



House of Commons
Home Affairs Committee

The work of the Immigration Directorates (Q1 2016)

Sixth Report of Session 2016–17



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*Report, together with formal minutes
relating to the report*

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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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Publication

Committee reports are published on the Committee's website at www.parliament.uk/homeaffairscom and in print by Order of the House.

Evidence relating to this report is published on the [inquiry publications page](#) of the Committee's website.

Committee staff

The current staff of the Committee are Carol Oxborough (Clerk), Phil Jones (Second Clerk), Harriet Deane (Committee Specialist), Adrian Hitchins (Committee Specialist), Kunal Mundul (Committee Specialist), Andy Boyd (Senior Committee Assistant), Mandy Sullivan (Committee Assistant) and Jessica Bridges-Palmer (Committee Media Officer).

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1 Introduction

1. The Home Office releases immigration statistics on a quarterly basis. The statistics provide an overview of the Home Office's work on immigration control, entry clearance, asylum and enforcement, and provide a platform for us to assess the performance of the Department, and particularly the UK Visas and Immigration, Immigration Enforcement and Border Force directorates. In line with the timescale for publication of the statistics, we carry out this scrutiny on a quarterly basis. We do so by studying key indicators of performance across quarters as well as over longer periods. Those indicators include:

- Visa applications
- Sponsors and licensing
- New asylum cases
- Syrian resettlement
- Asylum and immigration caseload
- Grants of settlement
- Appeals and tribunals performance
- Staff numbers
- MPs' correspondence
- Migration Refusal Pool
- Immigration detention
- Foreign National Offenders

This Report covers Q1 2016 (January–March).

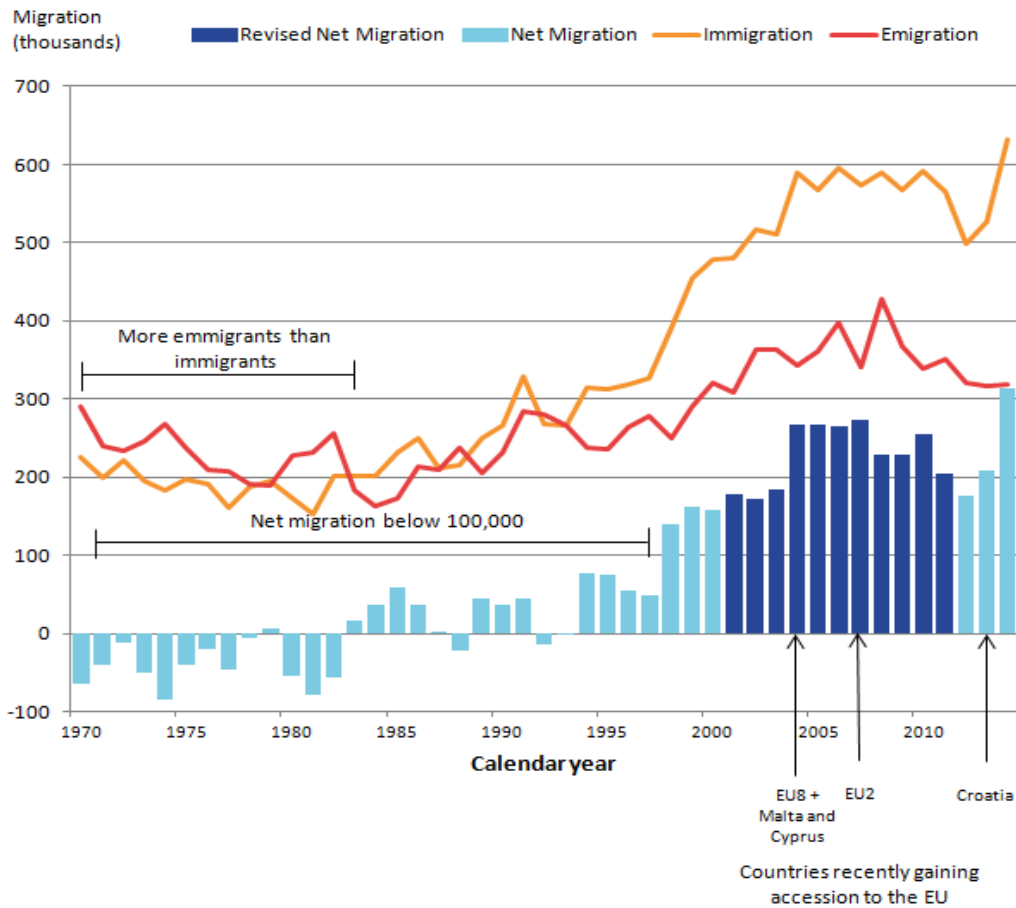
2. In addition to the release of Home Office immigration statistics, the Office for National Statistics (ONS) publishes a Migration Statistics Quarterly Report. The latest ONS report (published in May 2016) showed that in the year ending December 2015 net long-term international migration (a period of at least a year in a country that is not a person's usual residence) was 333,000, an increase of 20,000 from the year ending December 2014 and significantly above the Government's target of reducing immigration to the tens of thousands. As shown in the table below, the net increase was the result of a decrease in emigration and immigration being at a similar level to the previous year. Immigration from Non-EU citizens continued to be higher than from EU citizens. However, the gap was much closer than in previous years.

Table 1: Long-term international migration: United Kingdom (thousands)¹

	Year ending 12/2014 000s			Year ending 12/2015 000s		
	Immigration	Emigration	Balance	Immigration	Emigration	Balance
British	81	137	-55	83	123	-39
EU Total	264	89	+174	270	85	+184
EU 15	129	51	+79	129	51	+79
EU 8	80	32	+48	73	26	+47
EU 2	49	5	+44	65	7	+58
Non-EU	287	93	+194	277	89	+188
Total	632	319	+313	630	297	+333

Source: Office for National Statistics, [Migration Statistics Quarterly Report](#), May 2016

Figure 1: Long-term international migration: UK, 2005–2015 (YE December 2015)



Source: Office for National Statistics, [Migration Statistics Quarterly Report](#), May 2016

1 EU 2 comprises Bulgaria and Romania, EU 8 comprises the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia, EU 15 comprises Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden, United Kingdom.

3. In the Referendum held on 23 June 2016 the United Kingdom voted to leave the European Union. Implementing such a decision will have a huge impact on the work of the Immigration Directorates, both in the short-term, when more people might seek to move to the UK before any migration rule changes and in the longer term as new immigration arrangements are agreed and implemented.

4. The Government have guaranteed that while the UK remains part of the EU the rights of the 2.9 million EU citizens living in the UK will be unaffected but it has stopped short of guaranteeing those rights indefinitely. The Government's position is that the rights of EU citizens settled in the UK will be considered in conjunction with the rights of UK citizens living elsewhere in the EU.² In a statement published on 11 July 2016 the Government set out the position regarding a permanent right to reside in the UK:

EU nationals who have lived continuously and lawfully in the UK for at least 5 years automatically have a permanent right to reside. This means that they have a right to live in the UK permanently, in accordance with EU law. There is no requirement to register for documentation to confirm this status.

EU nationals who have lived continuously and lawfully in the UK for at least 6 years are eligible to apply for British citizenship if they would like to do so.³

5. We questioned the Minister on what effect the UK leaving the EU would have on the five year rule on the right to permanent residence as it is based on EU law. The Minister explained that having established that right “as a matter of law it would be virtually impossible—through the ECHR, article 8 and anything else—to take that away from them.”⁴ The Minister also told us that for EU citizens “there is no requirement to register for documentation to confirm this status”.⁵

6. Moves to tighten immigration controls for non-UK citizens seeking to come to the UK, following the outcome of the EU Referendum, will have obvious implications for the work of the Immigration Directorates, whatever the final terms of the agreement with the EU are. Past experience has shown that previous attempts to tighten immigration rules have led to a spike in immigration prior to the rules coming into force. Much will depend on the negotiations between the UK and the EU and the details of any deal to retain or constrain the free movement of people and the rights of those EU/EEA citizens arriving in the UK and UK citizens living in the European Union. If changes to the system of immigration are to work, the Government must ensure that the relevant directorates, notably UK Visas & Immigration, are given the additional resources they will certainly need to deal with their increased workload effectively.

7. The outcome of the EU referendum has placed EU nationals living in the UK in a potentially very difficult and uncertain position. The key to resolving this is certainty. EU citizens living and working in the UK must be told where they stand in relation to the UK leaving the EU and they should not be used as bargaining chips in the negotiations. There also has to be an effective cut-off date to avoid a surge in applications. The most obvious dates include the date of the Referendum, 23 June 2016, the date Article 50 is triggered or the date when the UK actually leaves the EU. EU citizens settled in the

2 Q174 [James Brokenshire MP, Minister for Immigration]

3 www.gov.uk, [Status of EU nationals living in the UK](#), 11 July 2016

4 Q228

5 Q227

UK before the chosen date should be afforded the right to permanent residence. The challenge of successfully resolving the practicalities of the UK exit in relation to EU citizens must not be underestimated. A unit should be established in the Home Office to deal with this issue, in addition to the newly-established Department for Exiting the European Union headed by the newly-appointed Secretary of State, Rt Hon David Davis MP.

8. Establishing where EU citizens live and work is the first step in the process of clarifying their right to permanent residence in the UK. The first option may be registration, a second may be identification by National Insurance number. Whatever scheme the Government follows should be chosen as quickly as possible and be made as seamless as possible. If a system of registration is required then a pilot should be established with a local authority so that practical considerations can be further explored.

2 Visa Applications

9. The majority of people from outside the European Economic Area (EEA) wishing to visit or relocate to the UK require a visa to do so. Responsibility for processing visa applications rests with UK Visas and Immigration (UKVI), a directorate within the Home Office. The vast majority of visa applications are for temporary visas for those visiting the UK or transiting through it. Our quarterly examination of UKVI's work in processing applications focuses on longer term visas. The system for long-term visas is based on five 'tiers' (as set out in paragraph 15). Under this system applicants must satisfy a points-based assessment. The system includes a cap on numbers for certain visas but, as Lord Green of Deddington, the Chair of Migration Watch, explained to us, on an annual basis the cap on Tier 2 (skilled worker) visas has never been reached.⁶ Table 2 below provides a breakdown of the number of visas, excluding visitor and transit, granted in Q1 2016 compared with Q1 2015.

Table 2: Visas granted by reason, comparison between Q1 2016 and Q1 2015

Reason	Q1 2015	Q1 2016	Change
Work	41,221	39,101	-2,120
Study	15,393	11,207	-4,186
Short-term study	10,979	13,151	+2,172
Family	9,105	9,520	+415
Dependant joining or accompanying	2,308	1,760	-548
Other	10,364	11,678	+1,314
Total	89,370	86,417	-2,953

Source: Home Office, [Immigration Statistics](#), May 2016, Table Vi 04q

Processing applications

10. Applications for a visa can be made from within the UK ('in-country applications') or from outside the UK ('out-of-country applications').

- At the end of Q1 2016 there were 140,119 in-country applications pending completion, down from 154,291 at the end of Q4 2015.
- The number of out-of-country applications in progress at the end of Q1 2016 totalled 57,788, an increase from 31,354 at the end of 2015, and higher than the 39,218 in progress at the end of Q1 2015.⁷

Worse performance

- Despite a fall in the number of in-country cases in progress, the number of cases that have been received but not yet entered onto the Case Information Database (CID) has risen from 13,341 (8.6%), at the end of 2015, to 16,672 applications (11.9%) by the end of the Q1 2016.⁸

⁶ Written evidence submitted by Lord Green [ID50005]

⁷ UK Visas and Immigration, [International operations transparency data](#), May 2016, Table Visa 03

⁸ UK Visas and Immigration, [Temporary and permanent migration transparency data](#), May 2016, Tables InC 3 and InC 4

11. We have previously expressed concern about the large number of visa applications that have yet to be entered onto the Case Information Database. Despite the number of applications falling for consecutive quarters, the number of cases that have been received but which UKVI have yet to begin processing continues to rise. This is unacceptable, it is a simple administrative task which should easily be completed. The Home Office's failure to put data on computers is delaying the processing of cases and does not inspire confidence in their ability to manage this caseload.

12. From January 2014 various service standards have applied to straightforward visa applications; these are cases where the customer has been compliant and met all of their obligations.⁹ Table 3 shows that the vast majority of straightforward in-country applications are being progressed within the service standards.

Table 3: Work in-progress casework summary against service standards: in-country applications

	Cases in progress within service standards	Cases in progress outside service standards: less than 6 months	Cases in progress outside service standards: more than 6 months	Total number of cases in progress outside service standards	Cases where service standards do not apply
Q1 2015	60,759	19	45	64	41,452
Q2 2015	87,576	51	62	113	31,274
Q3 2015	122,006	121	17	138	28,468
Q4 2015	100,675	50	204	254	35,743
Q1 2016	82,997	11	115	126	33,651*

Source: UK Visas and Immigration, [Temporary and permanent migration transparency data](#), May 2016, Table InC_5

* Of the 33,651 cases where service standards do not apply, 27,562 are referred to as 'non-straightforward workable' which means that once the applicant provides further information to UKVI, the case becomes workable and service standards will apply.

Improved performance

- In our previous Report¹⁰ we noted that the number of cases in progress outside service standards was growing. Q1 2016 breaks that trend. The number of cases outside service standards at the end of Q1 2016 is half the number at the end of Q4 2015.

13. With regard to out-of-country applications, there is a high number of outstanding cases in the refugee/humanitarian family reunion category of visa application. UKVI's target is to process all such applications within 24 weeks and 95% of cases within 12 weeks but, as the table below shows, many have been outstanding for over a year. The Refugee Council explained why this is a concern: "family reunion is an important safe and legal route for refugees to be reunited with their loved ones. Without access to safe and legal routes, families can be split across continents and forced to take dangerous journeys if they want to be together."¹¹ (The administrative arrangements for family reunion are discussed in Chapter 3.)

9 The service standards are set out in our Q4 2015 Report and are available on the Home Office website in the notes section of the [Temporary and permanent migration transparency data tables](#).

10 Home Affairs committee, Second Report, Session 2016–17, [The work of the Immigration Directorates \(Q4 2015\)](#), HC 22

11 Written evidence submitted by the Refugee Council [[ID50004](#)]

Table 4: Out-of-country refugee/humanitarian family reunion visa applications in progress: Quarter 1 2016

Category	Total outstanding applications	Outstanding: less than six months	Outstanding: six months – one year	Outstanding: more than a year
Family reunion	1,165	831 (72%)	5	329 (28%)
Refugee resettlement programme*	14	0	0	14 (100%)

Source: UK Visas and Immigration, [International operations transparency data](#), May 2016, Table Visa_05

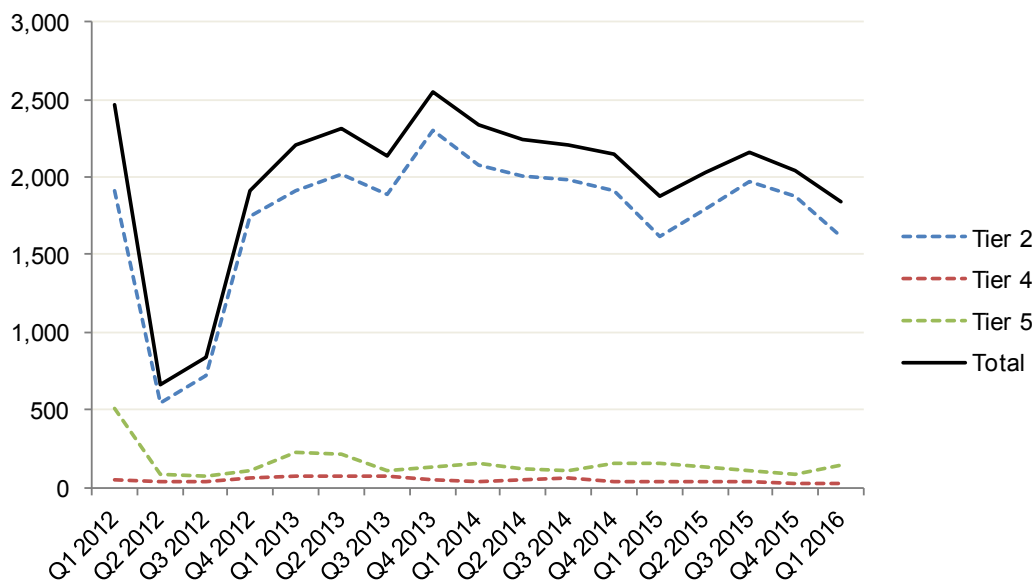
* This table contains data on the visas issued in relation to part of the Refugee Resettlement Programme. Specifically, these figures do not relate to those resettled under the Syrian Vulnerable Persons Resettlement Scheme.

14. In our previous Report we highlighted the large number of family reunion visa applications that were outstanding. This has not been addressed. The Government must explain why so many out-of-country family reunion cases are not being processed within service standards and set out what steps it is taking to address this issue. Family reunion is important as a safe and legal migration route to the UK and we will explore this issue in more detail in a forthcoming report on the migration crisis.

Sponsorship and licensing

15. Applications under Tier 2, Tier 4 and Tier 5 require a sponsoring body. Under Tier 2 (skilled workers) and Tier 5 (temporary workers) the sponsor must be an employer based in the UK. Under Tier 4, the sponsor must be an education provider. Such organisations have to apply to UKVI to get sponsor status. There are currently 27,290 Tier 2 sponsors, 1,383 Tier 4 sponsors and 3,867 sponsors under Tier 5. The information below shows the number of sponsor applications for each Tier and the number of sponsors registered overall.

