and immigration caseload

Work in progress

59. The Home Office provides an annual snapshot of work in progress at a particular time (see Tables 16 and 17 below). As Table 16 shows, a proportion of applications will be awaiting the outcome of an initial decision or appeal or be subject to removal action. In Q2 2015 almost 26,000 cases had been in progress for more than three years, an increase of over 3,000 on the previous year. Over the same period the number of appeals outstanding had risen from 3,317 in 2014 to 8,956 in 2015.

Table 16: Annual snapshot of asylum work in progress by stage of process

	2011 Q2	2012 Q2	2013 Q2	2014 Q2	2015 Q2
Awaiting initial decision	4,851	6,192	8,980	16,980	11,797
Appeal outstanding	5,553	4,706	4,328	3,317	8,966
Subject to removal action*	24,738	23,497	23,438	20,869	23,571
Further leave application outstanding	2,761	2,986	2,724	2,953	2,802
Post decision	-	-	-	1,432	2,083
On hold**	-	-	-	10,275	11,223
Total work in progress	37,903	37,381	39,470	55,814	60,442

* The Subject to Removal Action figure demonstrates that the majority of cases in the work in progress caseload have been processed through the initial stages of the asylum system and are now ‘subject to removal action’. Whilst some cases in this category await imminent removal, for many there will be significant barriers to removal which the department is still working to overcome. Such barriers include: Difficulties in obtaining documents from national governments; dealing with last minute legal challenges; and logistical and practical challenges in removing families in a humane and dignified fashion.

** The methodology for work in progress was amended in April 2014, to count reapplications and pre-decision absconders within the total work in progress numbers. Under the new methodology, the new ‘On Hold’ sub-category includes pre- and post-decision absconders (the latter was previously counted within other sub-categories; the former was not counted). The ‘Post Decision’ sub-category includes cases that have had a decision but have not appealed, are not appeal rights exhausted, and have not been removed.

Source: UK Visas and Immigration, [Asylum transparency data](#), February 2016, Table ASY_3

Table 17: Annual snapshot of asylum work in progress by age of case

	2011 Q2	2012 Q2	2013 Q2	2014 Q2	2015 Q2
Case Age 0–12 Mths	10,315	11,516	12,659	16,922	17,403
Case Age 12–24 Mths	7,088	6,477	6,822	9,907	9,379
Case Age 24–36 Mths	9,262	5,407	4,939	6,709	7,670
Case Age +36 Mths	11,238	13,981	15,050	22,276	25,990
Total work in progress	37,903	37,381	39,470	55,814	60,442

Source: UK Visas and Immigration, [Asylum transparency data](#), February 2016, Table ASY_3

Outcomes

60. The Home Office provides analysis of the recorded outcomes of the group of applicants in any one year, at a particular time. For applications made in 2014—the latest cohort for which outcome data are available—74% of decisions to refuse asylum were appealed, of which 30% were appealed successfully (see Table 18 below). These ratios have been generally consistent over the last five years.⁵⁴ **Table 18: Outcome of applications**

Year	Main applications	Initial decisions	% refused	% of refusals appealed	Appeals successful	Appeals successful %
2010	17,916	15,841	73	80	2,486	29
2011	19,865	17,646	65	79	2,492	30
2012	21,843	18,973	63	74	2,404	31
2013	23,584	20,257	62	73	2,179	29
2014	25,033	20,585	55	74	1,635	32

Source: Home Office, [Immigration Statistics](#), February 2016, AS_06

61. The First Tier Tribunal (Immigration and Asylum Chamber) hears first instance appeals against decisions made by the Home Office on immigration, asylum and nationality matters. Data for 2015 shows that:

- The First Tier Tribunal received 14,041 asylum appeals from main applicants, a 70% rise compared with 2014 (8,241) reflecting the higher number of decisions in this period (28,950 in 2015 compared with 19,782 in 2014).
- Of those appeals that were determined in 2015, 35% were successful.
- The proportion of appeals that were successful in Q4 2015 is the highest recorded (43%).⁵⁵

62. The Upper Tribunal (Immigration and Asylum Chamber) deals with appeals against decisions made by the First Tier Tribunal (IAC). In 2015, 5,609 appeals were determined by the Upper Tribunal with a success rate of around 30% for the appellant.⁵⁶ In Q4 2015 the Home Office provided representation to 97% of First Tribunal hearings and 100% of Upper Tribunal hearings.⁵⁷

54 Home Office, [Immigration Statistics](#), February 2016, AS_06; not including appeals to the Upper Tribunal

55 Home Office, [Immigration Statistics](#), February 2016, AS_14q

56 It is not possible to extrapolate from the data whether the appeal was by the UK Government or the applicant

57 UK Visas and Immigration, [Asylum transparency data](#), February 2016, ARR_01

Legacy casework

63. In 2006, the Home Office carried out a programme of work to resolve legacy asylum cases. This took five years and was overseen by the Case Resolution Directorate (CRD). When the CRD closed in March 2011, it handed over 124,000 archive cases (applications where the UK Border Agency had lost contact with the applicant) and 23,000 cases where there were significant barriers to conclusion, to the newly created Case Assurance and Audit Unit (CAAU).

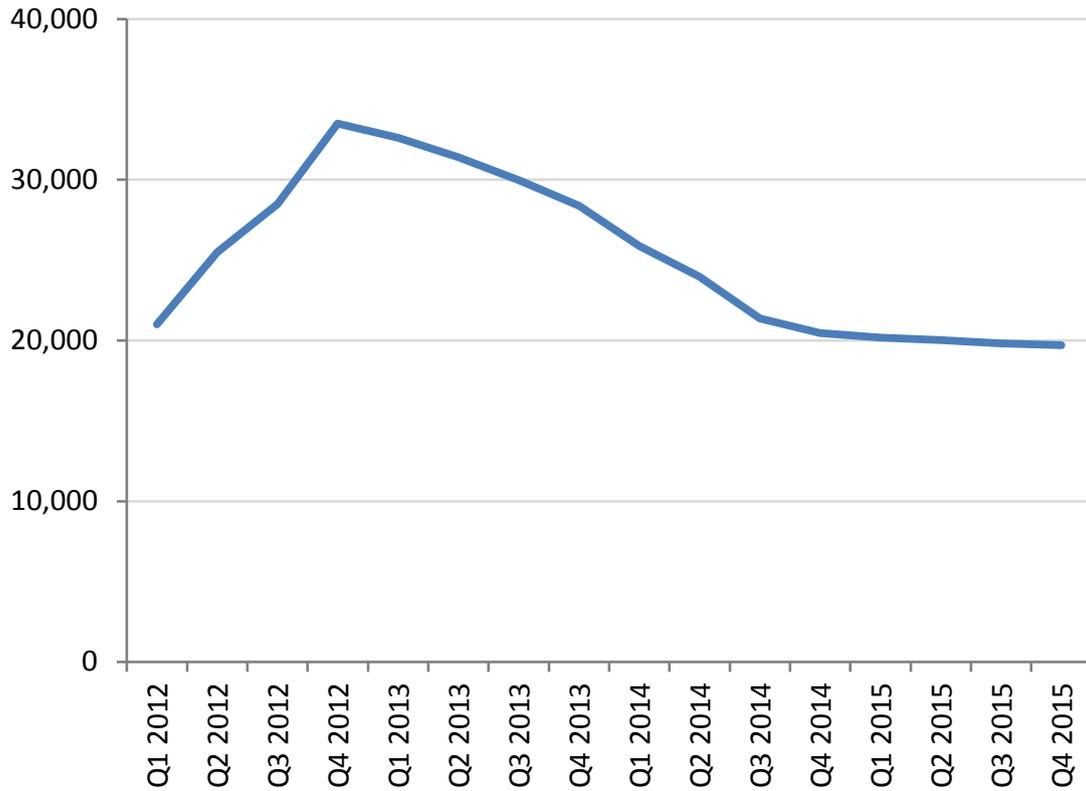
64. The CAAU was renamed the Older Live Cases Unit (OLCU) in 2013 to reflect the fact that the focus would be on reviewing the remaining legacy cases. The 124,000 controlled archive was split between 98,000 asylum and 26,000 immigration cases. Legacy cases are concluded by granting leave, removing individuals from the country or by cleansing the data of clear errors and duplications. In November 2012 all cases that remained in the controlled archive (cases where the applicants could not be traced) were closed. In total, 64,600 asylum cases and 15,700 immigration cases were closed; those cases that remained formed the 'live cohort' and work to process them is ongoing.

Legacy asylum issues

Worse performance

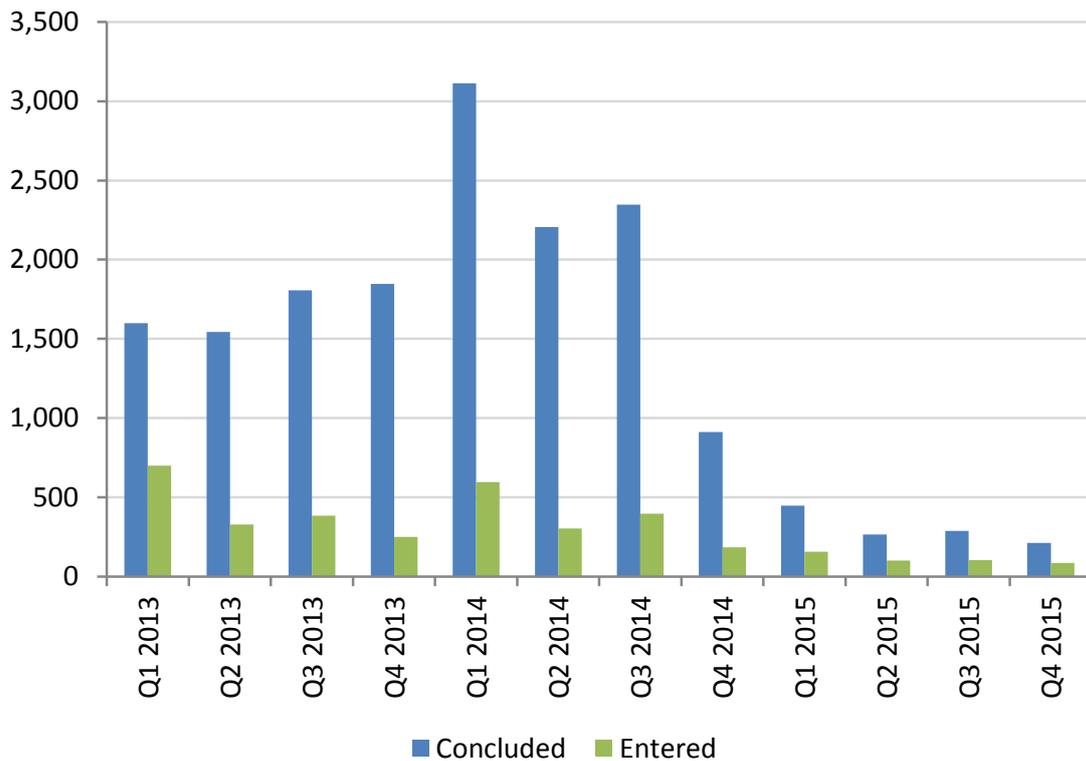
- The number of asylum cases in the Older Live Cases Unit continues to fall but the rate of reduction has slowed as the number of cases being concluded has reduced. Just 212 cases were concluded in Q4 2015, compared with 3,112 in Q1 2014. At the end of 2015 there were 19,710 live legacy asylum cases remaining.

