



Inspection Plan for 2013-14

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

Our Purpose

We provide independent scrutiny of the UK's border and immigration functions to improve their efficiency and effectiveness.

Our Vision

To drive improvement within the UK's border and immigration functions, to ensure they deliver fair, consistent and respectful services.

Contents

Foreword	2
Role and Remit	3
The Legislative Framework	
Public Sector Equality Duty	4
The 2013-14 Inspection Programme	6
Announced Inspections	
Unannounced and Short Notice Inspections	
Home Secretary Commission	
Chief Inspector's Spot Check Progress Visits	
The Independent Advisory Group on Country Information	
Appendix 1	10
Appendix 2: Legislation	12

Foreword from John Vine CBE QPM Independent Chief Inspector of Borders and Immigration



One of the primary purposes of inspection is to help drive improvement in the delivery of public services. I have now made over 350 recommendations for improvement to the UK's border and immigration

functions. Whilst I have seen some improvement in the delivery of service to the public, there is much more that can be done.

My inspection plan for the year ahead has been developed with a view to accelerating the pace of improvement in border and immigration functions. I will focus on the areas where I believe rigorous inspection will help drive improvement in decision quality and the delivery of an efficient and effective service to the public.

As in previous years, I will continue to inspect entry clearance posts overseas, as well as ports and casework operations within the UK. I believe there is particular value in undertaking thematic inspections that allow me to comment on how the Home Office are dealing with areas of work that cut across individual business areas and locations.

In 2011 the Home Secretary commissioned me to carry out an inspection of border security checks, which was published in 2012. This was a significant and unscheduled piece of work, which took up a large amount of inspectorate resource and time. As a result, two of the planned inspections from 2012-13 have been moved into the inspection plan for 2013-14.

In addition to my announced inspections, I plan to carry out an enhanced programme of short notice and unannounced inspections in the UK and overseas.

I will also be undertaking a series of Chief Inspector spot-check visits to satisfy myself that the Home Office have implemented recommendations accepted from my previous reports.

My inspection plan for the year ahead has been developed with a view to accelerating the pace of improvement in the UK's border and immigration functions

Inspection has already driven improvement in border and immigration functions, and I believe will continue to do so. In preparing this year's programme, I have paid particular regard to the themes in my most recent annual report:

- Consistency at the Border;
- Better Line Management;
- Treating Individuals Fairly and Appropriately within the Law;
- Proper Process
- Improvements in the Quality of Decision-Making; and
- Data Integrity

Where relevant, I will examine these themes as part of my inspections to see if improvements have been made and make further recommendations relating to them. I believe that this approach will allow the Home Office to improve border and immigration functions further and faster in the years ahead.



**John Vine CBE QPM
March 2013**

Role and Remit

The role of the Independent Chief Inspector for Borders and Immigration was established by the UK Borders Act 2007 to examine the efficiency and effectiveness of the UK's border and immigration functions.

The initial remit was to consider immigration, asylum and nationality issues. This was subsequently widened when the Borders, Citizenship and Immigration Act 2009 gave the Chief Inspector additional powers to look at customs functions at the border and contractors who exercise those functions.

The Chief Inspector is an independent public servant, appointed by and responsible to the Home Secretary. The Chief Inspector can also be called to give evidence to the House of Commons Home Affairs Select Committee.

The Legislative Framework

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

- requires the Secretary of State to appoint a Chief Inspector to evaluate the efficiency and effectiveness of the UK's border and immigration functions;
- extends the Chief Inspector's remit to cover all persons exercising those functions, 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;
- provides for the Secretary of State to request the Chief Inspector to carry out an investigation into any matter regarding asylum, immigration, customs 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.

Change in Title

On 20 February 2012, the Home Secretary announced that Border Force would split from the Agency from 1 March 2012, to become a separate operational command within the Home Office.

The Home Secretary confirmed that this change would not affect the Chief Inspector's statutory responsibilities and that he would continue to be responsible for inspecting the operations of both the Agency and the new Border Force.

On 22 March 2012, the Chief Inspector of the UK Border Agency's title changed to become the Independent Chief Inspector of Borders and Immigration. His statutory responsibilities remain the same.

Break Up of the UK Border Agency

On 26 March 2013 the Home Secretary announced that the UK Border Agency is to be broken up and brought back into the Home Office, reporting directly to ministers under a new package of reforms.

