



House of Commons  
Home Affairs Committee

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# The work of the UK Border Agency (December 2011–March 2012)

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## Fifth Report of Session 2012–13

*Volume I: Report, together with formal minutes, oral and written evidence*

*Additional written evidence is contained in Volume II, available on the Committee website at [www.parliament.uk/homeaffairscom](http://www.parliament.uk/homeaffairscom)*

*Ordered by the House of Commons  
to be printed 16 July 2012*

## The 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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### Committee staff

The current staff of the Committee are Tom Healey (Clerk), Richard Benwell (Second Clerk), Ruth Davis (Committee Specialist), Eleanor Scarnell (Committee Specialist), Andy Boyd (Senior Committee Assistant), John Graddon (Committee Support Officer) and Alex Paterson (Select Committee Media Officer).

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## Key figures

- **3,900** foreign national offenders in total are living in the community as of 4 April whilst the Agency tries to deport them
- **74** days was the average length of time it took to remove a foreign national offender in 2011 after their sentence came to an end
- **101,500** cases were in the **controlled archive** on the 31 March
- **59%** of the original asylum legacy cases resolved to date were given leave to remain
- **59%** of new asylum applications received an initial decision within 30 days in 2010/11
- **63%** of asylum claims were concluded within one year in 2011/12
- **50%** of the visas issued in 2011 were student visas (excluding visitor visas)
- **£7.9bn** was the value of the UK's share in the international higher education market, in 2009
- **100%** of Tier 1, 2 and 5 visa applications were processed within 12 weeks in Q1 2012
- **142%** - increase in the Agency's family-related immigration casework between February and March 2012
- **Only 84%** of tribunal hearings had a UKBA representative present in Q4 2011
- **41%** of family visit hearings were won by the Agency in Q4 2011 and 32% were lost
- **40%** of post-licence visits to Tier 2 sponsors were unannounced between December 2011 and March 2012
- **37%** of post-licence visits to Tier 4 sponsors were unannounced between December 2011 and March 2012
- **31%** of non-compliance notices from Tier 2 sponsors were acted on between December 2011 and March 2012
- **69%** of all Tier 4 sponsor notifications issued between December 2011 and March 2012 had been investigated by June
- **25,600** allegations of immigration violations were received from the public between 9 December 2011 and the 29 March 2012. **98%** of these were assessed within 48 hours
- **£1,089m** – the Agency's budget for 2012/13
- **12,835** – number of FTE staff employed by the Agency in May 2012, reduced from **14,431** in May 2011

# 1 Background to the report

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1. Since 2006 the Home Affairs Committee has undertaken regular and frequent scrutiny of the UK Border Agency having identified the significant and urgent need for the Agency to improve its performance. This report works towards establishing a consistent set of measures which we will examine on a quarterly basis. In addition, we will examine topical areas of interest about the Agency's work on a bi-annual basis.

2. In this, and future, reports we will examine the following areas of the Agency's work:

- Foreign national offenders
- The asylum and immigration backlog
- New asylum cases
- Immigration levels and processing times
- Appeals and tribunals
- Enforcement
- Intelligence
- Staff number and remuneration
- Cooperation with Parliament

3. As we have said in our previous reports we do not accept that the UK Border Agency is, in practice, an agency of the Home Office because it is integrated into the accountability structures of the Department.<sup>1</sup>

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1 Home Affairs Select Committee, Twenty-first Report of Session 2010–12, *The Work of the UK Border Agency August – December 2011*, HC 1722, para 1; Home Affairs Select Committee, Seventeenth Report of Session 2010–12, *UK Border Controls*, HC1647, para 14

## 2 Foreign national offenders

### Key figures

- 57 of the foreign national offenders released in 2006 without being considered for deportation are still untraced as of 3 April 2012
- 3,900 foreign national offenders in total are living in the community as of 4 April whilst the Agency tries to deport them
- 74 days was the average length of time it took to remove a foreign national offender in 2011 after their sentence came to an end
- 454 offenders were released into the community between 1 December 2011 and 31 March 2012 despite being subject to deportation action
- 650 foreign national offenders were removed under the Early Release Scheme, between 1 December and 31 March 2012 accounting for just over half of all removals
- 270 removal attempts failed over the period 1 December 2011–31 March 2012

### Progress in dealing with historical problems

4. The UK Border Agency does not have a strong record in deporting foreign national offenders. Neither did its predecessor, the Home Office's Immigration and Nationality Directorate. For example, in 2006 1,013 foreign offenders were released back into the community after their sentence when they should have been deported.

5. Although the Agency has since made progress in identifying foreign nationals liable for deportation, prisoners are still being released without being considered for deportation, as thousands of former offenders carry on living in our communities and attempts to deport them fail repeatedly.

### **Progress in locating and deporting the 2006 cohort**

6. The Agency has updated us on its progress in locating and deporting the 1,013 offenders in the 2006 cohort.

	Total cases concluded	Of which deported or moved	Of which NOT reported or removed	Still in deportation process	Serving a custodial sentence	Duplicate	Not located
April-12	844	399	445	93	19	0	57
Nov-11	830	397	433	98	20	8	57
Feb-11	808	389	419	110	23	8	64
Oct-10	800	383	417	121	22	0	70
Sept-09	768	360	408	135	25	0	85

Table 1: Status update on the Agency's work to locate and deport the 2006 cohort<sup>2</sup>

7. Since November 2011 the Agency:

- made no further progress in finding the 57 former prisoners whose location is unknown;
- deported only two former prisoners; and
- gave 12 former prisoners leave to remain in the country.

8. In total the Agency has removed 399 of the 2006 cohort, while 445 have been given leave to remain. In this Committee's view progress in locating and concluding these cases is too slow and more often than not results in offenders being given leave to remain rather than being deported. The individuals concerned have committed serious crimes in the UK, which warranted at least a 12-month prison sentence. Unless there are exceptional circumstances in individual cases they should all be deported.<sup>3</sup>

**9. The Home Secretary has announced changes to the immigration rules which will limit the rights of offenders to oppose deportation under Article 8 of the European Convention on Human Rights (ECHR), which guarantees the right to respect for private and family life. These changes are welcome and are long overdue. We expect these measures to drive up the proportion of foreign offenders that the Agency is able to deport.**

<sup>2</sup> Ev 40

<sup>3</sup> Ev 55



### Progress in locating the 2010–2011 cohort

10. In 2010 a further 28 prisoners were released without being considered for deportation.<sup>4</sup> Although the Agency has managed to trace 25 it is still unable to find the remaining three.<sup>5</sup> We discuss the process of referring foreign offenders to the Agency below. We hope that the Agency will adopt our recommendations for preventing this problem from recurring.

### Total number of foreign offenders living in the community

11. The Agency has given us a breakdown of all the foreign offenders released in the last five years who still remain in the UK.

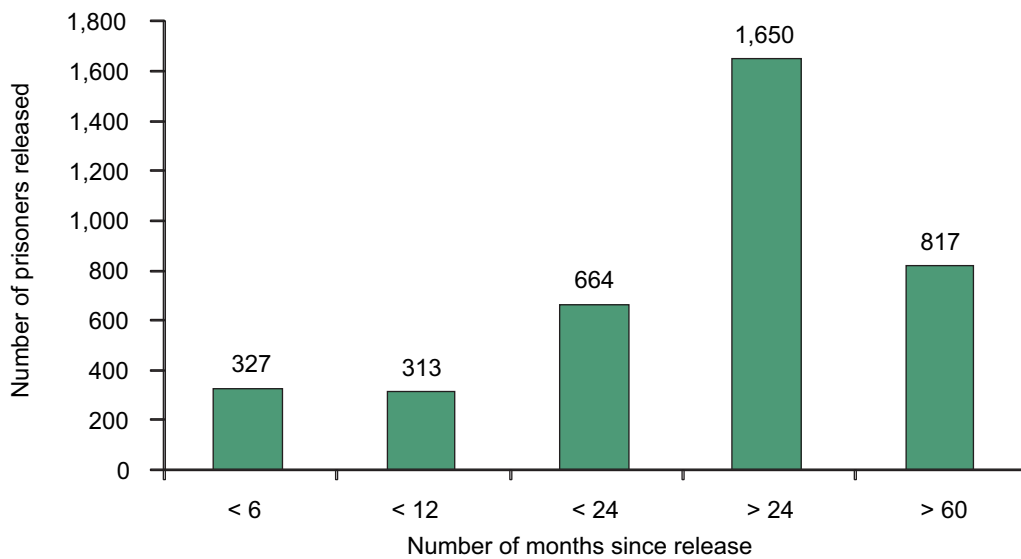


Figure 1: The Number of FNOs released into the community pending deportation<sup>6</sup>

12. We note that:

- altogether there are 3,900 foreign offenders subject to deportation action who are living in our communities;
- 2,467 of these cases, or 63%, are over two years old; and
- 166 further cases cannot be included in the chart above as the Agency has not recorded the date on which the prisoners' sentences ended and so do not know how long they have been living in the community.<sup>7</sup>

13. We welcome the reduction in the number of foreign offenders released within the last year who are still living in the UK. The Agency has worked hard to reduce the average time it takes to deport a foreign offender on completion of their sentence from 131 days in 2008

4 Home Affairs Committee, Twenty-first Report of Session 2010–12, *The Work of the UK Border Agency (August–December 2011)*, HC 1722, pp5-6

5 Ev 42

6 Ev 42. Note: Data is calculated from the Early Release System (ERS) date, as this is often recorded on Central Information Database, it does not mean that individuals went during their ERS period, 2: all figures have been rounded to the nearest ten.

7 Ev 42

to 74 days in 2011.<sup>8</sup> We are pleased to see that progress is being made in this area, however we are concerned about the large backlog going back as far as five years.

**14. We recommend that the Border Agency sets up a team to examine why these offenders have not been deported and to take the action that is necessary to ensure they are. We fear that if it is not dealt with quickly it will become another backlog which will burden the Agency, deflecting its focus from current cases.**

### Foreign national offenders released over the period

15. The Agency has continued to experience difficulties in deporting offenders released in the last four months. 454 individuals subject to deportation proceedings were released over the period, 90% of them by the courts.<sup>9</sup> We are concerned about the number of offenders who are released on bail by the courts when the Agency has advised they should remain in detention prior to deportation. As these arrangements fall within the remit of the Ministry of Justice we will draw this to the attention of the Secretary of State for Justice and the Justice Select Committee.

16. Of the cases released, 427 remained outstanding and living in the community at the end of the period. Only 16 of these individuals have been re-detained as action against them progresses. We are concerned at the large number of foreign offenders who remain in the community when they should have been deported.

17. The Agency tells us that deportation has been delayed for the reasons set out in figure 2 below.

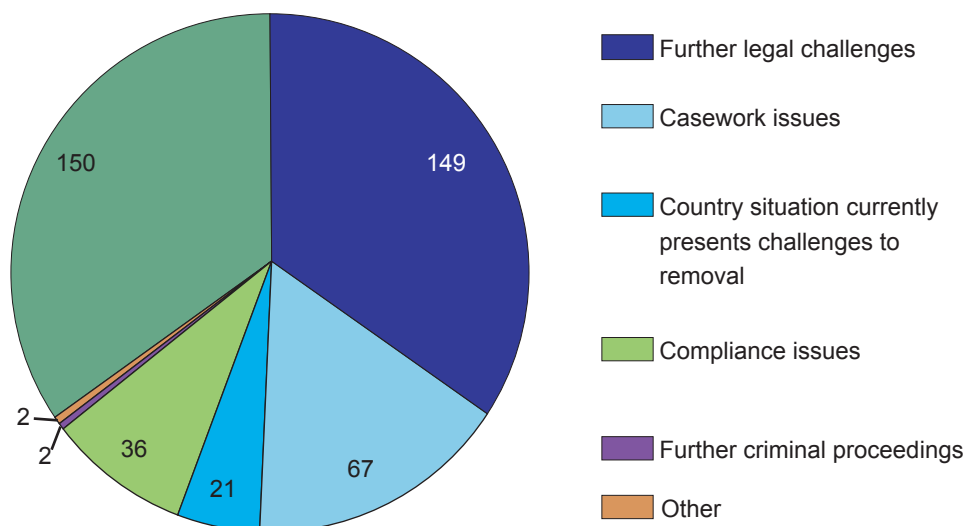


Figure 2: Breakdown of outstanding FNO cases over the period<sup>10</sup>

18. Casework and legal challenges are the two most significant causes for delay:

8 Ev 40

9 In his letter to the Committee of 3 May Rob Whiteman told us that on average throughout 2011 approximately 90% of prisoners who were released on bail whilst subject to deportation action were released by the courts (Ev 42). However our calculations based on the figures provided by the Agency in the same letter show the figure to be 82% (Ev 41).