Chart 4: Asylum cases in the Older Live Cases Unit



Source: UK Visas and Immigration, [Asylum transparency data](#), February 2016 (and previous releases), Table OLCU_01

Chart 5: Legacy asylum conclusions and new cases

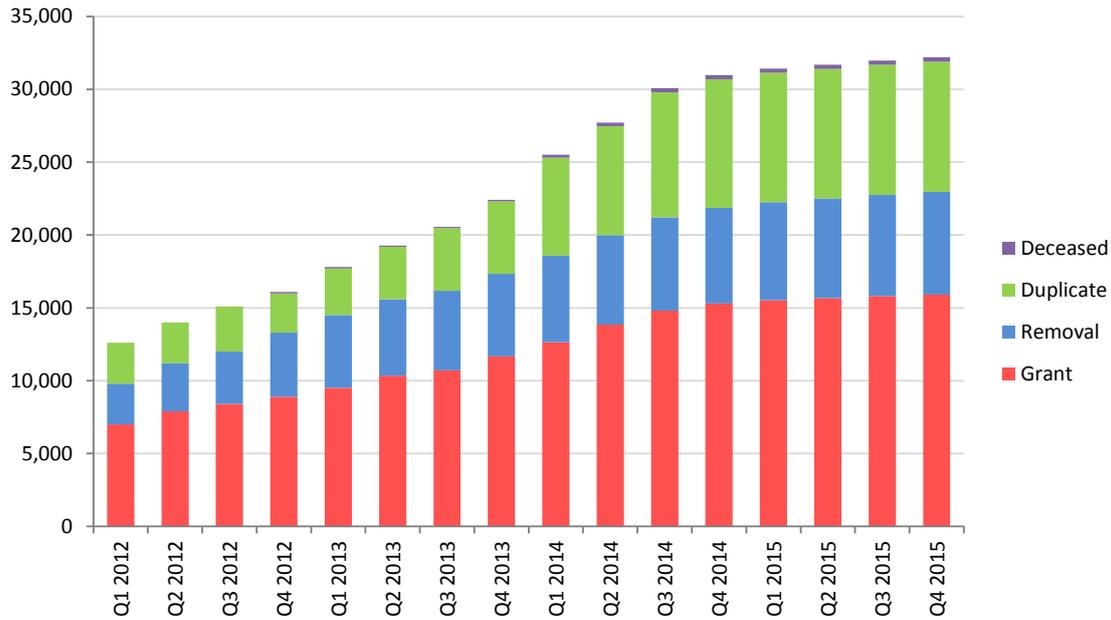


Source: UK Visas and Immigration, [Asylum transparency data](#), February 2016 (and previous releases), Table OLCU_02

65. We are disappointed that far fewer legacy asylum cases were concluded in 2015, compared with previous years. The Home Office must explain why the rate of cases being concluded has reduced, and what the overall target is for clearing the remaining backlog.

66. At the end of Q4 2015, 49% of all legacy asylum applications concluded had been granted leave to remain, 22% were removed and 28% were found to be duplicates.⁵⁸

Chart 6: Legacy asylum conclusions



Source: UK Visas and Immigration, [Asylum transparency data](#), February 2016 (and previous releases), Table OLCU_02

Legacy immigration issues

Worse performance

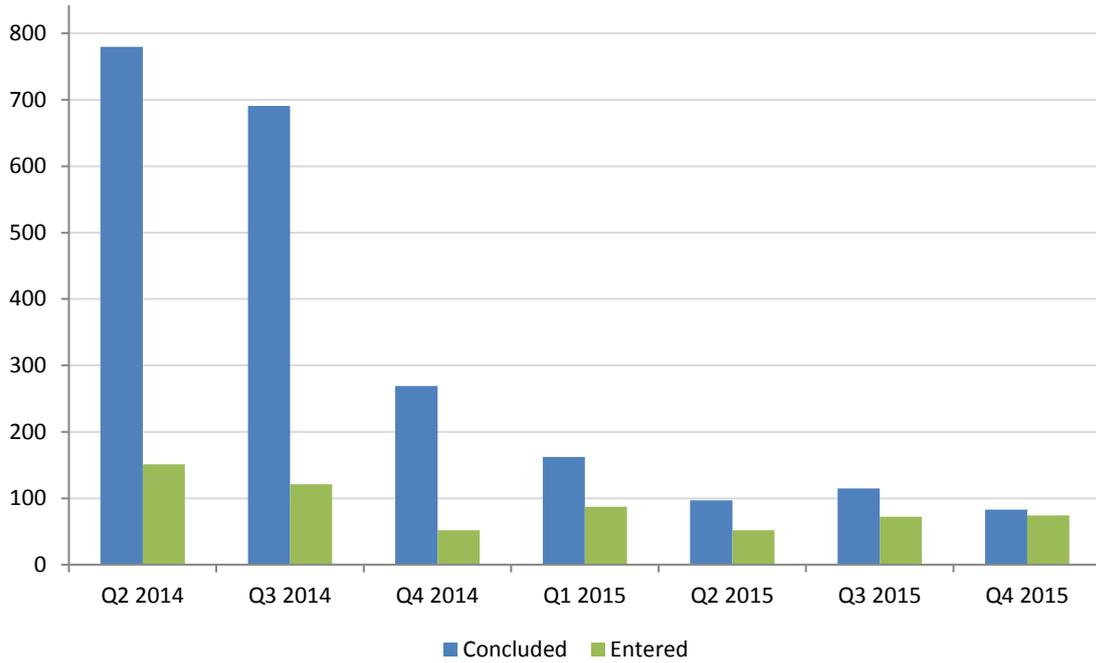
- As with legacy asylum cases, the rate of reduction in legacy immigration cases plateaued over the course of 2015. 83 cases were concluded in Q4 2015 compared to 115 cases in Q3 2015 and 269 cases in Q4 2014.⁵⁹ The total number of live immigration cases in the OLCU as of Q4 2015 was 4,492.⁶⁰

58 UK Visas and Immigration, [Asylum transparency data](#), February 2016 (and previous releases), Table OLCU_02

59 UK Visas and Immigration, [Asylum transparency data](#), February 2016 (and previous releases), Table OLCU_02

60 UK Visas and Immigration, [Asylum transparency data](#), February 2016 (and previous releases), Table OLCU_02

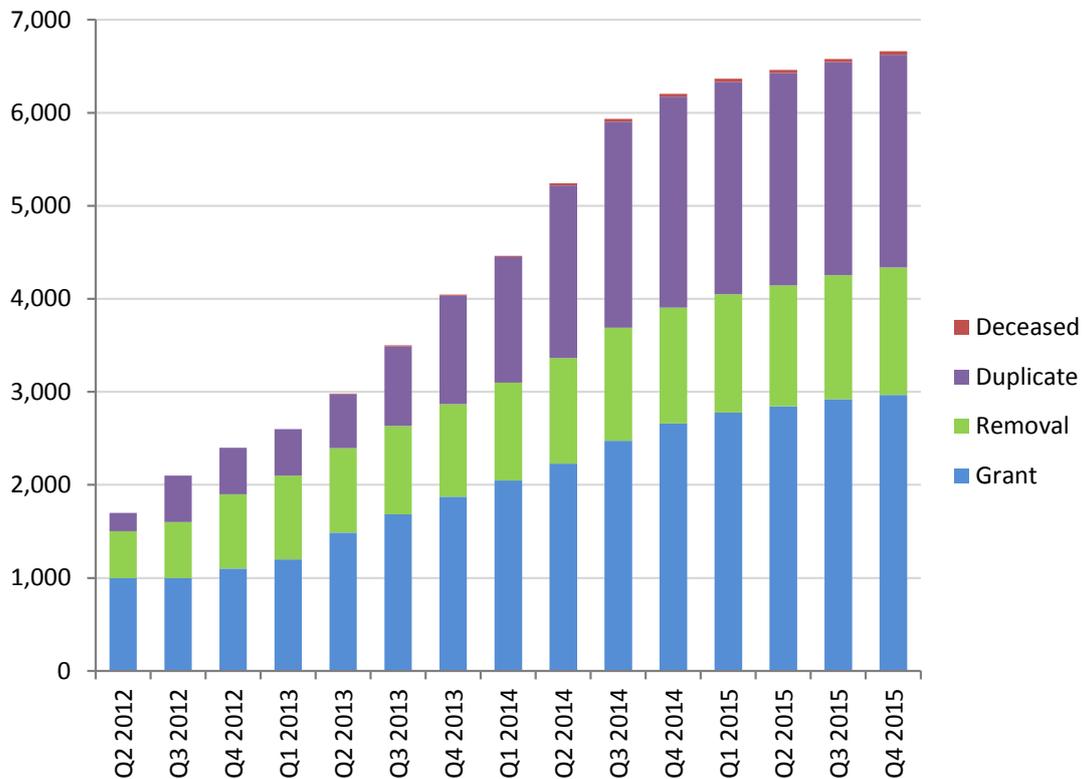
Chart 7: Legacy migration conclusions and new cases



Source: UK Visas and Immigration, [Asylum transparency data](#), February 2016 (and previous releases), Table OLCU_02

67. The chart below shows the number of legacy immigration applications concluded in total in each quarter since Q2 2012 and the outcome of those applications.