The UK Border Agency was split into two separate entities – an immigration and visa service and an immigration law enforcement organisation.

The Chief Inspector will continue to inspect border and immigration functions which were previously carried out by the Agency and Border Force and contractors exercising any of these functions.

Public Sector Equality Duty

The public sector Equality Duty came into force across Great Britain on 5 April 2011.

The public sector Equality Duty, at section 149 of the Equality Act, requires public bodies to consider all individuals when carrying out their day to day work – in shaping policy, in delivering services and in relation to their own employees.

It requires public bodies to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

The Equality Duty supports good decision making – it encourages public bodies to understand how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people's needs.

By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies can be more efficient and effective. The Equality Duty therefore helps public bodies to deliver the Government's overall objectives for public services.

Specific duties under the Equality Act

The Equality Act 2010 (Specific Duties) Regulations 2011 came into force on 10 September 2011.

The specific duties help public bodies perform the Equality Duty better.

They do this by requiring public bodies to be transparent about how they are responding to the Equality Duty – requiring them to publish relevant, proportionate information showing compliance with the Equality Duty, and to set equality objectives.

The Equality Objectives for the Independent Chief Inspector of Borders and Immigration are:

- (i) We will include any relevant stakeholder organisations which represent protected groups in all consultation exercises which are conducted as part of our inspections.
- (ii) We will give consideration to inequality and, where identified, publish recommendations to improve experiences for protected groups, in all our inspections.

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The 2013-14 Inspection Programme



The 2013-14 Inspection Programme

Announced Inspections

In recent years, I have seen an improvement in the quality of decisions made on entry clearance applications overseas. This has in part been the result of recommendations in my reports.

This year I will undertake an inspection of the Home Office's entry clearance operation at **Dhaka** in Bangladesh, which is one of the few major overseas posts that I have not examined. I will look in particular at the quality of decisions for applicants with no right of appeal.

Last year I carried out an investigation into border security for the Home Secretary. Since then, the issues of security and consistency of practice at the border have risen in prominence and priority in both the Home Office and in my inspection programme.

I intend to further consider issues of border security and consistency of practice at the border

Following on from inspections at Gatwick, Heathrow and Birmingham over the last two years, I intend to further consider issues of border security and consistency of practice at the border during the forthcoming year. This will include a strong focus on customs activities undertaken by Border Force.

I will conduct a full announced inspection of **Stansted Airport**, and also undertake a detailed examination of border security at minor airports through an inspection of **General Aviation**.

My previous inspection reports on immigration functions have highlighted a need for an improvement in the quality and consistency of decision-making; to ensure the provision of good customer service to applicants; and to deal appropriately with those who have no right to be in the UK.

Asylum applications remain some of the most important given that they involve an assessment of whether individuals face persecution in their home countries

Asylum applications remain some of the most important given that they involve an assessment of whether individuals face persecution in their home countries.

Following my report last year on the handling of legacy asylum claims by the Case Assurance and Audit Unit and my current inspection of the handling of asylum applications made by unaccompanied children, I propose to undertake an inspection of **asylum support**. This will allow me to assess the extent to which asylum seekers are treated fairly and appropriately and how efficiently and effectively the support system is administered.

I also intend to undertake an inspection examining the decisions to certify asylum and human rights claims as "clearly unfounded", which results in such claims being subject to a **Non-Suspensive Appeals** process.

Parliament and the public have expressed concern in recent years over migration to the UK from within the European Economic Area (EEA). I therefore propose to undertake an inspection that will examine the handling of **European Casework**. This inspection will also look at how the Home Office is dealing with the abuse of free movement rights, in particular through the facilitation of sham marriages involving EEA nationals.

In 2012 my inspection of the Hampshire and Isle of Wight Local Immigration Team brought to light the existence of a migration refusal pool consisting of over 150,000 individuals who had been refused further leave, but remained in the UK. Following the publication of my report, the Agency put in place plans to deal with these cases and also signed a contract with CAPITA to assist it in this task.

I propose to undertake a **thematic inspection of the handling of over-stayers** and the steps that are being taken to reduce the size of the migration refusal pool.

Previous inspection reports, such as my inspection of the detained fast track and the handling of foreign national prisoners, have identified that an absence of travel documentation often delays or prevents the removal of people with no right to be in the UK.

