House of Commons

Home Affairs Committee

The work of the Immigration Directorates (Q2 2015): Government Response to the Committee's Second Report of Session 2015–16

Third Special Report of Session 2015–16

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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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Third Special Report

The Home Affairs Committee published its Second Report of Session 2015–16, *The Work of the Immigration Directorates (Q2 2015)* (HC 512), on 30 October 2015. The Government's response was received on 16 December 2015 and is appended to this report.

Appendix: Government response

The Home Office would like to thank the Committee for its report on the work of the immigration directorates published in October 2015. The Government's response is below.

Conclusion/Recommendation 1

We welcome the fact that in Q1 2015, over 99% of straightforward Tier 4 student visa cases and over 99% of straightforward Tier 2 work visas were processed within the standard 8 weeks. However, we are concerned that in the same quarter over 40% of all temporary and permanent migration cases—the non-straightforward cases—were not covered by those service standards. The Department has said it is committed to transparency in this area, and it does publish the data on the number of cases to which the service standards apply. We welcome this. At the same time, the Department needs to do more to explain why it is appropriate to say 99% of cases are within service standards when that figure only applies to 60% of all cases. This appears to be so arbitrary as to mean nothing when there are such a large proportion of cases, the non-straightforward ones, to which the service standards are not even applicable. (Paragraph 7)

Government's Response:

As part of our commitment to providing excellent customer service UK Visas & Immigration (UKVI) introduced new service standards on 1 January 2014 for all applications submitted from this date. The introduction of these service standards provides customers with a clear understanding of when they can expect a decision on their case. We will decide all applications within the service standard unless we are prevented from doing so for reasons beyond our control. Where we are prevented from deciding an application within service standards, we will tell customers what is causing the delay.

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.

Conclusion/Recommendation 2

Our predecessor Committee commented on the proportion of post-license visits that were unannounced in all sponsor Tiers. We will continue to monitor this and reiterate our previous recommendation that the Home Office should aim to undertake 100% unannounced visits on sponsors where it suspects non-compliance. The Committee is currently conducting a separate inquiry into immigration and skill shortages. We will revisit the issue of work permits and sponsorship licences when we publish our report on skill shortages. (Paragraph 10)

Government's Response:

We have 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, and driving the message home to sponsors that if they do not play by the rules then we will take robust action against them. This growing format of targeted operations has resulted in taking some form of compliance sanction in 83% of cases. Sanctions imposed will vary from: issuing action plans; removal of allocation of certificates of sponsorship/confirmation acceptance of study or the ultimate sanction of revocation of the sponsor licence.

Since 2013 we 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. Where we are can identify abuse, we will do so. Moreover, we always manage visit protocols in line with risk assessments and the scale of any potential compliance issues which may be identified. Supporting efficient deployment of limited resources, it is also important to manage the number of failed visits, where we are unable to obtain access to sponsors and their records.

Conclusion/Recommendation 3

We congratulate the Government on making progress on the number of asylum claims given an initial decision within six months. Furthermore, we welcome their intention to introduce service standards for straightforward cases within six months and for non-straightforward cases within 12 months. We look forward to the Home Office publishing these service standards and its performance against them, both for straightforward and non-straightforward cases. (Paragraph 16)

Taken with:

Conclusion/Recommendation 4

We note that in 2013 and 2014 the proportion of decisions giving Eritreans asylum, or some sort of humanitarian protection, were consistently on a level with those from Syria. However, there was a considerable drop in grants of protection for applicants from Eritrea in Q2 2015. In their response to this report, the Government should explain this. (Paragraph 21)

Government's Response:

In 2014-15 we met our public commitment to decide all straightforward claims lodged before April 2014 by 31 March 2015 and all straightforward claims lodged after 1 April 2014 within six months. The regular quarterly migration transparency data releases cover a range of indicators relating to asylum performance but we continually keep the information we publish under review.