Chart 8: Legacy immigration conclusions



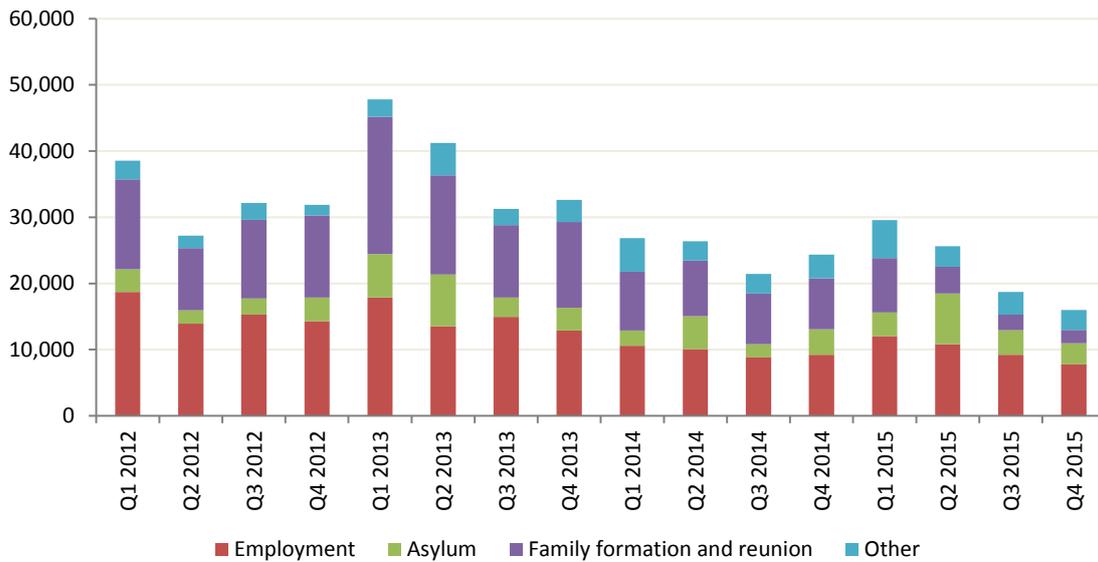
Source: UK Visas and Immigration, [Asylum transparency data](#), February 2016 (and previous releases), Table OLCU_02

68. By the end of Q4 2015, 6,661 legacy immigration applications had been concluded. Of these, 45% had been granted leave to remain and 21% of applicants were removed. 34% were found to be duplicates.⁶¹ We have previously commented on the high rate of duplicates within the legacy casework and the Government’s explanation can be found in its Response to our Report on Q2 2015.⁶²

Grants of Settlement

69. Settlement or indefinite leave to remain allows foreign nationals to live in the UK without a visa. The Home Office data shows grants of settlement based on employment, asylum, family and other. There were 89,932 grants of settlement in 2015, the lowest number in the last 10 years. The Chart below shows grants of settlement for each quarter by category, for the last four years. The family formation and reunion category has seen the largest reduction, a fall that can be attributed in part to changes in government policy which, in July 2012, extended the length of time family members had to be in the country before being able to apply for settlement from 2 to 5 years.

Chart 9: Grants of settlement



Source: Home Office, [Immigration Statistics](#), February 2016, Table SE_01

61 UK Visas and Immigration, [Asylum transparency data](#), February 2016 (and previous releases), Table OLCU_02

62 Third Special Report of Session 2015–16, [The work of the Immigration Directorates \(Q2 2015\): Government Response](#), HC 693

4 Staff numbers

70. In Q4 2015, there were 11,615 full time equivalent staff working in UK Visas and Immigration (UKVI) and Immigration Enforcement. This is 701 full-time equivalent staff or 6% less than the same quarter in the previous year.⁶³

Table 19: Staffing in UKVI and Immigration Enforcement

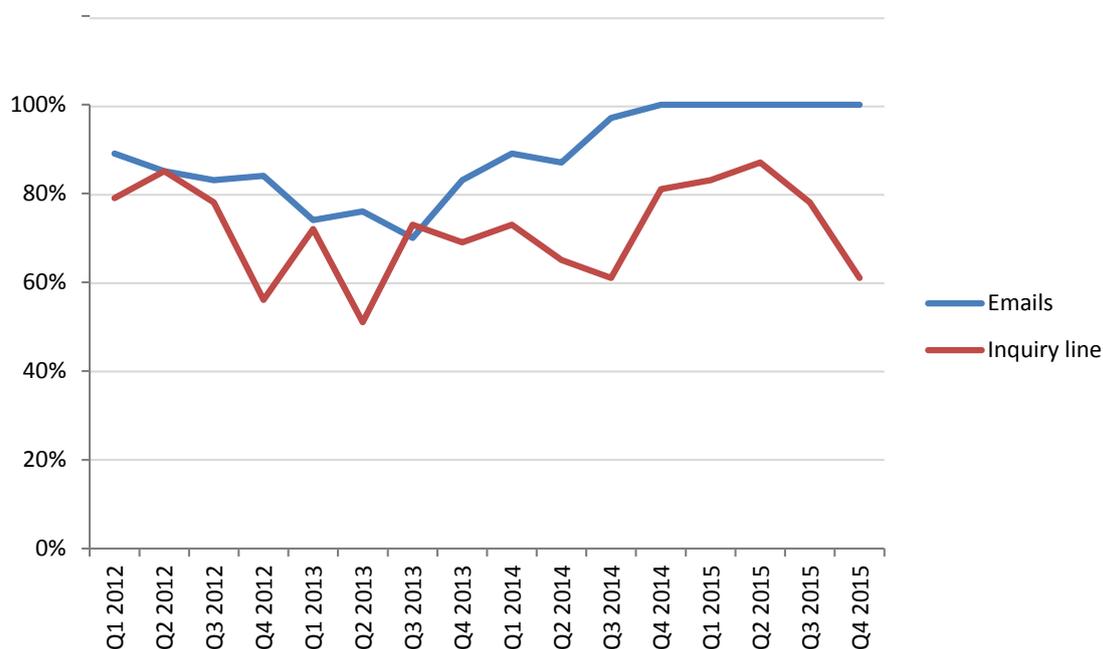
	Q4 2014				Q4 2015			
	Civil Servants	Agency	Other	Staff Total	Civil Servants	Agency	Other	Staff Total
UKVI	5,576	1,064	294	6,933	5,787	399	325	6,511
Immigration	4,784	79	519	5,382	4,757	32	315	5,104
Total	10,360	1,143	813	12,316	10,544	431	640	11,615

Source: Home Office, Immigration Statistics, Border and Immigration Cross-cutting Data, February 2016

MPs' correspondence

71. The chart below shows the proportion of MPs' emails and enquiries made via the MPs' inquiry line which were responded to within the target time.

Chart 10: MPs' correspondence



Source: [Customer Service Operations Data](#), February 2016

The Home Office aims to respond to 95% of letters and emails from Members of Parliament within 20 days. 97% of the 3,830 letters and 100% of the 4,572 emails were responded to within 20 working days in Q4 2015.⁶⁴ The Home Office aims to resolve 90% of queries made via the telephone inquiry line that cannot be solved immediately within 10 working days of receiving the call.

Worse performance

- In Q4 2015, 61% of queries made via the telephone inquiry line were resolved in 10 working days, down from 78% in the previous quarter.⁶⁵

⁶⁴ Home Office, [Customer Service Operations Transparency Data](#), February 2016, Table MP 04

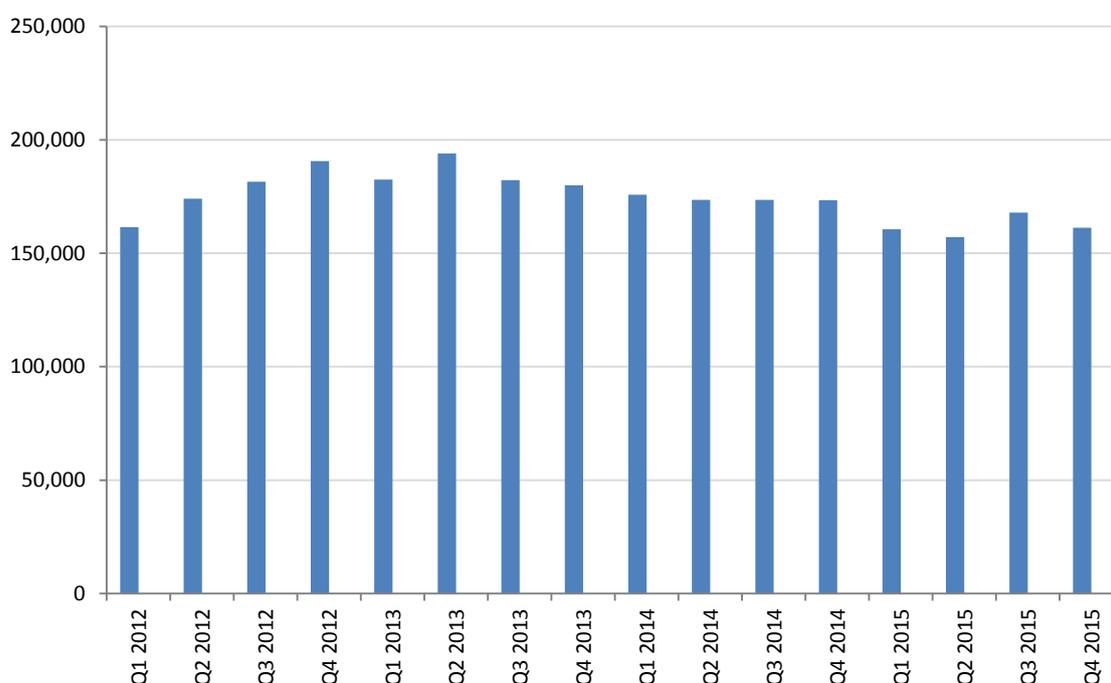
⁶⁵ Home Office, [Customer Service Operations Transparency Data](#), February 2016, Table MP 05

5 Immigration Enforcement

The Migration Refusal Pool and curtailment of leave

72. Anyone whose temporary or permanent migration application is refused by UK Visas and Immigration or whose leave to remain has expired enters the Migration Refusal Pool (MRP). The MRP was set up in 2008. Asylum applications are excluded from it. It includes people who might have left the UK (but departure has not yet been confirmed) or secured a grant of leave in a different way (and records have not yet been linked to show this). Immigration Enforcement manages the MRP, and this forms a major part of its workload. Cases leave the pool as people are confirmed to have left the UK, are granted leave, or lodge an appeal or new application.