I propose to undertake a thematic inspection of the handling of over-stayers and the steps that are being taken to reduce the size of the migration refusal pool.

I will continue and complete my thematic inspection to assess **how the Home Office obtains and uses travel documentation** to facilitate the removal of individuals.

I also propose to undertake a thematic inspection examining the **impact of the reintroduction of interviewing to test the credibility of visa applicants**. My inspection will look at the consistency and quality of decisions in these cases.

Unannounced and Short Notice Inspections

I believe unannounced and short notice inspections have particular value in giving the public and parliament a snap shot of the efficiency and effectiveness of individual border and immigration functions. They allow me to examine a broader range of the work of the two areas and to make additional recommendations for improvement. They are a cost-effective and less bureaucratic way of examining the delivery of public services.

I intend to conduct **six short notice and unannounced inspections** this year at locations in the UK and overseas.

Home Secretary Commission

Following a request from the Home Secretary I will be conducting a full inspection of the Home Office's **Performance and Compliance Unit**.

I believe unannounced and short notice inspections have particular value in giving the public and parliament a snap shot of the efficiency and effectiveness of individual parts of the UK's border and immigration functions

This Unit supports the border and immigration functions and aims to improve the efficiency of both through new performance frameworks and more reliable performance reporting; continuous improvement; and enhanced assurance and compliance activity. My investigation will assess the extent to which the new Unit has achieved these objectives.

Chief Inspector's Spot-Check Progress Visits

The Home Office is ultimately responsible for implementing my recommendations, and they are accountable to the Home Secretary, Ministers, Parliament and the public in honouring their commitments.

This year, I have decided to launch a series of follow up spot-check visits to assess how certain areas have changed, developed or improved since my last inspection. These spot-checks will be arranged with the relevant business area, and are intended to give me an idea of how things have progressed following my recommendations. These visits will usually last no longer than one day, and will result in a brief summary assessment of progress, which I will send to the relevant departments within the Home Office.

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The Independent Advisory Group on Country Information

The work of the Independent Advisory Group on Country Information (IAGCI) continues to provide an important strand of my inspection work. On my behalf, the IAGCI assesses the quality of material produced by the Home Office's Country of Origin Information Service. In addition, the IAGCI now carry out assessments of Operational Guidance Notes – policy directions issued to caseworkers to help reach their decision on asylum applications from nationals of specific countries.

The IAGCI's current work programme is set out in detail on my website:

<http://icinspector.independent.gov.uk/country-information-reviews/>

Country reviews and Operational Guidance Notes to be considered by the IAGCI in 2013-14 will include:

- **July 2013:** Albania, Iraq, Pakistan
- **November 2013:** Gambia, India, Occupied Palestinian Territories, Zimbabwe
- **February 2014:** China, Nigeria, Uganda

In addition, the IAGCI will undertake one thematic review of COI material relating to Lesbian, Gay, Bisexual and Transgender issues.

UK Border

Appendices



Appendix 1

Inspection Calendar for 2013-14

	2013					
	MAR	APR	MAY	JUN	JUL	AUG
2012-13 INSPECTIONS TO BE CONCLUDED						
E-borders	E-borders					
Juxtaposed Controls	Juxtaposed Controls					
Tier 1	Tier 1					
Unaccompanied Asylum Seeking Children	Unaccompanied Asylum Seeking Children					
Freight	Freight					
2013-14 INSPECTIONS						
Dhaka	Dhaka					
Travel Documentation			Travel Doc			
Stansted Airport						
European Casework						
Asylum Support						
Non-Suspensive Appeals						
General Aviation						
Interviewing of Visa Applicants						
Overstayers						
INVESTIGATIONS & INSPECTIONS COMMISSIONED BY THE HOME SECRETARY						
A follow-up investigation of Asylum Legacy Casework	Asylum Legacy					
Performance and Compliance Unit Inspection						
INDEPENDENT ADVISORY GROUP ON COUNTRY OF ORIGIN INFORMATION REPORTS						
IAGCI				Albania, Iraq, Pakistan, Lesbian, Gay, Bisexual and Transgender Thematic		

This calendar does not show short-notice or unannounced inspections, of which there are SIX such inspections planned for

Appendix 2: 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

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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

