



UK Border

Inspection Plan for 2012-13

**Independent Chief
Inspector of Borders
and Immigration**
and Independent Monitor for
Entry Clearance Refusals
without the right of appeal

Our Purpose

We work to ensure independent scrutiny of the work of the UK Border Agency and the Border Force, providing confidence and assurance as to their effectiveness and efficiency.

Our Vision

To act as a catalyst for improvement, ensuring that the UK Border Agency and the Border Force deliver fair, consistent and respectful services.

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Foreword and Introduction



It gives me great pleasure to present my inspection plan for assessing the efficiency and effectiveness of the UK Border Agency and the Border Force in 2012-13. This plan highlights the inspections I will carry out in order to provide assurance to the public and Parliament on

the operation of border control and immigration in the UK.

In finalising my plan for this coming year, I wanted to take stock of the inspections I have carried out to date and the most relevant issues of concern to the public and Parliament. My inspection of Heathrow last autumn revealed flaws in the operation and management of security checks at air and seaports. The Home Secretary has recently laid the report of my investigation before Parliament and accepted all my recommendations to improve border security. In light of this, my plans for this year will see an even greater focus on border security to provide the necessary independent assurance that the appropriate checks are being carried out consistently.

I also invited views via my website and obtained many useful suggestions for topics to inspect. I am grateful for the contributions provided and have incorporated a number of these into my plan.

The work of the UK Border Agency and the Border Force is vital and it is also complex and wide-ranging. To date I have inspected many of the Agency's most high-profile areas of work – managing asylum applications, foreign national prisoners, the removal of families and children, the use of intelligence to combat immigration and customs offences and the handling of applications from skilled workers under the points-based system. In addition, I have assessed the issuing of visas to people from across the globe, including locations such as Africa, the United States of America, China, India, Italy, Jordan, Pakistan, Turkey and the United Arab Emirates.

Within the UK I have inspected some of the busiest air and seaports including Heathrow, Gatwick, Manchester, Edinburgh and Cardiff and assessed how the Agency and Border Force arrest immigration offenders, their use of powers to prevent illegal working and the casework handling of applications for British citizenship.

These inspections have highlighted the need for significant improvement in the following areas:

- getting decisions right first time;
- providing services consistently;
- making full use of powers to enforce the law; and
- using intelligence to prevent and detect immigration and customs offences.

This year I want to assess whether performance has improved in these particular areas. In doing so, the challenge for me is to ensure that I focus not only on the issues of current concern to the public and Parliament but also on the full range of important immigration and customs operations carried out by the UK Border Agency and the Border Force. I will take account of Ministerial priorities and the strategic objectives of the Agency and the Border Force. This will include consideration, where appropriate, of how operational delivery is contributing to the Government's aim of limiting the number of migrants allowed into the UK from outside the European Economic Area. I will also be taking account of how the separation of the Border Force from the UK Border Agency and the move of policy responsibility from the Agency to the Home Office affects security and service delivery.

With this in mind, I will be revising my inspections to achieve a greater focus on border security; the assessment of casework operations in the UK; and a detailed focus on particular cross-cutting themes. Once again, I will also undertake unannounced or short-notice inspections. These provide an important source of assurance and complement my longer and more detailed assessments.

Border Security and Casework

In light of the serious failings I identified in my investigation of border security checks, I will be conducting a number of inspections of ports this year. This will involve inspection of the new Border Force operational command. I expect to see implementation of the recommendations made in my investigation report as well as assurance that management oversight and record-keeping have improved.

I will also be continuing my scrutiny of casework and enforcement operations within the UK. This remains the responsibility of the UK Border Agency and I will be assessing the speed and quality of decisions and the conduct of operations to arrest and remove people in a number of inspections.

International

I will continue to discharge my responsibilities as the Independent Monitor for Entry Clearance Refusals which do not attract the right of appeal and will conduct a comparison of visa issuing posts in a particular region focusing particularly on those where applicants have limited rights of appeal. In addition, I will continue developing my international work so that I also consider the consequent casework in the UK, notably in respect of the points-based system.

Thematic

There continues to be benefit in conducting cross-cutting inspections beyond specific units or regional boundaries and exploring issues that have emerged on previous inspections. My thematic programme will address particular topics that I feel will benefit from a more in-depth study and will look closely at whether the Agency is operating consistently in different locations. I also want to probe more deeply into certain areas of particular complexity that have been identified, including how the Agency obtains and uses travel documentation to remove people from the UK and the treatment of unaccompanied children arriving in the UK.

Ongoing Development

I will continue to inspect against the set of inspection criteria I revised and published last year. These criteria cover operational delivery, the safeguarding of individuals and continuous improvement.