Chart 11: Size of Migration Refusal Pool at end of quarter



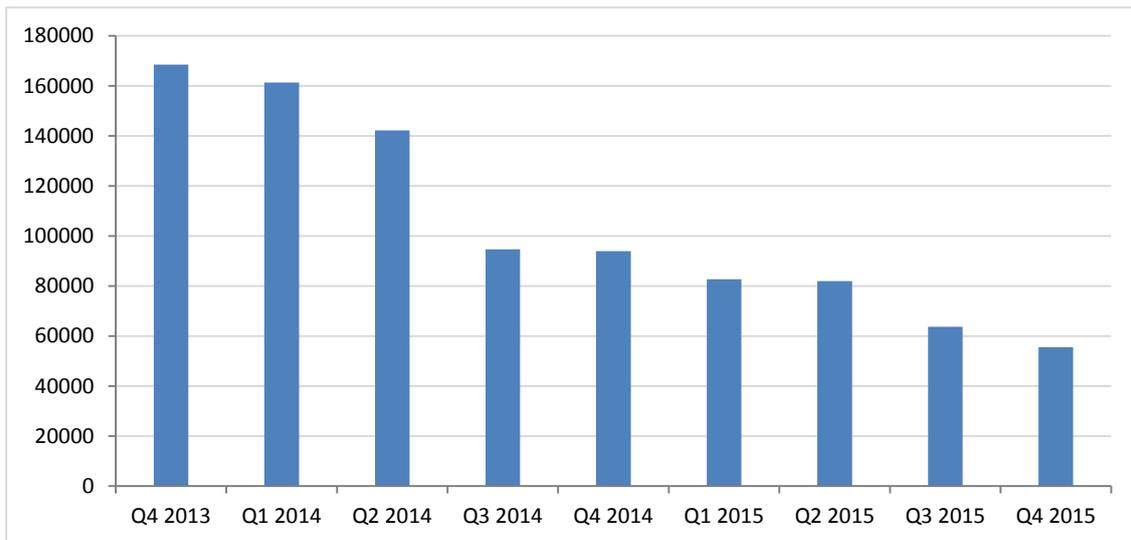
Source: Home Office, [Immigration enforcement transparency data](#), February 2016 (and previous data releases), Table Post_MRP_01

73. In September 2012, the Home Office contracted Capita to carry out a data cleansing operation on the Migration Refusal Pool. By the end of Q4 2015, Capita had assessed 460,900 records (122,000 in 2015). Of these, 243,000 had been passed back to the Home Office to progress for further casework, be that removal or confirmation that the individual had applied for another route to remain in the UK. 98,400 had been confirmed as having departed from the UK, and in 99,400 cases no contact could be made.⁶⁶

Improved performance

- At the end of Q4 2015, there were 161,199 cases in the Migration Refusal Pool (MRP), down 4% from 167,975 in the previous quarter and down 7% from the 173,514 at the end of 2014.
- The pre-2008 cases stood at 223,000 when the MRP was created. To date Capita has assessed 175,500 of the pre-2008 records. By the end of Q4 2015 there were 55,547 records remaining in the pre-2008 Migration Refusal Pool, down from 63,634 at the end of the previous quarter.⁶⁷

Chart 12: Number of records in the pre-2008 Migration Refusal Pool



Source: Home Office, [Immigration enforcement transparency data](#), February 2016, Table Pre_MRP_01

74. An inspection of the curtailment process for Tier 4 visas by David Bolt, the Independent Chief Inspector of Borders and Immigration (ICIBI), found that cases were being entered into the Migration Refusal Pool unnecessarily.⁶⁸ For example, cases in which leave had been curtailed but were still within a period of grace (to ‘wrap up’ their stay and depart) were being entered into the MRP and referred to Capita only for Capita to, correctly, bounce them back to the Home Office because there was a ‘barrier to removal’—namely that the student was still entitled to be in the UK. The ICIBI also found cases being entered into the MRP where Advance Passenger Information (API) showed that the individual had either already departed the UK or never arrived in the first place. As the ICIBI noted, in both cases this was wasted effort for all parties. In its response to his Report the Government agreed that both issues would be, or were being, addressed.⁶⁹

75. The ICIBI also noted that Immigration Enforcement had no process for monitoring ‘curtailment not pursued’ (CNP) cases—ones which Immigration Enforcement had chosen not to pursue because either the student’s leave had already expired or the student

⁶⁷ Home Office, [Immigration enforcement transparency data](#), February 2016, Table Post_MRP_03

⁶⁸ Independent Chief Inspector of Borders and Immigration, [A Short Notice Inspection of the Tier 4 Curtailment Process July – September 2015](#), 23 March 2016

⁶⁹ Home Office, [Response to the Independent Chief Inspector of Borders and Immigration, A short notice inspection of the Tier 4 curtailment process: July – September 2015](#), published 23 March 2016

had fewer than 60 days leave remaining at the time of the curtailment consideration, meaning that the Home Office expected these individuals either to have returned home or to have extended their leave in another category. He observed that:

Between 1 April [2014] and 31 March 2015, the Home Office made 71,601 CNP decisions. Many of these individuals may have departed the UK or have been granted leave to remain on other grounds. However, the true position, including the number and whereabouts of those who have remained in the UK illegally, is not known.⁷⁰

We consider the issue of removing foreign national offenders separately at paragraph 89.

76. The Government has accepted the Independent Chief Inspector of Borders and Immigration's recommendation to take the steps necessary to locate and identify those individuals amongst the more than 71,000 curtailment not pursued (CNP) cases who have remained in the UK illegally, with a view to effecting their removal. As with the process with Older Live Cases we expect statistics on progress in dealing with this issue to be published on a quarterly basis.

Immigration detention

77. Immigration detention is the practice of detaining asylum seekers and other migrants for administrative purposes, to enable their claim to be resolved, or their possible removal. In 2015, 32,446 people entered immigration detention, a 6% increase from 2014.⁷¹

Table 20: Number of people entering immigration detention at the end of each quarter

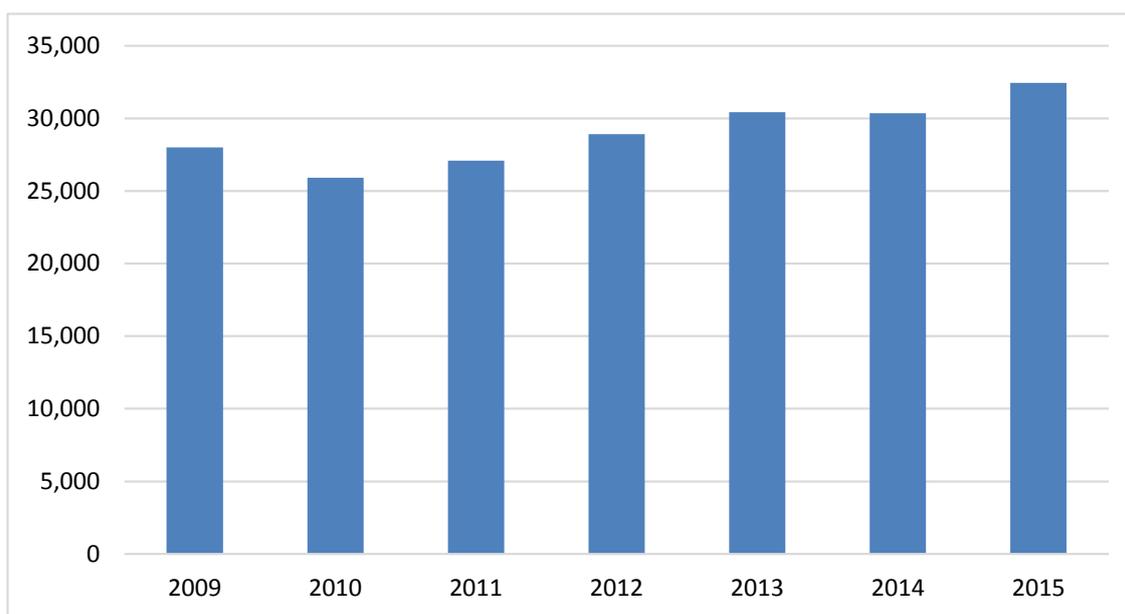
Quarter	Total	Male	Female	Of whom were children
2014 Q1	7,031	5,899	1,132	25
2014 Q2	6,995	5,877	1,118	27
2014 Q3	8,341	7,049	1,292	32
2014 Q4	7,997	6,903	1,094	44
2015 Q1	7,569	6,530	1,039	41
2015 Q2	8,146	6,957	1,189	38
2015 Q3	9,029	7,791	1,238	31
2015 Q4	7,702	6,534	1,168	18

Source: Home Office, [Immigration Statistics](#), February 2016, [Detention data tables](#), dt_04q

70 Independent Chief Inspector of Borders and Immigration, [A Short Notice Inspection of the Tier 4 Curtailment Process July – September 2015](#), 23 March 2016

71 Home Office, [Immigration Statistics](#), February 2016, Table DT_04q

Chart 13: Total entering detention



Source: Home Office, [Immigration Statistics](#), February 2016, Table dt_05q

78. The proportion of all those who entered detention and who were then removed from the UK has gradually fallen from 63% in Q1 2010 to 44% in Q4 2015. Fewer than half of those people who enter immigration detention are removed from the UK.

Improved performance

- The proportion of all those who entered detention and who were then removed from the UK increased from 40% in Q3 2015 to 44% in Q4 2015.

Table 21: Numbers leaving detention and removed from country

	Number leaving detention	Number Removed from the UK	% Removed from the UK
2014 Q1	6,864	3,985	58
2014 Q2	6,876	3,855	56
2014 Q3	8,039	3,957	49
2014 Q4	7,895	3,876	49
2015 Q1	7,516	3,760	50
2015 Q2	8,178	3,966	48
2015 Q3	8,892	3,565	40
2015 Q4	8,603	3,795	44

Source: Home Office, [Immigration Statistics](#), February 2016, Table dt_05q

79. In Q4 2015, it cost on average £91 per day to hold an individual in immigration detention.⁷² In addition to the cost of detention itself the Home Office also pays compensation to those people whom the courts find to have been held in detention unlawfully. A Freedom of Information request revealed that a total of £18 million has been paid in compensation over the last four years.

72 Home Office, [Immigration Statistics](#), February 2016, Table DT_02

Table 22: Total paid in compensation to those unlawfully detained

Financial year	Total paid in compensation
2011–12	£4,461,344
2012–13	£5,017,971
2013–14	£4,775,000
2014–15	£4,000,000

Source: BBC News, [Payments to wrongly held detainees top £4bn each year](#), 20 April 2016

Overall, the number of people in immigration detention has dropped from 3,460 at the end of 2014 to 2,607 by the end of 2015.

Table 23: Number of people in immigration detention at the end of the year

	Total	Male	Female
2010	2,525	2,248	277
2011	2,419	2,178	241
2012	2,685	2,412	273
2013	2,796	2,505	291
2014	3,462	3,135	327
2015	2,607	2,337	270

Source: Home Office, [Immigration Statistics](#), February 2016, Table DT_13

The UK is the only country in Europe without a time limit on detention. Of those in detention at the end of 2015, 1,635 individuals had been in detention for over 28 days, 81 people for over a year and 8 people for longer than two years. Current trends suggest that over half of these people will be released (see Table 21).