The Committee is concerned that grants of protection for Eritreans have recently fallen since the introduction of new country information guidance. Our country information and guidance is based on a careful and objective assessment of the situation in Eritrea using evidence taken from a range of sources such as local, national and international organisations, including human rights organisations, information from the Foreign and Commonwealth Office, and trusted media outlets. The Home Office regularly updates this guidance and has done so several times in 2015. The guidance was most recently revised in September 2015 to take into account the United Nations' report of the Commission of Inquiry on Human Rights in Eritrea which was published in June.

Each application is thoroughly inspected against the background of all the information available, ensuring only those with a genuine claim for asylum receive a grant where claimants establish a genuine need for protection, or a well founded fear of persecution, refuge will be granted. If someone is found not to need our protection, we expect them

to leave the country voluntarily. Where they do not, we will seek to enforce their departure.

Conclusion/Recommendation 5

We welcome the Prime Minister's commitment made on 7 September 2015 to resettle 20,000 Syrians before the end of this Parliament. To meet this undertaking would require an average of 4,000 Syrians to be resettled each year. According to the Government's own figures, in the last 10 years the highest number of refugees resettled in any one year is 1,039 in 2012. At no point in the recent past has the UK come near to resettling 4,000 refugees in one year. To maintain an even flow throughout the five years of the Parliament, this would equal 333 Syrians resettled each and every month, although it is not the Government's intention to proceed in this way, as the Minister for Syrian Refugees made clear in oral evidence, telling us that while "the mathematical calculation is correct, in practice some quarters may be up and some quarters may be down". We are concerned that the UK will not be able to increase its capacity to manage such numbers at short notice. The Prime Minister told the House on 19 October that "we want to see 1,000 [Syrian] refugees brought to Britain by Christmas". We welcome the Prime Minister's statement, and recommend that the Government set out clearly how it intends to expand the current provision for resettling Syrian refugees to meet the volume that it has said the UK will take. (Paragraph 27)

Taken with:

Conclusion/Recommendation 6

The Minister for Immigration and the Minister for Syrian Refugees both confirmed that the resettlement programme will meet the UNHCR international call for 130,000 places for vulnerable Syrian refugees by the end of 2016. We note that unlike other countries the UK has not provided the UNHCR with a specific pledge of the number of places for the end of 2016 but has relied upon the end of Parliament figure of 20,000. We recommend that the Government publishes as soon as practicable the number of confirmed places that will be made available by the end of 2016. (Paragraph 28)

Taken with:

Conclusion/Recommendation 7

When the Minister for Syrian refugees appeared before the Committee he was asked several times how many Syrians had arrived in the UK since the Prime Minister's announcement on 7 September. Although he informed us that he had the figure, he refused to disclose it. We consider this unsatisfactory. The Minister's stated reason for not providing the number of Syrian refugees that have arrived in the UK since the Prime Minister's announcement that 20,000 would be taken was that the apparatus for taking an expanded number of refugees was still being set up. The Government should inform us, in response to this Report, when that apparatus has been set up, and then provide regular updates on the number of Syrian refugees the UK has taken. Although we appreciate that these are early days, the best way to reassure and inform the public, as well as our European partners, that we are pledged to fulfil our commitments to refugees, in the context of the wider humanitarian effort, is to be open and transparent about this information. Failure to do so will allow those to believe incorrectly that there is another agenda. Merely to refer the Committee to the quarterly statistics does not meet our concerns. (Paragraph 29)

Taken with:

Conclusion/Recommendation 8

We welcome the creation of the Ministerial Committee on Syrian Refugees and support the Minister's stated aim of ensuring a coordinated approach between central Government, local government and the voluntary sector. We agree this is the best way to ensure the resettlement process works effectively for those Syrians who come to the UK. We applaud the offers made by many members of the public, and institutions such as faith groups, who would like to help welcome refugees to the UK and also provide ongoing support. The Minister said he was not able to accept offers made by individuals for Syrian refugees to stay in private homes, because of the risks arising to both the refugee, and the potential host, due to the vulnerability of the refugees being taken. We consider that this is something that needs to be further examined and we welcome the Minister's commitment to look at it again. The Government should do more to explore how members of the public can help provide that ongoing support, in particular in the provision of housing which is likely to be one of the bottlenecks on where refugees will be able to be resettled.
(Paragraph 30)

Government's Response:
The UK has been at the forefront of the international response to the crisis in Syria and we are providing more than £1.1 billion in humanitarian aid. We have also taken in almost 5,000 Syrian refugees and asylum seekers since 2011.