10 Ev 42. Note: see footnotes in the evidence for a full explanation of all categories

- the majority of cases, 51%, are outstanding due to ‘casework issues’ or because they are still awaiting a casework decision; and
- legal challenges to deportation decisions account for 35% of the ongoing cases.

### ***Casework and the prisoner referral mechanism***

19. The Agency currently begins the deportation process 18 months before the end of a prisoner’s sentence, but this does not appear to be a sufficient time period given the high proportion of delayed deportations linked to casework.

**20. We recommend that deportation proceedings begin immediately upon a prisoner being sentenced, which would enable an increase in the number of foreign national prisoners the Agency is able to deport via the Early Removal Scheme and Facilitated returns scheme.**

21. Currently the National Offender Management Service (NOMS) is required to refer foreign national prisoners to the Agency within five days of sentencing so that deportation procedures can begin on time. This arrangement is set out in a Memorandum of Understanding between the two organisations.

22. We were surprised to hear from Rob Whiteman that the Agency has no independent means of verifying whether or not NOMS is referring all foreign national prisoners to them or whether they are doing so within the five day period.<sup>11</sup> Mr Whiteman said he “believes” that the majority of cases are referred to them and referred on time but the only proof of success he was able to offer was the existence of the Memorandum of Understanding.<sup>12</sup>

**23. The Agency must have an independent means of checking whether all foreign nationals entering the prison system are referred to it. Mr Whiteman admitted that this is how the situation in 2006 arose but said he is satisfied with the current arrangements.<sup>13</sup> However, the fact that the Agency is still trying to trace 57 of these prisoners, six years after their release, demonstrates that the current arrangements are not acceptable. We acknowledge that Mr Whiteman is working with NOMS to carry out an assessment of the referral process, but this review has no timetable and the Agency needs to take action quickly. In order to prevent a repeat of 2006 we recommend that all foreign nationals are referred to the Agency directly upon sentencing by the Courts. Relying on management data from NOMS to identify any prisoners released in error after the event is not an acceptable or safe backup plan.**

**24. We are encouraged to hear from Mr Whiteman that the Agency is working with NOMS to record the time it takes for NOMS to refer foreign national prisoners to the Border Agency.<sup>14</sup> This information will be available for his next appearance before this Committee and will help us to monitor whether the referral process is working smoothly and contributing to swift transfers and deportations.**

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11 Q169

12 Qq169-172

13 Q170

14 Ev 55

### ***Casework and international challenges***

25. In his evidence Mr Whiteman also told us that the Agency experienced difficulties in obtaining travel documents from some receiving countries as the process was convoluted and slow.<sup>15</sup> There are also countries who do not cooperate with the returns process.<sup>16</sup> The Agency says that it is working with the Foreign and Commonwealth Office (FCO) to resolve the issues but that commenting further on them in public will inhibit its ability to negotiate with the countries concerned.

**26. We doubt that much will be achieved by allowing those countries who obstruct the return of their own criminals to carry on evading their international responsibilities by shielding them with a cloak of secrecy. Although we note the Agency's offer for a confidential briefing we hope that a more robust challenge will be issued publicly to these countries by both the Agency and the FCO. It is not in the UK's national interest to spare the embarrassment of those countries which refuse to accept the return of their own criminals who have committed offences in this country. We recommend that the government publish this list immediately and update it every 6 months.**

### ***Legal challenges***

27. After casework has been concluded, legal challenges are the greatest obstacle to deporting foreign offenders at the end of their sentence. We believe that the interpretation of Article 8 rights currently weighs too heavily on the side of offenders rather than the safety of the public. Such interpretation allows criminals facing deportation to live freely in our communities and to endlessly prevent their removal through spurious claims about their right to a private and family life under Article 8 of the ECHR. The Article 8 rights of offenders must be balanced against the rights of law-abiding citizens to live their lives in peace, free from the threat of crime. We strongly support the Government's work to prevent the abuse of Article 8 rights, and hope to see robust measures to shift the balance in favour of public safety and against foreign criminals.

### ***Failed removals***

28. The Border Agency was unsuccessful in its attempts to remove 270 foreign national offenders over the period, which accounts for about one fifth of all attempted removals. Approximately 90 of these cases have subsequently been removed since the end of March. The Agency says that initial failures are due to persistent legal or logistical failures, or the refusal of an individual to cooperate in confirming their nationality.<sup>17</sup> In our view persistent legal challenges support our recommendation above for robust reform of guidance on interpreting Article 8. The fact that "persistent logistical failures" also contribute to the failure of removals is worrying and we will seek further clarification from the Agency in our next inquiry.<sup>18</sup>

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15 Ev 56; Qq188-192

16 Ev 55

17 Ev 55

18 Ev 55

## 3 Asylum and immigration backlog

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### Key figures

- 21,000 cases were in the live asylum cohort as of 31 March 2012
- 80,000 asylum cases remain in the controlled archive as of 31 March 2012
- 21,500 immigration cases remain in the controlled archive as of 31 March 2012
- 14% decrease in the size of the asylum controlled archive since Q4 2011
- 59% of the original asylum legacy cases resolved to date have been given leave to remain
- 4,900 asylum cases have been resolved since Q4 2011

### Background

29. The Agency is dealing with a large legacy of immigration and asylum cases where the applicants cannot be traced. These cases sit in what the Agency refers to as the “Controlled Archive”. In addition there is a legacy of “live” asylum cases, in which the whereabouts of the individual is known but the case has yet to be resolved. The Agency is working to bring these cases to a conclusion. Both the Controlled Archive and the “live” asylum cases are now handled by the Case Assurance and Audit Unit (CAAU) which was set up by the Agency in April 2011.<sup>19</sup>

## Size of the Case Assurance and Audit Unit

30. The Agency’s progress in resolving cases in the Controlled Archive and the live asylum cohort can be seen in figure 3 below.

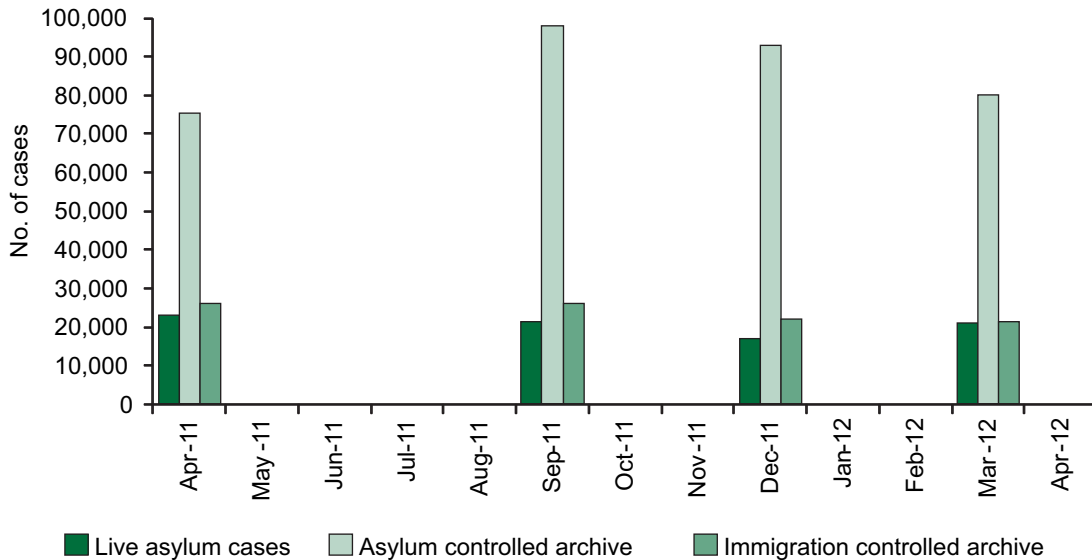


Figure 3: number of cases in the CAAU<sup>20</sup>

- The Asylum Controlled Archive, which peaked at 98,000 cases in September 2011, has now fallen to 80,000 cases. This is a 14% decrease from the previous quarter.
- Accordingly, the “live” asylum cohort, where cases have been identified and are being concluded, has grown since the last quarter from 17,000 cases to 21,000 cases. This is to be expected as more individuals in the asylum controlled archive are identified.
- The immigration Controlled Archive has remained more level, decreasing by only 4,500 cases since April 2011 and by only 500 cases since the previous quarter.

<sup>20</sup> Ev 44. Note: numbers are rounded to the nearest 500.

## Resolution of asylum legacy cases

31. Of the *original* 23,000 asylum cases transferred to the Case Assurance and Audit Unit, 7,600 have now been concluded as follows:

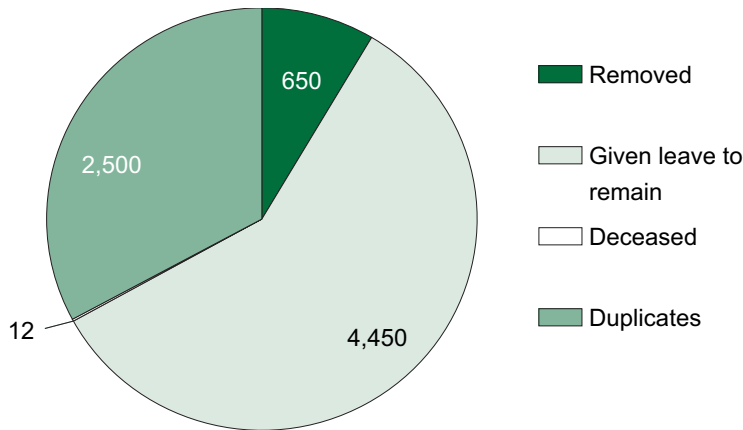


Figure 4 : breakdown, by outcome of asylum cases resolved since December 2011<sup>21</sup>

32. We are concerned that the majority of cases, 59%, have been given leave to remain, with only 9% of individuals being deported. The Agency appears to be choosing the path of least resistance to resolve its backlog.

## Progress since November 2011

33. Some 4,900 further asylum legacy cases have been resolved since our last update from the Agency in December 2011. We are pleased to see that the resolutions of these latest cases are more evenly spread, with 51% given leave to remain and 43% removed.

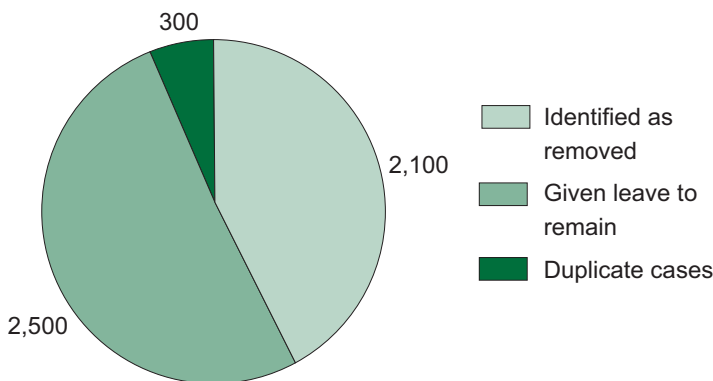


Figure 5 : breakdown, by outcome of asylum cases resolved since December 2011<sup>22</sup>

## Staff and resources

34. In the last financial year approximately 112 full-time equivalent staff were employed by the Case Assurance and Audit Unit, with 13 of these currently employed to work on tracing individuals in the Controlled Archive. The operational budget of the Case

21 Two additional cases have been resolved where the applicants were found to be deceased.

22 Two additional cases have been resolved where the applicants were found to be deceased.

Assurance and Audit Unit was approximately £3.2m.<sup>23</sup> We are concerned that the Agency does not have enough resources to work through the backlog in the timeframe to which it is committed. In his written evidence, Rob Whiteman set out his aim to “significantly” reduce the number of cases in the Controlled Archive by March 2013.<sup>24</sup> But, in his oral evidence, he updated this estimate to eliminating the 80,000 asylum cases by 31 December 2012. He said the Agency had new staff in Liverpool to ensure this deadline was met. We note that the resource needed to reduce this backlog from 80,000 to zero in nine months would be considerably more than the 13 staff the Agency employed to work on both the immigration and asylum backlogs last year.

### Methods being used to trace archived cases

35. The Agency is using a number of methods to trace the individuals in the immigration and asylum controlled archives:

- A check of all cases against major external databases such as HM Revenue and Customs, the Department for Work and Pensions and Equifax, a credit reference agency.
- A manual audit by staff to see if there are additional pieces of information that would help to trace the applicant.
- Work by staff as part of the manual audit to identify duplicates.