Table 24: People in detention by length of detention

Length of detention	End of 2013	End of 2014	End of 2015
3 days or less	115	157	120
4 to 7 days	74	52	48
8 to 14 days	326	333	241
15 to 28 days	521	622	533
29 days to less than 2 months	767	795	652
2 months to less than 3 months	350	479	319
3 months to less than 4 months	243	399	211
4 months to less than 6 months	180	228	190
6 months to less than 12 months	145	289	174
12 months to less than 18 months	37	65	55
18 months to less than 24 months	22	25	26
24 months to less than 36 months	13	12	6
36 months to less than 48 months	3	4	2
48 months or more	0	2	0
Total	2,796	3,462	2,607

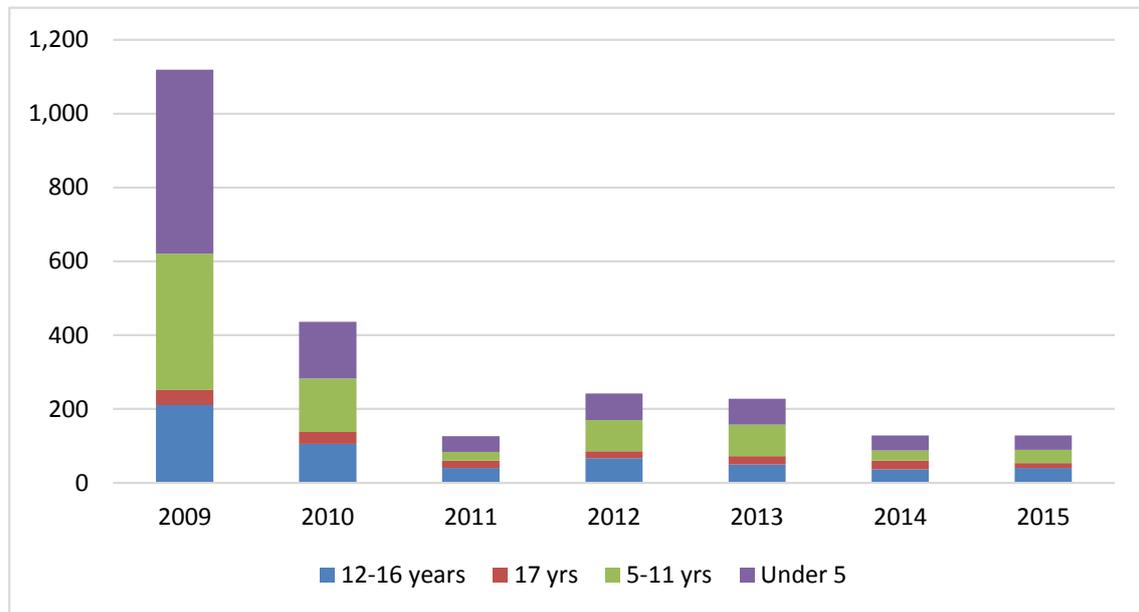
Source: Home Office, [Immigration Statistics](#), February 2016, Table DT_11_q

80. Immigration detention is costly, as is the compensation which has to be paid when detention is found to be unlawful. The adverse effects of detention on an individual's mental health are also well-established. We support the recommendations of the independent reviewer, Stephen Shaw, that the Home Office should both do more to reduce the length of time that detainees are held and investigate alternatives to detention. Particular attention should be paid to those who are held in detention for the longest periods. We welcome the Government's commitment to an independent case review after three months' detention, and the new statutory automatic presumption of bail after four months' detention. We will closely scrutinise the impact of these changes. We recommend that the Government publish a timetable for implementation, as well as a date for Stephen Shaw's short follow-up review. We share Stephen Shaw's view that further legal interventions, such as a statutory time limit on detention, will need to be considered if there has not been a significant impact on the length of detention.

Children in detention

81. The Government has committed to end the detention of children for immigration purposes. Although the number of children so detained has significantly reduced from a high of 1,119 children in 2009, the practice has not stopped entirely. In 2015, 128 children entered immigration detention.

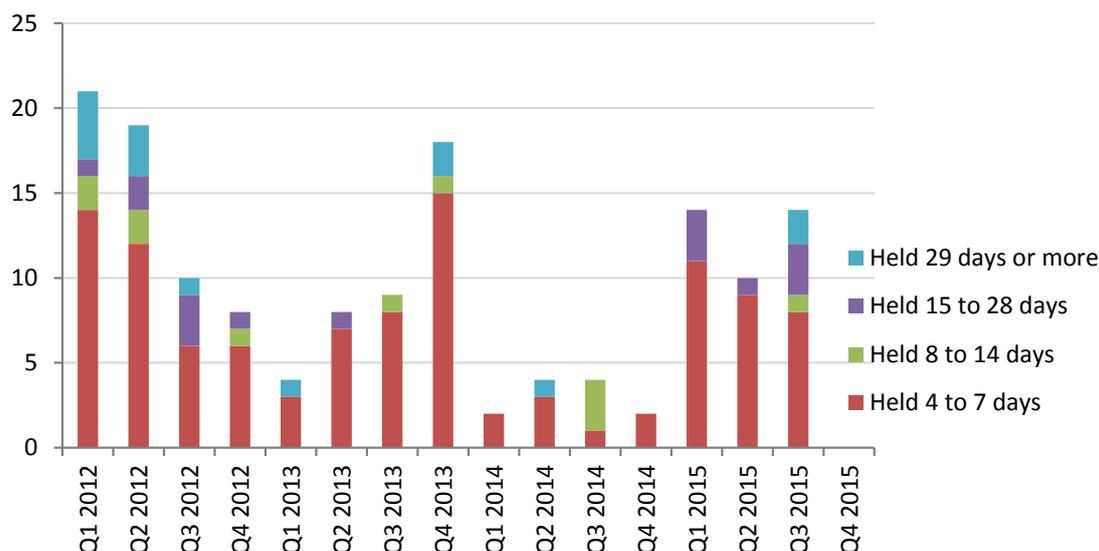
Chart 14: Children entering detention by age



Source: Home Office, [Immigration Statistics](#), February 2016, Table DT_02

82. The graph below shows how long children were detained. The graph provides data for children detained longer than three days. In 2015, 95 children were detained for less than three days. At the end of 2015 there were no children in immigration detention.

Chart 15: Children leaving immigration detention by length held, those over 3 days



Improved performance

- We welcome the fact that there were no children held in immigration detention in Q4 2015 for longer than 3 days, down from 14 in Q3 2015.⁷³

Pregnant women in detention

83. In February 2015, the Home Secretary asked Stephen Shaw, a former Prisons and Probation Ombudsman, to conduct a review of the welfare of vulnerable people in detention. Stephen Shaw submitted his review in September 2015 and it was published by the Home Office in January 2016. The review included a list of categories of people who should be presumed unsuitable for detention, such as those suffering serious mental illness, and an absolute exclusion from detention for pregnant women. When the Minister for Immigration came before us in February 2016 he was unable to provide an assurance that the Home Office would accept Mr Shaw's recommendation on excluding pregnant women from detention.

84. On 18 April 2016 the Government announced that, although it would retain the right to detain pregnant women, it planned to end their routine detention and detention would be limited to 72 hours, extendable to up to a week with Ministerial authorisation. The Government offers the following explanation for not fully meeting Stephen Shaw's recommendation:

We need to ensure that we are able to effectively manage returns for those who do not depart voluntarily. This new safeguard will ensure that detention for pregnant women will be used as a last resort and for very short periods—for example: immediately prior to a managed return; to prevent illegal entry at the border where a return can be arranged quickly, or if a pregnant woman presents a public risk.⁷⁴

73 Home Office, [Immigration statistics](#), February 2016, Table DT_09q

74 Written Statement, 8 April 2016, [HCWS679](#)

85. The Government's decision to move some way towards the recommendation in the Shaw review to end the detention of pregnant women is welcome. However, it falls short of the absolute exclusion recommended by Stephen Shaw. We expect any future instances of pregnant women being detained to be a last resort; and the occurrences and length and circumstances of detention must be recorded in future data releases so that we can properly assess whether the new safeguards are being adhered to in practice.

Rule 35 reports

86. Rule 35 of the Detention Centre Rules is intended to be a key safeguard in ensuring that vulnerability in detention is identified. It states that medical practitioners are required to report to the Home Office any detainee whose health is likely to be injuriously affected by detention, and any detainee they are concerned may be a victim of torture. The chart below shows the number of Rule 35 Reports made to the Department since the beginning of 2012 and the number of people released from detention as a result.

Chart 16: Rule 35 reports

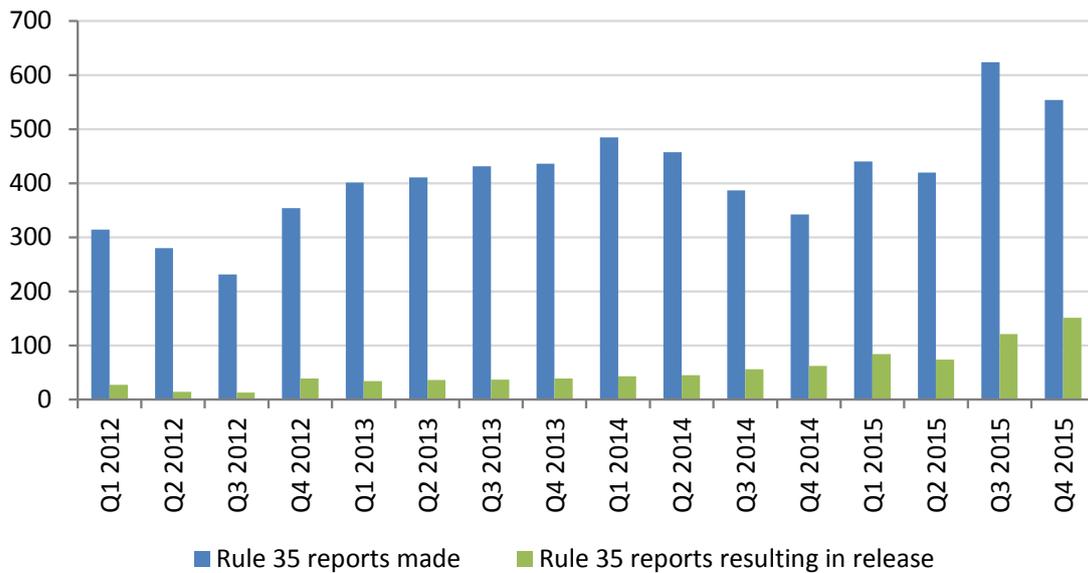


Table 25: People released as a result of Rule 35 reports

	Rule 35 Reports made	People released as a result of Rule 35 Reports	
2012	1,179	93	8%
2013	1,679	146	9%
2014	1,671	206	12%
2015	2,038	430	21%

Source: Home Office [Immigration Enforcement Transparency Data](#), Table DT_03

87. There were substantially more Rule 35 Reports in 2015 than in previous years. The number and proportion of people released as a result of a Rule 35 Report has also increased from 12% (93) in 2012 to 21% (430) in 2015.