Figure 2: Number of new sponsor applications in each Tier



Source: UK Visas and Immigration, [Sponsorship transparency data](#), May 2016, Table SP_02

Table 5: Number of sponsors registered on points based system (PBS) routes

Quarter	Tier 2	Tier 4	Tier 5
Q4 2014	27,088	1,590	3,622
Q1 2015	27,239	1,569	3,668
Q2 2015	27,422	1,529	3,736
Q3 2015	27,504	1,450	3,751
Q4 2015	27,489	1,466	3,752
Q1 2016	27,290	1,383	3,867

Source: UK Visas and Immigration, [Sponsorship transparency data](#), May 2016, Table SP_01

Improved performance

- In our previous report we noted that only 90.8% of applications for Tier 4 Sponsor visas made in Q2 2015 were processed within the 18 week customer service standard. The latest release of data shows that 99.5% of applications made in Q3 2015 were processed within 18 weeks. UKVI is now meeting the customer service standards for processing all sponsor and sponsorship applications.¹²
- For premium service (same day applications), only 88.5% of Tier 1 cases were resolved the same day in Q3 2015 and 93.2% in Q4 2015. However, in Q1 2016, 514 out of 531 applications (96.8%) were resolved on the same day.¹³
- The average time taken to process a sponsor application in Q1 2016 was 20 days (a slight reduction from 22 days in Q4 2015).¹⁴

Enforcement

16. UKVI may visit a body applying to be a sponsor before making a decision on its application for a Tier 4 licence. UKVI also conducts follow-up visits to ensure bodies are complying with the conditions of their status as sponsors. Non-compliance can result in a sponsor's licence being suspended or revoked. An overview of UKVI's work in enforcing the sponsorship regime is set out in the tables below.

12 Using the most recent figures available from UK Visas and Immigration, [Temporary and permanent migration transparency data](#), May 2016, Table InC_02

13 UK Visas and Immigration, [Temporary and permanent migration transparency data](#), May 2016 Table InC_07

14 UK Visas and Immigration, [Sponsorship transparency data](#), May 2016, Table SP_05

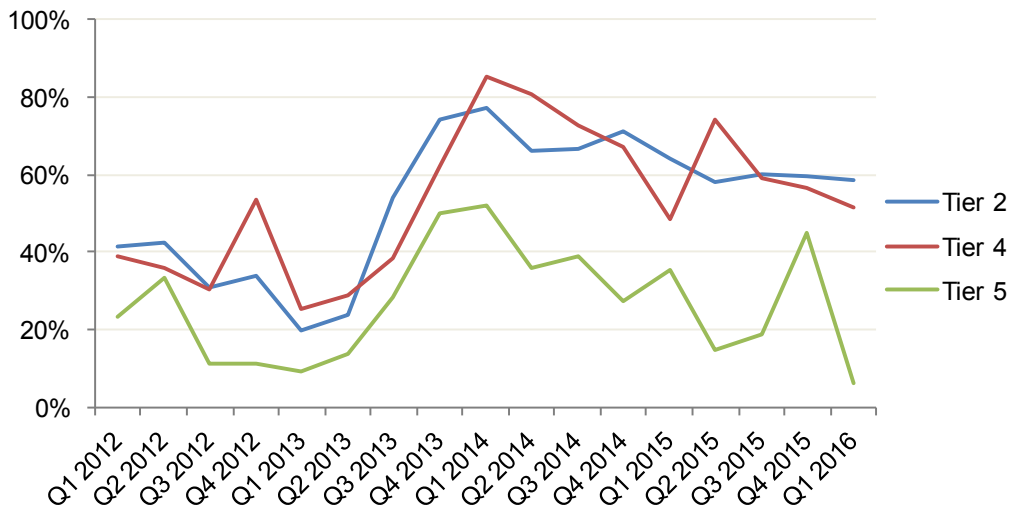
Table 6: Visits to sponsors

Quarter	Pre-registration				Follow-up visits (of which unannounced)			
	Tier 2	Tier 4	Tier 5	Total*	Tier 2	Tier 4	Tier 5	Total*
Q4 2014	189	19	4	220	1,089 (777)	52 (35)	40 (11)	1,224 (844)
Q1 2015	286	26	8	323	1,002 (644)	87 (42)	31 (11)	1,166 (719)
Q2 2015	276	47	7	377	791 (498)	39 (29)	34 (5)	914 (506)
Q3 2015	295	14	7	320	797 (480)	27 (16)	27 (5)	874 (511)
Q4 2015	311	14	4	330	529 (316)	37 (21)	20 (9)	601 (349)
Q1 2016	306	16	11	338	421 (246)	35 (18)	16 (1)	491 (275)

* Total also includes visits to bodies whose licences cover multiple tiers

Source: UK Visas and Immigration, [Sponsorship transparency data](#), May 2016, Tables SP_08 and SP_09

Figure 3: Percentage of follow-up visits that were unannounced



Source: UK Visas and Immigration, [Sponsorship transparency data](#), May 2016, Table SP_05

Table 7: Action taken against sponsors

Quarter	Tier 2 Suspended	Tier 2 Revoked	Tier 4 Intention to revoke	Tier 4 Revoked	Tier 5 Suspended	Tier 5 Revoked	Total
Q4 2014	84	196	13	22	8	5	328
Q1 2015	108	190	16	18	8	14	354
Q2 2015	159	149	20	16	4	3	351
Q3 2015	217	227	88	24	9	8	573
Q4 2015	142	169	60	14	1	4	390
Q1 2016	182	117	19	10	9	7	344

Source: UK Visas and Immigration, [Sponsorship transparency data](#), May 2016, Table ScC01

Table 8: Response to notifications of potential non-compliance of those sponsored

Quarter	Total processed notifications	Curtailed action required: Tier 2 and 5	Curtailed action required: Tier 4	No further action required	Leave curtailed
Q4 2014	32,648	3,385	13,292	15,971	9,632
Q1 2015	44,776	15,269	19,619	9,888	17,297
Q2 2015	39,318	12,664	16,587	10,067	16,072
Q3 2015	30,750	5,176	11,213	14,361	9,364
Q4 2015	29,606	11,055	5,666	12,885	8,364
Q1 2016	24,414	5,579	5,627	13,208	6,022

Source: UK Visas and Immigration, [Sponsorship transparency data](#), May 2016, Table SN_01 and SN_02

17. In our Q4 2015 Report we noted the high number of notifications that required no further action. Following an inspection into this area in 2015, the Independent Chief Inspector of Borders and Immigration (ICIBI) concluded that sponsors were unclear what changes in a student's circumstances they were required to report. He also noted that there was an exaggerated fear of the consequences of not reporting even the most minor change, and that a lack of direct feedback meant the trend of high numbers of notifications requiring no action was unlikely to change significantly.¹⁵ In Q1 2016, there were 13,208 notifications that required no further action, an increase on the previous quarter despite their being 5,092 fewer notifications in total.

18. **The number of notifications from sponsors of Tier 4 visas that require no further action is far too high and this is an obvious inefficiency in the system of enforcement. We repeat the recommendation from our previous Report that the Home Office must constructively engage with the academic sector to reduce this figure. It is unacceptable that academic institutions are wasting time generating notifications which the Home Office knows to be unnecessary. We expect this situation to be addressed by 31 December 2016.**

15 Independent Chief Inspector of Borders and Immigration, [A short notice inspection of the tier 4 curtailment process](#), July–September 2015, 23 March 2016

English-language testing

19. We are currently conducting an inquiry into the discovery of widespread fraud in the English-language testing system and the Home Office's subsequent enforcement action. The response by the Home Office to the fraud has been to take action against individuals, primarily students, and their sponsors. To date over 28,000 refusal, curtailment and removal decisions have been made by the Home Office, and more than 4,600 people have been removed from the UK; 104 institutions have had their licences suspended and 87 have had their licences revoked.

20. In his statement to the House on 24 June 2014, Rt Hon James Brokenshire MP, the then Minister for Immigration, was clear that some of the sponsors investigated had given serious cause for concern. The Minister explained that amongst the issues identified were students working when they were not permitted to or working above the maximum hours permitted. He told the House:

The work undertaken by HMRC has identified a number of overseas university students earning more than £20,000 a year despite the rule that they must not work more than twenty hours per week during term time.

Overseas students at privately funded further education colleges are not allowed to work at all, yet one college—the London School of Business and Finance—has 290 foreign students who worked and paid tax last year. One university student identified by HMRC had been working a sixty-hour week for six months.

UKVI identified people allegedly studying in London while their home addresses were registered as restaurants as far as away as Ipswich and Chichester.¹⁶

21. Our inquiry into the English-language testing system and the discovery of widespread fraud is ongoing. As part of that inquiry we have received evidence of serious shortcomings in the Home Office's response to the fraud. We expect to conclude our inquiry in September.

¹⁶ HC Deb, [Col 206](#), 24 June 2014

3 Asylum cases

22. In Q1 2016 there were 8,288 asylum applications from main applicants, a reduction of 18% from the 10,100 applications received in the previous quarter but a 39% increase on the 5,955 applications received in Q1 2015.¹⁷ Including dependants, the number of asylum applications reduced from 11,830 in Q4 2015 to 10,138 in Q1 2016.¹⁸ When considering asylum applications per head of population, the UK ranked 17th in Europe for the year to March 2016. The table below shows the number of applications received, initial decisions for main applicants made and protection granted, for 2015 and previous years.

Table 9: Asylum applications and decisions for main applications

Year	Total applications	Total Initial decisions	Granted some form of protection*	Granted as a % of initial decisions
2012	21,843	16,774	6,059	36%
2013	23,584	17,543	6,542	37%
2014	25,033	19,782	8,150	41%
2015	32,414	28,950	11,419	39%
Percentage change on previous year	+29%	+46%	+40%	-

Source: Home Office, [Immigration Statistics](#), May 2016, Table AS_01

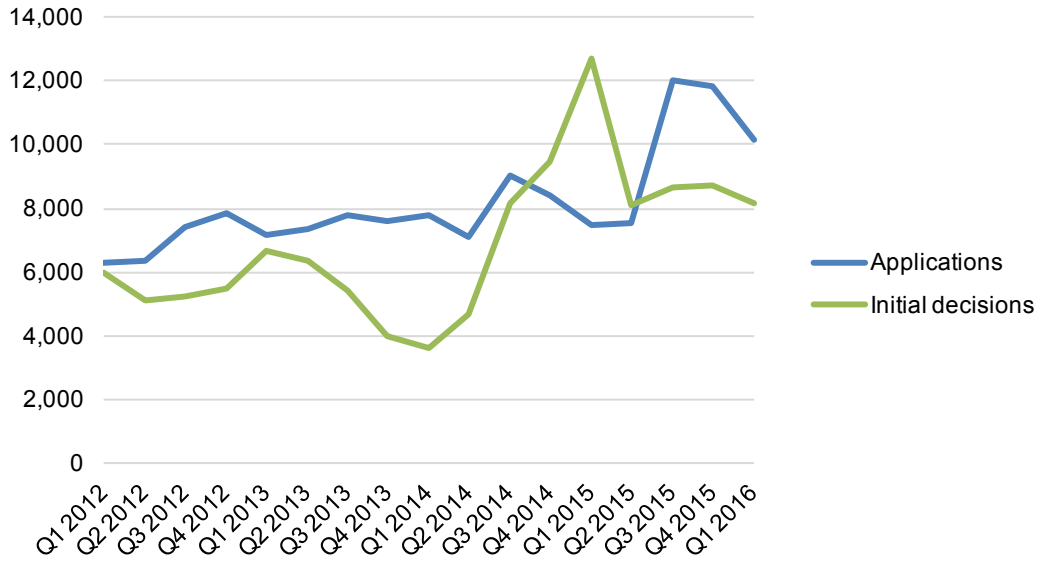
* Granted includes grants of asylum, humanitarian protection, discretionary leave, leave to remain under family life or private life rules, leave outside the rules and UASC leave.

23. The Government has committed to providing a decision within six months to all straightforward asylum claims made after 1 April 2014 and within a year for all cases considered to be 'non-straightforward'. The charts below show UKVI's performance in meeting these standards. Figure 4 shows the number of initial decisions made each quarter against the number of applications for asylum from main applicants and their dependants.

¹⁷ Home Office, [Immigration Statistics](#), January to March 2016, Table AS_01q

¹⁸ Home Office, [Immigration Statistics](#), January to March 2016, Table AS_02q

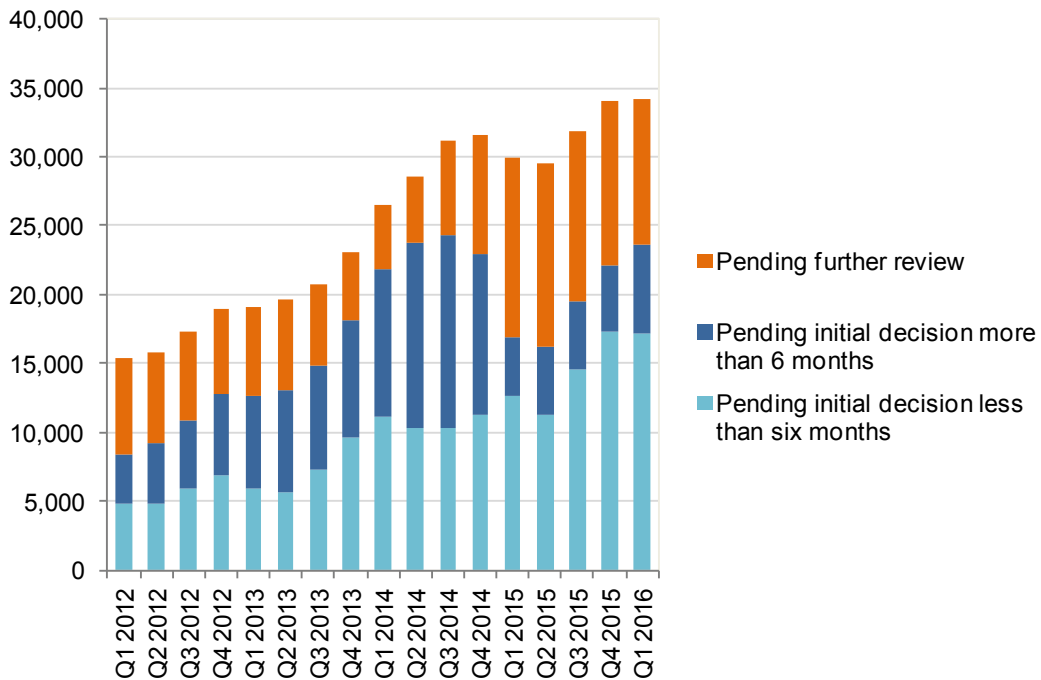
Figure 4: Asylum applications and initial decisions for main applicants and dependants by quarter



Source: Home Office, [Immigration Statistics](#), January to March 2016, AS_02q

24. Q1 2016 continues the trend of the number of applications received outstripping the number of decisions made. As we set out in our previous Report, this means that the volume of casework in progress by UKVI is growing. Figure 5 below shows the number of cases pending a decision. Apart from a brief dip in the first half of 2015, the number of cases where an initial decision is pending or a further review is required has grown steadily since 2012.

Figure 5: Asylum applications from main applicants and their dependants pending initial decision and further review



Source: Home Office, [Immigration Statistics](#), January to March 2016, AS_02q

Worse performance

- As at Q1 2016, 34,201 applications received from main applicants and their dependants were 'pending a decision'. This is the highest figure recorded in the data (which goes back to 2010) and is a marginal increase on the previous quarter (33,990).

25. The Home Office breaks down applications pending a decision into three categories: those that have been pending for less than six months, for more than six months and those pending further review. There has been a slight fall in the number of cases pending an initial decision within six months from 17,287 in Q4 2015 to 17,173 in Q1 2016, though it is still higher than it was a year ago in Q1 2015 (12,586).¹⁹

Worse performance

- The number of applications pending a decision for more than six months increased by a third from 4,860 in Q4 2015 to 6,472 in Q1 2016. This deterioration in performance follows a significant improvement over the previous four quarters when the number pending a decision for more than 6 months fell from 11,629 in Q4 2014 to 4,860 in Q4 2015.

Improved performance

- The number of cases pending further review has fallen by 11% from 11,843 in Q4 2015 to 10,556 in Q1 2016.²⁰

26. **The available data do not allow us to judge whether UKVI is meeting its service standards of processing straightforward asylum cases within six months and non-straightforward cases within 12 months as no such breakdown is provided. There is little point in having service standards if the information is published in such a way that does not allow UKVI's performance to be judged against them. The data must be published in a way that allows such scrutiny.**

27. **The number of outstanding asylum applications is at an all-time high. Despite repeated warnings from this Committee the Home Office has done nothing to address this situation and it must set out what steps it is taking to tackle this concern.**

Asylum accommodation

28. The increase in the number of people claiming asylum puts pressure across the system from the administration of applications to the provision of accommodation. Since the implementation of the Immigration and Asylum Act 1999 a system of dispersal has been effected in the housing of asylum seekers in order to ease the impact on the south east of England. Dispersal accommodation is located in particular areas in the country where the local authority has agreed to take asylum seekers up to a defined cluster limit (defined as an assumption that there will be no more than one asylum seeker per 200 residents, based on the 2001 census figures for population). Not all local authorities currently participate, putting pressure on those that do and on the system as a whole. A

¹⁹ Home Office, [Immigration Statistics](#), January to March 2016, Table AS_02q

²⁰ Home Office, [Immigration Statistics](#), January to March 2016, Table AS_02q

map showing participation levels amongst local authorities is annexed to this report. We consider this issue in more detail in our forthcoming report on the migration crisis. We discuss the specific issue of accommodation for Syrian refugees later in this Chapter.