The Government has committed to resettling 20,000 Syrian refugees in the lifetime of this Parliament. We are working closely with local authorities, international delivery partners and the voluntary sector, putting in place the plans and structures to deliver this and ensuring the system is scaled up in a way that protects the interests of all concerned.

Our teams continue to work with local authorities and international partners to focus efforts on the most vulnerable people and ensure that they are resettled in the UK properly. Plans are also being made to significantly increase arrivals next year. The scale of the expansion needs careful planning to ensure we get it right, for the refugees and local communities.

Over £460 million of Official Development Assistance will be used by 2019-2020 to cover the first year costs of resettling the 20,000 Syrian refugees. As part of the Spending Review, it was confirmed that the Government will provide up to a further £130 million by 2019-2020 to local authorities to contribute to the cost of supporting the refugees beyond their first year.

The programme is driven by need, and the number resettled in a particular period will depend on a range of factors. This includes the number of referrals we have received from UNHCR and the number of confirmed places we have received from local authorities that are suitable for the specific needs of those who have been accepted for resettlement. Rather than a monthly or yearly target we acknowledge that some months we will resettle more than others because it is based on the need at that time and the progress of those people through the system. The UK has committed to resettle 20,000 Syrian refugees by the end of this parliament. On 19 October the PM said that we would resettle 1000 refugees before Christmas.

We understand the Committee's desire for more information on the number of people who have been resettled so far under the programme. The Home Office is committed to publishing data in an orderly way as part of the regular quarterly Immigration Statistics, in line with the Code of Practice for Official Statistics. In the year ending September 2015, 162 (252 since the scheme began) people were granted humanitarian protection

under the Syrian Vulnerable Persons Relocation Scheme. Of the 162, 36 were resettled between July and September 2015. Figures for the period October to December 2015 will be published for the first time on 25th February 2016. This adheres to the standard practice for the release of information about the work of the Home Office, which ensures that statistics are published properly in a way which is open and accessible to all. As the Minister for Syrian Refugees indicated during his appearance before the Committee on 13 October, the volume of arrivals is likely to fluctuate in the coming months. For example, as plans to expand the scheme develop, we expect some quarters to show a higher level of arrivals than others.

The generosity shown by British organisations and families who have offered to shelter Syrian refugees in their own properties over the last few months has been both typical of the British spirit and extraordinary in its sentiment. To help turn these acts of humanity into reality, the Home Secretary has announced that we will be establishing a register of people and organisations that can provide houses for the settlement of refugees.

We will also develop a community sponsorship scheme, learning from similar schemes in Canada and Australia, to allow individuals, charities, faith groups, churches and businesses to support refugees directly. We will use the aid budget and other funds to take the pressure away from local services and make sure councils have the money they need.

Conclusion/Recommendation 9

We are concerned that over a third of the legacy immigration cases have been found to be duplicates. While we welcome the gradual reduction of the legacy immigration caseload, we note that the number of conclusions fell dramatically from Q2 2014, and at the same time the number of cases entered onto the system actually rose slightly between Q4 2014 and Q1 2015. We request that, in response to this Report, the Home Office explains why the number of cases entered onto the legacy system has started to rise again. (Paragraph 33)

Government's Response:

The Government's commitment was to review and communicate a decision on all remaining legacy cases by the end of 2014. Wherever possible we also aimed to conclude cases, by way of a grant of leave or removal from the UK. Aside from a small number of cases where an external factor, such as an outstanding criminal investigation or ongoing

litigation, prevented us completing our review, the Government met its commitment to review and communicate decisions by the end of 2014.

With regard to the cases that were found to be duplicates, we have always been clear that the legacy cohort was expected to contain a large number of records that did not actually relate to live cases. As the remaining cases were reviewed and information held on electronic records was matched up to information held on paper files we identified cases where duplicate records had been created. For example, because applicants had used variations on their name, or an alias, at different times during their contact with the Home Office.