Improved performance

- In Q4 2015, 28% of Rule 35 reports resulted in release from detention, an increase from 20% in Q3 2015.

88. We welcome the increase in the number of people who are considered unfit for detention being released. However, it is disappointing that a large majority of detainees subject to Rule 35 Reports remain in detention. Stephen Shaw's independent review observed that such a high level of rejection showed that the system designed to safeguard the welfare of vulnerable people was failing and recommended that an alternative be immediately considered. The Government has committed to addressing this with a new 'adult at risk' policy. We look forward to seeing the details of the new policy, but in the meantime the Government must do more to provide protection for vulnerable people, including seeking alternatives to detention.

Foreign national offenders (FNOs)

89. The Government has said it wishes to deport as many Foreign National Offenders (FNOs) as possible to their home countries. In 2013, the Government produced an Action Plan on FNOs with the aims of increasing removals from 4,600 to 5,600 a year over the following three years, and reducing the number of FNOs in the UK by 2,000 over the same period. In 2015, provisional data show that 5,602 FNOs were removed, a 6% increase on the previous year (5,286). This number has been steadily increasing since the year ending March 2013 (4,720) and is now the highest number since the series began in 2009.⁷⁵ The data also shows:

- In Q4 2015 there were 9,895 foreign nationals held in prisons and Immigration Removal Centres (down from 10,695 in Q4 2013)
- In Q4 2015, 416 FNOs eligible for deportation were released into the community, down from 429 in Q3 (when it was the highest it has been since the beginning of 2012). Of these, 396 remained to be deported at the end of the quarter.⁷⁶

Improved performance

- It took an average of 149 days to deport an FNO in Q4 2015, down from 169 days in Q3 2015.⁷⁷

Worse performance

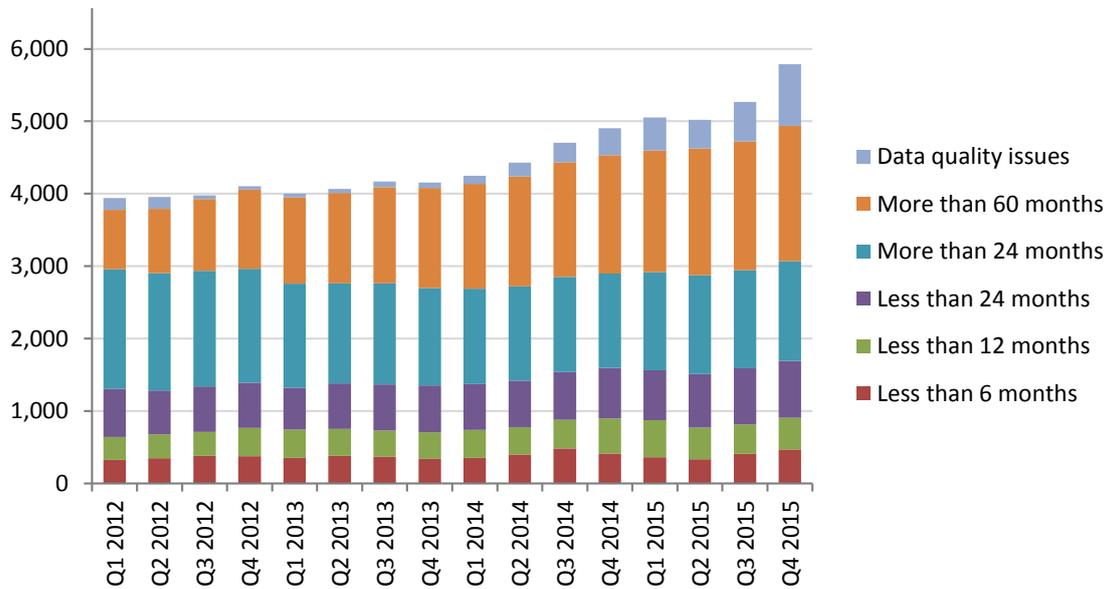
- In Q4 2015, there were 5,789 FNOs living in the community. This is the highest number of FNOs living in the community since 2012. 56% had been living in the community for more than two years (see chart below).

75 Home Office, [Migration statistics](#), February 2016, Table RV_07_q

76 UK Visas and Immigration, [Immigration enforcement data](#), February 2016, Table FNO_03

77 UK Visas and Immigration, [Immigration enforcement data](#), February 2016, FNO_10

Chart 17: Ex-FNOs living in the community by time since release



Source: UK Visas and Immigration, [Asylum transparency data](#), February 2016

90. In evidence to the Liaison Committee in May the Prime Minister accepted that the Government should have done better at removing foreign national prisoners and offenders. The Prime Minister explained that he has “six-monthly National Security Council meetings on foreign national offenders and foreign national prisoners to try to speed up their exit from the UK. It is fantastically difficult, even when you have signed prisoner transfer agreements.”⁷⁸ Common barriers to deportation include a lack of travel documentation, asylum claims, and further legal representation.

91. **The Committee agrees with the Prime Minister that the Government ‘should have done better’ in deporting foreign national offenders from EU countries. The failure to remove these individuals from the UK has been disappointing, and undermines confidence in the immigration system. Whilst there has been a slight improvement in the numbers being deported per year, progress has been too slow and the number of foreign national offenders currently in the United Kingdom is over 13,000, the size of a small town. The Home Office must set out the practical steps it intends to take to significantly reduce this figure. If it fails to do so we will begin setting targets to be monitored in future reports.**

92. **It is deeply concerning that there are 5,789 FNOs living in the community, the highest number since 2012. Over half of these have been living in the community for more than two years. This is unacceptable, and the Government should set out how many individuals are in the community whom they have decided to keep in the UK, and how many they would seek to deport.**

93. **There are too many Foreign National Offenders from European Union countries still in the United Kingdom. The public is entitled to expect a more efficient process for prisoner transfers and removals between Member States. It is surprising that of the predominant foreign nationalities in UK prisons, the top three are from EU countries: 983 from Poland, 764 from Ireland, and 635 from Romania. The Home Office has**

78 Oral evidence taken by the Liaison Committee, HC (2015–16) 956, Q66

failed to tackle this issue sufficiently, as EU prisoners should be the first to be removed and accepted by their countries of origin. In her evidence to the Committee, the Home Secretary was unconvincing in suggesting that remaining a member of the EU will make it easier to remove these individuals from the UK. The clear inefficiencies demonstrated by this process will lead the public to question the point of the UK remaining a member of the EU.

Voluntary removals

94. Immigration Enforcement run a Voluntary Removal Service to facilitate removals from the UK for people who wish to find a way back to their country of birth. They offer surgeries in religious centres where people can seek advice without fear of being arrested.

95. **In response to this Report we request that the Home Office provides an update on the Voluntary Removal Service operated by Immigration Enforcement.**

6 Conclusion

96. We recognise the scale of the challenge facing the Home Office in dealing with visa and asylum applications. Our analysis of the performance of the immigration directorates over Q4 2015 reveals a mixed picture. The over-whelming number of visa applications continue to be processed within customer service standards and good progress has been made in a number of other areas. There has been a clear improvement in the targeting of enforcement in the area of sponsorship visas, though the handling of the English language testing scandal detracts from the progress in this area and risks causing damage both to the public's faith in the integrity of the immigration system and the UK's reputation as a country that welcomes overseas students. We also note concerns from academic sponsors about a lack of engagement from the Home Office and expect this to be addressed as a priority, given their importance to the UK economy.

97. The application of extra resources to process asylum applications has had a tangible impact as evidenced by the substantial reduction in the number of asylum applications pending a decision for more than six months and the additional 12,000 initial decisions made in 2015 compared with the previous year.

98. However, such progress does not mean there is not still cause for concern. The number of asylum cases pending a decision is at its highest ever level, caused in part by an increase in cases requiring further review as well as an increase in applications overall. At the end of 2015, the number of visa applications still to be loaded on to the database was 85% higher than the previous quarter despite fewer applications. Thousands of legacy cases both in the Older Live Cases Unit and the Migration Refusal Pool also remain outstanding. These are worrying signs and we question whether UKVI has sufficient resources to cope with the additional demands at the same time as reducing the existing backlog, particularly given that the pressures on the UK immigration system are not going to ease in the foreseeable future. We summarise the current backlog below.

Table 26: Immigration backlog

	Q4 2014	Q1 2015	Q2 2015	Q3 2015	Q4 2015	Difference on previous year	% year
Live legacy asylum cases	20,473	20,181	20,017	19,833	19,710	-763	-4%
Live legacy immigration cases	4,662	4,587	4,542	4,499	4,492	-170	-4%
FNOs living in the community	4,903	5,053	5,021	5,267	5,789	886	18%
Migration refusal pool	173,371	160,588	157,142	167,975	161,199	-12,172	-7%
No. of cases still to be loaded on CID	5,050	10,969	6,855	7,219	13,341	8,291	164%
Temporary and permanent migration pool	120,460	109,718	124,582	156,286	140,950	20,490	17%
Total	328,919	311,096	318,159	358,923	345,481	16,562	5%

99. We have regularly expressed concern about the size of the immigration backlog. The current backlog is lower than in Q3 2015 but still over 16,000 cases higher than a year ago. It is deeply concerning that there has been so little improvement.