36. **We are pleased to see that the asylum backlog is beginning to fall. There has been a reduction of 13,000 asylum cases and 500 immigration cases in the Controlled Archive since December 2011. There are now 80,000 asylum cases and 21,500 immigration cases remaining as of the end of March this year. We expect the Agency’s manual audit to prove useful in identifying new ways to trace individuals and expect an update in our next inquiry. We recommend that in addition to this manual audit, the Agency expands its checks to include a wider range of databases, such as those held by local authorities, the Driver and Vehicle Licensing Agency, and utility company records. If there are any statutory obstacles to this data-sharing, the Agency should identify them in its response to this Report.**

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23 Ev 43

24 Ev 44



## 4 New asylum cases

### Key figures

- 59% of applications received an initial decision within 30 days in 2010/11
- 63% of claims were concluded within one year in 2011/12
- 37% of claims remained outstanding after three years in 2010/11

### Asylum applications

37. A summary of applications and initial decisions for main applicants and dependents is shown in the table below:

	Q2 2011	Q3 2011	Q4 2011	Q1 2012
<b>Applications</b>	<b>6,101</b>	<b>6,492</b>	<b>6,788</b>	<b>6,192</b>
<b>Initial decisions</b>	<b>5,445</b>	<b>5,609</b>	<b>5,380</b>	<b>5,996</b>
Grants	1,580	1,925	1,842	2,019
Refusals	3,865	3,684	3,538	3,977
<b>Pending initial decision</b>	<b>6,802</b>	<b>7,381</b>	<b>8,429</b>	<b>8,399</b>
<6 months	3,829	4,481	5,499	4,790
>6 months	2,973	2,900	2,980	3,609

Table 2: asylum applications and initial decisions Q2 2011-Q1 2012 (main applicants and dependents)<sup>25</sup>

- The number of asylum applications made in each quarter over the previous year has remained fairly constant, fluctuating between 6,101 and 6,788.
- In each quarter the number of refusals was approximately double to the number of grants made to asylum seekers.<sup>26</sup>
- The majority of cases are given an initial decision within 6 months but a substantial number of cases took longer throughout the last four quarters.

25 Home Office Immigration Statistics, January – March 2012, asylum tables, as 01.q and as.02.q, [www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/further-key-data/](http://www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/further-key-data/)

26 These cases do not necessarily relate to the applications made in this period.

## Assessing the Agency's performance: initial decisions

38. We are not able to regularly assess the proportion of cases that receive an initial decision within acceptable timeframes, as the Agency's quarterly figures do not make it possible to calculate:

- the proportion of asylum applications given an initial decision in 30 days;
- the proportion of applications still pending an initial decision at six months; or
- the proportion of applications pending an initial decision for longer than six months.

39. The Agency only publishes annual figures for the proportion of cases receiving an initial decision within a given period as part of their performance monitoring statistics. The latest performance statistics available for the year 2010 /11 show that 59% of adult cases received an initial decision within 30 days. This is a lower number than we would have expected, especially given the relatively constant rate of asylum applications. The Agency does not publish statistics to show the proportion of applications made in each quarter that receive an initial decision before or after 6 months.<sup>27</sup>

40. **The Agency has had a historic problem with a large backlog of asylum cases awaiting initial decision. This backlog peaked in January 2000 at 120,400 cases awaiting an initial decision. Given this track record we are concerned that the Agency seems unprepared to allow us to regularly keep track of how quickly it gives initial decisions on asylum cases.**<sup>28</sup> In the evidence he gave to us Mr Whiteman restated his commitment to transparency and openness but this will prove to be a hollow commitment unless the Agency is willing to provide information that will allow its performance to be monitored regularly.<sup>29</sup> Parliament must be in a position to know at once if a new backlog starts to build up at the initial decision stage.

## Assessing the Agency's performance: conclusions

41. The Agency does however publish quarterly statistics to show the percentage of cases *concluded* within the quarter.

	Q1 2011/12	Q2 2011/12	Q3 2011/12	Q4 2011/12	Total
<b>Total cohort</b>	4,438	4,562	4,692	4,922	18,614
<b>Unsubstantiated claims</b>	229	169	177	155	730
<b>Conclusions</b>	2,495	2,803	2,879	3,025	11,202
<b>% concluded within 1 year</b>	59%	64%	64%	63%	63%

27 House of Commons Library, note for HASC on Statistics on Immigration and Asylum, 12 June 2012, p3

28 House of Commons Library SN/SG/1403, June 2010, p9

29 Q150, Q149

Table 3: Quarterly conclusions for asylum cases in 2011/12 ( main applicants and dependants)<sup>30</sup>

42. In 2011/12 conclusion rates remain constant, ranging between 59–64%. The percentage of cases concluded within one year was 63%. The Agency’s annual performance figures for the previous year 2010/11 show that 63% of cases were concluded within 36 months. The Agency has therefore improved its performance on last year. We will be interested to see how many cases were still outstanding after 36 months in 2011/12 when the Agency publishes its annual performance figures in August.

**43. We note that 63% of cases are now being concluded within 12 months an improvement on the previous year where 56% of cases were concluded within this timeframe.<sup>31</sup> However we are concerned at the large number of cases that remain outstanding for years. We acknowledge that there will be difficulties in resolving a proportion of complex asylum cases. However, to have resolved only 63% of cases after a three-year period seems to us to be a very slow rate of conclusion. We believe this could lead to a new backlog building up as more cases are added to the “awaiting conclusion” pile. We expect the Agency to tell us what the main obstacles to concluding these cases are and we hope that its new performance statistics released in August will show an improvement.**

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30 Percentage-of –asylum.xls. UK Border Agency website, <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/>

Notes: Cohort: Number of applications received in a month, based on main applicants only and excluding dependants and any fresh applications. The data relate to applications which were one year old in the quarter. For example, Q1 2010-11 relates to data for applications received in April, May and June 2009.

Unsubstantiated: When an individual claims asylum but then does not turn up for their interview to substantiate the grounds of their claim. Unsubstantiated claims are excluded from this calculation but other withdrawn claims are included.

Conclusion: An asylum application is deemed to be concluded when: an asylum seeker has either been granted asylum, humanitarian protection, discretionary leave; or, if refused, has left the UK (voluntarily or by enforced removal); or the individual withdraws their asylum claim.

31 UKBA, Asylum Speed Measures.xls, <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/further-key-data/>

## 5 Immigration

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### Key figures

- 50% of the visas issued in 2011 were student visas (excluding visitor visas)
- £7.9bn was the value of the UK's share in the international higher education market in 2009<sup>32</sup>
- 57% of student visas (excluding student visit visas) were issued to students from China, Pakistan, India, the USA and Nigeria in 2011
- 100% of Tier 1, 2 and 5 visa applications were processed within 12 weeks in Q1 2012
- 99% of Tier 4 visa applications were processed within 12 weeks in Q1 2012
- 142% - increase in family-related immigration casework between February and March 2012
- 77% - increase in employment-related immigration casework between February and March 2012

### Number of visas issued

44. The Agency issued 2,272,371 visas in 2011.<sup>33</sup> By far the largest category was for visit visas, of which 1,740,694 were issued.<sup>34</sup> The breakdown of non-visit visas issued by category to main and dependant applicants is shown in the chart below.

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32 Universities UK, letter to the Prime Minister, 30 May 2012, [www.universitiesuk.ac.uk/Newsroom](http://www.universitiesuk.ac.uk/Newsroom)

33 This includes both main applicants and dependents.

34 Size of 'other' category visas contains all temporary visas and a small number of 'Other settlement' visas. 'Visitor' visas account for more than 96% of applications and resolutions in this category.

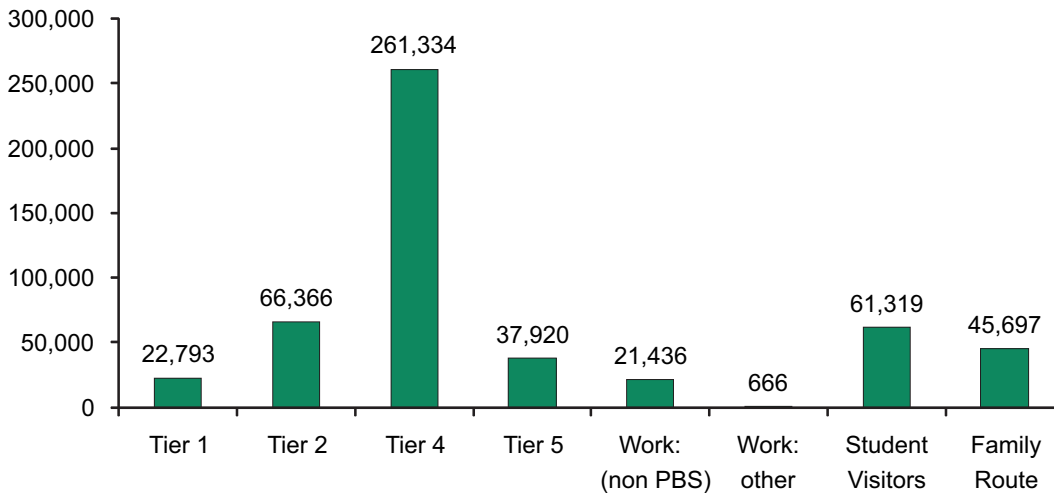


Figure 6: settlement visas issued in 2011<sup>35</sup>

45. We note that:

- Tier 4 (adult students) account for the largest number, 50%, of non-visit visas;
- Tier 2 employment route visas are the second largest category accounting for 13% of the total; and
- students visitors, who take short study courses in the UK, account for 12% of the total.

46. We are pleased to see that students remain a core part of the migrant flow into the UK. The UK has a market in international higher education worth £7.9bn and it is important that we continue to encourage this sector to flourish. The Prime Minister’s aim to reduce migration from “the hundreds of thousands to the tens of thousands” cannot be achieved without drastically reducing the number of people who come to study in Britain.<sup>36</sup> It is likely that this would damage a strong sector of our economy and also the cultural diversity of our universities. We recommend that the government should exclude students from their net migration target. This will enable the government to encourage students to come to the UK whilst maintaining their position on curbing immigration. It is important that the UK does not fall behind its international competitors in this market by making the itself a less attractive option for international students. We do not believe that the UK would benefit if the government achieved its aim of reducing the number of student visas issued by 25%.

35 Home Office Immigration Statistics, January-March 2012, before entry tables, be.01, <http://www.homeoffice.gov.uk/publications/science-research-statistics/>

Note: A student visitor is and adult undertaking a short course of study in the UK, such as a beginner’s English Language course or a work-related training course.

36 HC Deb, 23 November 2010, col. 169

## Student visas: nationality

47. 57% of student visas (excluding student visit visas) are issued to students from five countries, with China accounting for the largest number of students at around 52,000. Pakistan and India follow closely, with around 35,000 each.

Country	Number	% of total
China	52,485	20.1
Pakistan	35,664	13.6
India	34,826	13.3
United States	14,475	5.5
Nigeria	12,115	4.6
Other Countries	111,769	42.8
Total	261,334	100

Table 4: Student visas granted by largest 5 nationality groups<sup>37</sup>

48. In order to maintain public confidence in the immigration system it is important that only genuine students are able to come to the UK via the student route. Between December 2011 and February 2012 the Agency ran a pilot scheme of face to face interviews for student visa applicants in 47 countries. The results of this pilot have been widely reported in the press for months but the Home Office did not officially release the results until 9 July. Official results show that 17% of those interviewed were refused a visa under existing powers and that entry clearance officers would have liked to refuse up to 32% on the grounds that they did not believe their applications were genuine. As a result of the pilot face-to-face interviews will be conducted with between 10,000 and 14,000 student visa applicants over the coming year.<sup>38</sup> We welcome this development, which is in keeping with previous recommendations from this Committee. We recommend the Agency makes face to face interviews compulsory for all foreign students where it is practical and appropriate to do so. The option of an online interview could overcome problems with distance. This will deal with concerns before the students enter the UK, not after. This will uphold public confidence in the immigration system and help to counter damaging Government rhetoric which conflates a reduction in the number of student visas with eliminating fraud in the system.

## Visa processing times

49. The Agency's customer service standards state that it will process 90% of non-settlement visa applications within three weeks, 98% within six weeks and 100% within 12 weeks.

37 Home Office Immigration Statistics, January–March 2012, before entry tables, be.06.s, <http://www.homeoffice.gov.uk/publications/science-research-statistics>

38 Home Office written statement to Parliament, on Student visa interviews and genuine student rule, 9 July 2012

	Total applications	% completed in 3 weeks	% completed in 6 weeks	% completed in 12 weeks
Tier 1	7,699	94	98	100
Tier 2	16,746	98	99	100
Tier 4	26,189	91	98	99
Tier 5	11,959	98	100	100

Table 5: % of visas processed within customer service standards in Q1 2012

The Agency met nearly all of its targets for processing visas in Q1 2012. The target was only missed on one occasion in Tier 4 by 1 percentage point.