I am particularly keen on developing three specific areas of my work. Firstly, I want to ensure that the cost implications of the work carried out by the UK Border Agency and the Border Force are factored into all my inspections. With the requirement for the UK Border Agency and the Border Force to deliver their objectives with less money, it is essential that I inspect how resources are utilised. The overall efficiency of processes to control the entry of passengers at the border and to make decisions on applications to enter or remain in the UK will therefore feature prominently in my inspections. Secondly, I will be developing my inspection work to ensure that the Agency and the Border Force are treating people with dignity and respect and complying with responsibilities under the Equalities Act. Thirdly, I will be placing an even greater focus on the quick delivery of reports once the inspection fieldwork has taken place. This will increase the momentum for change and improvement whilst ensuring I am using my own resources as effectively as possible.

I expect to see the UK Border Agency and the Border Force improve over the course of this year and I will continue to make recommendations that I believe will help them to do so. Naturally, I am keen to also identify where I can best focus my inspections and improve how my reports are written. To that end, I am consulting my stakeholders to learn from them and will be taking on board any improvements that I believe will enable me to discharge my statutory responsibilities to the best of my ability.



John Vine CBE QPM
March 2012

2012-13 Inspection Programme

Border Security and Casework

This year, my plan will follow up on the findings of my investigation into border security checks. I will be inspecting **Heathrow** airport and the **juxtaposed controls** operating in France. These were the locations where I found that checks had been suspended most frequently, including on particular Eurostar services. I will also inspect two other major ports that have yet to receive detailed scrutiny – one in **the Midlands** and one in **the North-East**. These inspections will focus on security checks, the time taken for passengers to clear immigration control, detection operations to discover illicit goods and the handling of complaints.

I expect to see significant improvements in record-keeping and managerial oversight in line with the recommendations I made following the investigation.

I will also conduct a specific inspection of how **freight operations** are managed, focusing on the detection of illicit goods.

In respect of casework, I will inspect the continuing **legacy of migration and asylum cases** now managed by a specific unit of the UK Border Agency in the North-West. I will be assessing what action is being taken to resolve these remaining cases by either granting people permission to remain or removing them from the UK. I considered this issue in one of my early inspections and identified the need for the UK Border Agency to do more to ensure such cases were cleared.

In addition, I will be conducting a further inspection of **asylum claims that are certified by the Agency as unfounded**. In these cases, applicants are not able to appeal against decisions to refuse until they have left the UK – this is known as the non-suspensive appeals process. I assessed this issue previously in one of my pilot inspections and believe it is now appropriate to look again at how this process is managed.

I will also continue assessing the treatment of people subject to **enforcement operations** through unannounced or short-notice inspections.

International

I will be focusing two inspections on the operation of the points-based system which provides for people to work or study in the UK. I completed an inspection of Tier 2 (skilled workers) in 2010-11 and now wish to complete my inspection of **Tier 4** (students) as set out in my previous year's inspection plan and focus on **Tier 1** which provides for highly skilled workers to enter the UK.

I will also be continuing my role as Independent Monitor for Entry Clearance focusing on decision-making where applicants have limited appeal rights if they are refused entry clearance. In particular, I will be assessing a number of visa-issuing posts in **South America** to consider the consistency of approach.

There remains considerable value in conducting unannounced or **short-notice inspections** and I will therefore also be inspecting a minimum of two visa-issuing posts in this manner over the course of the year.

Thematic

For 2012-13, I will be inspecting how the Agency handles **asylum support**. This issue raises important points about the treatment of individuals and the management of public money in an area where the impact of delays or incorrect decision-making can have significant impact on particularly vulnerable people.

I will also be focusing on the **removal** of people with no right to be in the UK by assessing how the Agency obtains and uses **travel documentation for individuals**. This issue has arisen in a number of my inspections and affects both whether and in what timescale people are removed.

To further increase my focus on management of the border, I will inspect the **eBorders** system. This will consider how effectively and efficiently the Agency and the Border Force carry out checks on passengers before they travel to the UK and identify people who may pose a risk to security or otherwise may not qualify to enter the UK.

I am now assessing whether the UK Border Agency and the Border Force are meeting their obligations to safeguard and promote the welfare of children in the majority of my inspections. However, I will be undertaking an additional thematic inspection to look specifically at the treatment of **unaccompanied children** arriving in the UK.

Finally, I will also be continuing and concluding the inspections of **marriage-based applications** and **prosecutions** as set out in my previous year's inspection plan.

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) advises me on the content of material produced by the UK Border Agency's Country of Origin Information Service. They may also provide advice on the information used by the Home Office to decide whether a country should be added to the list of countries from where asylum applicants may be subject to the non-suspensive appeals process.