The Committee has identified that there was a slight rise in the number of legacy cases entered onto the system between Quarter 4 2014 and Quarter 1 2015. In each of these quarters the number of legacy cases that were re-entered was less than a hundred. These relatively small additions to the cohort were mainly from cases that were closed in 2012 following the exercise to trace persons in the Controlled Archives to establish whether they were likely to still be in the United Kingdom or not. After the Controlled Archives were closed in November 2012, with cases henceforth either being closed or confirmed as a live case, a small but steady number of closed cases has 'reactivated' each month after information of an individual's continuing presence in the UK came to light – for example, an individual sends correspondence to the Home Office or is encountered by Immigration Enforcement.

Conclusion/Recommendation 10

In its response to this report, the Home Office should set out the number of applications, on behalf of a spouse, for entry clearance and settlement, that were made since the introduction of the new £18,600 threshold, and how this compares to previous years. (Paragraph 36)

Taken with:

Conclusion/Recommendation 11

We will consider holding an inquiry into spouse visas if we continue to receive examples of hardship. Our predecessor Committee stated that it found it unacceptable that an EU citizen is able to bring a spouse from outside the EU into the UK without having regard to the £18,600 limit, whereas a British citizen living next door would have to abide by this rule. British ministers have shared the concern

about the unacceptable way in which the EU rules operate, and we invite the Government to set out, in response to this Report, what steps can be taken to regularise this situation, whether those steps have been taken and, if not, why not. (Paragraph 37)

Government's Response:

The purpose of the minimum income threshold, implemented on 9 July 2012 with other reforms of the family Immigration Rules, is to ensure that family migrants are supported at a reasonable level so that they do not become a burden on the taxpayer and they can participate sufficiently in everyday life to facilitate their integration into British society.

The minimum income threshold was set, following advice from the independent Migration Advisory Committee, at £18,600 for sponsoring a spouse or partner, rising to £22,400 for also sponsoring a non-EEA national child and an additional £2,400 for each further child. This reflects the level of income at which a British family generally ceases to be able to access income-related benefits.

The relevant Immigration Rules have been approved by Parliament, which also reinforced the public interest under the ECHR Article 8 right to respect for private and family life in migrants being financially independent through section 19 of the Immigration Act 2014. The policy has been tested and upheld by the courts as lawful (in particular, by the Court of Appeal in MM & Others), including under Article 8 and under the Secretary of State's duty in section 55 of the Borders, Citizenship and Immigration Act 2009 to safeguard and promote the welfare of children in the UK.

We have continued to keep the new family Immigration Rules under review and to make adjustments in light of feedback on their operation and impact. This review process is ongoing.

Numbers of partner entry clearance applications and decisions are provided below:[1]

[1] The grant rate for family partner visas fell to 67% in the year ending June 2013 which partly reflected the tighter new rules and the applicants' lack of familiarity with them. The grant rate then rose to 81% in the year ending June 2014, then fell to 66% in the year ending June 2015. The grant and refusals rates have been affected in the last 2 years by partner applications that were put on hold from 5 July 2013 to 28 July 2014 pending the Court of Appeal judgment in MM & Others. These were cases which would have been refused solely because they did not meet the minimum income threshold.

Year ending	Applications	Resolved	Granted	%	Refused	%	Withdrawn or lapsed
June 2010	43,774	44,396	37,004	83%	7,051	16%	341
June 2011	43,947	43,991	35,991	82%	7,684	17%	316
June 2012	42,222	40,269	33,905	84%	6,160	15%	204
June 2013	31,838	36,761	24,517	67%	12,015	33%	229
June 2014	32,331	32,333	26,037	81%	5,537	17%	759
June 2015	36,143	41,657	27,345	66%	13,857	33%	455

These statistics do not distinguish between applications made and decided under the family Immigration Rules in force before and from 9 July 2012. Grants and other case resolutions do not necessarily correspond to an application made in the same period.

From July 2012, a new 5-year qualifying period for settlement applies to those granted leave to enter or leave to remain as a partner. Partners granted leave to enter or leave to remain under the new family Immigration Rules will be eligible to apply for settlement from July 2017.