	Total applications	% completed in 3 weeks	% completed in 6 weeks	% completed in 12 weeks
Tier 1	4,860	93	99	100
Tier 2	14,929	98	100	100
Tier 4	30,165	84	87	88
Tier 5	7,257	98	99	100

Table 6 % of visas processed within customer service standards in Q4 2011

The Agency met all of its targets in Tiers 1, 2 and 5 in Q4 2011, missing them only in Tier 4.

50. We note that the Agency has improved its processing times for Tier 4 visa applications in the first quarter of this year and is consistently meeting its targets. We expect to continue to see a strong performance from the Agency in this area.

### Immigration casework in progress

51. The number of immigration cases being worked on by the Agency is shown in the table and figure 7 below.

Case Type		Oct-11	Nov-11	Dec-11	Jan-12	Feb-12	Mar-12
Temporary routes	Family	6,638	7,433	7,626	7,820	7,729	18,674
	Employment	6,173	10,328	11,238	9,924	10,092	17,837
	Study	25,829	24,709	18,580	15,437	14,943	17,431
	Visiting the UK	144	203	241	305	265	345
Permanent	Permanent Residence	9,240	9,618	9,910	14,415	17,958	18,938
	Euro (inc ECAA and A2)	18,929	20,037	20,576	23,387	23,046	28,737

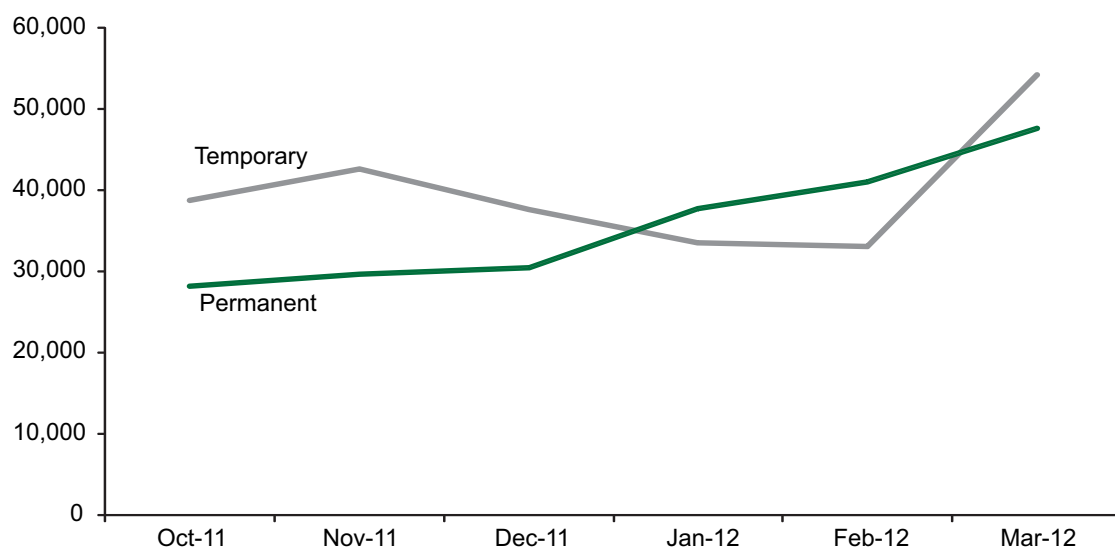


Figure 7 Temporary and permanent immigration casework in progress<sup>39</sup>

52. As Figure 7 shows clearly there has been a substantial increase in the number of immigration cases in progress. Since the beginning of the last quarter, October 2011, there has been an:

- 181% increase family route immigration casework;
- 189% increase in employment related immigration casework; and
- 140% increased in casework connected to temporary visits



The largest increases took place between February and March this year when family route casework increased by 142% and employment route casework increased by 77%.

53. The Agency tell us that the increase in casework in March has been caused by an increase in applications under the Tier 1 Post Study Route and intensive work to curtail the leave of non-compliant students.<sup>40</sup> **We recognise that the changes to the family route may have precipitated an increase in applications before the changes come into force, but we are concerned that resource is being concentrated in some areas at the expense of others and we will expect evidence on this point when Mr Whiteman next appears before the Committee. We hope that in its efforts to address individual problem areas the Agency is not causing backlogs to build in others.**

### Progress against net migration targets

54. The Quarterly Immigration Report, last released in May 2012 shows that the government is making slow progress in reducing immigration from the hundreds of thousands to the tens of thousands. Net migration for the year up to September 2011 was 252,000, this is only a reduction of 3,000 people from the previous year when the overall net figure was 255,000.<sup>41</sup>

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40 Ev 57

41 Migration Statistics Quarterly Report, May 2012, <http://www.homeoffice.gov.uk/publications/science-research-statistics>

## 6 Appeals and tribunals

### Key figures

- 64% of asylum hearings were won by the Agency and 27% were lost in Q4 2011
- 41% of family visit visa hearings were won by the Agency and 32% were lost in Q4 2011
- 42% of managed migration cases were won by the Agency but 44% were lost in Q4 2011
- 36% of entry clearance cases were won and lost by the Agency in Q4 2011
- 62% of case bundles were delivered on time by the Agency in 2011/12
- 84% of tribunal hearings had an Agency representative present in Q4 2011
- 13% decrease in appeal volume from Q3 2011 – Q4 2011

### Background

55. The Agency is working to improve its performance in asylum and immigration appeals and it has set up an Appeals Improvement Plan to focus its efforts.

### Appeal outcomes for immigration and asylum

56. The outcome of First Tier immigration and asylum tribunals in Q4 2011 can be seen from the chart below.

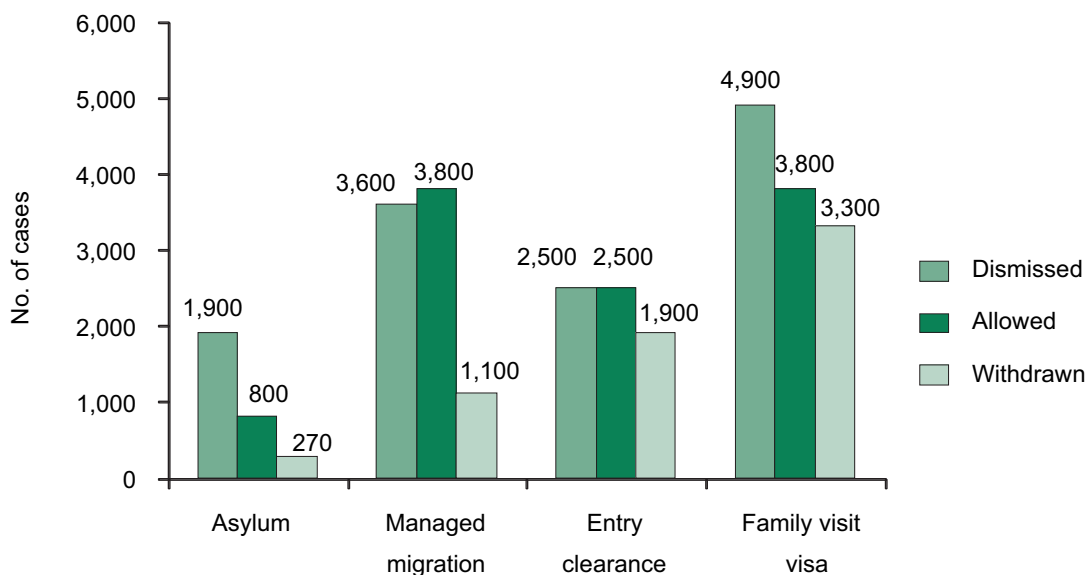


Figure 8: outcome of appeal decisions in Q4 2011

57. The Agency:

- won 64% of asylum hearings and lost 27%;
- won 41% of family visit visa cases and lost 32%;
- won 42% of managed migration cases, but lost 44%; and
- won 36% of entry clearance cases and lost the same amount.

58. The Agency is therefore winning the majority of asylum and family visit visa hearings but losing the majority of managed migration cases. It is breaking equal on entry clearance cases.

59. When the Agency's win rate is compared to its win rate in the first quarter of last year we can see that it has not made much progress in increasing the number of cases it is winning at appeal.

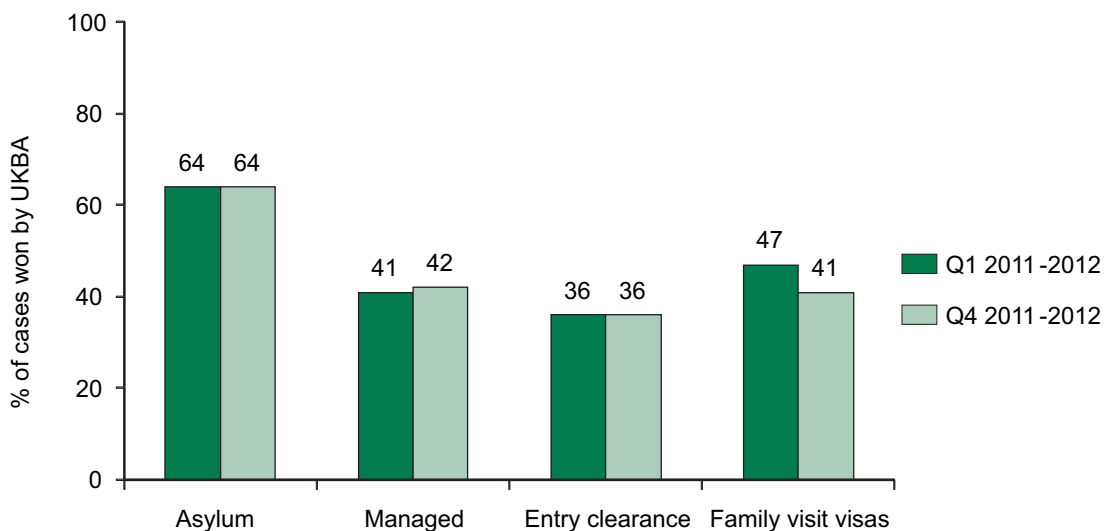


Figure 9: % of appeal cases dismissed in UKBA's favour in Q1 and Q4 2011-2012

- The number of asylum and entry clearance wins remain the same at 64% and 36% respectively;
- Managed migration wins improved by 1%;
- Family visit visa wins decreased by 6%.

60. The Agency's win rate in appeal cases is therefore effectively static, improving or declining by a couple of percentage points but not making any significant progress. It is difficult to connect this to Rob Whiteman's statement in his written evidence that 'appeals performance has improved'.<sup>42</sup> We can see no real improvement whatsoever in appeals outcomes to date. We will monitor the Agency's progress against its Appeals Improvement Plan targets.

## Progress against Appeals Improvement Plan

61. The Agency has set itself four targets for improving its performance at appeals. These cover evidence, representation at appeal hearings, increasing the number of appeals the Agency wins and reducing the volume of appeals.

### **Target 1: 90% of bundles to be received at the Immigration and Asylum Court Tribunal by the date prescribed by HM Courts and Tribunal Service**

62. In 2011/12, 62% of trial bundles (prepared evidence) were delivered by the prescribed date. This was an improvement on the Agency's performance in 2010/11 where only 49% were received by the prescribed date. The Agency says it expects to improve further in the next 12 months as it introduces electronic bundles for asylum cases and make changes to how bundles are managed overseas. The current figure is still unacceptably low and we look forward to seeing an improvement when the Agency moves to electronic management of all case files.<sup>43</sup>

### **Target 2: UK Border Agency to represent 90% of appeals**

63. The Border Agency has improved its rate of representation at Appeal hearings across the board, sending a representative to 84% of hearings overall, but this is still short of its 90% representation target. The Agency was represented at:

- 83% of all First Tier hearings
- 100% of Deportation hearings
- 100% of Upper Tier hearings
- 94% of First Tier asylum hearings<sup>44</sup>

64. We welcome the 100% representation rate in deportation and Upper Tier hearings but note that overall representation rates have fluctuated between the low and mid-80% range for the majority of 2011/12.<sup>45</sup> **We recommend that the Agency be represented at 100% rather than 90% of all tribunal hearings. As we have said previously it is unacceptable for the Agency not to appear in court to defend its decision, a no-show on their part may waste court time and taxpayers' money.<sup>46</sup> If the Agency is going to withdraw its objection in a particular case it should do so much earlier in order to:**

- **reduce the uncertainty and pressure on appellants as well as**
- **reducing the costs on the public purse and**
- **avoiding additional pressure on the tribunal system.**

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43 Ev 49

44 Ev 56 and Ev 42

45 Ev 56 and Ev 42

46 Home Affairs Committee, Twenty-first Report of Session 2010–12, *The Work of the UK Border Agency, August to December 2011*, HC 1722, para 51

### **Target 3: UK Border Agency to increase the number of appeals it wins**

65. The Agency's overall win rate for the year 2011/12 has been only 44%, which is unacceptably low. Its performance in Q4 2011 is especially disappointing when compared to its performance in Q1 2011 (see figure 9 above) as it has barely improved.