Nationality of new applicants for asylum

29. World events are a key driver of asylum applications and whether those applications are accepted is based on Home Office country information and guidance. To produce the guidance the Home Office uses a range of sources such as local, national and international organisations, including human rights organisations, information from the Foreign and Commonwealth Office, trusted media outlets and Home Office fact-finding missions to the countries concerned. Table 10 sets out the most common nationalities applying for asylum and the success rate of applications and Table 11 shows the number of decisions that are appealed and the success rate of those appeals. In Q1 2016, the largest number of applications for asylum in the UK came from nationals of Iran (1,492), continuing a trend from Q4 2015. A third of applications from nationals of Iran were granted.

Table 10: Common nationalities for asylum claims and percentage of initial decisions granting some form of protection (decisions may not relate to applications in the same quarter)

	Q2 2015	Q3 2015	Q4 2015	Q1 2016
Afghanistan	414 (35%)	749 (34%)	794 (31%)	489 (36%)
Albania	354 (31%)	382 (19%)	406 (23%)	369 (31%)
Bangladesh	192 (11%)	285 (10%)	419 (10%)	500 (5%)
Eritrea	759 (34%)	1,385 (39%)	887 (47%)	290 (69%)
India	209 (0%)	294 (3%)	354 (1%)	388 (0%)
Iran	484 (59%)	863 (50%)	1,466 (41%)	1,492 (35%)
Iraq	231 (22%)	632 (18%)	1,111 (12%)	831 (12%)
Nigeria	188 (16%)	222 (16%)	250 (13%)	303 (11%)
Pakistan	483 (20%)	746 (18%)	677 (18%)	763 (16%)
Syria	384 (88%)	790 (88%)	911 (84%)	454 (85%)

Source: Home Office, [Immigration Statistics](#), January to March 2016, Table AS_01_q

Table 11: Asylum appeal applications and determinations by common country of nationality

	Appeals received	Appeals determined	Appeals granted	Success rate
Afghanistan	232	107	48	45%
Albania	157	142	40	28%
Bangladesh	178	94	19	20%
Eritrea	114	288	247	86%
India	42	14	1	7%
Iran	356	124	64	52%
Iraq	387	77	32	42%
Nigeria	83	67	16	24%
Pakistan	317	185	64	35%
Syria	34	34	12	35%

Source: Home Office, [Immigration Statistics](#), January to March 2016, Table as_14_q

30. In Q1 2016, 86% of appeals from Eritrean nationals were successful, far more than for other nationalities. This suggests to us that the Home Office country guidance for Eritrea was wrong and applications for asylum from Eritrean nationals have been incorrectly refused. The Refugee Council told us that:

Not only does this cost the taxpayer money in defending indefensible decisions in the courts and providing asylum support to applicants unable to work whilst awaiting a decision, but it also has an immeasurable impact on those who have come to the UK to seek protection from a regime the UN has said is guilty of “systematic, widespread and gross human rights violations”.²¹

The Home Office has confirmed that it is updating its guidance on Eritrea in light of the recommendations made by the Independent Advisory Group on Country of Origin Information (IAGCI).²² It will publish the revised guidance in due course. We note that the number of Eritrean nationals who have been waiting for an initial decision for more than six months has increased from 223 in Q4 2015 to 882 cases in Q1 2016.²³

31. This is the third consecutive Report in which we have commented on the approach of the Home Office to asylum-seeking Eritreans. It is unacceptable that the Home Office is still getting so many of its decisions regarding nationals of this country wrong. This raises wider concerns over the Home Office’s country guidance, particularly in the period between the Home Office acknowledging that its guidance is incorrect and revised guidance being implemented. Decisions made in this period, as the situation with Eritreans has shown, can result in foreign nationals being repatriated to countries the Home Office knows to be unsafe or has concerns over—which is unacceptable—or appeals clogging up the courts unnecessarily. When the Home Office has concerns over the accuracy of its country guidance it should suspend decisions until such a time that those concerns have been investigated and, where necessary, revised guidance put in place.

32. We note the high number of appeals from Iranian nationals, more than half of which are successful. The Home Office must explain why such a high proportion of appeals in asylum cases involving Iranian nationals are successful and, if necessary, review its guidance for that country accordingly.

Syrian Vulnerable Persons and ‘children at risk’ resettlement programmes

33. In our Report on Q2 2015 we set out the background to the Syrian Vulnerable Persons Scheme, initiated in January 2014 and then expanded in September 2015 following the then Prime Minister’s statement that the UK would accept up to 20,000 Syrian refugees over the rest of this Parliament.²⁴ The Table below sets out how many Syrians have been resettled under this scheme.

21 Written evidence submitted by the Refugee Council [ID50004]

22 Home Affairs Committee, First Special Report of Session 2016–17, [The work of the Immigration Directorates \(Q3 2015\): Government Response to the Committee’s Sixth Report of Session 2015–16](#), HC 213

23 Home Office, [Immigration Statistics](#), January to March 2016, Table AS_02q

24 Home Affairs Committee, Second Report, Session 2015–16, [Work of the Immigration Directorates Q2 2015](#), HC 512, paras 22–30

Table 12: Individuals resettled under the Syrian Vulnerable Persons Scheme

Quarter	Number resettled
2014 Q1	13
2014 Q2	37
2014 Q3	40
2014 Q4	53
2015 Q1	44
2015 Q2	29
2015 Q3	36
2015 Q4	1,085
2016 Q1	517
Total	1,854

Source: Home Office, [Immigration Statistics](#), January to March 2016, AS_19q

34. The Home Office has indicated that it will seek to ensure an equitable distribution of refugees across the country so that no individual local authority bears a disproportionate share of the burden. It is down to individual local authorities to decide whether to participate in the resettlement scheme. Just 71 local authorities have accepted Syrian refugees in the last six months. A lack of resources and existing pressures on housing and services have been given by some local authorities as reasons for not participating in the scheme.

35. In addition to the Syrian Vulnerable Persons Scheme the Government has committed to resettling up to 3,000 ‘children at risk’ from the Middle East and North Africa region and the Immigration Act 2016 includes a commitment to admit an unspecified number of unaccompanied refugee children who have been in Europe since before 20 March 2016.²⁵

36. We remain concerned about the Government’s ability to increase capacity sufficiently to meet its commitment to resettle 20,000 Syrian refugees by 2020, and the separate commitment to resettle thousands of unaccompanied children, which the Government has rightly made. We will explore this issue in more detail in our forthcoming report on the migration crisis.

Family reunion

37. Partners and dependent children of adult refugees in the UK are allowed entry to the UK under family reunion rules. Each of the refugee’s family members must apply for family reunion through the Government’s visa website and have their fingerprints and photograph taken at a visa application centre. Under the programme the UK Government gives people 30 days from the date the visa is granted to arrive in the UK. An investigation by BuzzFeed News found:

- Arbitrarily short deadlines to take up visas, leaving family members struggling to make arrangements in time;

²⁵ Written statement by the Minister for Immigration, 21 April 2016, [HCWS687](#); The Government has committed to resettling several hundred individuals from the MENA region in the first year with a view to resettling up to 3,000 individuals over the lifetime of this Parliament.

- Parents left making agonising choices about who to leave behind if visas arrive at different times;
- Huge increases in the number of applications for visas in Turkey while staff numbers remain low;
- The average waiting time on a decision on a family visa has increased in Turkey, with some people waiting more than three months for a decision.²⁶

The Red Cross has called for the bureaucratic hurdles to be removed:

These are fixable administrative problems, but they can be terribly upsetting and troubling for refugee families. Visas should not be issued with such short-lived entry periods, visas shouldn't be issued so late the period has nearly expired, and UK embassies should be going out of their way to help those who have been granted visas. These obstacles to protection need to be removed. We hope the Home Office will act soon to remedy these problems.²⁷

38. In response to the BuzzFeed investigation the Home Office explained that the issue of a 30-day entry visa for those coming to the UK for more than six months is the same across all migration routes: "Where an applicant is unable to make arrangements to travel to the UK within the 30 days, the applicant can apply for a replacement 30-day visa to enable them to travel to the UK and collect their biometric residence permit following their arrival."²⁸

39. The bureaucratic hurdles that are being put in front of refugees after a decision has been made allowing them to enter the UK to be reunited with family members are totally unacceptable, particularly as many of those affected are fleeing conflict and will have already undergone severe hardship. The UK Government should be doing all it can to help people in these circumstances rather than hindering their chance to reach safety. Where an individual receives notification of permission to enter the UK but it arrives too late for transport to be secured, it is ridiculous for that permission to be cancelled and for the process then to have to be restarted. The system must be more flexible.

40. The Refugee Council has drawn our attention to the different treatment of adult and child refugees under the family reunion rules. Children who have travelled to the UK and who have been granted refugee status are not allowed to bring their close family to join them despite having gone through the asylum system in the same way as an adult.²⁹

41. It seems to us perverse that children who have been granted refugee status in the UK are not then allowed to bring their close family to join them in the same way as an adult would be able to do. The right to live safely with family should apply to child refugees just as it does to adults. The Government should amend the immigration rules to allow refugee children to act as sponsors for their close family.

26 BuzzFeed, [Refugee Families Are Being Torn Apart By British Bureaucracy](#), 30 May 2016

27 BuzzFeed, [Refugee Families Are Being Torn Apart By British Bureaucracy](#), 30 May 2016

28 BuzzFeed, [Refugee Families Are Being Torn Apart By British Bureaucracy](#), 30 May 2016

29 Written evidence submitted by the Refugee Council [[ID50004](#)]

Asylum applicants granted refugee status

42. Resettled refugees are provided with housing and receive a year of specialist support to help them access the job market and mainstream services. This support is not available for refugees who have achieved that status via the asylum system. Asylum seekers are entitled to financial support and accommodation but these entitlements cease 28 days after notification of being granted refugee status. In 2014 the Refugee Council warned that:

Under the current system, refugees must quickly obtain housing and a means to support and feed themselves and their families but face multiple barriers to doing so with people often waiting for months to be issued the correct documentation to enable them to claim mainstream benefits, find employment and support themselves.³⁰

43. The Refugee Council observed that “It seems perverse that when someone is accepted as in need of protection the state puts them at further risk through bureaucratic failures that can make them homeless and destitute.” In 2016 separate studies by the Red Cross and Refugee Council found that, 28 days after having their claims for asylum accepted, refugees were still struggling to access mainstream benefits. Participants in the Refugee Council study reported having received incorrect and inconsistent advice, and being blocked from making applications even though they were entitled to start the process of claiming welfare benefits.³¹

44. In order to apply for work, refugees must first receive their Biometric Residence Permit and National Insurance number. Delays in receiving these key identity documents impact on newly recognised refugees’ ability to feed and house themselves once their asylum support is terminated. Without a National Insurance number individuals are unable to seek employment. The Refugee Council is calling on the Government to restore the Refugee Integration and Employment Service. This was designed to help refugees in exactly this situation but was ended in 2011.

45. An amendment was tabled to the Immigration Bill 2015 (now an Act) to extend from 28 to 40 days the period of grace between which refugee status is granted and Home Office support ends. In response, Lord Bates, the then Home Office Minister in the Lords, explained that more evidence was required before it could accept such a proposal. The Minister acknowledged that some newly recognised refugees did not secure access to DWP benefits before their Home Office support ended and that a lack of awareness among DWP staff of the correct processes contributed to this problem. However, he stated that updated guidance and instructions had been issued to DWP front-line staff to address the issue and that a DWP evaluation would be carried out later in 2016. He said that if the DWP study showed that it was necessary to increase the length of the grace period consistently to enable newly recognised refugees to begin to receive the welfare benefits for which they are eligible before their Home Office support ends, “we undertake to return to Parliament with a proposal to amend the regulations to reflect that”.³² Immigration regulations can be amended at any time without primary legislation.

30 Refugee Council, [New refugees face homelessness and destitution](#), 7 May 2014

31 Refugee Council, [England’s forgotten refugees](#), May 2016; Red Cross, [Record number of UK asylum seekers destitute](#), 13 January 2016

32 Huffington Post, [Refugees Being ‘Forgotten’ Just As Their UK Asylum Applications Are Granted](#), Refugee Council [Warns](#), 20 May 2016; HL Deb [Col 1837](#), 15 March 2016

46. Individuals granted asylum in this country must not be forgotten amidst the attention paid to refugees being resettled from the Middle East. They too will have fled abuse, torture and conflict and are equally deserving of the right to be treated with respect and dignity. Evidence from the Refugee Council and others suggests that this support is not always available when it should be, with the result that refugees can find themselves destitute at the moment their need for asylum is recognised. We are aware that the Government has acknowledged this problem and has asked the Department for Work and Pensions to undertake a review of its support to newly recognised refugees. If the study concludes that there is a need for the grace period to be extended then the Government must implement that recommendation swiftly. We will return to this subject as part of our inquiry into asylum accommodation later this year.

Asylum and immigration caseload

Work in progress

47. The Home Office provides an annual snapshot of work in progress at a particular time. The latest available figures are for Q2 2015 and showed that at that time 60,442 applications were in progress, of which almost 26,000 applications had been in progress for more than three years, an increase of over 3,000 on the previous year. Over the same period the number of appeals outstanding had risen from 3,317 in 2014 to 8,956 in 2015. We will consider this issue when updated figures are published next quarter.

Outcomes

48. The Home Office provides analysis of the recorded outcomes of the group of applicants in any one year, at a particular time. For applications made in 2014—the latest cohort for which outcome data are available—74% of decisions to refuse asylum were appealed, of which 30% were appealed successfully (see table below). These ratios have been generally consistent over the last five years.³³ Figures for 2015 are expected to be published in August.

Table 13: Outcome of applications

Year	Main applications	Initial decisions	% refused	% of refusals appealed	Appeals successful	Appeals successful %
2010	17,916	15,841	73	80	2,486	29
2011	19,865	17,646	65	79	2,492	30
2012	21,843	18,973	63	74	2,404	31
2013	23,584	20,257	62	73	2,179	29
2014	25,033	20,585	55	74	1,635	32

Source: Home Office, [Immigration Statistics](#), February 2016, AS_06

33 Home Office, [Immigration Statistics](#), February 2016, AS_06; not including appeals to the Upper Tribunal

49. The First Tier Tribunal (Immigration and Asylum Chamber) hears first instance appeals against decisions made by the Home Office on immigration, asylum and nationality matters. Data show that:

- The First Tier Tribunal received 2,960 asylum appeals from main applicants in Q1 2016, a slight fall from the 3,252 received in the previous quarter.
- Of those appeals that were determined in Q1 2016, 43% were successful (a similar level to the previous quarter which was the highest proportion recorded).³⁴

50. The Upper Tribunal (Immigration and Asylum Chamber) deals with appeals against decisions made by the First Tier Tribunal (IAC). In 2015, 5,609 appeals were determined by the Upper Tribunal with a success rate of around 30% for the appellant.³⁵ In Q1 2016 the Home Office provided representation to 94% of First Tribunal hearings and 100% of Upper Tribunal hearings.³⁶

Legacy Immigration casework

51. In 2006, the Home Office began a programme of work to resolve legacy asylum cases. It covered cases that were received before 5 March 2007 but which UKVI was unable to continue processing. The programme lasted five years and was overseen by the Case Resolution Directorate (CRD). When the CRD closed in March 2011, it handed over 124,000 archive cases (applications where the UK Border Agency had lost contact with the applicant) and 23,000 cases where there were significant barriers to conclusion, to the newly created Case Assurance and Audit Unit (CAAU).

52. The CAAU was renamed the Older Live Cases Unit (OLCU) in 2013 to reflect the fact that the focus would be on reviewing the remaining legacy cases. The 124,000 controlled archive was split between 98,000 asylum and 26,000 immigration cases. Legacy cases are concluded by granting leave, removing individuals from the country or by cleansing the data of clear errors and duplications. In November 2012 all cases where the applicants could not be traced were closed. In total, 64,600 asylum cases and 15,700 immigration cases were closed; those cases that remained formed the 'live cohort' and work to process them is ongoing.