EU nationals and their family members have the right to work in other EU Member States, and this is set out in EU law (Directive 2004/38/EC). EU nationals who exercise their free movement rights in another Member State have the right to be accompanied or joined there by their family members. EU law does not cover the rights of EU citizens living in their country of nationality, so it does not apply to British nationals living in the UK whose non-EU family members are subject to the Immigration Rules.

Freedom of movement is an important principle of the EU but it is not an unqualified one. The Prime Minister has been clear that we must make changes in order to tackle free movement abuse. This will include seeking tougher rules for non-EU spouses of EU nationals, including an income threshold and English language test.

Conclusion/Recommendation 12

Sarah Rapson, Director General of UKVI, has told the Committee in the past that customer service remains her key priority. Members of Parliament are asked to contact their 'account manager' on immigration cases. We have received no evidence that additional resources have bolstered the work of the account manager who is not a decision maker but merely passes on correspondence to caseworkers. In their response to this report, we ask the Government to set out how many levels of management exist between the account manager and the Director General. Cutting

bureaucracy and increasing efficiency will result in a reduction in the number of letters sent by MPs. (Paragraph 42)

Government's Response:

The role of MP Account Manager is graded at Senior Executive Officer level, so there are four management layers between this and the UKVI Director General. However, the role and impact of MP Account Managers is not constrained by their grade. When MPs raise issues, they receive commissions directly from the Immigration Minister and the Director General. They do not simply pass on correspondence to caseworkers. They act autonomously across UKVI, Immigration Enforcement and Border Force and engage at whatever level is necessary to get issues resolved or take forward specific actions. They are not required to clear their responses to MPs' correspondence with their own management hierarchy—cutting bureaucracy, as the Committee observes.

When we established the new MP Account Manager teams we were committed to improving further the service we offer, and we ensured they had the resources to do that. This included building and maintaining relationships with MPs and their caseworkers through a series of planned visits and events focused on building positive relationships and promoting our strategy. Since then Account Managers have routinely exceeded their target of replying to 95% of MP enquiries within 20 days, and members of the Committee will know that telephone calls and emails generally receive an even faster response. That suggests that the teams are properly resourced and equipped for the task they perform, as does the fact that the most recent survey of MPs and their offices, conducted in October, evidenced significant improvements in satisfaction of the overall service and the timeliness of response, and that they received the information they needed to provide their constituent with a complete answer to their enquiry.

Conclusion/Recommendation 13

In its response to this report the Home Office should set out:

- **How many face to face interviews were conducted in 2014 in contrast to the number of applications made;**
- **How many interviews were conducted on shore in the UK through the Sheffield hub as a percentage of overall numbers;**
- **The number of Entry Clearance Officers in each UKVI post outside the UK. (Paragraph 43)**

Government's Response:
Of the 2,750,296 applications for entry clearance in 2014, 237,680 were subject to an interview by UKVI.

71,983 of these interviews of visa applicants were carried out by UKVI posts overseas.

69.7% (165,697) of all interviews were carried out by the Sheffield Interviewing Hub.

The number of Entry Clearance Officers in each UKVI post is detailed in Annex A.

Conclusion/Recommendation 14
The Committee notes with concern the increasing number of asylum seekers and other migrants detained for administrative purposes. The Government should publish the Stephen Shaw review of the immigration detention estate and its response as soon as possible to inform the remaining stages of the Immigration Bill. (Paragraph 48)

Government's Response:
The Government policy is clear that detention should only be used sparingly and as a last resort. It is used (a) to effect an individual's return (b) to allow further enquiries to be made into a person's identity or basis of claim or (c) where there is reason to believe that an individual will fail to comply with any conditions attached to the grant of temporary admission or temporary release.

Detention plays an important role in maintaining an effective immigration control and securing the UK's borders, particularly in connection with the removal of people who have no right to remain in the UK. Most people detained under immigration powers spend only very short periods in detention. The majority of people leave detention within 29 days.

The dignity and welfare of all those in our care is of the utmost importance—we will accept nothing but the highest standards from companies employed to manage the detention estate. Independent scrutiny is a vital part of assurance that our removal centres are secure and humane. Robust statutory oversight is provided by HM Chief Inspector of Prisons and the Independent Monitoring Boards, ensuring that detainees are treated with proper standards of care and decency.

