



Inspection Plan for 2011-12

**Independent Chief
Inspector of the
UK Border Agency**
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, providing confidence and assurance as to its effectiveness and efficiency.

Our Vision

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

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Foreword



I am very pleased to present my inspection plan for 2011-12 which sets out my main areas of work for the year ahead.

I wish to build on the considerable achievements of the past two years which have enabled me to develop a comprehensive view of the UK Border Agency, focusing on the things that matter most to Parliament and the public. This year, I want to increase my coverage of the Agency's business and identify new areas of interest. This plan will enhance my ability to help drive improvement across the Agency's functions.

My inspections will cover three programmes of work:

- a UK programme;
- an international programme; and
- a thematic programme.

Each of these programmes will generally consist of a mix of announced and unannounced (or short-notice inspections) and will be focused on outcomes for users of the Agency's services.

I have introduced some important changes for this year's plan in order to make my inspections as focused and effective as possible:

- The criteria against which I conduct my inspections have been revised to ensure greater consistency across my inspection programmes. They will focus on three areas: operational delivery, safeguarding individuals and continuous improvement. I am setting out more clearly the evidence I wish to see for these standards to be met;
- The UK programme has also been thoroughly revised. I will be inspecting directly comparable areas including ports and how the UK Border Agency deals with casework across its various sites. This will have the benefit of providing a

consistent framework for inspection, allowing for easier comparison of performance across the UK. This is similar to the approach I have used in my international programme, where the repeated application of a consistent approach has allowed me to build up a detailed picture of the Agency's performance;

- My international programme will take an overarching approach to visa operations in Africa as well as issues that have arisen from previous inspections. I will also be conducting a detailed inspection of the student visa regime;
- I will be working jointly with Her Majesty's Inspectorate of Prisons to assess casework for people detained in Immigration Removal Centres and prisons;
- In all my inspections I will assess how the Agency deploys resources to meet priorities while ensuring quality of service delivery against a background of financial constraints; and
- I will be commissioning research and analysis to enable me to develop a detailed picture of performance across the Agency and will use this in targeting inspection where it will have most impact.

The Independent Advisory Group on Country Information will continue to examine the quality and accuracy of the UK Border Agency's Country of Origin information reports on my behalf. I have asked them to review 12 country reports this year together with a thematic report on gender issues in country of origin information reports.

In addition, the Secretary of State can ask me to inspect specific aspects of the UK Border Agency at any time they wish. I will adapt my programmes accordingly if such request is made.

In common with other public sector bodies, financial constraint means that my work programme will have to be carried out within a reduced budget. I will continue to review and revise my approach in order to ensure the most efficient and effective use of my resources in fulfilling this plan.

As before, this year's inspection plan is challenging but achievable and in addition I shall be following up on the 160 recommendations I have made in the 26 individual inspection reports I have published to date.

I am confident that this comprehensive programme of work will make a significant difference to the effectiveness and efficiency of the UK Border Agency.

A handwritten signature in black ink that reads "John Vine .". The signature is written in a cursive, flowing style.

John Vine CBE QPM
March 2011

Inspection Plan for 2011-12

Introduction

My inspection plan consists of three broad programmes, each comprising of a series of individual inspections. An indicative inspection calendar for 2011-12 is set out at **Appendix 1**.

Inspections will be carried out using a revised set of criteria focusing on the Agency's operational delivery, how it safeguards individuals and its capacity to continuously improve. There will be a consistent focus on the outcomes delivered by the Agency and the effect of its service and decisions on individuals. The criteria are:

- **Decisions on the entry, stay and removal of people should be taken in accordance with the law and the principles of good administration.**
- **Customs and immigration offences should be prevented, detected, investigated and, where appropriate, prosecuted in accordance with the law.**
- **Complaints procedures should be in accordance with the recognised principles of complaints handling.**
- **All people should be treated with respect and without discrimination except where the law permits difference of treatment.**
- **Decisions to detain people must be lawful.**
- **Enforcement powers should be carried out in accordance with the law and by members of staff authorised for that purpose.**
- **Functions should be carried out having regard to the need to safeguard and promote the welfare of children.**
- **Personal data should be treated and stored securely in accordance with the relevant legislation and regulations.**
- **The implementation of policies should be continuously monitored and evaluated to assess the impact on service users and associated costs.**