Legacy asylum issues

Improved performance

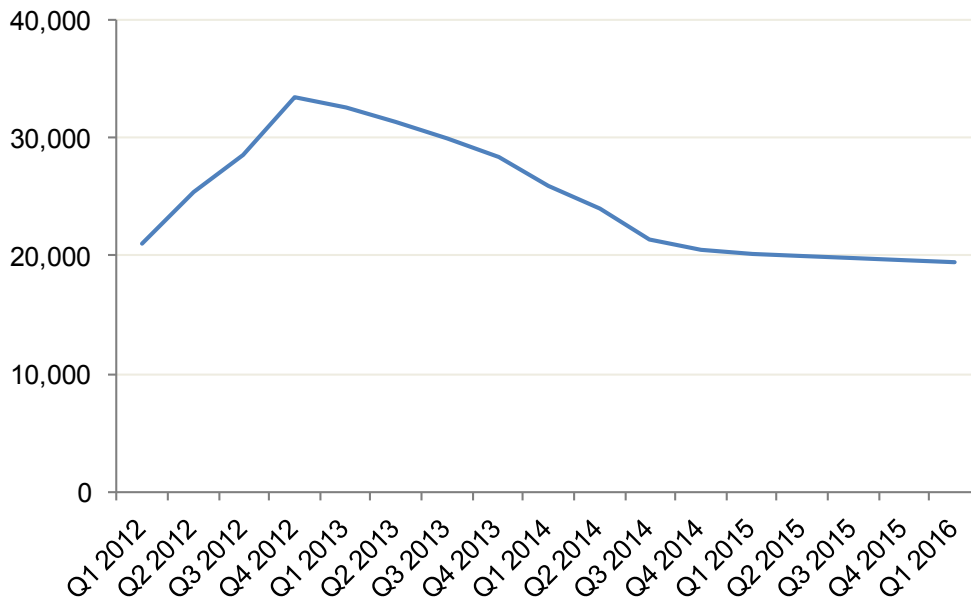
- The number of asylum cases in the Older Live Cases Unit continues to fall. 327 cases were concluded in Q1 2016 compared to 212 cases in Q4 2015 and only 89 cases were added. At the end of Q1 2016 there were 19,506 live legacy asylum cases remaining.

34 Home Office, [Immigration Statistics](#), February 2016, AS_14q

35 it is not possible to extrapolate from the data whether the appeal was by the UK Government or the applicant

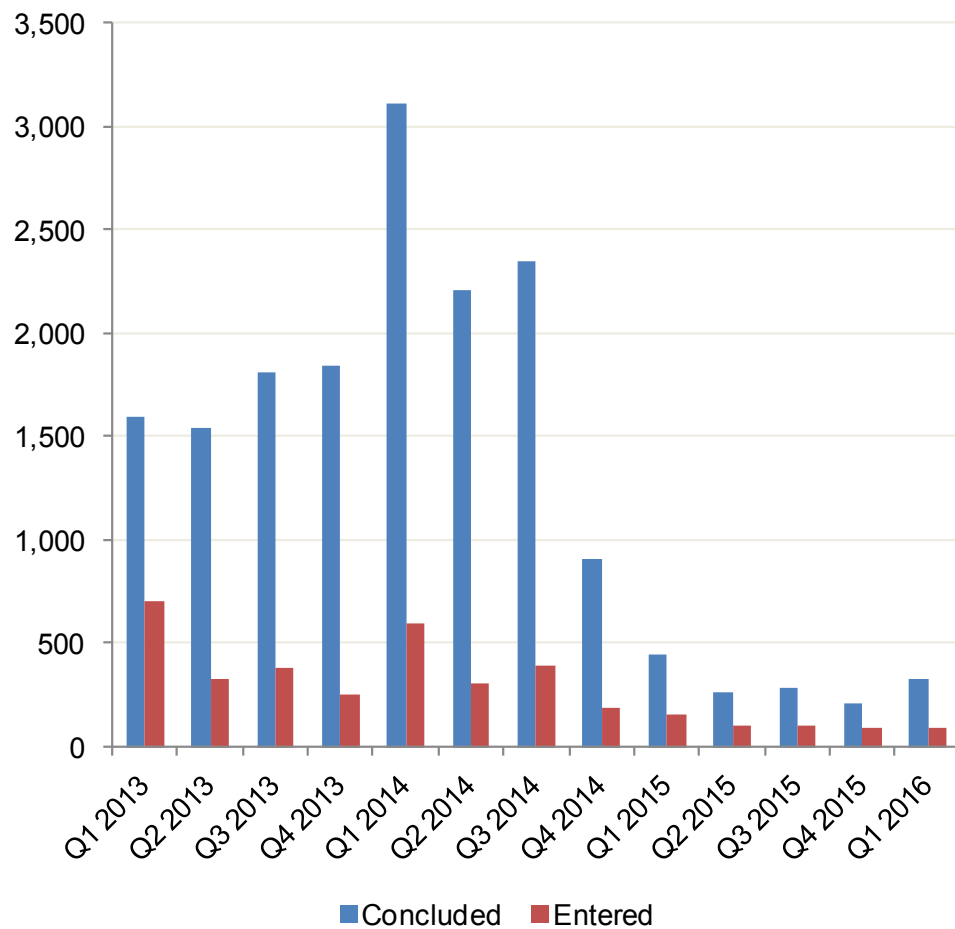
36 UK Visas and Immigration, [Asylum transparency data](#), February 2016, ARR_01

Figure 6: Asylum cases in the Older Live Cases Unit



Source: UK Visas and Immigration, [Asylum transparency data](#), May 2016 (and previous releases), Table OLCU_01

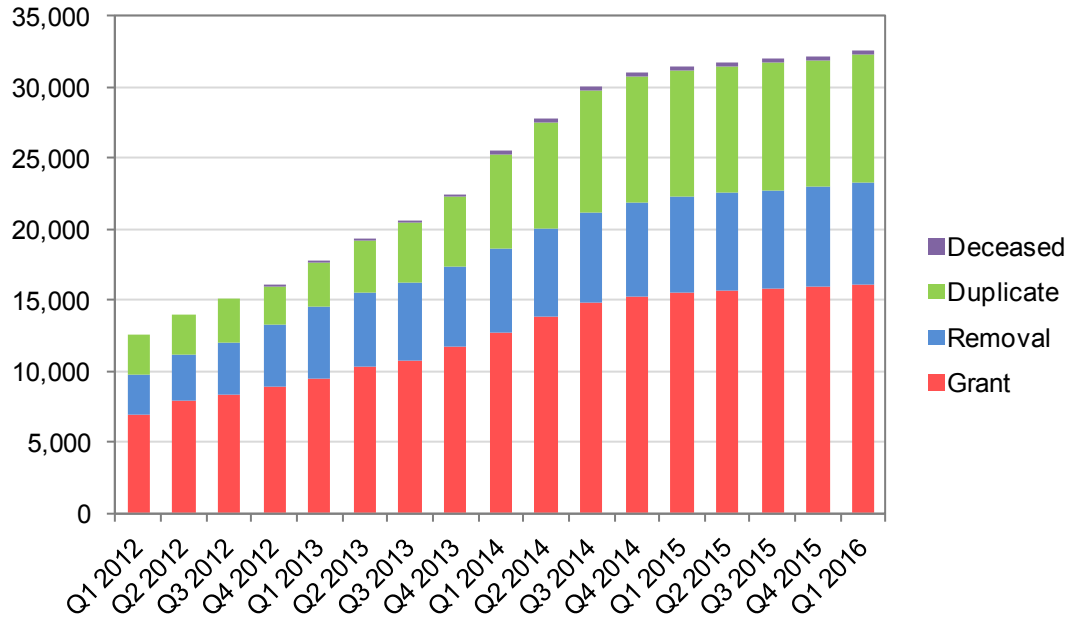
Figure 7: Legacy asylum conclusions and new cases



Source: UK Visas and Immigration, [Asylum transparency data](#), May 2016 (and previous releases), Table OLCU_02

53. At the end of Q1 2016, 49% of all legacy asylum applications concluded had been granted leave to remain, 22% were removed and 28% were found to be duplicates.³⁷

Figure 8: Legacy asylum conclusions



Source: UK Visas and Immigration, [Asylum transparency data](#), May 2016 (and previous releases), Table OLCU_02

Legacy immigration issues

Improved performance

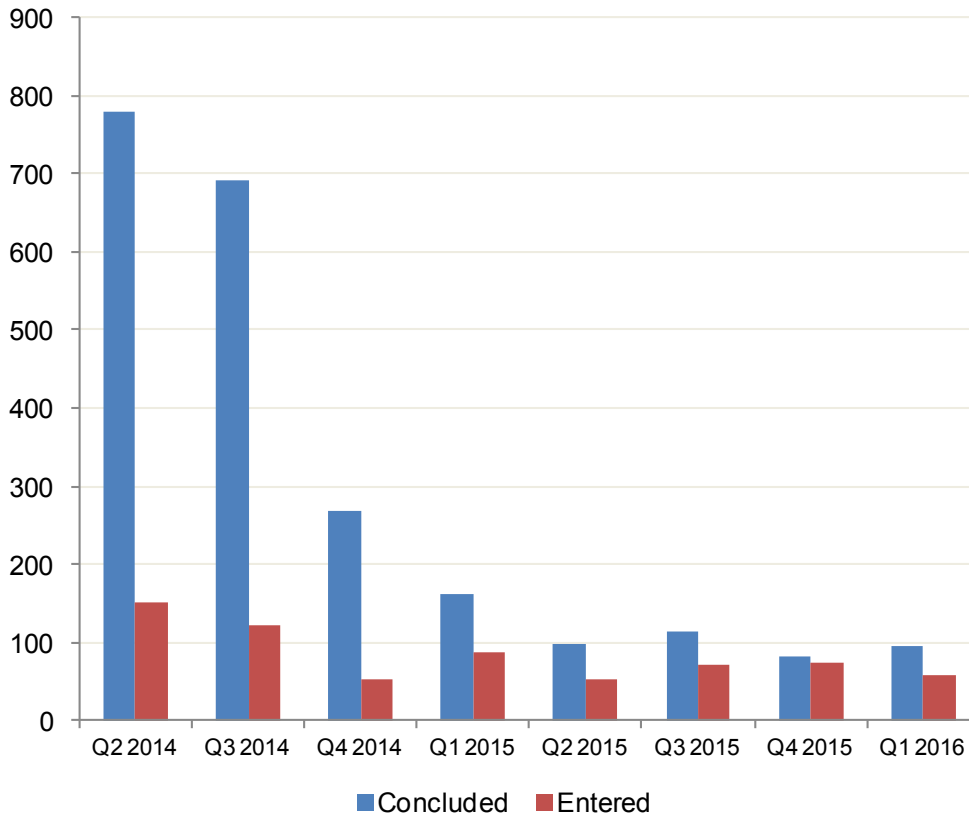
- As with legacy asylum cases, more legacy immigration cases were concluded in Q1 2016 than the previous quarter. 95 cases were concluded in Q1 2016 compared to 83 cases in Q4 2015.³⁸ The total number of live immigration cases in the OLCU in Q1 2016 was 4,456.³⁹

37 UK Visas and Immigration, [Asylum transparency data](#), May 2016 (and previous releases), Table OLCU_02

38 UK Visas and Immigration, [Asylum transparency data](#), May 2016 (and previous releases), Table OLCU_02

39 UK Visas and Immigration, [Asylum transparency data](#), May 2016 (and previous releases), Table OLCU_02

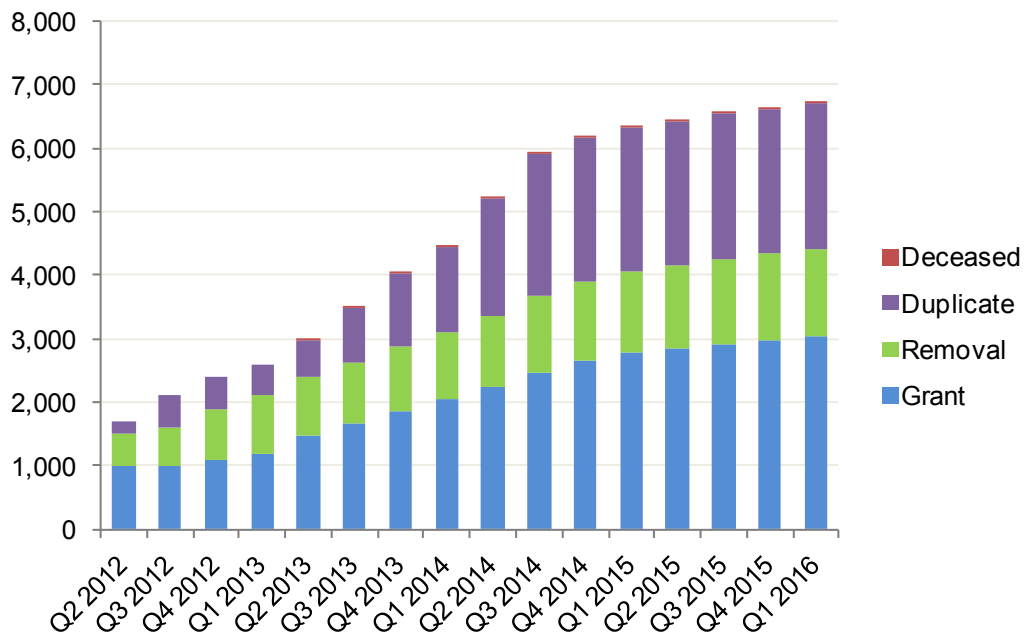
Figure 9: Legacy migration conclusions and new cases



Source: UK Visas and Immigration, [Asylum transparency data](#), May 2016 (and previous releases), Table OLCU_02

54. The chart below shows the number of legacy immigration applications concluded in total in each quarter since Q2 2012 and the outcome of those applications.

Figure 10: Legacy immigration conclusions



Source: UK Visas and Immigration, [Asylum transparency data](#), May 2016 (and previous releases), Table OLCU_02

55. By the end of Q1 2016, 6,756 legacy immigration applications had been concluded. Of these, 45% had been granted leave to remain and 21% of applicants were removed. 34% were found to be duplicates.⁴⁰ We have previously commented on the high rate of duplicates within the legacy casework and the Government's explanation can be found in its Response to our Report on Q2 2015.⁴¹

56. Progress in concluding cases in the Older Live Cases Unit (OLCU) has slowed over the last 18 months. The caseload of the OLCU is currently shrinking by an average of 250 cases per quarter. At this rate, it will take a further 24 years to clear the backlog of 23,962 outstanding cases, the majority of which date back to before 2007. It is unacceptable that people have had to wait over nine years for a conclusion to their case. The Home Office must explain why, nine years after its creation, the Older Live Cases Unit is still in existence, and when it expects the unit to have concluded its work. Sarah Rapson, the Director General of UK Visas and Immigration promised this Committee that this work would be a priority. Unfortunately she has been unable to live up to her promise. In our next report we expect to see better progress.

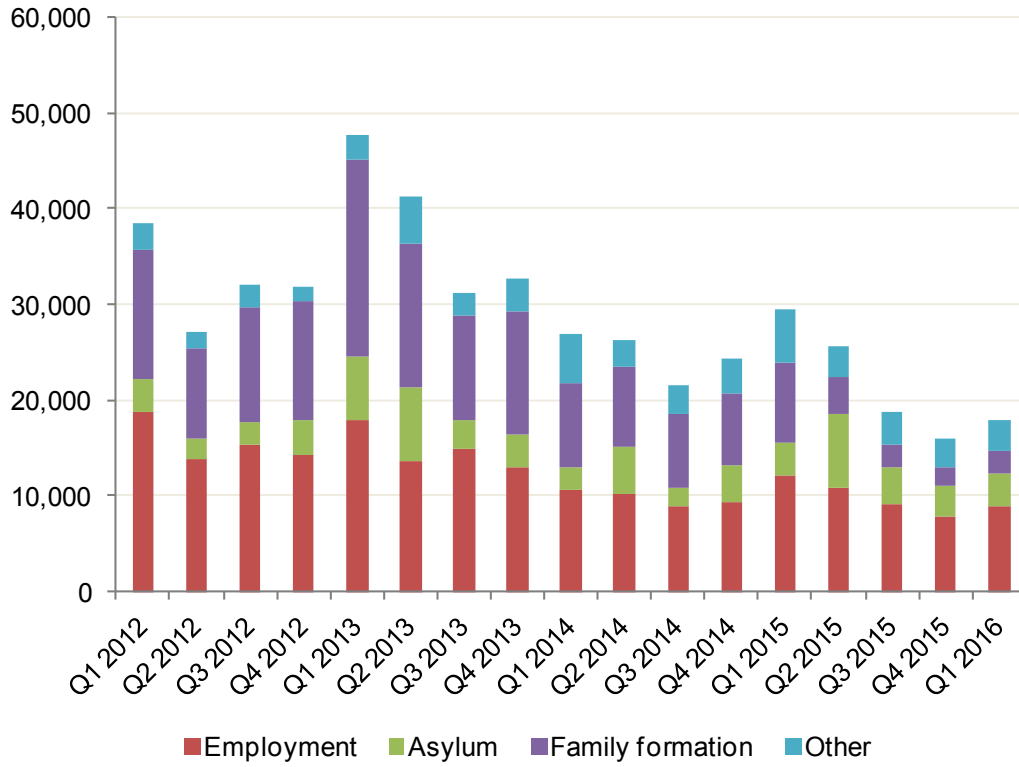
Grants of Settlement

57. Settlement or indefinite leave to remain allows foreign nationals to live in the UK without a visa. The Home Office data shows grants of settlement based on employment, asylum, family and other. There were 17,983 grants of settlement in Q1 2016, 12% more than the previous quarter; however this is still 39% less than in Q1 2015. The Chart below shows grants of settlement for each quarter by category, for the last four years. The family formation and reunion category has seen the largest reduction, a fall that can be attributed in part to changes in government policy which, in July 2012, extended the length of time family members had to be in the country before being able to apply for settlement from two to five years.