66. The Agency's initiatives to improve its win rate as part of the Appeals Performance Improvement Plan should have started to take effect by now if it were being addressed with vigour.<sup>47</sup> New legislation to restrict the admissibility of new evidence in all Points Based System appeals appears to have had no impact on appeal outcomes. The Agency's poor results in appeals must therefore be due to poor initial decision making or inadequate legal representation. The Agency has told us that it is currently analysing appeal decisions to determine why cases are lost and to identify areas where improvements can be made through staff training. The Agency says it will step up its activities within the next six months.<sup>48</sup> Whilst we welcome this commitment we note with concern its slow progress to date and we hope that the next quarter's results will show a substantial improvement in performance.

### **Target 4: Reduce appeal volumes**

67. The Agency also aims to reduce the number of appeals lodged. There were 28,111 appeals lodged in Q4 2011, a decrease of 13% on the previous quarter.<sup>49</sup> We are concerned that the government is aiming to reduce the volume of appeals through closing off the most widely-used route of appeal, Family Visit Visas. These accounted for 12,000 of the appeals lodged in this category in Q4 2011, 3,500 more than the second largest category of Managed Migration Appeals and 40% of the overall total. **A poor performance in appeals should instigate a drive to improve initial casework decisions and guidance for applicants. Closing off a route of appeal, by preventing appeals against Family Visit Visa decisions, is not an acceptable way in which to reduce the number of appeals.**<sup>50</sup> The aim must be to give clear and speedy clearance to those whose application is genuine and to give a clear and speedy rejection to those whose application is being refused.

68. There are a number of simple changes the Agency could make to reduce the volume of appeals it handles. Firstly the refusal notices they issue should set out in clear bullet points why the application has been rejected. If, for example, it is due to missing documentation the applicant should be asked to provide this to the Agency as part of the same application. It should then be reviewed within an acceptable timescale. This could reduce both the time it would take for the applicant to get a decision and the resources spent on appeals. Secondly, we understand that the Agency does not specify all the documentation it requires to grant an application. For example they ask for 'proof of funds' instead of bank statements. We recommend that the Agency list specific documents that they require in order to grant an application. This will ensure

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47 Ev 49

48 Ev 49

49 Ministry of Justice, Quarterly Tribunals statistics, 1 July-30 September 2011, p6 and Ev 49

50 Ev 49

that the application process is as clear as possible and should reduce the amount of verification work and appeals work that has to be done at a later stage.

69. The best way to communicate with applicants is through a clear website that works properly and sets out what is expected from the applicant at each stage of the process. The Agency's website is frequently inaccessible as vital pages do not download. The Agency needs to address the problems people are encountering with its website immediately.

## 7 Enforcement

### Key figures

- 40% of post-licence visits to Tier 2 sponsors were unannounced between 1 December 2011 and 31 March 2012
- 37% of post-licence visits to Tier 4 sponsors were unannounced between 1 December 2011 and 31 March 2012
- 25% of post-licence visits to Tier 5 sponsors were unannounced between 1 December 2011 and 31 March 2012
- 160 sponsors had their licenses suspended between 1 December 2011 and 31 March 2012
- 140 sponsors had their licenses revoked between 1st December 2011 and 31 March 2012
- 31% of non-compliance notices from Tier 2 sponsors were acted on between 1 December 2011 and 31 March 2012
- 69% of all Tier 4 sponsor notifications issued over the period 1 December – 31 March had been investigated by June

### Inspections of Sponsors

70. All migrants using the Points Based system (PBS) route, apart from Tier 1 migrants, require a sponsor in order to obtain their visa. The Agency carries out inspections or ‘visits’ of individual sponsors. Some of these are pre-registration visits made on application and others are follow up visits to check that sponsors remain compliant.

#### *Pre registration inspections*

71. New sponsorship applications and pre-registration visits made are compared in table 7 below.

Tier	Total sponsor applications	Pre registration visits
Tier 2	2,048	364
Tier 4	59*	35
Tier 5	230	19

Table 7: New sponsorship applications and pre-registration visits carried out over the period

In this table, pre-registration visits do not necessarily relate to sponsorship applications made in the same period. However, the data gives some indication of the ratio of pre-registration visits to new sponsor applications. During the period, pre-registration visits to Tier 2 (skilled worker) sponsors were 18% of new sponsor applications, while visits to Tier 5 (Youth Mobility Scheme) sponsors were 8% of new sponsor applications. The Agency visits all institutions that apply to become Tier 4 sponsors for the first time. The applications making up the figure for the latest period include renewed applications and applications for Highly Trusted Sponsorship status, which is why not all Tier 4 applicants received a pre-sponsorship visit.<sup>51</sup>

72. We acknowledge that the Agency carries out pre-registration visits for all Tier 4 sponsors but recommend that this should be extended to cover all sponsors in Tier 2 and Tier 5. The proportion currently receiving a pre-registration visit is insignificant. Proper pre-registration scrutiny of sponsors is the key starting point for preventing abuse of the immigration system. We are concerned that the Agency’s approach may be more risky than risk-based. We will require additional information from the Agency as to how it assesses the risk posed by sponsors in this area.

### Post licence inspections

73. The Agency carries out follow up visits based on an assessment of risk and on an intelligence-led basis.<sup>52</sup>

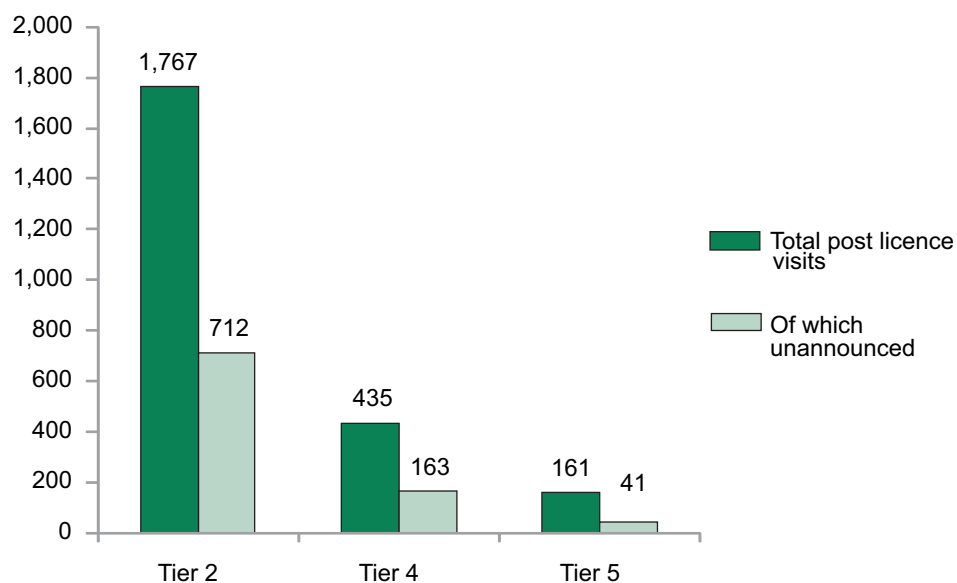


Figure 10 post licence inspections over the period

Of these visits:

- 40% to Tier 2 sponsors were unannounced
- 37% to Tier 4 sponsors were unannounced

51 Ev 46

52 Ev 46



- 25% to Tier 5 sponsors were unannounced

74. **The Agency says that it arranges the greater proportion of its visits in advance as it needs to be sure of access to key people and documents as part of the inspection. We understand the need for this but, as the visits are made in a response to perceived risks or intelligence leads, we recommend that all visits are unannounced. If the Agency is not able to access some of the people and documentation on the day then follow up interviews and document review could take place subsequent to the visit. Interviewees could be required to come to the Agency's premises to save the Agency time and money. This would considerably strengthen the enforcement system and help to restore public confidence that the government is clamping down on illegitimate immigration. If we are to eliminate bogus colleges from the education landscape and employers that abuse the immigration system then visits will have to be unannounced, robust and thorough.**

### **Action against non-compliant sponsors**

75. The Agency does not have the power to fine Tier 2, 4 and 5 sponsors for misuse of their licence. It is able to suspend their licence pending further investigation for Tier 2 and Tier 5 sponsors, revoke licences for all sponsors and reduce the number of Certificates of Sponsorship (CoS) or Confirmation of Acceptance for Studies (CAS) that they are able to issue. It is also able to prosecute sponsors who commit immigration offences.<sup>53</sup>

76. Over the previous period the Agency has taken the following enforcement action against sponsors:

- Suspended the licence of 140 Tier 2 and 20 Tier 5 sponsors
- Revoked the licences of 130 Tier 2 sponsors and 10 Tier 5 sponsors<sup>54</sup>

77. **We are sceptical about the efficacy of reducing the number of Certificates of Sponsorship or Confirmations of Acceptance for Studies that a sponsor can issue. This is tantamount to endorsing fraud, provided that it is confined to a small scale. If a sponsor is failing to comply with their duties or is deceiving the Agency then their licence should be revoked. The Agency should take tough enforcement action against those who abuse the immigration system.**

### **Action against individuals**

78. Sponsors are obliged to notify the Agency if there are changes in the situation of any of the people they sponsor, known as Sponsor Management System (SMS) notifications. These could be administrative changes such as changes in work place or salary or non-compliance notifications, for example if a student was no longer attending their university course. It is the Agency's responsibility to investigate the latter and to curtail the leave to remain in the UK of any individuals found to be no longer complying with the conditions

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53 Ev 48

54 Ev 48

of their visa. If necessary, the Agency is also responsible for removing them from the country.

### ***Action taken against Tier 2 workers liable for curtailment action***

79. The Agency received 21,300 Sponsor Management System notifications from Tier 2 sponsors over the period. Of these, 4,500 were non-compliance notifications. The Agency had only investigated 1,400 or 31% of these notifications by the end of the period, the remaining 69% were outstanding.

80. The Agency says that the low number of cases investigated is due to increased concentration on curtailment activity in Tier 4 at the expense of Tier 2. The Agency appears to be constantly ‘fire fighting’ in a number of areas of its work, shifting resources to focus on one area whilst letting a backlog build in another and then re-adjusting to address the new backlog.

### ***Action taken against Tier 4 workers liable for curtailment action***

81. Some 35,300 SMS notifications were made by Tier 4 sponsors over the period, relating to visas for adult students. Unlike for Tier 2 notifications, however, the Agency tells us that it is not possible to specify how many of these notifications relate to non-compliance, as they are not electronically flagged by category. A new system has been introduced since 6 April that will allow sponsors to categorise their notifications. We are astonished to learn that, until April 2012, the Agency had no way of immediately separating urgent notifications regarding potentially fraudulent students from routine notifications of administrative changes. This is especially surprising as such a system seems to have been in place for Tier 2 notifications for some time.

82. As of 3 June, 24,400 of these notifications (69%) had been investigated. This is a much better rate of enforcement than seen in Tier 2—the Agency suggests that it is at least in part at the expense of Tier 2 enforcement—but it is still not as high as we would have hoped to see given the concentration on this Tier. Either the operational model within this section of the Agency is inefficient or it is under-resourced for the demands placed upon it. **We recommend that the Agency urgently reviews its operations in this area to pinpoint the cause of the problem. If we are to maintain public confidence in our immigration system then it is vital that we have prompt and robust enforcement mechanisms. We will keep a close watch on this area of the Agency’s work and investigate the causes of the continuing backlog. We regard enforcement action against individuals as a key indicator of the Agency’s work and we will be monitoring it closely.**

### **Migration Refusal Pool**

83. On the 5<sup>th</sup> July the Chief Inspector of the Border Agency, John Vine, brought the existence of yet another backlog to our attention, the Migration Refusal Pool. This consists of individuals who have had their application to extend their visas refused but the Agency has no idea whether or not they have actually left the country. There are 150,000 of these cases nationally, and the Inspector says he could not see evidence of any clear strategy to

deal with them.<sup>55</sup> **We are extremely disturbed to hear that there is yet another large group of individuals who the Agency are unable to account for. We expect the Agency to set out, in its response to this report, its action plan and timeline for dealing with the problem.**

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55 John Vine, Chief Inspector of the UK Border Agency, Report: An inspection of the Hampshire and Isle of Wight Local Immigration Team, p2

## 8 Intelligence

### Key figures

- 25,600 allegations about possible illegal immigrants or other immigration violations were received from the public between 9 December – 29 March
- 98% of these were assessed within 48 hours
- 16,000 allegations—more than 60%—contained sufficient information to justify further investigation
- 900 allegations—4% of the total—resulted in an enforcement visit

### Progress on the National Allegations Database

84. The Prime Minister called on the public to report suspected illegal immigrants to the Border Agency in a speech last October.<sup>56</sup> But, as our report on the Work of the UK Border Agency April–July 2011 highlights, the Agency has historically had an inconsistent approach to recording and following up on intelligence leads.<sup>57</sup>

85. The Border Agency is in the process of setting up a National Allegations Database to improve its performance in following up intelligence leads from the public. We welcome this development and will be monitoring the Agency's progress as this database becomes operational.