- **Risks to the efficiency and effectiveness of the Agency should be identified, monitored and mitigated.**

The criteria will be generally applicable across all inspections allowing for easier comparisons of performance. Further information about the criteria is available on my website at www.independent.gov.uk/icinspector

Rationale

The broad range of UK Border Agency functions and geographical locations presents a continuing challenge for inspection. This year, my programme reflects the following key factors:

- coverage of important areas of work and locations that I have yet to inspect in detail;
- focus on the largest ports in terms of passenger and freight movements; and
- issues brought to my attention by MPs and stakeholders.

Safeguarding children, complaints, the compliance of the Agency with the law against discrimination, handling personal data and risk management will be looked at in all my inspections.

UK Programme

The UK programme has been significantly revised. It will inspect the day-to-day work of the Agency across the UK, including the juxtaposed controls, focusing on areas where decisions are made or where the Agency interacts with people. The programme will be based on a series of broadly replicable inspections looking at border control and asylum and immigration casework. The inspections will be a mix of announced, unannounced and short-notice inspections.

This new approach will allow me to re-apply the same inspection model in different locations, enabling me to assess whether the Agency is operating consistently and efficiently.

In order to determine which ports and other business areas I will inspect in 2011-12, I will look at a range of information to indicate where my inspection visits can have the greatest impact. The types of information that will be used to make these assessments include:

- issues linked to ensuring that people and goods are admitted or excluded in line with the law and the Agency's compliance with discrimination laws;
- quantitative measures – such as passenger and freight volumes and performance measures about how the Agency deals with these;
- the quality, consistency and timeliness of decision making;
- customer service; and
- information allowing assessment of the Agency's efficiency, and use of resources.

International Programme

In 2010-11, I identified a number of important issues with the way in which the UK Border Agency operated its visa services overseas, which adversely impacted people applying for entry clearance to the UK. They included:

- not managing change effectively;
- poor decision making;
- missing customer service targets; and
- not treating people fairly and consistently.

In 2011-12, I intend to concentrate on these core themes, but rather than examining individual visa sections, I intend to take a more overarching approach to my international inspection work. Two major inspections will be undertaken.

Africa - Quality, Consistency and Fairness of Decision Making

This inspection will look at the visa operations in Africa. It will include a detailed examination of the hub and spoke operation in Pretoria, South Africa, which has seen decision making being centralised in Pretoria for eight African countries, including South Africa. The performance of the Pretoria hub will then be compared against three other decision making posts, drawn from North, West and East Africa, in order to assess whether decision making is being made consistently in accordance with the Immigration Rules in each of the locations considered.

Tier 4

This inspection will look at the operation of Tier 4 of the points-based system (students). It will include a detailed analysis of decision making at visa sections across three separate international regions (excluding the Africa region), while also examining the student Sponsor Licensing System operating in the UK and its interaction with overseas visa sections.

Re-inspection of the Abu Dhabi visa section

In addition to the above two significant pieces of work, I also intend to undertake a re-inspection of the United Arab Emirates, to assess whether performance in Abu Dhabi and Pakistan has improved, following the significant concerns I raised in my inspection reports on the United Arab Emirates and the UK Visa Section.

Independent Monitor Role

I intend to conduct two short-notice inspections which will primarily focus on my role as the Independent Monitor for Entry Clearance Refusals without the right of appeal.

Thematic Programme

My thematic programme for 2011-12 will once again cover a broad range of UK Border Agency work.

Thematic inspections provide an opportunity to cover particular subjects in more detail in a number of different locations. They offer an opportunity to drill down into more specific issues and to address topics that may not be assessed in my UK and international inspections.

I will conduct four new thematic inspections in addition to concluding ongoing work on enforcement.