40 UK Visas and Immigration, Asylum transparency data, May 2016 (and previous releases), Table OLCU_02

41 [Third Special Report of Session 2015–16, The work of the Immigration Directorates \(Q2 2015\): Government Response, HC 693](#)

Figure 11: Grants of settlement



Source: Home Office, [Immigration Statistics](#), Settlement Tables, Q 1 2016, Table SE_02q

4 Staff numbers

58. In Q1 2016, there were 11,394 full time equivalent (FTE) staff working in UK Visas and Immigration (UKVI) and Immigration Enforcement. This is 221 fewer FTE staff or 2% less than the previous quarter.⁴² It is 840 fewer FTE staff or 7% less than a year ago in Q1 2015.

Table 14: Staffing in UKVI and Immigration Enforcement

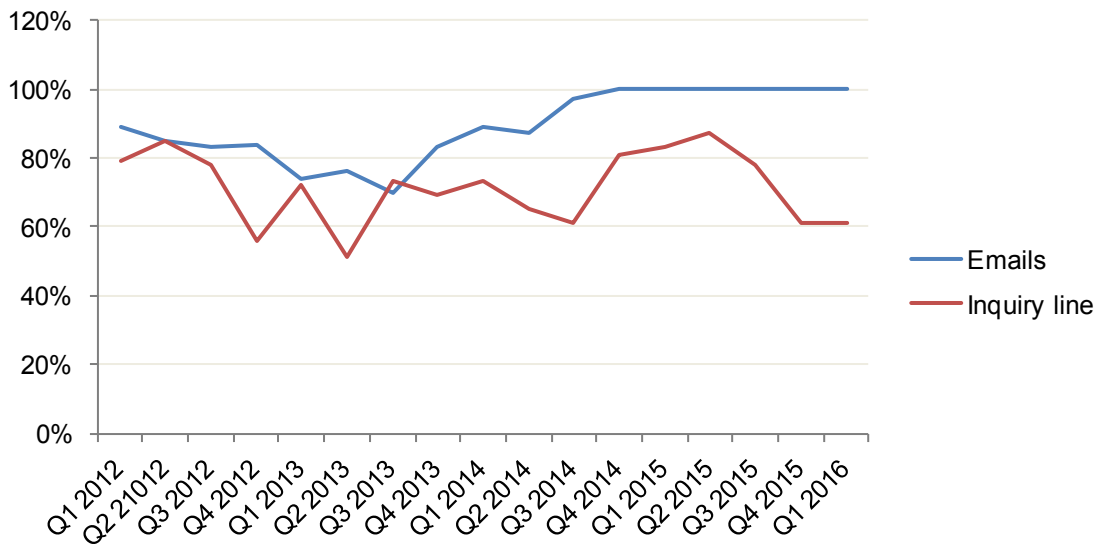
	Q4 2015				Q1 2016			
	Civil Servants	Agency	Other	Staff Total	Civil Servants	Agency	Other	Staff Total
UKVI	5,787	399	325	6,511	5,748	360	296	6403
Immigration	4,757	32	315	5,104	4662	29	301	4991
Total	10,544	431	640	11,615	10,410	389	597	11,394

Source: Home Office, Immigration Statistics, [Border and Immigration Cross-cutting Data](#), May 2016

MPs' correspondence

59. The chart below shows the proportion of MPs' emails and enquiries made via the MPs' inquiry line which were responded to within the target time.

Figure 12: MPs' correspondence



Source: UK Visas and Immigration, Migration transparency data, [Customer Service Operations Data](#), May 2016

42 Immigration Statistics, [Border and Immigration Cross-cutting Data](#), May 2016

60. The Home Office aims to respond to 95% of letters and emails from Members of Parliament within 20 days. 98% of the 4,083 letters and almost 100% of the 4,048 emails were responded to within 20 working days in Q4 2015.⁴³ The chart above shows that since Q4 2014, the Home Office has responded to all emails from Members within the target time period. The Home Office aims to resolve 90% of queries made via the telephone inquiry line that cannot be solved immediately within 10 working days of receiving the call.

Poor performance

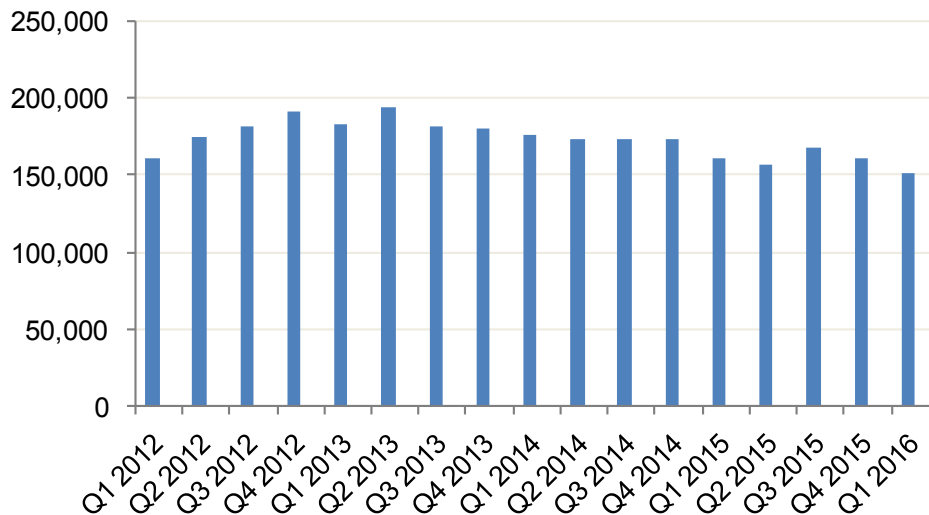
- In Q1 2016, 61% of queries made via the telephone inquiry line were resolved in 10 working days, the same as in the previous quarter.

5 Immigration Enforcement

The Migration Refusal Pool and curtailment of leave

61. Anyone whose temporary or permanent migration application is refused by UK Visas and Immigration or whose leave to remain has expired enters the Migration Refusal Pool (MRP). The MRP was set up in 2008. Asylum applications are excluded from it. It includes people who might have left the UK (but departure has not yet been confirmed) or secured a grant of leave in a different way (and records have not yet been linked to show this). Immigration Enforcement manages the MRP, and this forms a major part of its workload. Cases leave the pool as people are confirmed to have left the UK, are granted leave, or lodge an appeal or new application. We considered the MRP in detail in our Q4 2015 Report.⁴⁴

Figure 13: Size of Post 2008 Migration Refusal Pool at end of quarter



Source: Home Office, [Immigration enforcement transparency data](#), May 2016 (and previous data releases), Table Post_MRP_01

Improved performance

- The Post-2008 Migration Refusal Pool is the smallest it has been in four years. At the end of Q1 2016 there were 151,541 cases in the pool, down from 161,199 at the beginning of the quarter.⁴⁵

62. In September 2012, the Home Office contracted Capita to carry out a data cleansing operation on the Migration Refusal Pool cases. The work to contact and determine the circumstances of those individuals in the pool is ongoing and includes the new cases being transferred into the pool on a daily basis. In Q1 2016, Capita assessed 22,700 cases. Capita confirmed that 11,500 individuals had departed the UK but 11,700 cases were passed back to the Home Office to progress because there was a barrier to contact and in a further 4,100 cases Capita confirmed that no contact could be made.

63. In response to a 2014 National Audit Office report on the Government's reforms to the UK Border and Immigration system, the Home Office explained that those cases

⁴⁴ Second Report, Session 2016–17, [The work of the Immigration Directorates \(Q4 2015\)](#), HC 22, paras 72–76

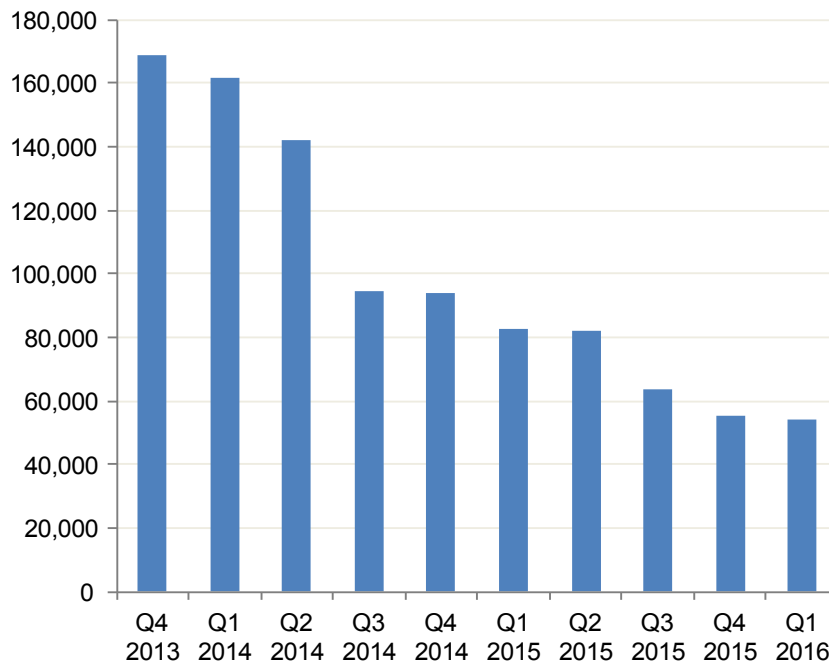
⁴⁵ Home Office, [Immigration enforcement transparency data](#), May 2016, Post MRP_03

passed back to the Immigration Enforcement directorate included duplicated records and people discovered to have been granted leave to remain via a different route or who were involved in a judicial review.⁴⁶ A 2016 inspection of the curtailment process for Tier 4 visas by the Independent Chief Inspector of Borders and Immigration in 2016 found that cases were being entered into the pool unnecessarily, for example when an individual was still entitled to be in the UK.⁴⁷

64. **Around half of the cases in the Migration Refusal Pool (MRP) examined by Capita have been returned to the Home Office, but no breakdown is provided as to why those cases were returned. We note that the number of cases in the MRP has begun to fall, but we remain concerned about the large number of cases sent to Capita for processing only to be returned to the Immigration Enforcement directorate. We note also the Independent Chief Inspector of Borders and Immigration’s recent report which concluded that cases were being entered into the pool unnecessarily. This suggests to us that the Home Office continues to lack an effective and efficient system for managing its immigration casework, a theme which we have noted many times. The Home Office must explain why so many cases transferred to the Migration Refusal Pool for processing by Capita are being returned to the Immigration Enforcement directorate and what steps it is taking to reduce this obvious inefficiency.**

65. The pre-2008 cases stood at 223,000 when the MRP was created. To date Capita has assessed 175,800 of the pre-2008 records. By the end of Q1 2016 there were 54,429 records remaining in the pre-2008 Migration Refusal Pool, down from 55,547 at the end of the previous quarter.⁴⁸

Figure 14: Number of records in the pre-2008 Migration Refusal Pool



Source: Home Office, [Immigration enforcement transparency data](#), May 2016, Table Pre_MRP_01

46 BBC News, [175,000 migrants 'missing' says National Audit Office](#), 22 July 2014; National Audit Office, [Reforming the UK border and immigration service](#), 22 July 2014

47 Independent Chief Inspector of Borders and Immigration, [A short notice inspection of the Tier 4 curtailment process](#), July – September 2015, 23 March 2016

48 Home Office, [Immigration enforcement transparency data](#), May 2016, Table Post MRP_03

66. The Government should make a commitment to clear the pre-2008 migration cases and put forward a specific deadline by which to do this. Progress on clearing those cases has slowed significantly over the last six months. Given that the bulk of the work has been outsourced there is a clear cost to work being prolonged.

Immigration detention

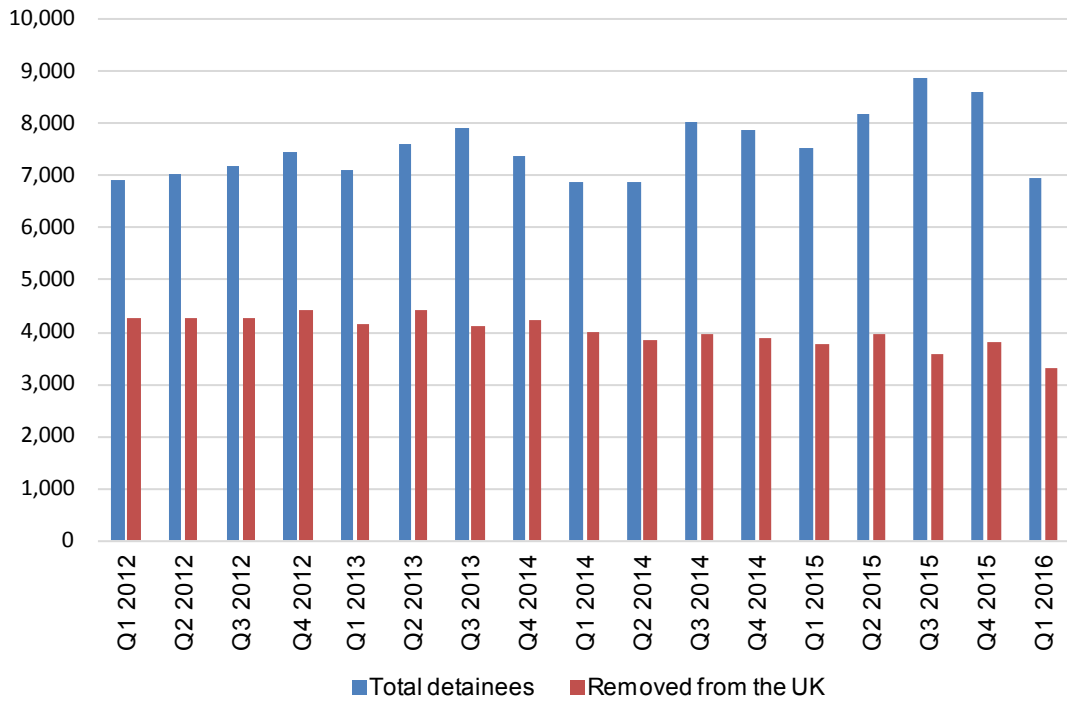
67. Immigration detention is the practice of detaining asylum seekers and other migrants for administrative purposes, to enable their claim to be resolved, or their possible removal. In Q1 2016, 7,286 individuals entered immigration detention, the lowest number since Q2 2014.⁴⁹ 48% of those who left immigration detention in Q1 2016 were removed from the UK. At the end of Q1 2016, 2,925 individuals were held in detention, 12% more than the previous quarter. Current trends suggest that over half of these people will be released.

Table 15: Number of people entering immigration detention at the end of each quarter

Quarter	Total	Male	Female	Of whom were children
2014 Q1	7,031	5,899	1,132	25
2014 Q2	6,995	5,877	1,118	27
2014 Q3	8,341	7,049	1,292	32
2014 Q4	7,997	6,903	1,094	44
2015 Q1	7,569	6,530	1,039	41
2015 Q2	8,146	6,957	1,189	38
2015 Q3	9,029	7,791	1,238	31
2015 Q4	7,702	6,534	1,168	18
2016 Q1	7,286	6,267	1,019	23

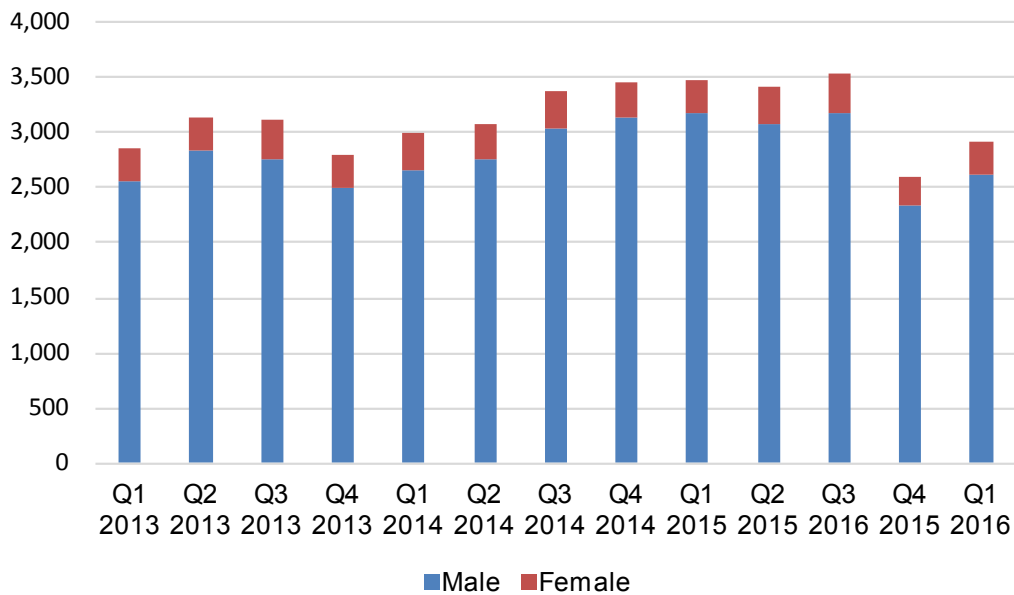
Source: Home Office, Immigration Statistics, January to March 2016, [Detention data tables](#), dt_04q

Figure 15: Numbers leaving detention and removed from country



Source: Home Office, [Immigration Statistics](#), January to March 2016, Table dt_05q

Figure 16: Number of people in immigration detention by quarter



Source: Home Office, [Immigration statistics](#), May 2016, Table dt_13_q

Worse performance

- The UK is the only country in Europe without a time limit on detention. More people had been detained for longer than 2 months in Q1 2016 (1,066) than the previous quarter (983). Of these, 94 people had been detained for over a year, an increase from 81 in the previous quarter.