The IAGCI's current work programme is set out in detail on my website: <http://icinspector.independent.gov.uk/country-information-reviews/iagci-workplan-2012/>

Country reviews to be considered by the IAGCI in 2012-13 will include:

- June 2012: Libya, Sri Lanka, Vietnam
- October 2012: Afghanistan, Somalia, Sudan, thematic review of children
- February 2013: Algeria, Bangladesh, Eritrea, Iran

Further information on the IAGCI is also available on my website: <http://icinspector.independent.gov.uk/country-information-reviews/>

Appendix 1

Inspection Calendar for 2012-13

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR
BORDER SECURITY AND CASEWORK	ASYLUM LEGACY											
	HEATHROW						JUXTAPOSED					
	FREIGHT						MIDLANDS					
	UNANNOUNCED / SHORT NOTICE INSPECTIONS											
INTERNATIONAL	TIER 4 (STUDENTS)											
	SHORT NOTICE						SHORT NOTICE					
	SOUTH AMERICA – DECISION QUALITY											
	TIER 1 (SKILLED WORKERS)											
THEMATIC	MARRIAGE											
	PROSECUTIONS						ASYLUM SUPPORT					
	JOINT WORK WITH HMIP						E-BORDERS					
							TRAVEL DOCUMENTATION					
IAGCI							UNACCOMPANIED CHILDREN					
	LIBYA, SRI LANKA, VIETNAM						AFGHANISTAN, SOMALIA, SUDAN, REVIEW OF CHILDREN					
POTENTIAL COMMISSIONED ENQUIRY							ALGERIA, BANGLADESH, ERITREA, IRAN					

* Non-Suspensive Appeals

Appendix 2: Role and Remit

The role of the Independent Chief Inspector of Borders and Immigration was established by the UK Borders Act 2007 to examine the efficiency and effectiveness of the UK Border Agency. The initial remit was to consider immigration, asylum and nationality issues but this was subsequently widened when the Borders, Citizenship and Immigration Act 2009 gave the Chief Inspector additional powers to look at customs functions and contractors employed by the Agency. The Chief Inspector's responsibilities in respect of immigration and customs issues continue following the separation of the UK Border Agency and the Border Force on 1 March 2012.

The Chief Inspector is an independent public servant, appointed by and responsible to the Home Secretary.

Sections 48-56 of the UK Borders Act 2007 (as amended) set out the legislative framework for the inspection of the UK Border Agency and the Border Force. In short, the Act:

- requires the Secretary of State to appoint a Chief Inspector to monitor and report on the efficiency and effectiveness of the UK Border Agency and Border Force in dealing with asylum, immigration, nationality and customs matters;
- covers all staff both in the UK and overseas;
- requires the Chief Inspector to publish an annual report which the Secretary of State lays before Parliament;
- does not permit the Chief Inspector to investigate individual cases but allows him to use such cases as evidence for wider inspections;
- does not cover immigration removal centres, short-term holding facilities and escort arrangements which are the responsibility of Her Majesty's Chief Inspector of Prisons;
- allows the Secretary of State to require the Chief Inspector to carry out an investigation into any immigration, asylum, nationality or customs matter; and

- requires the Chief Inspector to consult the Secretary of State regarding his inspection plans, but this does not prevent him working outside the plans where he regards this as appropriate.

In April 2009, the Chief Inspector was also appointed to the statutory role of Independent Monitor for Entry Clearance without the right of appeal. The functions of this role in 2012-13 will be primarily executed through the Chief Inspector's programme of border security and casework inspections.

Appendix 3: Legislation

Below is a list of legislation relating to the Independent Chief Inspector of Borders and Immigration and the Independent Monitor for Entry Clearance Refusals without the right of appeal.

UK Borders Act 2007

www.opsi.gov.uk/acts/acts2007/ukpga_20070030_en_3#pb7

(See Sections 48-56 of the UK Borders Act 2007)

Border, Citizenship and Immigration Act 2009

www.opsi.gov.uk/acts/acts2009/pdf/ukpga_20090011_en.pdf

Immigration and Asylum Act 1999

www.legislation.gov.uk/ukpga/1999/33/section/23

Independent Chief Inspector of Borders and Immigration

5th Floor, Globe House
89 Eccleston Square
London SW1V 1PN
United Kingdom

Telephone: +44 (0) 20 3513 0487

Fax: +44 (0) 20 3513 0400

Press Enquiries: +44 (0) 20 3513 0448

General Enquiries:

chiefinspectorukba@icinspector.gsi.gov.uk

Copies of all public inspectorate documents are available on the Independent Chief Inspector of Borders and Immigration's website at:

www.independent.gov.uk/icinspector