Stephen Shaw CBE, the former Prisons and Probation Ombudsman for England and Wales, has completed the review and has recently submitted his report. We intend to publish the Stephen Shaw review alongside the Government response before the Immigration Bill completes its passage through Parliament.

Conclusion/Recommendation 15

In 2012, under 8% of people were released following a Rule 35 Report. The percentage for the first half of 2015 is over 18%. This appears to show some improvement in the care shown to those who have suffered trauma due to torture elsewhere and then find themselves in immigration detention in the UK. (Paragraph 50)

Government's Response:

Having reviewed the data in our published reports, we note that the release rate for the first half of 2015 is 19% and not the 18% stated. It is important to note that this data does not differentiate between Rule 35 categories.

The Rule 35 process provides a mechanism whereby doctors working in immigration removal centres (IRC) can report to the Home Office where they have concerns about the case of detainees who may be particularly vulnerable, for reasons of ill-health, of suicide risk, or if they are concerned the detainee may be a victim of torture. The process allows consideration to be given to the appropriateness of the individual's continued detention in light of the information contained in the report and on the individual's particular circumstances.

Rule 35(3) reports, relating to concerns that the detainee may have been tortured, have to date been the most commonly issued reports. A Rule 35(3) report is capable of constituting independent evidence of torture, but not all ill-treatment will amount to torture and, as has been recognised by the courts, not every report will necessarily amount to independent evidence of torture. Moreover, even if a report does amount to independent evidence of torture, there can be very exceptional factors which justify ongoing detention, for instance, if the detainee has a history of significant criminality or is a high absconding risk. As such, there are legitimate circumstances in which a Rule 35 report will not lead to release.

We are working to improve the Rule 35 process. While not qualified experts in torture, IRC doctors have recently received bespoke training on torture awareness and

identification. We are revising the template form that IRC doctors are required to use when completing Rule 35 reports to make it clearer what information the Home Office requires from them in completing such reports. Similarly, the template form used by caseworkers to respond to Rule 35 reports is being revised to provide a better guide to staff on its completion, including the need to provide clear and satisfactory reasoning for the decision taken in response to the report.

On 9 February, the Home Secretary announced an independent review into the policies and operating procedures that have an impact on detainee welfare. Stephen Shaw CBE, the former Prisons and Probation Ombudsman for England and Wales, has completed the review, and he has recently submitted his report. As set out above, we intend to publish this review alongside the Government's response before the Immigration Bill completes its passage through Parliament.

Conclusion/Recommendation 16
It is unacceptable that after the Government said it would stop placing children in detention, and there were signs that it was maintaining very low figures throughout 2014, there was then a sudden increase at the beginning of 2015. In its response to this report, the Government should explain why, at the beginning of 2015, there was a sudden increase in the number of children being detained for immigration purposes, and why the proportion being held for longer than three days has also increased. (Paragraph 52)

Government's Response:
Our policy on the detention of children was placed on a statutory footing for the first time by the Immigration Act 2014.

The routine detention of families with children ended in 2010, and the family returns process was introduced in March 2011. Under this process, where a family with no right to remain in the UK refuses all attempts to persuade them to leave voluntarily it may be necessary, as a last resort, to detain them for a short period of time immediately prior to removal.

Under this process, families may be held for up to 72 hours, or up to a maximum of one week with Ministerial authority, immediately before their removal. For those families held at the border prior to removal, airline schedules may not permit removal within three days. Those held longer than three days will also include individuals who were

subject to age assessments and who appear in the published statistics as held at IRCs other than Tinsley House.

On occasion, families with children may be held at the border while enquiries are made to decide whether they can be admitted to the country or, where they are refused entry, until the next available return flight.

Unaccompanied children may also be detained for short periods of time in a limited number of exceptional circumstances, including where it is necessary to do so in the interests of the child's own welfare pending alternative care arrangements being made.