Table 16: People in detention by length of detention

Length of detention	End of 2013	End of 2014	End of 2015	Q1 2016
3 days or less	115	157	120	240
4 to 7 days	74	52	48	117
8 to 14 days	326	333	241	348
15 to 28 days	521	622	533	479
29 days to less than 2 months	767	795	652	675
2 months to less than 3 months	350	479	319	381
3 months to less than 4 months	243	399	211	170
4 months to less than 6 months	180	228	190	228
6 months to less than 12 months	145	289	174	193
12 months to less than 18 months	37	65	55	65
18 months to less than 24 months	22	25	26	22
24 months to less than 36 months	13	12	6	6
36 months to less than 48 months	3	4	2	1
48 months or more	0	2	0	0
Total less than 2 months	1,803	1,959	1,594	1,859
Total more than 2 months	993	1,503	983	1,066
Total	2,796	3,462	2,607	2,925

Source: Home Office, [Immigration Statistics](#), January to March 2016, Table DT_11_q

68. The Government has responded to Stephen Shaw's September 2015 Review into the welfare of vulnerable people in detention by bringing forward a new 'adults at risk' policy. The policy was published in draft in May 2016 alongside amendments to the Immigration Bill.⁵⁰ The Government expects its new 'adults at risk' policy to lead to a "reduction in the number of vulnerable people detained, to a reduction in the length of time for which people are detained generally, to a quicker and more efficient use of the detention estate and, as a result, to an improvement in the welfare of those detained."⁵¹

⁵⁰ Home Office, [Adults at risk draft policy](#), May 2016

⁵¹ Home Affairs Committee, First Special Report of Session 2016–17, The work of the Immigration Directorates (Q3 2015): Government Response to the Committee's Sixth Report of Session 2015–16, HC 213

69. The policy sets out that the clear presumption will be that detention will not be appropriate if a person is considered to be ‘at risk’ but that the appropriateness of detention must also be weighed against considerations of immigration control. The policy states that “a failure to remove within the expected timescale might also tip the balance to the extent that release becomes appropriate.”

70. **Ten months on from Stephen Shaw’s report on detention, the number of people spending more than two months in detention has increased. The Government aims to address the problem of long detention in its ‘adults at risk’ policy. The policy states that “a failure to remove within the expected timescale might also tip the balance to the extent that release becomes appropriate.” This does not strike us as a firm commitment to reduce the length of time people are detained. We will monitor the implementation of this policy closely. It must meet our and Mr Shaw’s recommendations that the length of detention be reduced. If it fails to do so then further interventions such as a statutory limit on detention will have to be considered.**

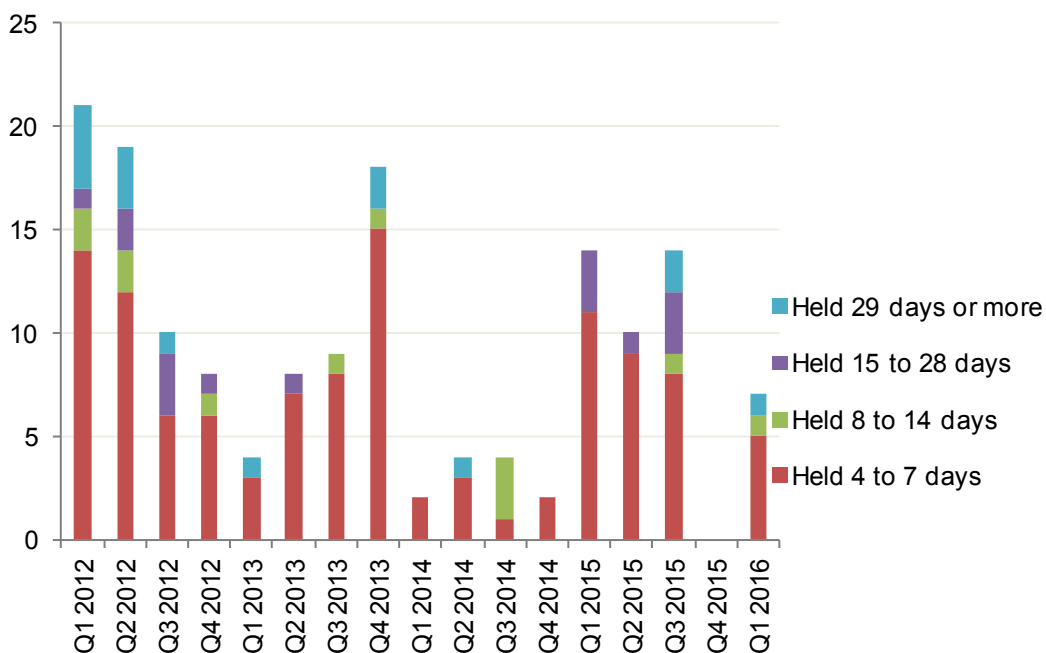
Children in detention

71. The Government has committed to end the detention of children for immigration purposes. Although the number of children entering detention has significantly reduced from a high of 322 children entering in just one quarter, Q3 2009, the practice has not stopped entirely. In Q1 2016, 23 children entered immigration detention, up from 18 children in the previous quarter.

Worse performance

- Of the 23 children who left detention in Q1 2016, seven were held more than three days (one child for more than three months) compared to none in the previous quarter.

Figure 17: Children leaving immigration detention who were held more than 3 days

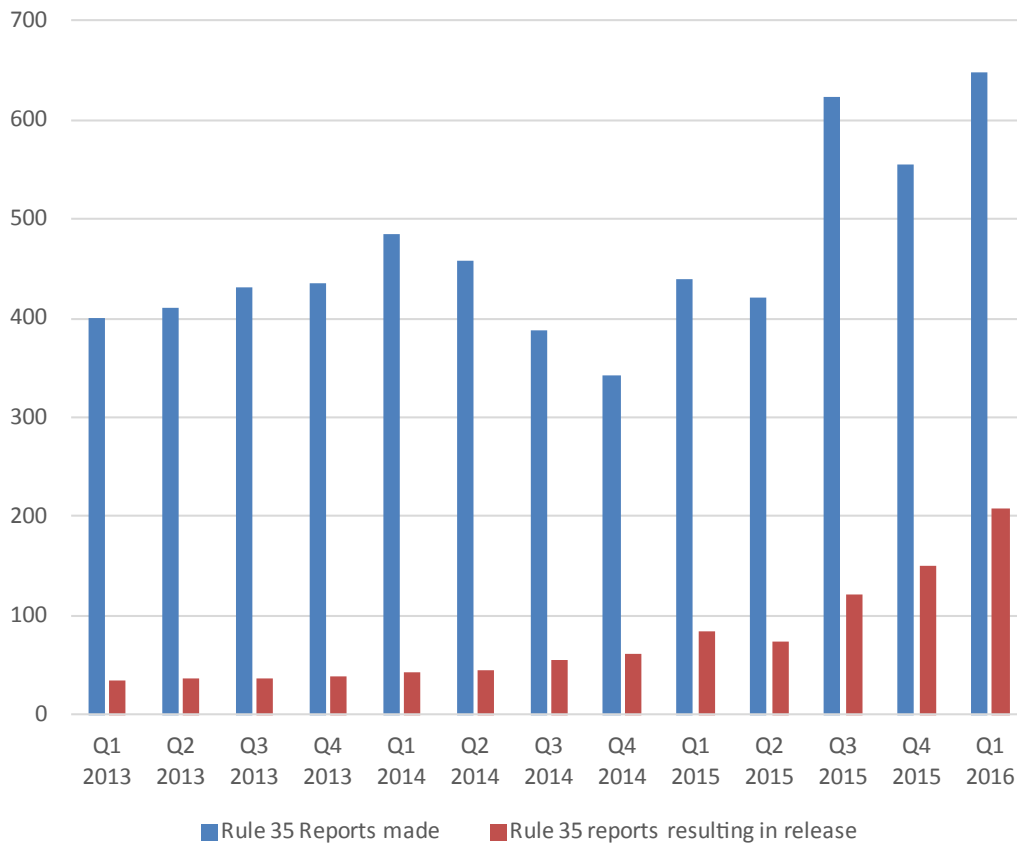


Source: Home Office, [Immigration statistics](#), January to March 2016, Table DT_09q

Rule 35 reports

72. Rule 35 of the Detention Centre Rules is intended to be a key safeguard in ensuring that vulnerability in detention is identified. It states that medical practitioners are required to report to the Home Office any detainee whose health is likely to be injuriously affected by detention, and any detainee they are concerned may be a victim of torture. The chart below shows the number of Rule 35 Reports made to the Department since the beginning of 2013 and the number of people released from detention as a result. Stephen Shaw’s September 2015 Review concluded that the large number of Rule 35 reports that did not then result in release from detention showed that the system designed to safeguard vulnerable people was failing. He recommended that an alternative be immediately considered. 647 Rule 35 reports were made in Q1 2016, 17% more than the previous quarter. Although just 32% of those Reports resulted in release, this was an increase on the 27% of Reports resulting in release in Q4 2015.

Figure 18: Rule 35 reports



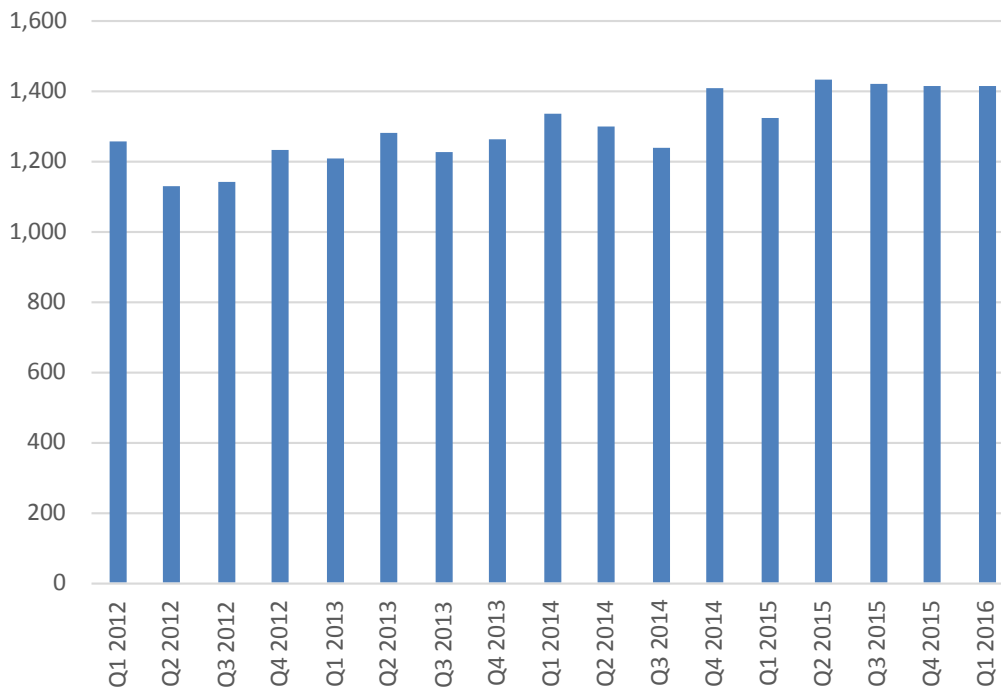
Source: Home Office, [Immigration Enforcement Data](#), May 2016, Table DT_03

73. We welcome the increase in the number of people who are considered unfit for detention being released. However, as we have repeatedly stated, it is unacceptable that the large majority of detainees subject to Rule 35 Reports remain in detention. The Shaw review makes clear that safeguards for vulnerable people should be increased. The Government’s ‘adults at risk’ policy must satisfy this objective.

Foreign national offenders (FNOs)

74. The Government has said it wishes to deport as many Foreign National Offenders (FNOs) as possible to their home countries. In 2013, the Government produced an Action Plan on FNOs with the aims of increasing removals from 4,600 to 5,600 a year over the following three years, and reducing the number of FNOs in the UK by 2,000 over the same period. In 2015, 5,602 FNOs were returned. The chart below shows that in Q1 2016, 1,418 FNOs were returned, roughly the same as the previous quarter and 7% more than the first quarter in 2015.⁵²

Figure 19: Number of FNOs returned



75. The principal mechanism by which FNOs are deported from the UK's jails is via the early removal scheme (ERS). The nine-month early removal scheme applies to prisoners serving sentences of three years or more who are first considered for release at the halfway point of 18 months or more. In Q1 2016 501 FNOs were removed under the ERS scheme. The UK also has compulsory prisoner transfer arrangements with all EU Member States, with the exception of Ireland and Bulgaria under the Council Framework Decision 2008/909/JHA (the EU Prisoner Transfer Agreement). Poland has a partial derogation which expires in December 2016. The arrangements have not proved particularly successful. Since the transfer agreement was implemented in 2013, 19 prisoners were transferred from prisons in England and Wales in 2014, 38 in 2015 and 29 in the first half of 2016.⁵³

76. At the end of Q1 2016 there were 9,971 foreign nationals held in custody and NOMS-operated Immigration Removal Centres. This represents an increase from 9,895 at the end of 2015 but a 5% decrease compared to 31 March 2015. The foreign national population in custody in England and Wales represents just under 12% of the total prison population.⁵⁴

⁵² Home Office, [Migration statistics](#), January to March 2016, Table RV_07_q

⁵³ HC Deb, [Col 1618](#), 14 June 2016

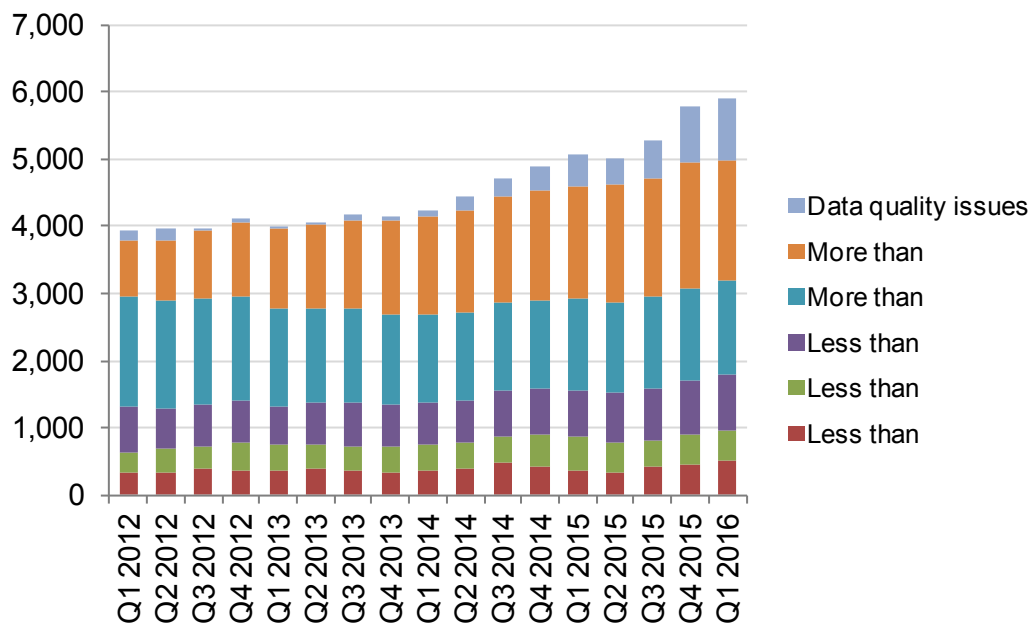
⁵⁴ Ministry of Justice, [Offender Management statistics bulletin, England and Wales](#), 28 April 2016

The five most common nationalities after British nationals in prisons in England and Wales are Polish, Irish, Romanian, Jamaican and Albanian, accounting for approximately one-third of the foreign national population and one in 20 of the prison population overall. Common barriers to deportation include a lack of travel documentation, asylum claims, and further legal representation.

Worse performance

- In Q1 2016, 423 FNOs eligible for deportation were released into the community, up from 416 in Q4. Of these, 396 remained to be deported at the end of the quarter.⁵⁵
- It took an average of 165 days to deport an FNO in Q1 2016, up from 149 days in Q4 2015.⁵⁶
- In Q1 2016, there were 5,985 FNOs living in the community, up 2% from last year. More than half that number had been living in the community for more than two years (see chart below).
- There has been a rise in the number of FNOs for which there is no data about the length of time they have been in the community. The proportion affected by data quality issues has risen over two quarters from 10% in Q3 2015 to 16% in Q1 2016.

Figure 20: Ex-FNOs living in the community by time since release



Source: Home Office, [Immigration enforcement data](#), May 2016, Table FNO_08

77. We considered the issue of foreign national offenders in detail in our Q4 2015 Report and expressed concern that the number of FNOs in the community was so high. It is Government policy to remove all foreign national offenders, but, despite large numbers of FNOs being returned, the number in the prison estate and living in the community continues to grow. The Government must set out how many of those FNOs

⁵⁵ Home Office, [Immigration enforcement data](#), May 2016, Table FNO_03

⁵⁶ Home Office, [Immigration enforcement data](#), May 2016, FNO_10

in prison and in the community it intends to deport and the barriers that are currently preventing it from doing so; how many of the FNOs in the community are there as a result of being released from the prison estates of Northern Ireland and Scotland and what action the UK Government has taken to secure their removal, both while in prison and once released into the community. The Government should include in its response how many FNOs there are currently in Scottish and Northern Irish prisons.