86. The Agency tells us that, as of the end of March, the design of the database has been agreed, funding secured and an assessment has been made of staffing and operational requirements needed. The Database is scheduled to be fully operational from July.<sup>58</sup> We are pleased to hear that the database will very soon be live. We note the fact that the Agency is having discussions over how feedback can be provided to those who report allegations when requested and appropriate, this will help to give the public confidence that genuine concerns are being investigated. **We repeat our previous recommendation which is that people who make genuine complaints need to be told about the outcome.**

87. The Agency gave us the following update of its enforcement activity throughout the period 9 December to 29 March:

- 25,600 allegations were received from the public.
- Approximately 98% of these received an initial assessment within 48 hours.

56 Prime Minister's Speech on Immigration to the Institute for Government, 10 October 2011, [www.number10.gov.uk](http://www.number10.gov.uk)

57 Home Affairs Committee, Fifteenth Report of Session 2010–12, *The Work of the UK Border Agency, April–July 2011*, HC 1497, para 34–35

58 Ev 53

- 16,000 allegations were judged to contain sufficient and genuine information to merit further investigation.
- Only 900 of these were judged to contain sufficient information to justify an enforcement visit.<sup>59</sup>

**88. Overall, only 4% of the intelligence reports received from the public resulted in an enforcement visit taking place. The Agency is performing well in assessing tip-offs from the public quickly but we are interested however in the low yield of actionable intelligence that results from these tip-offs. We will be asking the Agency to identify the main reasons for this. We understand it may be the result of the quality of the information reported to the Agency and we expect to hear from the Agency what its plan is to improve the quality of the information it receives when the database goes live.**

**89. It is important for the public to know how many of the Agency's enforcement visits result in arrest and removal. We expect the Agency to provide a full breakdown of the outcomes of its enforcement visits over the period 1 December 2011 to 31 March 2012 in its response to this report.**

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<sup>59</sup> Ev 53. Note: 700 of these enforcement visits exposed 'illegal operations' and approximately 700 individuals were arrested.

## 9 Staff numbers and remuneration

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### Key figures

- **12,835** — total number of staff currently employed in the UK Border Agency as of May 2012
- **11%** - reduction in total headcount at the Agency since May 2011
- **56%** of all staff work in the Immigration group
- **5,200** - the Agency's target reduction in headcount by 2015<sup>60</sup>
- **24%** of the 62 senior Agency staff received a bonus in 2010/11, down from 67% the year before<sup>61</sup>
- **20%** of senior staff bonuses were between **£4,500** and **£5,000** in 2010/11
- **4%** of senior staff bonuses were between **£5,000** and **£10,000** in 2010/11

### Changes in staffing and remuneration

90. The Agency has reduced its total number of staff from 14,431 in May 2011 to 12,835<sup>62</sup> in May 2012, a decrease of 11%.<sup>63</sup> These figures are adjusted for the separation of the Border Force and the Policy and Strategy unit from the Agency.<sup>64</sup>

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60 UK Border Agency, Business Plan, April 2011–March 2015, p29. This figure is not adjusted for the separation of Border Force from the Border Agency.

61 UK Border Agency Senior Staff data—March 2012, [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk). This figure includes senior Border Force Staff who would have been part of the Border Agency for the bonus year 2010/11. We accept that the total number of staff in March 2012 may not be directly comparable to the total number in the bonus year 2010/11.

61 Ev 56

63 Ev 56

64 Ev 56

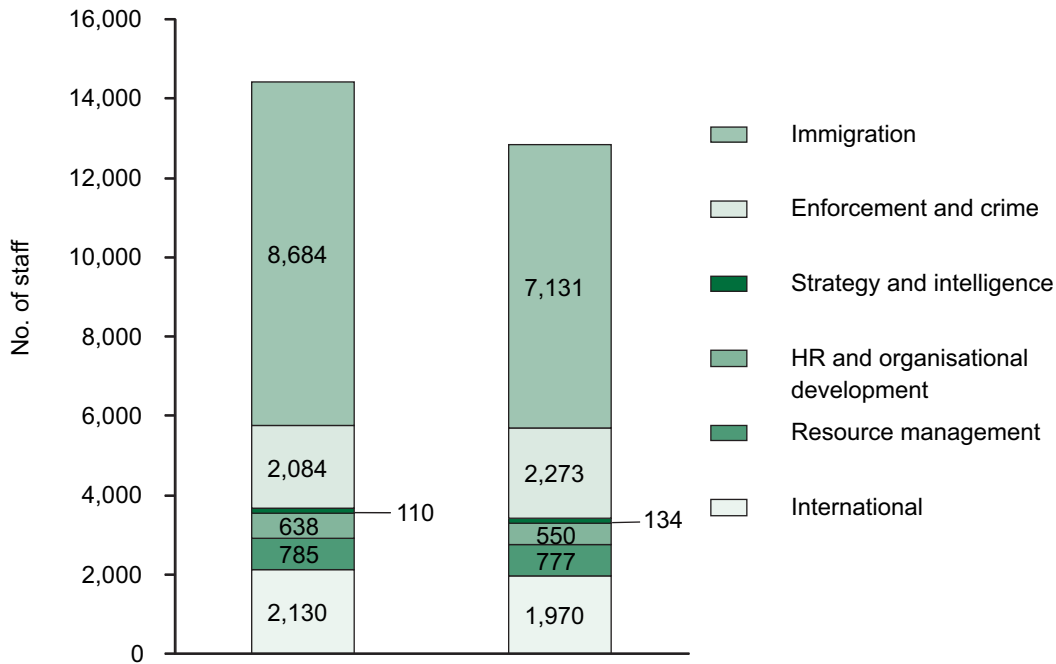


Figure 11 UK Border Agency Staffing 2011–2012<sup>65</sup>

- The Immigration group has seen the largest reduction of staff, 18%, but remains by far the largest section of the agency accounting for 56% of all staff.
- Resource management has experienced the lowest reduction in staff, 1%, it currently provides support services for both the Agency and the Border Force.
- HR and organisational development has seen a 14% drop in staff numbers but also provides support to the Border Force as well as the Agency.
- The International section has seen an 8% decrease in headcount.
- The Strategy and Intelligence directorate and Enforcement and Crime group are the only sections to see an increase in staff of 22% and 9% respectively.

The Agency is reducing its headcount in line with its commitment to reduce in size by 5,200 staff by 2015.

**91. We are pleased to see that the Agency is sharing support staff with Border Force, which will help to reduce costs. We also welcome the increase in the Enforcement and Crime group, an area of the Agency's work that has long needed addressing. We are pleased that despite the need for budget cuts the Agency is keeping a flexible view of staffing levels, increasing them where there is need to improve results. We expect that it will continue to do so.**

<sup>65</sup> Ev 56. Note: Border Force and policy and strategy staff have been removed from the May 2011 figures as both directorates have since been split from the UK Border Agency. The Agency have said that despite these removals the figures are not directly comparable as some posts will have moved between directorates. However, we cannot see that this could have occurred to any significant extent unless the Agency had undergone a fundamental restructure.

## Senior staff bonuses

92. In the last performance year, 2010-2011, the Agency paid 24% of its senior staff a bonus. 20% received a bonus of between £4,500 and £5,000 with the remaining 4% receiving a bonus between £5,000 and £10,000.

	% of senior UKBA staff awarded a bonus	% of senior UKBA staff awarded a bonus of £5k or more	Minimum value bonus awarded	Maximum value bonus awarded
2010-11	24	4	£4,500	£7,000
2009-10	67	30	£3,500	£10,000
2008-09	72	72	£7,500	£15,000
2007-08	65	65	£6,000	£22,000

Table 8: bonus information for senior Agency staff over the past four years

93. We believe that it is good practice to reward the highest performing staff who have made outstanding contributions to the Agency and who are taking the lead in delivering the Agency's core priorities as set out in their business plan. The number of bonuses awarded to senior staff in 2010–11 is in line with policy across the civil service, where bonuses are confined to the top 25% of performers.

94. It is difficult however to see how such a large proportion of senior staff can have met these criteria between 2007 and 2010 (over 50 % every year) given the Agency's notorious failures in the areas of asylum, immigration, enforcement and deporting foreign national offenders.

95. **In our previous report we stated that the senior Agency staff should not receive bonuses as the Agency's performance was still poor overall. Since then the 2010/11 bonus figures have been released which show that, despite a reduction in the number of staff receiving bonuses, 24% of them still did. We agree with the Prime Minister that**

**If agencies don't perform, just like if companies don't perform, there should not be bonuses—that is absolutely clear.<sup>66</sup>**

**As this report makes clear the Agency is not performing as it should do in a number of important areas. Until it improves its performance its senior staff should not receive bonuses.**

96. **We further recommend that bonuses that have been paid in the past contrary to the recommendations of this Committee should be repaid by the recipients.**

66 Prime Minister, oral evidence to the Liaison Committee, 3 July 2012, Q92



## Junior staff bonuses

97. The Agency awards modest bonuses to its top performing staff in junior and middle grades. We support the payment of appropriate incentives to front line staff as a means of rewarding good performance and encouraging a high performance culture.

Grade	No. of staff at grade in 2012	Bonuses in 2011/12			
		No. of staff receiving a one-off bonus	Total aggregate value of payments (£)	Minimum payment	Maximum payment
AA	1,279	307	88,603	295	314
AO	5,111	1316	455,680	346	425
EO	8,832	2373	1,150,533	476	607
HEO	3,038	114	743,292	595	1,518
SEO	1,265	516	429,091	759	1,804
G7	485	210	273,847	1,105	2,302
G6	161	65	105,053	1,353	2,820
Grand Total	20,171	5901	3,246,099		

Note: Staff levels at UKBA fell between 2011 and 2012.

Table 9: UKBA staff bonuses for 2011/12<sup>67</sup>

67 Ev 69, Annex B. Note: Bonus figures are not adjusted for the reduction in staff over 2011.

## 10 Co-operation with Parliament

### MPs' correspondence

98. The Agency has introduced MP Account Managers to provide a faster response to MPs' enquiries and has set itself service standards for completing "further action referrals" and answering MPs' emails.

99. The Agency aims to complete 90% of further action referrals sent by MPs within 10 working days.

	No. received	No. completed within 10 working days	% completed within 10 working days
Q1 2011	593	516	87
Q2 2011	676	593	88
Q3 2011	660	578	88
Q4 2011	688	609	89

Table 10: % of further action referrals completed within service standards

100. We note that the Agency came within a few percentage points of achieving its target for completing actions in response to referrals by MPs in every quarter of 2011, and that performance is slowly improving. We hope that the Agency will continue to provide this high standard of service.

The Agency has also committed to answering 95% of MPs' emails within 20 working days.

	No. received	No. answered within 20 working days	% answered within 20 working days
Q2 2011	3,313	2,713	82
Q3 2011	3,753	3,280	87
Q4 2011	3,519	3,270	93

Table 11: % of MPs' emails answered within service standards

101. Constituents often turn to their MP for help when they feel they have exhausted other avenues. An approach from an MP will therefore often be the conclusion of many months of wrangling by the constituent in correspondence with the Agency, trying to resolve their problem. It is important therefore that the Agency makes every effort to improve its performance and meets its service standards in this area. Our immigration and asylum system must be robust but fair and a core component of a fair system is giving people an answer to their case as soon as possible, not leaving them to hang on in uncertainty. We welcome the good progress the Agency has made towards meeting its target of responding to 95% of e-mails from MPs within 20 working days. However we emphasise that its responses must contain the information requested in order to be of value. Otherwise it is simply pushing the problem further down the line.

## Provision of information to this Committee

102. The way in which the Agency provides us with information has long been a point of contention. Although the style and punctuality of their responses have improved from previous submissions there is still a long way to go.

- Some of the information submitted to the Committee has been confusing and difficult to analyse because it has lacked key information that would have put different figures in context.<sup>68</sup>
- The Agency has consistently missed the deadlines we set for it and, when submitting its follow up evidence, missed its deadline extension as well. Late evidence jeopardises the timeline of our inquiry, putting strain on the Committee's future programme and inquiry schedule.
- The Agency has been patchy in notifying us when it will not be able to meet a deadline. On one occasion it gave us considerable notice and told the Chair. On others it has sent a non-committal email with no explanation for the delay or expected date of delivery, with only minutes to go until the deadline. We find this attitude unacceptable and discourteous.