Conclusions and recommendations

Visa applications

1. This Committee has in the past expressed concern about the way in which internal service standards operate. Since UKVI introduced its own customer service standards in 2014 we have seen the goalposts shifted, as UKVI have changed the parameters without consultation or explanation, and a lack of transparency, particularly when UKVI choose to exclude vast numbers of cases from the standards and provide only general observations to justify such action. We reiterate the conclusion from our previous report that if service standards are to mean anything their application must be transparent and the criteria on which they are based justified. Whenever UKVI wishes to amend the customer service standards, this Committee must be notified by a letter from the head of UKVI. (Paragraph 7)
2. UKVI states that it is meeting its service standards for in-country visa applications in the overwhelming majority of cases, although we note that the number of cases in progress that will not meet these service standards, while very low, is steadily increasing. We also note that, at the end of Q4 2015, the number of cases that had been received but had yet to be inputted was 85% higher than at the end of the previous quarter despite the overall number of applications being lower. We are concerned that this may be the first sign of a backlog developing. In response to this Report, the Home Office must set out the steps which UKVI is taking to address this potential backlog. (Paragraph 8)
3. In response to this report UKVI must explain why so many cases in the family reunion and refugee resettlement categories have not been progressed within the customer service standards and what steps are being taken to address this. Processing of such applications should be a particular priority given the ongoing humanitarian crisis in the Middle East and Europe. (Paragraph 9)
4. In our Report *Immigration: Skill Shortages* we concluded that the period of time allowed for an organisation to give further information in the event of a suspension or revocation of a licence was not long enough. We note that UKVI does not agree that the current arrangements require review. We remain concerned and will continue to monitor the system of sponsorship. We will hold UKVI to account if we find that the process of suspension and resolution is not being administered effectively. (Paragraph 11)
5. UKVI is meeting its own 40-day performance target on processing sponsor applications. We question whether that standard is sufficiently stretching, given that the average number of days taken to process an application has consistently been less than the customer service standard. (Paragraph 12)
6. Over the last 12 months the number of actions taken against sponsors has remained broadly consistent while, over the same period, the number of follow-up visits has more than halved. This suggests that UKVI has successfully improved the targeting of its post-licence enforcement work. The Home Office must explain the extent to which pre-registration visits have served to prevent potentially illegitimate sponsors

from gaining sponsorship status. UKVI should also consider whether increasing its investigative actions at this stage of the process might prove an efficient use of resources over the longer term. (Paragraph 15)

7. Universities UK told us that institutions find the compliance regime around student visa sponsorship to be opaque, and that there is a lack of constructive engagement with the sector and a lack of feedback from the Home Office. This sector generates over £10 billion of export earnings for the UK economy and deserves more respect. (Paragraph 18)
8. We note the Independent Chief Inspector of Borders and Immigration's conclusion that the absence of direct feedback to sponsors makes it unlikely that the number of unnecessary notifications submitted each year will reduce significantly. We agree with the ICIBI that this will perpetuate the continued waste of time by academic institutions and the Home Office in processing large volumes of worthless notifications. We will add the number of unnecessary notifications to future Committee reports as a key indicator of the performance of UKVI. (Paragraph 19)

English Language Tests

9. It is extraordinary that the Home Office has carried out no independent investigation itself of the allegations of fraud in relation to English language testing and instead has relied on evidence from ETS, one of its approved providers and a party under criminal investigation. We note the failure of ETS, an organisation that has received millions of pounds in fees from those sitting the tests, to give evidence in court on this matter. (Paragraph 23)
10. It is wholly unsatisfactory that the Home Office initially informed us that it did not hold information on how many people with 'questionable' English language test results had been able to re-sit the test or be interviewed by the Home Office, when it was able to provide this information a few weeks later. It is also unacceptable that the Home Office was unable to tell us how many of the tests related to people who were not applying under the Tier 4 student visa process, how many cases relating to the ETS debacle were currently before a Tribunal, or how many tests ETS found to be valid. We find it deeply concerning that the Home Office was unable to provide this information given the gravity of this matter and the number of people affected. We are also not satisfied by the definitions of tests declared 'valid', 'not-valid' or 'questionable'. (Paragraph 29)
11. The recent judgment of the Upper Tribunal on the operation of the English language testing system raises serious questions about the conduct of the Home Office. The Home Office appears to have accepted at face value, and continues to accept, claims of widespread fraud from ETS—a company that was part of the problem, had already been discredited and is subject to criminal investigation. This is deeply troubling, particularly given that an expert witness has raised serious questions over the reliability and accuracy of ETS's analysis and first did so well over a year ago. Despite this, arrests and removals have continued. In any circumstances the lack of independent assessment would be difficult to comprehend but when the

consequences of such a decision include thousands of people suffering the trauma of detention and removal from the UK, such actions lead us to seriously question the judgement of the Home Office. (Paragraph 34)

12. We have received evidence that people were only told why their visas were being revoked after extensive requests for information, and that those affected did not have the opportunity to review and contest evidence presented against them. It does not seem to us fair that the UK is removing people from the country without, as a minimum, making them aware of the evidence against them. It is clear that, if the problem of fraud in English language testing is not handled properly, the UK risks causing extensive damage to its reputation as a leading destination for international study, not to mention the emotional and financial cost to the individuals affected. (Paragraph 35)
13. We do not condone fraud and it is right that swift and proportionate action is taken when fraud is uncovered. However, given the severity of the consequences, the Home Office must only act when it is certain that it can meet the burden of proof. The recent case in which two students appealed successfully against the Secretary of State's decision for removal raises serious questions about the way in which the Home Office has responded to the allegations of fraud within English language test centres. This decision appears to have been a knee-jerk reaction to the *Panorama* documentary. The Home Office's action is already having wider ramifications. (Paragraph 37)
14. We want to be satisfied that the Home Office's actions are proportionate and just. The Committee has decided, given the number of outstanding issues relating to English language testing, to undertake a full inquiry into this matter. These issues include procurement and licensing, investigations, inspections and how much money has been spent. As a starting point to this inquiry the Home Office must, in response to this Report, set out the process for out-of-country appeals; the steps which will be taken to ensure a fair hearing; and whether this will include appellants being given access to the evidence against them. We will also be insisting that ETS give evidence to the Committee, something they have failed to do in court. (Paragraph 38)

Asylum cases

15. We welcome UKVI's achievement in greatly reducing the number of asylum applications where a decision has been pending for more than six months. However, over the same period, there has been a sharp rise in asylum cases requiring further review. The Home Office must explain the reasons for this rise. We also remind the Home Office of our recommendation from our Q2 2015 Report that they should publish their service standards for making an initial decision and its performance against them, for both straightforward and non-straightforward asylum cases, which they have so far failed to do. (Paragraph 44)
16. UKVI is in danger of being overwhelmed by the extent of its asylum casework. The second half of 2015 saw the highest number of applications for asylum since 2003 and as a result the number of cases pending a decision is at its highest ever level. The ongoing migration crisis in Europe suggests that the pressures on UKVI will get worse. We need to process asylum applications as efficiently as possible, not least to

prevent pressures building up elsewhere in the system, including in the demand for asylum accommodation. When the number of asylum applications increases, as it did in 2015, more staff should be allocated to dealing with asylum cases to ensure that UKVI can meet its own service standards. (Paragraph 45)

17. The high number of successful appeals against asylum decisions in respect of Eritrean nationals raises serious questions over the approach taken by the Home Office and the country guidance produced by the UK Government. We repeat the recommendation from our Report on Q3 2015 and call on the Government to reconsider its country guidance on Eritrea as a matter of urgency. (Paragraph 49)
18. The Government currently includes progress with the Syrian Vulnerable Persons resettlement programme within the quarterly release of immigration statistics. We recommend that progress with the schemes to resettle ‘children at risk’ both from outside Europe and from France, Greece and Italy, as well as those resettled for family reunion reasons, be similarly included in the statistical release. (Paragraph 51)
19. Given the significance of the issue, we recommend that information on “take charge” requests received from other EU states under the Dublin Convention is included in the statistical release—including information on the number of requests from each country, the number that involve children, the length of time taken to make decisions on such requests, and the number of requests that are accepted and rejected. (Paragraph 55)
20. Unaccompanied asylum seeking children resettled in the UK have every right to expect that the UK will offer them protection. It is important that individuals are not removed to countries that are known to be unsafe when they reach 18 years of age, particularly people who have become ‘westernised’ during their time in the UK and who lack support networks in the country to which they are deported. The Government should reconsider its approach to dealing with former unaccompanied asylum seeking children. The welfare of the individual must be the overriding concern, bearing in mind that they are individuals who have already suffered and that their anxiety will only be exacerbated by an extended period of uncertainty about their future on reaching their 18th birthday. (Paragraph 58)
21. We are disappointed that far fewer legacy asylum cases were concluded in 2015, compared with previous years. The Home Office must explain why the rate of cases being concluded has reduced, and what the overall target is for clearing the remaining backlog. (Paragraph 65)

The Migration Refusal Pool and curtailment of leave

22. The Government has accepted the Independent Chief Inspector of Borders and Immigration’s recommendation to take the steps necessary to locate and identify those individuals amongst the more than 71,000 curtailment not pursued (CNP) cases who have remained in the UK illegally, with a view to effecting their removal. As with the process with Older Live Cases we expect statistics on progress in dealing with this issue to be published on a quarterly basis. (Paragraph 76)

Immigration detention

23. Immigration detention is costly, as is the compensation which has to be paid when detention is found to be unlawful. The adverse effects of detention on an individual's mental health are also well-established. We support the recommendations of the independent reviewer, Stephen Shaw, that the Home Office should both do more to reduce the length of time that detainees are held and investigate alternatives to detention. Particular attention should be paid to those who are held in detention for the longest periods. We welcome the Government's commitment to an independent case review after three months' detention, and the new statutory automatic presumption of bail after four months' detention. We will closely scrutinise the impact of these changes. We recommend that the Government publish a timetable for implementation, as well as a date for Stephen Shaw's short follow-up review. We share Stephen Shaw's view that further legal interventions, such as a statutory time limit on detention, will need to be considered if there has not been a significant impact on the length of detention. (Paragraph 80)
24. The Government's decision to move some way towards the recommendation in the Shaw review to end the detention of pregnant women is welcome. However, it falls short of the absolute exclusion recommended by Stephen Shaw. We expect any future instances of pregnant women being detained to be a last resort; and the occurrences and length and circumstances of detention must be recorded in future data releases so that we can properly assess whether the new safeguards are being adhered to in practice. (Paragraph 85)
25. We welcome the increase in the number of people who are considered unfit for detention being released. However, it is disappointing that a large majority of detainees subject to Rule 35 Reports remain in detention. Stephen Shaw's independent review observed that such a high level of rejection showed that the system designed to safeguard the welfare of vulnerable people was failing and recommended that an alternative be immediately considered. The Government has committed to addressing this with a new 'adult at risk' policy. We look forward to seeing the details of the new policy, but in the meantime the Government must do more to provide protection for vulnerable people, including seeking alternatives to detention. (Paragraph 88)

Foreign national offenders (FNOs)