Immigration Statistical releases are revised annually every August and so while the numbers of people entering and leaving detention remain similar, age assessments carried out after people leave detention may alter the previously published adult-child ratios. In the latest release, the number of children entering detention in Q2 2014 has been revised to 27 compared with the report's figure of 19. Additionally, the percentage of children held over three days in Q4 2014 is revised to 20% compared with the report's figure of 6%.

Changes in the small numbers of children entering detention are dependent on a number of processes and variables. The number of children entering detention in the year ending June 2015 fell to 155 from 191 in the previous year. This was an 86% fall compared with 2009 (1,119).

Half of the children detained between January and June 2015 were held at Tinsley House alongside their parent(s) or guardians who had been detained at the border having been refused entry to the UK. It is not possible to predict the numbers of families arriving at the border.

Conclusion/Recommendation 17

In its response to this Report, we request that the Government set out what action it is taking place to improve the return of Foreign National Offenders, specifically to other EU member states, and provide statistics on the number of successful returns to each EU member state in the last 12 months. (Paragraph 56)

Government's Response:
Foreign nationals who abuse our hospitality by committing crimes in the UK should be in no doubt of our determination to deport them. We take our duty to protect the public very seriously — we have removed more than 25,000 foreign criminals since 2010.

We have toughened the law by cutting the number of grounds on which criminals can appeal deportation and more than 2,000 foreign national offenders have been removed under the tough new 'deport first, appeal later' provisions. It is having a major impact on the number of European nationals the Government is deporting.

Additionally, we are taking a more robust approach to removing low level EEA offenders regardless of sentence length as well as those with overseas convictions. The removal of EEA foreign national offenders has increased from 2,306 in 2013/14 to 3,026 in 2014/15.

We do not routinely provide data relating to specific countries as publishing such data could result in undermining diplomatic relationships with those countries, particularly where they might have less incentive to co-operate with us.

Conclusion/Recommendation 18
In its response to this Report, we request that the Home Office state:

- **How many people have made complaints to its enforcement section about illegal activity,**
- **How many of those complaints led to an arrest, and**
- **How many of those people were subsequently removed from the UK.**

The process of enforcement is unnecessarily slow. Those members of the public who complain about breaches of immigration law that they have reported to the Home Office need to be kept informed of progress in the investigation. Failure to do so may undermine confidence in the system. (Paragraph 58)

Government's Response:
In Q3 2015 we received 17,402 pieces of information, of varying quality, from the public about illegal activity. We take information we receive from the public very seriously and individually assess and record a decision of what action, if any, is to be taken in each allegation. We do not routinely provide progress updates but will provide feedback

where a follow up request is made. The quality of the information received is a key factor in our ability to respond.

In Q1 2015 there were 752 enforcement visit arrests linked to information received from the public, with 220 subsequent removals. In the following quarter, there were 1,100 enforcement visit arrests linked to information received, with 292 subsequent removals.

The information we receive from the public concerning both illegal working and those living in the UK illegally does vary in quality and is not the primary way in which we identify abuse of the immigration rules. Using intelligence and working with other government departments, law enforcement agencies and partners, we are targeting industries and areas where there is the highest harm and abuse is most common.

Since 2010 the number of arrests made in connection with illegal working has almost doubled and we remain tough on those who do employ illegal workers. In 2010 we arrested 7,920 people in connection with immigration working offences. In 2014 this had risen to 14,338. The Immigration Bill will build on this, creating a new criminal offence of illegal working allowing us to seize and confiscate illegal wages. We have already doubled the fine for businesses who flout the immigration rules.

Overall, since 2010 we have arrested more than 54,000 individuals suspected of being in the UK illegally.

Conclusion/Recommendation 19

We consider that an immigration target with an arbitrary figure is difficult to achieve when you simply cannot control the number of people who leave the country and have very limited ability to control migration from EU member states. We also consider that the Government should look again at the issue of whether student numbers should be included in that figure as our predecessor Committee said. We will return to this subject during this Parliament. (Paragraph 61)

Government's Response:

Uncontrolled immigration makes it difficult to maintain social cohesion, puts pressure on public services and can drive down wages for people on low incomes. That is why we remain committed to reforms across the whole of Government to deliver the controlled migration system which is in the best interests of our country.