103. We acknowledge that the Agency is slowly improving its performance in this area. However the way in which it interacts with the Committee is not always that of an organisation which, in the words of its Chief Executive, is striving to be transparent and open. We want to have a co-operative relationship with the Agency which is why we are working to identify a consistent set of key metrics that we will form the bulk of our quarterly information requests. We hope that the Agency will play its part too.

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<sup>68</sup> Note: Examples include: inaccurate figures as a result of a typo, inappropriate data comparisons e.g. quarterly figures compared to annual and apparent discrepancies between the same data provided in narrative and in table format with no contextual explanation to clarify.

## 11 Backlog of outstanding cases

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104. A summary of the total number of outstanding cases where the Agency has yet to:

- trace the individual,
- make a decision about their case or
- remove them from the UK

can be seen in the table below:

	Number of outstanding cases
'Live' asylum cohort	21,000
Asylum controlled archive	80,000
Immigration controlled archive	21,500
Foreign National Offenders living in the community	3,900
Foreign National Offenders - untraced	60
Migration Refusal Pool	150,000
<b>Total</b>	<b>276,460</b>

Table 12: Outstanding cases

105. The total number of individuals in the backlog is 276,460, this is larger than the population of Newcastle upon Tyne.<sup>69</sup> It is totally unacceptable that there are so many outstanding cases that the Agency has yet to work through. We will be monitoring the numbers of outstanding cases closely and expect to see them decline quickly.

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69 UK Cities, Largest cities in the UK, <http://www.ukcities.co.uk/populations/>

# Conclusions and recommendations

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## Progress in locating and deporting the 2006 cohort

1. The Home Secretary has announced changes to the immigration rules which will limit the rights of offenders to oppose deportation under Article 8 of the European Convention on Human Rights (ECHR), which guarantees the right to respect for private and family life. These changes are welcome and are long overdue. We expect these measures to drive up the proportion of foreign offenders that the Agency is able to deport. (Paragraph 9)

## Total number of foreign offenders living in the community

2. We recommend that the Border Agency sets up a team to examine why these offenders have not been deported and to take the action that is necessary to ensure they are. We fear that if it is not dealt with quickly it will become another backlog which will burden the Agency, deflecting its focus from current cases. (Paragraph 14)

## Casework and the prisoner referral mechanism

3. We recommend that deportation proceedings begin immediately upon a prisoner being sentenced, which would enable an increase in the number of foreign national prisoners the Agency is able to deport via the Early Removal Scheme and Facilitated returns scheme. (Paragraph 20)
4. The Agency must have an independent means of checking whether all foreign nationals entering the prison system are referred to it. Mr Whiteman admitted that this is how the situation in 2006 arose but said he is satisfied with the current arrangements. However, the fact that the Agency is still trying to trace 57 of these prisoners, six years after their release, demonstrates that the current arrangements are not acceptable. We acknowledge that Mr Whiteman is working with NOMS to carry out an assessment of the referral process, but this review has no timetable and the Agency needs to take action quickly. In order to prevent a repeat of 2006 we recommend that all foreign nationals are referred to the Agency directly upon sentencing by the Courts. Relying on management data from NOMS to identify any prisoners released in error after the event is not an acceptable or safe backup plan. (Paragraph 23)
5. We are encouraged to hear from Mr Whiteman that the Agency is working with NOMS to record the time it takes for NOMS to refer foreign national prisoners to the Border Agency. This information will be available for his next appearance before this Committee and will help us to monitor whether the referral process is working smoothly and contributing to swift transfers and deportations. (Paragraph 24)

## Casework and international challenges

6. We doubt that much will be achieved by allowing those countries who obstruct the return of their own criminals to carry on evading their international responsibilities by shielding them with a cloak of secrecy. Although we note the Agency's offer for a

confidential briefing we hope that a more robust challenge will be issued publicly to these countries by both the Agency and the FCO. It is not in the UK's national interest to spare the embarrassment of those countries which refuse to accept the return of their own criminals who have committed offences in this country. We recommend that the government publish this list immediately and update it every 6 months. (Paragraph 26)

### Legal challenges

7. After casework has been concluded, legal challenges are the greatest obstacle to deporting foreign offenders at the end of their sentence. We believe that the interpretation of Article 8 rights currently weighs too heavily on the side of offenders rather than the safety of the public. Such interpretation allows criminals facing deportation to live freely in our communities and to endlessly prevent their removal through spurious claims about their right to a private and family life under Article 8 of the ECHR. The Article 8 rights of offenders must be balanced against the rights of law-abiding citizens to live their lives in peace, free from the threat of crime. We strongly support the Government's work to prevent the abuse of Article 8 rights, and hope to see robust measures to shift the balance in favour of public safety and against foreign criminals. (Paragraph 27)

### Methods being used to trace archived cases

8. We are pleased to see that the asylum backlog is beginning to fall. There has been a reduction of 13,000 asylum cases and 500 immigration cases in the Controlled Archive since December 2011. There are now 80,000 asylum cases and 21,500 immigration cases remaining as of the end of March this year. We expect the Agency's manual audit to prove useful in identifying new ways to trace individuals and expect an update in our next inquiry. We recommend that in addition to this manual audit, the Agency expands its checks to include a wider range of databases, such as those held by local authorities, the Driver and Vehicle Licensing Agency, and utility company records. If there are any statutory obstacles to this data-sharing, the Agency should identify them in its response to this Report. (Paragraph 36)

### Assessing the Agency's performance: Initial decisions

9. The Agency has had a historic problem with a large backlog of asylum cases awaiting initial decision. This backlog peaked in January 2000 at 120,400 cases awaiting an initial decision. Given this track record we are concerned that the Agency seems unprepared to allow us to regularly keep track of how quickly it gives initial decisions on asylum cases. In the evidence he gave to us Mr Whiteman restated his commitment to transparency and openness but this will prove to be a hollow commitment unless the Agency is willing to provide information that will allow its performance to be monitored regularly. Parliament must be in a position to know at once if a new backlog starts to build up at the initial decision stage. (Paragraph 40)
10. We note that 63% of cases are now being concluded within 12 months an improvement on the previous year where 56% of cases were concluded within this timeframe. However we are concerned at the large number of cases that remain outstanding for years. We acknowledge that there will be difficulties in resolving a

proportion of complex asylum cases. However, to have resolved only 63% of cases after a three-year period seems to us to be a very slow rate of conclusion. We believe this could lead to a new backlog building up as more cases are added to the “awaiting conclusion” pile. We expect the Agency to tell us what the main obstacles to concluding these cases are and we hope that its new performance statistics released in August will show an improvement. (Paragraph 43)

### Number of visas issued

11. We are pleased to see that students remain a core part of the migrant flow into the UK. The UK has a market in international higher education worth £7.9bn and it is important that we continue to encourage this sector to flourish. The Prime Minister’s aim to reduce migration from “the hundreds of thousands to the tens of thousands” cannot be achieved without drastically reducing the number of people who come to study in Britain. It is likely that this would damage a strong sector of our economy and also the cultural diversity of our universities. We recommend that the government should exclude students from their net migration target. This will enable the government to encourage students to come to the UK whilst maintaining their position on curbing immigration. It is important that the UK does not fall behind its international competitors in this market by making the itself a less attractive option for international students. We do not believe that the UK would benefit if the government achieved its aim of reducing the number of student visas issued by 25%. (Paragraph 46)

### Student visas: nationality

12. In order to maintain public confidence in the immigration system it is important that only genuine students are able to come to the UK via the student route. We welcome this development, which is in keeping with previous recommendations from this Committee. We recommend the Agency makes face to face interviews compulsory for all foreign students where it is practical and appropriate to do so. The option of an online interview could overcome problems with distance. This will deal with concerns before the students enter the UK, not after. This will uphold public confidence in the immigration system and help to counter damaging Government rhetoric which conflates a reduction in the number of student visas with eliminating fraud in the system. (Paragraph 48)

### Visa processing times

13. We note that the Agency has improved its processing times for Tier 4 visa applications in the first quarter of this year and is consistently meeting its targets. We expect to continue to see a strong performance from the Agency in this area. (Paragraph 50)

### Immigration casework in progress

14. We recognise that the changes to the family route may have precipitated an increase in applications before the changes come into force, but we are concerned that resource is being concentrated in some areas at the expense of others and we will expect evidence on this point when Mr Whiteman next appears before the



Committee. We hope that in its efforts to address individual problem areas the Agency is not causing backlogs to build in others. (Paragraph 53)

## **Target 2: UK Border Agency to represent 90% of appeals**

15. We recommend that the Agency be represented at 100% rather than 90% of all tribunal hearings. As we have said previously it is unacceptable for the Agency not to appear in court to defend its decision, a no-show on their part may waste court time and taxpayers' money. If the Agency is going to withdraw its objection in a particular case it should do so much earlier in order to:

- reduce the uncertainty and pressure on appellants as well as
- reducing the costs on the public purse and
- avoiding additional pressure on the tribunal system. (Paragraph 64)

## **Target 4: Reduced appeal volumes**

16. A poor performance in appeals should instigate a drive to improve initial casework decisions and guidance for applicants. Closing off a route of appeal, by preventing appeals against Family Visit Visa decisions, is not an acceptable way in which to reduce the number of appeals. The aim must be to give clear and speedy clearance to those whose application is genuine and to give a clear and speedy rejection to those whose application is being refused. (Paragraph 67)

17. There are a number of simple changes the Agency could make to reduce the volume of appeals it handles. Firstly the refusal notices they issue should set out in clear bullet points why the application has been rejected. If, for example, it is due to missing documentation the applicant should be asked to provide this to the Agency as part of the same application. It should then be reviewed within an acceptable timescale. This could reduce both the time it would take for the applicant to get a decision and the resources spent on appeals. Secondly, we understand that the Agency does not specify all the documentation it requires to grant an application. For example they ask for 'proof of funds' instead of bank statements. We recommend that the Agency list specific documents that they require in order to grant an application. This will ensure that the application process is as clear as possible and should reduce the amount of verification work and appeals work that has to be done at a later stage. (Paragraph 68)

18. The best way to communicate with applicants is through a clear website that works properly and sets out what is expected from the applicant at each stage of the process. The Agency's website is frequently inaccessible as vital pages do not download. The Agency needs to address the problems people are encountering with its website immediately. (Paragraph 69)

## **Pre-registration inspections**

19. We acknowledge that the Agency carries out pre-registration visits for all Tier 4 sponsors but recommend that this should be extended to cover all sponsors in Tier 2 and Tier 5. The proportion currently receiving a pre-registration visit is insignificant.



Proper pre-registration scrutiny of sponsors is the key starting point for preventing abuse of the immigration system. We are concerned that the Agency's approach may be more risky than risk-based. We will require additional information from the Agency as to how it assesses the risk posed by sponsors in this area. (Paragraph 72)

20. The Agency says that it arranges the greater proportion of its visits in advance as it needs to be sure of access to key people and documents as part of the inspection. We understand the need for this but, as the visits are made in a response to perceived risks or intelligence leads, we recommend that all visits are unannounced. If the Agency is not able to access some of the people and documentation on the day then follow up interviews and document review could take place subsequent to the visit. Interviewees could be required to come to the Agency's premises to save the Agency time and money. This would considerably strengthen the enforcement system and help to restore public confidence that the government is clamping down on illegitimate immigration. If we are to eliminate bogus colleges from the education landscape and employers that abuse the immigration system then visits will have to be unannounced, robust and thorough. (Paragraph 74)

### Action against non-compliant sponsors

21. We are sceptical about the efficacy of reducing the number of Certificates of Sponsorship or Confirmations of Acceptance for Studies that a sponsor can issue. This is tantamount to endorsing fraud, provided that it is confined to a small scale. If a sponsor is failing to comply with their duties or is deceiving the Agency then their licence should be revoked. The Agency should take tough enforcement action against those who abuse the immigration system. (Paragraph 77)

### Action taken against Tier 4 works liable for curtailment action

22. We recommend that the Agency urgently reviews its operations in this area to pinpoint the cause of the problem. If we are to maintain public confidence in our immigration system then it is vital that we have prompt and robust enforcement mechanisms. We will keep a close watch on this area of the Agency's work and investigate the causes of the continuing backlog. We regard enforcement action against individuals as a key indicator of the Agency's work and we will be monitoring it closely. (Paragraph 82)

### Migration refusal pool

23. We are extremely disturbed to hear that there is yet another large group of individuals who the Agency are unable to account for. We expect the Agency to set out, in its response to this report, its action plan and timeline for dealing with the problem. (Paragraph 83)
24. We repeat our previous recommendation which is that people who make genuine complaints need to be told about the outcome. (Paragraph 86)

### Progress on the National Allegations Database

25. Overall, only 4% of the intelligence reports received from the public resulted in an enforcement visit taking place. The Agency is performing well in assessing tip-offs

from the public quickly but we are interested however in the low yield of actionable intelligence that results from these tip-offs. We will be asking the Agency to identify the main reasons for this. We understand it may be the result of the quality of the information reported to the Agency and we expect to hear from the Agency what its plan is to improve the quality of the information it receives when the database goes live. (Paragraph 88)

26. It is important for the public to know how many of the Agency's enforcement visits result in arrest and removal. We expect the Agency to provide a full breakdown of the outcomes of its enforcement visits over the period 1 December 2011 to 31 March 2012 in its response to this report. (Paragraph 89)

### Changes in staffing and remuneration

27. We are pleased to see that the Agency is sharing support staff with Border Force, which will help to reduce costs. We also welcome the increase in the Enforcement and Crime group, an area of the Agency's work that has long needed addressing. We are pleased that despite the need for budget cuts the Agency is keeping a flexible view of staffing levels, increasing them where there is need to improve results. We expect that it will continue to do so. (Paragraph 91)

### Senior staff bonuses

28. In our previous report we stated that the senior Agency staff should not receive bonuses as the Agency's performance was still poor overall. Since then the 2010/11 bonus figures have been released which show that, despite a reduction in the number of staff receiving bonuses, 24% of them still did. We agree with the Prime Minister that

If agencies don't perform, just like if companies don't perform, there should not be bonuses—that is absolutely clear.