26. The Committee agrees with the Prime Minister that the Government 'should have done better' in deporting foreign national offenders from EU countries. The failure to remove these individuals from the UK has been disappointing, and undermines confidence in the immigration system. Whilst there has been a slight improvement in the numbers being deported per year, progress has been too slow and the number of foreign national offenders currently in the United Kingdom is over 13,000, the size of a small town. The Home Office must set out the practical steps it intends to take to significantly reduce this figure. If it fails to do so we will begin setting targets to be monitored in future reports. (Paragraph 91)
27. It is deeply concerning that there are 5,789 FNOs living in the community, the highest number since 2012. Over half of these have been living in the community

for more than two years. This is unacceptable, and the Government should set out how many individuals are in the community whom they have decided to keep in the UK, and how many they would seek to deport. (Paragraph 92)

28. There are too many Foreign National Offenders from European Union countries still in the United Kingdom. The public is entitled to expect a more efficient process for prisoner transfers and removals between Member States. It is surprising that of the predominant foreign nationalities in UK prisons, the top three are from EU countries: 983 from Poland, 764 from Ireland, and 635 from Romania. The Home Office has failed to tackle this issue sufficiently, as EU prisoners should be the first to be removed and accepted by their countries of origin. In her evidence to the Committee, the Home Secretary was unconvincing in suggesting that remaining a member of the EU will make it easier to remove these individuals from the UK. The clear inefficiencies demonstrated by this process will lead the public to question the point of the UK remaining a member of the EU. (Paragraph 93)

Voluntary removals

29. In response to this Report we request that the Home Office provides an update on the Voluntary Removal Service operated by Immigration Enforcement. (Paragraph 95)

Conclusion

30. We have regularly expressed concern about the size of the immigration backlog. The current backlog is lower than in Q3 2015 but still over 16,000 cases higher than a year ago. It is deeply concerning that there has been so little improvement. (Paragraph 99)

Annex: Glossary of terms

Curtailment Not Pursued cases

Tier 4 (student) visa cases which Immigration Enforcement has chosen not to pursue because either the student's leave has already expired or the student has fewer than 60 days leave remaining at the time of the curtailment consideration and the Home Office expects these individuals either to have returned home or to have extended their leave in another category.

Foreign National Offenders

Citizens of other states who have committed offences. They may be in prison or released into the community, having served their sentences.

Migration Refusal Pool

This Pool contains any application for temporary or permanent migration which UKVI has refused, or in which leave to remain has expired. It excludes asylum cases.

Older Live Cases

Legacy asylum cases (now dealt with by the Older Live Cases Unit (OLCU) and previously dealt with by the Case Assurance and Audit Unit (CAAU)).

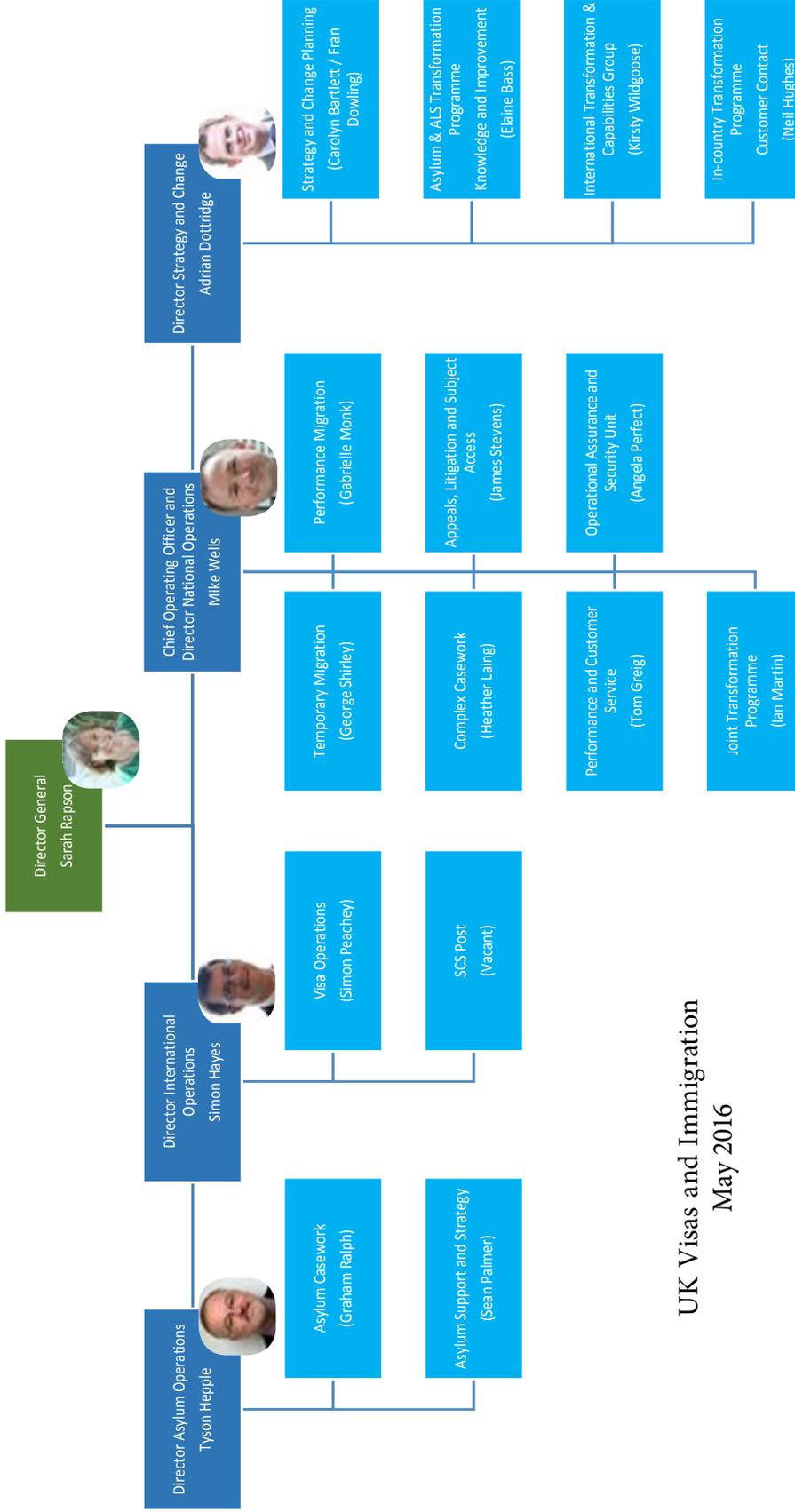
Rule 35 Report cases

Rule 35 reports are made to the Home Office by medical practitioners in respect of any immigration detainee whose health is likely to be injuriously affected by detention, and any detainee they are concerned may be a victim of torture. Rule 35 reports can lead to release from detention.

Voluntary Removal Service

Immigration Enforcement's Voluntary Removal Service facilitates removals from the UK for people who may be in the UK illegally and who wish to find a way back to their country of birth. It offers consultations in informal settings where people can seek advice without fear of formal action, such as arrest, being taken.

Appendix 1: Organogram of UKVI



UK Visas and Immigration
May 2016

Formal Minutes

Wednesday 25 May 2016

Members present:

Keith Vaz, in the Chair

Victoria Atkins

Tim Loughton

James Berry

Mr Ranil Jayawardena

Mr David Burrowes

Stuart C. McDonald

Nusrat Ghani

Mr David Winnick

Draft Report (*The work of the Immigration Directorates (Q4 2015)*), proposed by the Chair, brought up and read.

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

Paragraphs 1 to 92 read and agreed to.

Paragraph 93 read as follows:

“There are too many Foreign National Offenders from European Union countries still in the United Kingdom. The public is entitled to expect a more efficient process for prisoner transfers and removals between Member States. It is surprising that of the predominant foreign nationalities in UK prisons, the top three are from EU countries: 983 from Poland, 764 from Ireland, and 635 from Romania. The Home Office has failed to tackle this issue sufficiently, as EU prisoners should be the first to be removed and accepted by their countries of origin. In her evidence to the Committee, the Home Secretary was unconvincing in suggesting that remaining a member of the EU will make it easier to remove these individuals from the UK. The clear inefficiencies demonstrated by this process will lead the public to question the point of the UK remaining a member of the EU.”

Amendment proposed in line 8 to leave out from “UK.” to the end of the paragraph.—
(*James Berry*.)

Question proposed, That the Amendment be made.

The Committee divided.

Ayes, 4

Victoria Atkins

James Berry

Stuart C. McDonald

Mr David Winnick

Noes, 4

Mr David Burrowes

Nusrat Ghani

Mr Ranil Jayawardena

Tim Loughton

Whereupon the Chair declared himself with the Noes.

Amendment disagreed to.

Paragraph 93 agreed to.

Paragraphs 94 to 99 read and agreed to.

Annex agreed to.

A paper was appended to the Report as Appendix 1.

Resolved, That the Report be the Second 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.

[Adjourned till Tuesday 7 June at 2.00 pm.]

Published written evidence and correspondence

The following letters were sent from the Chair of the Committee and can be viewed on the [inquiry publications page](#) of the Committee's website.

ID4 numbers are generated by the evidence processing system and so may not be complete.

- 1 [Refugee Council \(ID40001\)](#)
- 2 [Letter from the Chair to FOI requests, Direct Communications Unit, Home Office, 7 April 2016](#)
- 3 [Letter from the Chair to Christopher Graham, Information Commissioner, 18 May 2016](#)

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website.

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2016–17

First Report	Police diversity	HC 27
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Session 2015–16

First Report	Psychoactive substances	HC 361 (HC 755)
Second Report	The work of the Immigration Directorates (Q2 2015)	HC 512 (HC 693)
Third Report	Police investigations and the role of the Crown Prosecution Service	HC 534
Fourth Report	Reform of the Police Funding Formula	HC 476
Fifth Report	Immigration: skill shortages	HC 429 (HC 857)
Sixth Report	The work of the Immigration Directorates (Q3 2015)	HC 772
Seventh Report	Police and Crime Commissioners: here to stay	HC 844
First Special Report	The work of the Immigration Directorates: Calais: Government Response to the Committee's Eighteenth Report of Session 2014–15	HC 380
Second Special Report	Out-of-court Disposals: Government Response to the Committee's Fourteenth Report of Session 2014–15	HC 379
Third Special Report	The work of the Immigration Directorates (Q2 2015): Government Response to the Committee's Second Report of Session 2015–16	HC 693
Fourth Special Report	Psychoactive substances: Government Response to the Committee's First Report of Session 2015–16	HC 755
Fifth Special Report	Immigration: skill shortages: Government Response to the Committee's Fifth Report of Session 2015–16	HC 857