78. The Committee will explore the implications of the UK leaving the EU in a subsequent inquiry. In our last report we expressed concern over the failure of prisoner transfer arrangements with the EU. The House was told that by the end of the year 50 Polish offenders in British jails would be automatically transferred as the derogation would have ended. Since the UK is still in the EU we expect this commitment to be honoured.

Marriage fraud

79. Marriage fraud is the abuse of marriage where one party deceives the other into believing they are in a genuine relationship. Marriage fraud is different to ‘sham’ marriages in which both parties are aware they are participating in a fake marriage. Marriage fraud can be used by immigrants to gain Indefinite Leave to Remain (ILR) in the UK. Once ILR is obtained, the foreign spouse leaves the marriage, often taking with them material assets of the person they deceived, leaving behind debts accumulated during the marriage, and causing emotional trauma to the defrauded party.

80. The Home Office has made it more difficult for the spouse visa system to be exploited. It has increased the period before a spouse or partner is able to apply for UK settlement from two to five years, providing a tougher test of the genuineness of a relationship. The Home Office has the power to revoke an individual’s Leave to Remain if it is proved that it has been obtained via deception.⁵⁷

81. Marriage fraud has a devastating impact on the individual’s affected, while those perpetrating the fraud often go unpunished. We are concerned that it is not being treated with the seriousness it deserves, both by the police and, where matters of immigration are involved, by the Home Office. The Home Office must set out how many cases of marriage fraud have been reported to it in the last three years; what investigations have taken place; and how many people have had their Leave to Remain revoked and how many of these have been removed from the UK as a result.

Illegal workers

82. Illegal workers are those who are subject to immigration control and either do not have leave to enter or remain in the UK, or who are in breach of a condition preventing them from taking up the work in question. As set out earlier, examples can include international university students working more than their permitted 20 hours per week during term time or those attending private colleges of further education engaged in any paid work. The Immigration Act 2016 strengthened the sanctions against illegal workers and their employers. The new measures built on legislation in 2014, and included doubling the maximum civil penalty on employers to £20,000 per illegal worker and gave immigration

⁵⁷ Home Office, [Sham marriages and civil partnerships](#), November 2013

enforcement the power to close premises. Illegal workers can have their wages recovered as proceeds of crime and may face a custodial sentence of up to six months. In the financial year 2014–15 Immigration Enforcement issued 1,974 civil penalties to businesses employing illegal workers.⁵⁸ The tables below show the number of penalties issued in the last six months of 2015 and the number of employers issued with multiple penalties in the last five years.

Table 17: Civil penalties issued relating to illegal working: Jun–Dec 2015

Regions	No. of penalties	No. of illegal workers found	Value of penalties issues*
London and the South East	552	768	£9,060,000
Midlands and Eastern England	167	275	£3,157,500
North East England, Yorkshire and Humberside	112	136	£1,625,000
North West England	146	207	£2,440,000
Scotland and Northern Ireland	124	202	£2,385,000
Wales and South West England	146	232	£2,920,000
Total	1,217	1,820	£21,587,000

Source: Home Office, [Illegal working penalties, totals for July–December 2015](#), published June 2016

* This figure is the gross value of penalties issued. The recoverable value will be reduced due to adjustments made following objections and/or appeals.

Table 18: Civil penalties for illegal working issued to employers

Year	Employers issued 1 penalty in year	Employers issued 2–4 penalties in year	Employers issued 5+ penalties in year	Total penalties issued (matches certified data)
2009–10	2,167	172	0	2,339
2010–11	1,788	111	0	1,899
2011–12	1,291	50	0	1,341
2012–13	1,230	40	0	1,270
2013–14	2,046	98	5	2,149
2014–15	1,847	122	5	1,974
2015–16	2,328	220	46	2,594

Source: [Written question 39756](#), answered 24 June 2016

*the data provided is for initial penalties only and penalties may have been reduced or cancelled at the objection or appeal stage.

83. The actual amount recoverable will always be lower than the headline figure due to adjustments made following objections and/or appeals. However, notwithstanding these reductions, concerns have been raised that the Home Office is failing to collect all the penalties it issues. In 2013, the BBC found that two-thirds of fines against employers went uncollected.⁵⁹ Since then the Home Office has increased its enforcement powers. Owners who ‘phoenix’ their business—the practice of closing down a business to avoid a fine and then opening a similar business but registered to a family member who was not liable for the penalty—can now be subject to enforcement. Between 2008–09 and 2013–14 some £17million was written off because liable companies ceased to trade.⁶⁰ Businesses that are found to employ illegal workers are now named in regional reports published by the Home Office and directors can face up to two years in prison. The Home Office has also taken steps to improve the collection of fines by outsourcing collection to specialist debt recovery firms and has introduced a payment incentive by reducing the penalty by 30% if paid within 21 days.⁶¹

84. Despite the steps set out above, the Independent Chief Inspector of Borders and Immigration (ICIBI), in his 2014–15 inspection *How the Home Office tackles illegal working*, found that “the most recent figures showed that around 31% of debt raised was recovered and that it took an average of 28.4 months to recover it.” The ICIBI also found that Immigration, Compliance and Enforcement (ICE) teams lacked the skills, experience and capacity to pursue criminal investigations and prosecutions of local non-compliant employers where it was appropriate to do so.⁶² The huge increase in employers issued with more than five penalties in a year might indicate that the Home Office has better targeted its enforcement; it could also suggest that the current penalty regime is not a sufficiently effective deterrent.

85. If the current system of civil penalties is to work as a genuine deterrent against illegal working and the employment of illegal workers, then those engaged in that criminal activity must face severe consequences for their actions. Too often in the past, those found guilty have been able to evade the sanctions imposed upon them. It is not acceptable that less than a third of the penalties imposed are recovered, even accounting for appeals and early payment discounts. It is ridiculous for it to take over two years to recover the debt owed. This allows unscrupulous employers to have the benefit of illegal workers and subsequently not pay the sanctions given to them, making a mockery of the system. Rapid progress needs to be made. The Home Office must set out the amount that has been collected for each of the last three years and include the amount collected in all future quarterly reports on illegal working. In our next report our assessment of the civil penalty system will be expanded to include penalties for renting accommodation to individuals not entitled to be in the UK, including what effect this has had on landlords and on those who are entitled to be here seeking accommodation. We will also look to see whether there is evidence about the consequences of the new sanctions on illegal working, in terms of labour exploitation.

59 BBC News online, [Two-thirds fines for illegal workers uncollected](#), 1 August 2013

60 The Times, [Illegal work fines unpaid](#), 12 August 2015

61 Independent Chief Inspector of Borders and Immigration, [An inspection of how the Home Office tackles illegal working](#), December 2015

62 Independent Chief Inspector of Borders and Immigration, [An inspection of how the Home Office tackles illegal working](#), December 2015

Clandestine civil penalty regime (illegal stowaways)

86. Under Section 32 of the Immigration and Asylum Act 1999, those responsible for bringing clandestine entrants (illegal migrants hiding in their vehicles) to the UK may be liable for a civil penalty if they have been found not to have taken reasonable measures to secure their vehicles. HGV drivers caught with illegal stowaways on board their vehicles can be fined up to £2,000 for each stowaway discovered, and their employers can be similarly fined. The penalty regime has not changed since codes of practice on the level of penalty and guidance on security measures were introduced in 2004. In March this year the Government launched a consultation to assess whether the regime could be modernised so that it incentivises operators to invest in high quality security measures and sanctions those who do not.⁶³

87. Around 40 clandestine migrants per day, many from the Calais ‘Jungle’ migrant camp, were discovered in Dover and surrounding areas last summer, with more than 3,600 picked up by the Home Office between July and September 2015.⁶⁴ It is estimated that around 40,000 attempts by clandestines to enter the UK illegally at the juxtaposed controls at Calais, Coquelles and Dunkerque were prevented by Border Force and the French authorities in 2014–15, compared to around 18,000 in 2013–14 and around 11,000 in 2012–13.⁶⁵

88. In 2014–15 drivers and companies were served with more than 3,300 civil penalties, costing businesses nearly £6.5million. According to UK Border Force estimates, one-third of lorries arriving at the border do not have the advised standards of security—which equates to approximately 750,000 vehicles a year. Lorry security is an international issue. Of the 2.2 million powered goods vehicles estimated to be travelling to the UK from mainland Europe in 2014, 1.9 million were foreign registered. British drivers accounted for only 7% of penalties served from March 2013 to April 2014 despite being responsible for 14% of this traffic.⁶⁶

Table 19: The number of civil penalties levied by Border Force for the carrying of clandestine illegal entrants in each of the last three years

Financial year	Penalty notices issued	Penalties imposed on British drivers and hauliers	Penalties imposed on non-UK drivers and hauliers	Penalties imposed	Penalties received
2012–13	1,690	122	1,568	£890,544	£484,922
2013–14	1,324	94	1,230	£4,070,471	£2,293,699
2014–15	3,321	233	3,088	£6,490,232	£4,050,139

Source: [Written question 8663](#), answered 10 September 2015

*Penalty payments made may not necessarily be for the same year that they were imposed.

63 Home Office, [Clandestine civil penalty – consultation on proposals to improve the civil penalty regime](#), March 2016

64 Home Office, [Clandestine civil penalty – consultation on proposals to improve the civil penalty regime](#), March 2016

65 Home Office, [Clandestine civil penalty – consultation on proposals to improve the civil penalty regime](#), March 2016

66 Home Office, [Clandestine civil penalty – consultation on proposals to improve the civil penalty regime](#), March 2016

89. Data provided by the Home Office show that, as with civil penalties for illegal working, the Home Office has failed to recover the full amount of fines issued. The civil penalty system will not be an effective means of deterring people from smuggling migrants or incentivising better security measures if hauliers and their drivers can simply evade the fines that are imposed. The Home Office must set out how much it has been unable to collect in each of the last three years; the reasons for this failure; and what steps it is taking to improve rates of collection. In order for us to accurately assess the Department's management of the clandestine entrant civil penalty regime there must be regular data releases, which must include not just the total penalties imposed, but the amount outstanding from previous years. Any reduction in the amount due, including as a result of appeals or any early payment initiative, must be explained. Collection of civil penalties will be one of our key performance measures for the Department.

6 Conclusion

90. The Home Office deals with millions of immigration transactions overseas, in country and at the border. At any one time the number of cases across the system will be significant. We are concerned that the Immigration Directorates do not have the resources to cope with its workload. The number of visa applications on which work has not started continues to grow and now stands at over 16,000 cases. The number of asylum applications for which a decision is pending is the highest since records began in 2010 (34,201). Progress in concluding historical cases has slowed and at the current rate may take decades to clear. Against this backdrop looms the potential impact of the UK leaving the European Union. Changes to the UK's relationship with the EU will have a profound effect on the work of the Immigration Directorates. It is crucial that they be given the additional resources they will almost certainly need to meet this challenge. We summarise the current caseload and backlog of cases covered in this Report in the tables below.

Table 20: Current caseload (number of cases)

	Q1 2015	Q2 2015	Q3 2015	Q4 2015	Q1 2016	Difference on previous quarter	% change
Temporary and permanent visa applications in progress	109,718	124,582	156,286	140,950	123,447	-17,503	-12%
Temporary and permanent visa applications still to be loaded onto CID	10,969	6,855	7,219	13,341	16,672	3,331	+25%
Asylum cases pending a decision*	29,971	29,586	31,881	33,990	34,201	211	+1%
Live legacy asylum cases	20,181	20,017	19,833	19,710	19,506	-204	-1%
Live legacy immigration cases	4,587	4,542	4,499	4,492	4,456	-36	-1%
FNOs living in the community	5,053	5,021	5,267	5,789	5,985	196	+3%
Migration refusal pool (post 2008 cases)	160,588	157,142	167,975	161,199	151,451	-9,748	-6%
Migration refusal pool (pre 2008 cases)	82,266	81,954	63,634	55,547	54,429	-1,118	-2%
Total	423,333	429,699	456,594	435,018	410,147	-24,871	-6%

Source: Home Office, Migration Statistics, May 2016

* Asylum casework figures are a snapshot of cases pending a decision. The number of cases in progress post-decision such as those where an appeal is outstanding or an individual is subject to removal are recorded annually and therefore not included in the quarterly figures in the table above.

Table 21: Backlog of cases

	Q4 2015	Q1 2016	Change
Asylum cases pending a decision more than 6 months or require further review	16,703	17,028	+325
Temporary and permanent visa applications in progress outside service standards*	609	474	-135
Live legacy asylum cases	19,710	19,506	-204
Live legacy immigration cases	4,492	4,456	-36
FNOs living in the community	5,789	5,985	+196
Migration refusal pool (pre 2008 cases)	55,547	54,429	-1,118
Total	102,850	101,878	-972

Source: Home Office, Migration Statistics, May 2016

* Includes in-country and out-of-country applications (including family reunion)

91. Legacy cases and those cases which are being processed outside of service standards constitute a backlog. There was a modest reduction in the size of the backlog during Q1 2016 but the Department must do better. There must be substantial reductions to the backlog before the Immigration Directorates are faced with the additional demands that the UK leaving the EU will bring.

Conclusions and recommendations

Introduction

1. Moves to tighten immigration controls for non-UK citizens seeking to come to the UK, following the outcome of the EU Referendum, will have obvious implications for the work of the Immigration Directorates, whatever the final terms of the agreement with the EU are. Past experience has shown that previous attempts to tighten immigration rules have led to a spike in immigration prior to the rules coming into force. Much will depend on the negotiations between the UK and the EU and the details of any deal to retain or constrain the free movement of people and the rights of those EU/EEA citizens arriving in the UK and UK citizens living in the European Union. If changes to the system of immigration are to work, the Government must ensure that the relevant directorates, notably UK Visas & Immigration, are given the additional resources they will certainly need to deal with their increased workload effectively. (Paragraph 6)
2. The outcome of the EU referendum has placed EU nationals living in the UK in a potentially very difficult and uncertain position. The key to resolving this is certainty. EU citizens living and working in the UK must be told where they stand in relation to the UK leaving the EU and they should not be used as bargaining chips in the negotiations. There also has to be an effective cut-off date to avoid a surge in applications. The most obvious dates include the date of the Referendum, 23 June 2016, the date Article 50 is triggered or the date when the UK actually leaves the EU. EU citizens settled in the UK before the chosen date should be afforded the right to permanent residence. The challenge of successfully resolving the practicalities of the UK exit in relation to EU citizens must not be underestimated. A unit should be established in the Home Office to deal with this issue, in addition to the newly-established Department for Exiting the European Union headed by the newly-appointed Secretary of State, Rt Hon David Davis MP. (Paragraph 7)
3. Establishing where EU citizens live and work is the first step in the process of clarifying their right to permanent residence in the UK. The first option may be registration, a second may be identification by National Insurance number. Whatever scheme the Government follows should be chosen as quickly as possible and be made as seamless as possible. If a system of registration is required then a pilot should be established with a local authority so that practical considerations can be further explored. (Paragraph 8)

Visa Applications

4. We have previously expressed concern about the large number of visa applications that have yet to be entered onto the Case Information Database. Despite the number of applications falling for consecutive quarters, the number of cases that have been received but which UKVI have yet to begin processing continues to rise. This is unacceptable, it is a simple administrative task which should easily be completed.