Since 2010 we have changed the profile of migrants coming here to work and study from outside the EU, to ensure that we are genuinely welcoming the brightest and the best. We have taken a wide range of measures to cut out abuse of our immigration system by making it systematically harder for people to illegally enter, work or remain in the UK.

Our new Immigration Bill will address illegal working, the pull factors that draw migrants to Britain and the availability of public services which help them to remain here unlawfully. The last two sets of figures show record levels of EU immigration, which is why we are cracking down on the abuse of EU free movement and will continue our reforms to make our welfare system fairer and less open to abuse.

The independent Office for National Statistics (ONS) follows the United Nations definition of net migration that includes students. Like other migrants, international students who stay for longer than 12 months have an impact on communities, infrastructure and services while they stay here. Our international competitors also include students in net migration.

The ONS estimates that in the year ending June 2015, 131,000 non-EU students came to Britain to stay for more than 12 months, but only 38,000 left the UK – a difference of 93,000. Several thousand of those who stayed have switched into skilled work, and we welcome the skills that they bring, but others overstay and do not leave when they should.

Conclusion/Recommendation 20

Backlogs at the UKVI have always been a concern to this Committee under successive governments. The current backlog of cases remains at 318,159. There has therefore been an increase between Q1 and Q2. As we have said previously, the biggest contributor to the backlog is the Migration Refusal Pool. In its response to this Report, we expect the Home Office to set out a timetable for further reduction of this backlog. We are now coming to the end of the £4 million contract awarded to Capita with the view to the Migration Refusal Pool backlog being reduced. We would like a full assessment of this contract before there is any possibility of renewal. (Paragraph 62)

Taken with:

Conclusion/Recommendation 21

We are deeply concerned that there has been a 111% increase in 12 months on the number of cases to be uploaded onto CID. Putting cases on this database should be a priority and this dramatic increase is unacceptable. The Government should explain why this figure has increased to such an extent. As MPs write in, the case files should be inputted immediately. We repeat our previous recommendations that clearing these backlogs must be a priority. (Paragraph 63)

Government's Response:

The Home Office deals with millions of immigration transactions a year overseas, in country and at the border. At any one time the number of cases across the immigration system will be significant, but does not necessarily constitute a backlog.

UKVI is operating within its service standards on all principal application types and therefore does not have backlogs in these areas. The 318,159 number quoted reflects case working across the Home Office including live asylum cases, people applying to extend their temporary leave or for permanent residence, as well as those whose applications have been refused and are in the Migration Refusal Pool (MRP) which is overseen by Immigration Enforcement.

As the HASC report acknowledges, the overall MRP has been consistently reducing as a result of the contact management and casework resource allocated to it. The post 2008 MRP now stands at 167,975 (Q3 2015), having reduced by approximately 26,000 records since its peak of 193,881 in Q2, 2013.

The latest published figures (Q3 2015) show that since December 2012, the department, supported by Capita, has followed up on 595,500 records of individuals in the MRP, reducing the overall size of the pool by more than 185,000 records. The vast majority of this reduction is as a result of 122,900 recorded departures and the remainder consists of cases closed due to data cleansing, persons obtaining leave to remain, or other resolution work.

The Capita contract's initial term was until October 2016 with an option to extend for a further two years. The contract with Capita is worth up to £30 million and covers a range of services, not just those related to the MRP. All Home Office contracts are subject to scrutiny and review in order to ensure efficiency and best value for the tax payer.

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.

Annex A – Entry Clearance Officers in each UKVI post

UKVI Post	Number of ECOs
Abu Dhabi	35
Abuja	16
Accra	2
Amman	7
Bangkok	13
Beijing	27
Bogota	7
Cairo	1
Chennai	21
Dhaka	1
Guangzhou	1
Havana	2
Islamabad	10
Istanbul	18
Jakarta	1
Kuwait	6
Lagos	19
Manila	16
Moscow	18
Mumbai	9
Nairobi	1
New Delhi	41
New York	14
Paris	10
Pretoria	24
Riyadh	6
Shanghai	4
Warsaw	12
Grand Total	**342**