Detained Fast Track

Following my initial thematic inspection of asylum, I highlighted my intention to look into a number of specific issues. The detained fast track is an important part of the Agency's approach to handling asylum claims and involves the detention of people for the particular purpose of deciding asylum applications more quickly than other cases. I will be assessing the quality of decisions to determine asylum claims within the fast track process, the effect of the timescales involved, the decisions made to allocate people to, and release them from the system, taking particular account of the impact on individuals and the overall costs and efficiency of the process.

Marriage and Civil Partnerships

I have focused many of my earlier inspections on the Agency's operation of the points-based system and on applications for visas which attract limited rights of appeal. Applications to come to – and remain in – the UK on the basis of marriage to, or civil partnership with, a British citizen also form a considerable element of the Agency's work. Decisions have significant consequences for individuals whose future life choices may be affected by the outcome.

I will therefore be inspecting decision making on marriage and civil partnership applications both at the initial visa stage and in respect of applications to settle in the UK. This will consider, in particular, the consistency of decision making across a number of locations, how effective the Agency is at identifying applications which meet the requirements of the Immigration Rules and the efficiency of the decision making process.

Prosecutions

My inspections to date have highlighted concerns that the Agency is not making effective use of its range of powers. In light of this, I will undertake an inspection which assesses the effectiveness of the Agency's approach to prosecuting people who are believed to have committed immigration and/or customs offences. This will consider how much use is made of particular powers, consistency of approach and the efficiency of the procedures involved.

Joint work with Her Majesty's Inspectorate of Prisons: Immigration casework in Immigration Removal Centres

I indicated in my Annual Report for 2009-10 that I would undertake some joint work with other inspectorates. I believe there is real advantage in this as it both minimises the impact of inspection on the Agency and ensures that inspection activity is focused on those most affected by services.

As a result, I am pleased to say that we will be working jointly with Her Majesty's Inspectorate of Prisons to assess casework for people detained in Immigration Removal Centres and prisons. We will publish a report which will include a number of case studies highlighting both the treatment of people in detention and also the management of their particular immigration or asylum application and removal. This will help provide the public and Parliament with greater information on the overall process.

The 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. Country reviews to be considered by the IAGCI in 2011-12 will include the Occupied Palestinian Territories, Albania, Sudan, Burma, Iraq, Gambia, India, Pakistan and Zimbabwe.

In addition, the IAGCI will undertake a cross-cutting thematic review considering issues of gender in country of origin information.

Further IAGCI information is available on the Independent Chief Inspector's website: <http://icinspector.independent.gov.uk/country-information-reviews/>

Appendix 1

Inspection Calendar for 2011-12

	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	
UK	Scotland & Northern Ireland														
	South-East Ports														
	Enforcement														
	Casework														
THEMATIC	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	
	Country Information														
	Foreign National Prisoners														
	Detained Fast Track														
	Intelligence														
	Marriage Cases														
Joint work with Her Majesty's Inspectorate of Prisons															
INTERNATIONAL	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	
	Global File Sample														
	New York														
	Africa – Decision Quality														
IAGCI	Tier 4 (students)														
	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	
	Albania, Iraq, OPT, Pakistan, gender thematic														
	Gambia, India, Zimbabwe, Burma, Sudan														
POTENTIAL COMMISSIONED ENQUIRY	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	
	TBC														

Appendix 2

Role and Remit

The role of the Independent Chief Inspector of the UK Border Agency 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 in 2009 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. Links to the legislation are set out in **Appendix 3**.

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

The Legislative Framework

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

- requires the Secretary of State to appoint a Chief Inspector to evaluate the efficiency and effectiveness of the UK Border Agency in dealing with asylum, immigration and nationality matters;
 - extends the Chief Inspector's remit to cover all UK Border Agency staff, both in the UK and overseas;
 - requires the Chief Inspector to publish an annual report which the Secretary of State places 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 matter regarding asylum, immigration and nationality matters; 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 are primarily executed through the Chief Inspector's programme of international inspections.

Appendix 3

Legislation relating to the Independent Chief Inspector of the UK Border Agency 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

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Copies of all public inspectorate documents are available on the Independent Chief Inspector of the UK Border Agency's website at:

www.independent.gov.uk/icinspector