The Home Office's failure to put data on computers is delaying the processing of cases and does not inspire confidence in their ability to manage this caseload. (Paragraph 11)

5. In our previous Report we highlighted the large number of family reunion visa applications that were outstanding. This has not been addressed. The Government must explain why so many out-of-country family reunion cases are not being processed within service standards and set out what steps it is taking to address this issue. Family reunion is important as a safe and legal migration route to the UK and we will explore this issue in more detail in a forthcoming report on the migration crisis. (Paragraph 14)
6. The number of notifications from sponsors of Tier 4 visas that require no further action is far too high and this is an obvious inefficiency in the system of enforcement. We repeat the recommendation from our previous Report that the Home Office must constructively engage with the academic sector to reduce this figure. It is unacceptable that academic institutions are wasting time generating notifications which the Home Office knows to be unnecessary. We expect this situation to be addressed by 31 December 2016. (Paragraph 18)
7. Our inquiry into the English-language testing system and the discovery of widespread fraud is ongoing. As part of that inquiry we have received evidence of serious shortcomings in the Home Office's response to the fraud. We expect to conclude our inquiry in September. (Paragraph 21)

Asylum cases

8. The available data do not allow us to judge whether UKVI is meeting its service standards of processing straightforward asylum cases within six months and non-straightforward cases within 12 months as no such breakdown is provided. There is little point in having service standards if the information is published in such a way that does not allow UKVI's performance to be judged against them. The data must be published in a way that allows such scrutiny. (Paragraph 26)
9. The number of outstanding asylum applications is at an all-time high. Despite repeated warnings from this Committee the Home Office has done nothing to address this situation and it must set out what steps it is taking to tackle this concern. (Paragraph 27)
10. This is the third consecutive Report in which we have commented on the approach of the Home Office to asylum-seeking Eritreans. It is unacceptable that the Home Office is still getting so many of its decisions regarding nationals of this country wrong. This raises wider concerns over the Home Office's country guidance, particularly in the period between the Home Office acknowledging that its guidance is incorrect and revised guidance being implemented. Decisions made in this period, as the situation with Eritreans has shown, can result in foreign nationals being repatriated to countries the Home Office knows to be unsafe or has concerns over—which is unacceptable—or appeals clogging up the courts unnecessarily. When the Home

Office has concerns over the accuracy of its country guidance it should suspend decisions until such a time that those concerns have been investigated and, where necessary, revised guidance put in place. (Paragraph 31)

11. We note the high number of appeals from Iranian nationals, more than half of which are successful. The Home Office must explain why such a high proportion of appeals in asylum cases involving Iranian nationals are successful and, if necessary, review its guidance for that country accordingly. (Paragraph 32)
12. We remain concerned about the Government's ability to increase capacity sufficiently to meet its commitment to resettle 20,000 Syrian refugees by 2020, and the separate commitment to resettle thousands of unaccompanied children, which the Government has rightly made. We will explore this issue in more detail in our forthcoming report on the migration crisis. (Paragraph 36)
13. The bureaucratic hurdles that are being put in front of refugees after a decision has been made allowing them to enter the UK to be reunited with family members are totally unacceptable, particularly as many of those affected are fleeing conflict and will have already undergone severe hardship. The UK Government should be doing all it can to help people in these circumstances rather than hindering their chance to reach safety. Where an individual receives notification of permission to enter the UK but it arrives too late for transport to be secured, it is ridiculous for that permission to be cancelled and for the process then to have to be restarted. The system must be more flexible. (Paragraph 39)
14. It seems to us perverse that children who have been granted refugee status in the UK are not then allowed to bring their close family to join them in the same way as an adult would be able to do. The right to live safely with family should apply to child refugees just as it does to adults. The Government should amend the immigration rules to allow refugee children to act as sponsors for their close family. (Paragraph 41)
15. Individuals granted asylum in this country must not be forgotten amidst the attention paid to refugees being resettled from the Middle East. They too will have fled abuse, torture and conflict and are equally deserving of the right to be treated with respect and dignity. Evidence from the Refugee Council and others suggests that this support is not always available when it should be, with the result that refugees can find themselves destitute at the moment their need for asylum is recognised. We are aware that the Government has acknowledged this problem and has asked the Department for Work and Pensions to undertake a review of its support to newly recognised refugees. If the study concludes that there is a need for the grace period to be extended then the Government must implement that recommendation swiftly. We will return to this subject as part of our inquiry into asylum accommodation later this year. (Paragraph 46)
16. Progress in concluding cases in the Older Live Cases Unit (OLCU) has slowed over the last 18 months. The caseload of the OLCU is currently shrinking by an average of 250 cases per quarter. At this rate, it will take a further 24 years to clear the backlog of 23,962 outstanding cases, the majority of which date back to before 2007. It is unacceptable that people have had to wait over nine years for a conclusion to their

case. The Home Office must explain why, nine years after its creation, the Older Live Cases Unit is still in existence, and when it expects the unit to have concluded its work. Sarah Rapson, the Director General of UK Visas and Immigration promised this Committee that this work would be a priority. Unfortunately she has been unable to live up to her promise. In our next report we expect to see better progress. (Paragraph 56)

Immigration Enforcement

17. Around half of the cases in the Migration Refusal Pool (MRP) examined by Capita have been returned to the Home Office, but no breakdown is provided as to why those cases were returned. We note that the number of cases in the MRP has begun to fall, but we remain concerned about the large number of cases sent to Capita for processing only to be returned to the Immigration Enforcement directorate. We note also the Independent Chief Inspector of Borders and Immigration's recent report which concluded that cases were being entered into the pool unnecessarily. This suggests to us that the Home Office continues to lack an effective and efficient system for managing its immigration casework, a theme which we have noted many times. The Home Office must explain why so many cases transferred to the Migration Refusal Pool for processing by Capita are being returned to the Immigration Enforcement directorate and what steps it is taking to reduce this obvious inefficiency. (Paragraph 64)
18. The Government should make a commitment to clear the pre-2008 migration cases and put forward a specific deadline by which to do this. Progress on clearing those cases has slowed significantly over the last six months. Given that the bulk of the work has been outsourced there is a clear cost to work being prolonged. (Paragraph 66)
19. Ten months on from Stephen Shaw's report on detention, the number of people spending more than two months in detention has increased. The Government aims to address the problem of long detention in its 'adults at risk' policy. The policy states that "a failure to remove within the expected timescale might also tip the balance to the extent that release becomes appropriate." This does not strike us as a firm commitment to reduce the length of time people are detained. We will monitor the implementation of this policy closely. It must meet our and Mr Shaw's recommendations that the length of detention be reduced. If it fails to do so then further interventions such as a statutory limit on detention will have to be considered. (Paragraph 70)
20. We welcome the increase in the number of people who are considered unfit for detention being released. However, as we have repeatedly stated, it is unacceptable that the large majority of detainees subject to Rule 35 Reports remain in detention. The Shaw review makes clear that safeguards for vulnerable people should be increased. The Government's 'adults at risk' policy must satisfy this objective. (Paragraph 73)
21. We considered the issue of foreign national offenders in detail in our Q4 2015 Report and expressed concern that the number of FNOs in the community was so high. It is Government policy to remove all foreign national offenders, but, despite large numbers of FNOs being returned, the number in the prison estate and living in the

community continues to grow. The Government must set out how many of those FNOs in prison and in the community it intends to deport and the barriers that are currently preventing it from doing so; how many of the FNOs in the community are there as a result of being released from the prison estates of Northern Ireland and Scotland and what action the UK Government has taken to secure their removal, both while in prison and once released into the community. The Government should include in its response how many FNOs there are currently in Scottish and Northern Irish prisons. (Paragraph 77)

22. The Committee will explore the implications of the UK leaving the EU in a subsequent inquiry. In our last report we expressed concern over the failure of prisoner transfer arrangements with the EU. The House was told that by the end of the year 50 Polish offenders in British jails would be automatically transferred as the derogation would have ended. Since the UK is still in the EU we expect this commitment to be honoured. (Paragraph 78)
23. Marriage fraud has a devastating impact on the individual's affected, while those perpetrating the fraud often go unpunished. We are concerned that it is not being treated with the seriousness it deserves, both by the police and, where matters of immigration are involved, by the Home Office. The Home Office must set out how many cases of marriage fraud have been reported to it in the last three years; what investigations have taken place; and how many people have had their Leave to Remain revoked and how many of these have been removed from the UK as a result. (Paragraph 81)
24. If the current system of civil penalties is to work as a genuine deterrent against illegal working and the employment of illegal workers, then those engaged in that criminal activity must face severe consequences for their actions. Too often in the past, those found guilty have been able to evade the sanctions imposed upon them. It is not acceptable that less than a third of the penalties imposed are recovered, even accounting for appeals and early payment discounts. It is ridiculous for it to take over two years to recover the debt owed. This allows unscrupulous employers to have the benefit of illegal workers and subsequently not pay the sanctions given to them, making a mockery of the system. Rapid progress needs to be made. The Home Office must set out the amount that has been collected for each of the last three years and include the amount collected in all future quarterly reports on illegal working. In our next report our assessment of the civil penalty system will be expanded to include penalties for renting accommodation to individuals not entitled to be in the UK, including what effect this has had on landlords and on those who are entitled to be here seeking accommodation. We will also look to see whether there is evidence about the consequences of the new sanctions on illegal working, in terms of labour exploitation. (Paragraph 85)
25. Data provided by the Home Office show that, as with civil penalties for illegal working, the Home Office has failed to recover the full amount of fines issued. The civil penalty system will not be an effective means of deterring people from smuggling migrants or incentivising better security measures if hauliers and their drivers can simply evade the fines that are imposed. The Home Office must set out how much it has been unable to collect in each of the last three years; the reasons for this failure; and what steps it is taking to improve rates of collection. In order

for us to accurately assess the Department's management of the clandestine entrant civil penalty regime there must be regular data releases, which must include not just the total penalties imposed, but the amount outstanding from previous years. Any reduction in the amount due, including as a result of appeals or any early payment initiative, must be explained. Collection of civil penalties will be one of our key performance measures for the Department. (Paragraph 89)

Conclusion

26. Legacy cases and those cases which are being processed outside of service standards constitute a backlog. There was a modest reduction in the size of the backlog during Q1 2016 but the Department must do better. There must be substantial reductions to the backlog before the Immigration Directorates are faced with the additional demands that the UK leaving the EU will bring. (Paragraph 91)

Annex 1: Glossary of terms

Curtailment Not Pursued cases

Tier 4 (student) visa cases which Immigration Enforcement has chosen not to pursue because either the student's leave has already expired or the student has fewer than 60 days leave remaining at the time of the curtailment consideration and the Home Office expects these individuals either to have returned home or to have extended their leave in another category.

Foreign National Offenders

Citizens of other states who have committed offences. They may be in prison or released into the community, having served their sentences.

Migration Refusal Pool

This Pool contains any application for temporary or permanent migration which UKVI has refused, or in which leave to remain has expired. It excludes asylum cases.

Older Live Cases

Legacy asylum cases (now dealt with by the Older Live Cases Unit (OLCU) and previously dealt with by the Case Assurance and Audit Unit (CAAU)).

Rule 35 Report cases

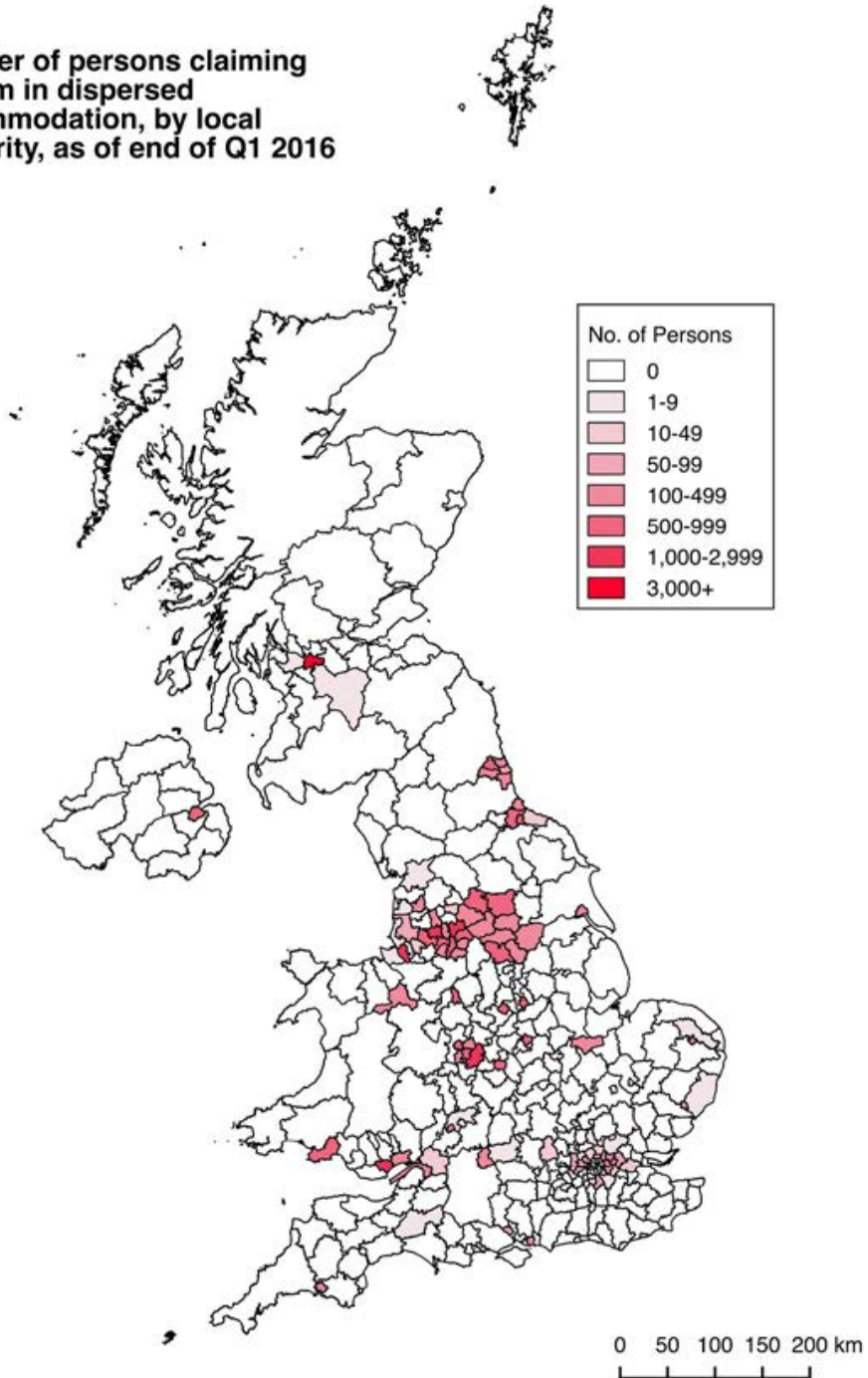
Rule 35 reports are made to the Home Office by medical practitioners in respect of any immigration detainee whose health is likely to be injuriously affected by detention, and any detainee they are concerned may be a victim of torture. Rule 35 reports can lead to release from detention.

Voluntary Removal Service

Immigration Enforcement's Voluntary Removal Service facilitates removals from the UK for people who may be in the UK illegally and who wish to find a way back to their country of birth. It offers consultations in informal settings where people can seek advice without fear of formal action, such as arrest, being taken.

Annex 2: Map showing dispersal of asylum accommodation

Number of persons claiming asylum in dispersed accommodation, by local authority, as of end of Q1 2016



Formal Minutes

Tuesday 19 July 2016

Members present:

Keith Vaz, in the Chair

Victoria Atkins	Tim Loughton
James Berry	Stuart C McDonald
David Burrowes	Naz Shah
Nusrat Ghani	Mr David Winnick
Mr Ranil Jayawardena	

Draft Report (*The Work of the Immigration Directorates (Q1 2016)*), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 91 read and agreed to.

Annexes agreed to.

Resolved, That the Report be the Sixth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned till Wednesday 20 July at 2.00 pm.]

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

Tuesday 7 June 2016

Question number

Paul Butler, the Right Reverend the Lord Bishop of Durham, and **Justin Welby**, the Most Reverend and Right Honourable the Lord Archbishop of Canterbury

[Q1–95](#)

Lord Green of Deddington, Chairman, Migration Watch UK, and **Alp Mehmet MVO**, Vice-Chairman, Migration Watch UK

[Q96–140](#)

Tuesday 12 July 2016

Gregg Brain and **Kathryn Brain**

[Q141–172](#)

Right Hon James Brokenshire MP, Minister for Immigration, **Mandie Campbell CBE**, Director General, Immigration Enforcement, and **Mike Wells CBE**, Chief Operating Officer, UK Visas and Immigration, Home Office

[Q173–248](#)

Published written evidence

The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

ID5 numbers are generated by the evidence processing system and so may not be complete.

- 1 Lord Green of Deddington, Chairman, Migration Watch UK ([ID50005](#))
- 2 Mandie Campbell CBE, Director General, Immigration Enforcement, Home Office ([ID50002](#))
- 3 Peter Neden, Regional President, G4S UK & Ireland ([ID50001](#))
- 4 Refugee Council ([ID50004](#))
- 5 Rt Revd Paul Butler, Bishop of Durham ([ID50003](#))

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the [publications page](#) of the Committee's website.

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2016–17

First Report	Police diversity	HC 27 (HC 612)
Second Report	The work of the Immigration Directorates (Q4 2015)	HC 22
Third Report	Prostitution	HC 26
Fourth Report	College of Policing: three years on	HC 23
Fifth Report	Proceeds of crime	HC 25
First Special Report	The work of the Immigration Directorates (Q3 2015): Government Response to the Committee's Sixth Report of Session 2015–16	HC 213
Second Special Report	Police diversity: Government Response to the Committee's First Report of Session 2016–17	HC 612

Session 2015–16

First Report	Psychoactive substances	HC 361 (HC 755)
Second Report	The work of the Immigration Directorates (Q2 2015)	HC 512 (HC 693)
Third Report	Police investigations and the role of the Crown Prosecution Service	HC 534
Fourth Report	Reform of the Police Funding Formula	HC 476
Fifth Report	Immigration: skill shortages	HC 429 (HC 857)
Sixth Report	The work of the Immigration Directorates (Q3 2015)	HC 772 (HC 213)
Seventh Report	Police and Crime Commissioners: here to stay	HC 844
First Special Report	The work of the Immigration Directorates: Calais: Government Response to the Committee's Eighteenth Report of Session 2014–15	HC 380
Second Special Report	Out-of-court Disposals: Government Response to the Committee's Fourteenth Report of Session 2014–15	HC 379
Third Special Report	The work of the Immigration Directorates (Q2 2015): Government Response to the Committee's Second Report of Session 2015–16	HC 693

Fourth Special Report	Psychoactive substances: Government Response to the Committee's First Report of Session 2015–16	HC 755
Fifth Special Report	Immigration: skill shortages: Government Response to the Committee's Fifth Report of Session 2015–16	HC 857