



Inspection Plan for 2014-15

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.

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



Since my post was established in 2008, I have highlighted good practice as well as areas where the Home Office must improve its delivery of border and immigration functions.

During that time, I have made over 450 recommendations, the vast majority of which have been accepted by the Department.

My inspection plan for the forthcoming year maintains a focus on the themes I have highlighted in my recent annual report

My inspection plan for the forthcoming year maintains a focus on the themes I have highlighted in my recent annual report, in particular the importance of providing a consistent and competent service for applicants who seek permission to enter and remain in the UK and the need for the Home Office to use its enforcement powers appropriately. I have also emphasised that the Home Office must demonstrate it is providing a consistent and effective border control operation, both in respect of people and goods.

A particular focus of my plan this year will be to assess how effectively these three directorates are working together to ensure a seamless immigration process for legitimate applicants and travellers

Many people who come into contact with the Home Office do so at multiple points: for example when they apply for

a visa, pass through an airport or apply to extend their stay in the UK. The functions previously performed by the UK Border Agency are now split between three Home Office Directorates- Border Force; UK Visas and Immigration; and Immigration Enforcement. A particular focus of my plan this year will be to assess how effectively these three directorates are working together to ensure a seamless immigration process for legitimate applicants and travellers and that they are joined up when it comes to identifying and where necessary removing those who have remained illegally in the UK.

In addition to completing my inspections of **over-stayers; European Casework; Non-Suspensive Appeals, visa interviewing, and nationality casework**, I will undertake a further seven full inspections.

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One of the Home Office's most important tasks is to protect the border, while also ensuring that a good service is provided to arriving passengers and those transporting goods through ports. Following my recent inspections of Birmingham and Stansted airports, I intend to undertake a full inspection of **Heathrow**. This will assess progress against the findings of my Investigation into Border Security checks and my inspection of Terminals 3 and 4 in 2012. The inspection will focus on both the immigration control and customs areas to establish whether consistent checks and appropriate records are in place.

Towards the end of the business year, I will also initiate an inspection of **General Aviation and Maritime** that will examine whether there are sufficient checks at smaller airports and seaports.

My recent reports on the visa posts at Dhaka and Warsaw have highlighted the importance of decision quality, customer service and the appropriate use of intelligence where people apply for entry clearance overseas. I propose to undertake a thematic inspection that will examine decision quality on **family visit applications** at a number of overseas posts. These cases now fall within my statutory remit as Independent Monitor for Entry Clearance Refusals without the Right of Appeal for the first time. Given the limitations on appeal rights, it is particularly important that initial decisions on such cases are made consistently and fairly.

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Asylum cases are some of the most sensitive ones dealt with by the Home Office as the applicants are by definition vulnerable and may be fleeing persecution in their home countries. Following my recent inspection of the handling of asylum claims made by unaccompanied children, I intend to undertake a comprehensive inspection of **asylum casework**. This will examine whether the Home Office has made progress since I last conducted a full inspection of this area in 2010. It will look at the impact that recent organisational changes are having on the Home Office's ability to manage the volume of asylum casework and the efficiency and effectiveness of the decision-making process. My focus will also be on the service provided to applicants, including whether safeguards for the most vulnerable, such as women and victims of torture, are sufficient.

Significant numbers of people are granted indefinite leave to remain in the UK each

year. Aside from a British passport and some voting rights, a grant of ILR gives an individual many of the same entitlements as citizenship. Other than in relation to applications made overseas, this is an area of casework that I have not yet examined. I therefore intend to undertake an inspection of **settlement casework**. This will examine the decision-making process as well as what happens to those who are refused ILR or whose actions lead to it being withdrawn.

In a previous report, I highlighted the need for the UK Border Agency to become an intelligence led organisation and to decide how it wished to use intelligence. This year, I propose to undertake a further inspection that will assess the progress the Home Office has made since I published my earlier report. This will focus on **the use of intelligence to prevent and disrupt illegal working**.

My recent report on how the Home Office obtains and uses emergency travel documents to remove foreign nationals highlighted that many scheduled removals are prevented as a result of last minute legal challenges and other factors. Such failed removals are costly to the taxpayer and an inefficient use of resource. I propose to carry out an inspection that will examine the reasons **why removals fail and how individual cases are managed thereafter**.

Failed removals are costly to the taxpayer and an inefficient use of resource. I propose to carry out an inspection that will examine the reasons why removals fail

Shortly before the publication of this plan the **Home Secretary commissioned** me to look at **how the Home Office handles asylum claims on the grounds of sexual orientation**. These are asylum claims from individuals on the grounds that their sexual orientation gives them a well-founded fear of persecution if they return to their country of origin. This inspection will commence immediately.

I will also conduct six short notice and unannounced inspections throughout the year. These inspections allow me to test the service provided to applicants as well as to assess the progress the Home Office is making in specific areas such as casework and enforcement.

Independent Advisory Group on Country Information (IAGCI)

The IAGCI will continue its important work on my behalf, scrutinising the quality of Country of Origin (COI) material being produced by the Home Office, for use when making decisions on asylum claims. The group will meet three times in the year, chaired by Dr Laura Hammond from the School for Oriental and African Studies (SOAS).

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Due to ongoing organisational changes within the department the Home Office is currently reviewing, how it uses and the format of, its COI material. As a result I am unable to specify which countries the IAGCI will scrutinise at their meetings, but they will retain a focus on those countries from which the UK receives the most asylum applications.



John Vine

**CBE QPM
March 2014**

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 performance 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 crown 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 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 UK Border 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.

Changes to 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) Ensure a diverse range of views are gathered and considered when agreeing the direction and findings of inspections by engaging with a variety of external stakeholders.
- (ii) Ensure, on an inspection-by-inspection basis, that Home Office standards relating to the Public Sector Equality Duty are clearly understood and properly applied by all staff.
- (iii) Publish, as part of the annual report, all relevant information as required by the Public Sector Equality Duty.
- (iv) Appoint a diversity champion, by 30 June 2014, to lead the Chief Inspector's commitment to the Public Sector Equality Duty.
- (v) Review, on an ongoing basis, the content of inspectorate-created documentation, ensuring that diversity and equality considerations are appropriately.

UK Border

Appendices



Appendix 1

Inspection Calendar for 2014-15

	MAR	APR	MAY	JUN
2013-14 INSPECTIONS TO BE CONCLUDED				
European Casework	European Casework			
Non-Suspensive Appeals	Non-Suspensive Appeals			
Nationality Casework	Nationality Casework			
Interviewing of Visa Applicants	Interviewing of Visa Ap			
Overstayers		C		
2014-15 ANNOUNCED INSPECTIONS				
Heathrow Airport				
Failed Removals				
Settlement Casework				
Use of Intelligence to Inform Illegal Working Enforcement				
Asylum Casework				
Family Visit Applications				
General Aviation and Maritime				
HOME SECRETARY COMMISSIONS				
Asylum Claims on Grounds of Sexual Orientation	Asylum Claims on Grounds of Sexual Orier			
INDEPENDENT ADVISORY GROUP ON COUNTRY OF ORIGIN INFORMATION REPORTS				
IAGCI				Country D Be Conf

This calendar does not show SIX short-notice or unannounced inspections which are planned for 2014-15.

2014						2015			
JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR
Applicants									
Overstayers									
Heathrow Airport									
Failed Removals									
Settlement Casework									
Use of Intelligence to Inform Illegal Working Enforcement									
Asylum Casework									
Family Visit Applications									
								General Aviation and Maritime	
ntation									
etails To irmed									
			Country Details To Be Confirmed						Country Details To Be Confirmed

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

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: chiefinspector@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