As this report makes clear the Agency is not performing as it should do in a number of important areas. Until it improves its performance its senior staff should not receive bonuses (Paragraph 95)

29. We further recommend that bonuses that have been paid in the past contrary to the recommendations of this Committee should be repaid by the recipients. (Paragraph 96)

### MPs' correspondence

30. We note that the Agency came within a few percentage points of achieving its target for completing actions in response to referrals by MPs in every quarter of 2011, and that performance is slowly improving. We hope that the Agency will continue to provide this high standard of service. (Paragraph 100)
31. We welcome the good progress the Agency has made towards meeting its target of responding to 95% of e-mails from MPs within 20 working days. However we emphasise that its responses must contain the information requested in order to be

of value. Otherwise it is simply pushing the problem further down the line.  
(Paragraph 101)

# Formal Minutes

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**Monday 16 July 2012**

Members present:

Keith Vaz, in the Chair

James Clappison  
Alun Michael  
Bridget Phillipson

Mark Reckless  
Mr David Winnick

Draft Report (*The work of the UK Border Agency (December 2011–March 2012)*), proposed by the Chair, brought up and read.

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

Paragraphs 1 to 45 read and agreed to.

Paragraph 46 read.

Question put, That the paragraph stand part of the Report.

The Committee divided.

Ayes, 3

Noes, 2

Alun Michael  
Bridget Phillipson  
Mr David Winnick

James Clappison  
Mark Reckless

Question accordingly agreed to.

Paragraphs 47 to 105 read and agreed to.

*Resolved*, That the Report be the Fifth 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.

Written evidence was ordered to be reported to the House for printing with the Report.

[Adjourned till Tuesday 17 July at 10.10 am

## Witnesses

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### Tuesday 15 May 2012

	<i>Page</i>
<b>Corneel Koster</b> , Director of Operations, Safety and Security, Virgin Atlantic, <b>Andrew Lord</b> , Director of Operations, British Airways, and <b>Colin Matthews</b> , Chief Executive, BAA	Ev 1
<b>Damian Green MP</b> , Minister of State for Immigration	Ev 8
<b>Lucy Moreton</b> , Head of Litigation, Immigration Services Union, and <b>Paul O'Connor</b> , National Officer for the Home Office, Public and Commercial Services Union	Ev 17
<b>Rob Whiteman</b> , Chief Executive, UK Border Agency	Ev 21

### Tuesday 22 May 2012

<b>Brian Moore QPM</b> , Director General, Border Force	Ev 30
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## List of printed written evidence

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1	UK Border Agency	Ev 40, Ev 55
2	Border Force	Ev 58, Ev 62
3	BAA	Ev 67
4	Home Office	Ev 68, Ev 71, Ev 72

## List of additional written evidence

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(published in Volume II on the Committee's website [www.parliament.uk/homeaffairs](http://www.parliament.uk/homeaffairs))

1	TUI Travel	Ev w1
2	CBI	Ev w2
3	Eurotunnel	Ev w4
4	National Crime Agency	Ev w7

## List of Reports from the Committee during the current Parliament

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### Session 2012–13

First Report	Effectiveness of the Committee in 2010–12	HC 144
Second Report	Work of the Permanent Secretary (April–December 2011)	HC 145
Third Report	Pre-appointment Hearing for Her Majesty’s Chief Inspector of Constabulary	HC 183
Fourth Report	Private Investigators	HC 100

### Session 2010–12

First Report	Immigration Cap	HC 361
Second Report	Policing: Police and Crime Commissioners	HC 511
Third Report	Firearms Control	HC 447
Fourth Report	The work of the UK Border Agency	HC 587
Fifth Report	Police use of Tasers	HC 646
Sixth Report	Police Finances	HC 695
Seventh Report	Student Visas	HC 773
Eighth Report	Forced marriage	HC 880
Ninth Report	The work of the UK Border Agency (November 2010-March 2011)	HC 929
Tenth Report	Implications for the Justice and Home Affairs area of the accession of Turkey to the European Union	HC 789
Eleventh Report	Student Visas – follow up	HC 1445
Twelfth Report	Home Office – Work of the Permanent Secretary	HC 928
Thirteenth Report	Unauthorised tapping into or hacking of mobile communications	HC 907
Fourteenth Report	New Landscape of Policing	HC 939
Fifteenth Report	The work of the UK Border Agency (April-July 2011)	HC 1497
Sixteenth Report	Policing large scale disorder	HC 1456
Seventeenth Report	UK Border Controls	HC 1647
Eighteenth Report	Rules governing enforced removals from the UK	HC 563
Nineteenth Report	Roots of violent radicalisation	HC 1446
Twentieth Report	Extradition	HC 644
Twenty-first Report	Work of the UK Border Agency (August-December 2011)	HC 1722

# Oral evidence

## Taken before the Home Affairs Committee on Tuesday 15 May 2012

Members present:

Keith Vaz (Chair)

Mr James Clappison  
Michael Ellis  
Dr Julian Huppert  
Steve McCabe

Alun Michael  
Bridget Phillipson  
Mark Reckless  
Mr David Winnick

### Examination of Witnesses

*Witnesses:* **Corneel Koster**, Director of Operations, Safety and Security, Virgin Atlantic, **Andrew Lord**, Director of Operations, British Airways, **Colin Matthews**, Chief Executive, BAA, gave evidence.

**Q1 Chair:** Order. This is an inquiry into the current position at the ports, particularly into the delays that have occurred in the past few weeks. I welcome Mr Koster, Mr Matthews and Mr Lord. We will be hearing later from the Minister as well as from others. We will also be conducting our usual inquiry into the UKBA. Are there any interests to declare other than those in the Register of Members' Financial Interests? Clearly, Mr Matthews, Mr Lord and Mr Koster, we all have an interest to declare because we all use Heathrow airport and other airports and we all travel. We have seen in the media and we have had e-mails from passengers about the delays at Heathrow in particular and also at Gatwick and Stansted. Is this a recent phenomenon or has it been going on for some time, and, is it in any way linked to the Olympics?

**Corneel Koster:** It is not a recent phenomenon. This has been a concern for us and our passengers for a few years. However, it has recently been brought even more to the forefront. It is also important to say that in 2010, the issue was discussed as part of the South East Airports Taskforce. The aim was better, not bigger, and border controls were raised as a serious concern. The UKBF had responded to SEAT by taking risk-based measures and new working and rostering processes.

So we have seen some improvement over time, but the last few months have been particularly bad.

**Colin Matthews:** May I say two very quick things? First, I do not want anything I say to contravene the fact that border security is the first priority, just like flight safety will be the first priority for my customers sitting on either side of me. Secondly, passengers at Heathrow benefit when airlines, ourselves and immigration collaborate; we do collaborate with the Home Office, the Border Force and the UKBA and we will continue to do so. That said, in answer to your question, passengers started noticing that inbound delays were getting worse from summer 2010. I have a graph here that lays out the monthly assessment—

**Q2 Chair:** So this has been going on for two years.

**Colin Matthews:** A steady deterioration over a period of two years, yes. That is consistent with what Corneel just said. It has been more noticed and more commented on in recent months, but you can see from

the graph in front of me—I will send it to you if you wish—that there has been a deterioration since the summer of 2010.

**Q3 Chair:** It would be helpful to have the graph.

**Andrew Lord:** I echo the comments of Mr Koster and Mr Matthews. British Airways was also part of the South-East Airports Taskforce group, where we also raised the performance of the UK Border Force. It has been an issue for two years or more. We saw an improvement towards the end of 2010, but we have seen a severe deterioration over the last 12 months or so, and we have been trying to escalate that ever since.

**Q4 Chair:** Some of you may have seen the urgent question that was raised in the House last week, and the response of the Minister who will give evidence to us later. What has happened since his announcement of the deployment of mobile hit squads to try to clear the backlog? Has there been any improvement in the system since that announcement was made?

**Colin Matthews:** Yes, we can detect some improvement in the last week or so since that announcement was made, and I believe that that is because additional resources have been made available.

**Corneel Koster:** Yes, we have seen some improvements, and we think that adding 80 extra heads at Heathrow is a good start. It is about resources and how flexibly you deploy them. We also believe that the planned opening of the Heathrow Border Force control room at the end of this month will help actively to deploy the resources at the right place at the right time.

**Q5 Chair:** Mr Lord.

**Andrew Lord:** We have seen improvements on the days when they have been deployed effectively and proactively. The critical thing with any queue is to avoid it building up in the first place. Appropriate manning and flexible deployment is absolutely key to that. We are confident and hopeful that the new control room for Heathrow will make a big difference. We are actively, as are all airlines, providing information to the UK Border Force to enable it to

use that information, and to deploy its resources most effectively, and proactively in advance of queues forming. We hope that the control room will make a big difference.

**Q6 Chair:** I was at Stansted, which is one of your airports, Mr Matthews, on Sunday night at the peak time between 10 o'clock and midnight when 6,000 passengers arrived. Half were British citizens, and they were kept in queues that went all the way back to the aircraft. Can you comment on Government figures, or UKBA figures, that measure the delays in respect of those actually in the immigration hall as opposed to those whom I saw being held in queues just before they got to escalators, queues that went back all the way to the Ryanair aircraft—it is primarily a Ryanair airport? The public were very frustrated, but that kind of delay is not measured, is it?

**Colin Matthews:** My colleague from Stansted is with me. In the case of Heathrow, as of last summer, we started measuring queues ourselves, because we were so concerned about passenger reaction to queues. If the queues at Heathrow are way back in the corridors, we cannot measure them. We can only measure them once they have been segregated into queues for non-EU or EU. When passengers are queuing back into corridors, our measurements underestimate the length of the queue. That is true.

**Q7 Chair:** What I also saw was that half of the kiosks were not occupied by UKBA officials. Three of the 12 non-EU kiosks were personed, and only half of the ones for British and EU citizens were personed. Is that a normal occurrence?

**Colin Matthews:** I think you have put your finger right on the single key topic. Many issues have been raised in recent months, but the single key central one is having the right number of desks manned according to the flow of passengers. Stansted is the most punctual airport in Europe. It happens to have peaks, as any airport does, during the course of the day, but the large number of passengers you saw late two nights ago is not unusual. That is the schedule. Every single week, they come at that time.

**Q8 Chair:** And UKBA knows about it. It was aware that 6,000 passengers were arriving a week ago under the AOS system.

**Colin Matthews:** I have the data here for punctuality, and Stansted is phenomenally punctual. It is the most punctual airport in Europe. Heathrow has been more punctual this year than ever before. So punctuality is not perfect but, none the less, we know when the passengers are arriving—the data are available—and we can plan. The key issue for avoiding queues is having the right number of desks manned, not throughout the day, but there when the passengers arrive. Before necessarily debating the number of staff, the central point is to make sure that there is a plan which says, “We need this number of desks manned at these times during the course of the day.” Armed with that, passengers would have a better experience.

**Q9 Chair:** Any other comments?

**Corneel Koster:** Yes, we would very much concur with that. In fact, the UK Border Force knows as much about our passengers six to 12 hours before they arrive into Heathrow as we do, so there is a lot of time to pre-plan. Airport schedules take peaks into account and are quite predictable in a way, plus the airports as well as the airlines and all the other service providers can deal with things if they go off schedule. So we believe that it is possible for the UKBF to plan accordingly and to adjust flexibly. We have recently been meeting with some senior players in the UK Border Force, to share expertise and to see if we can work closer together as an industry to make the plan more effective.

**Q10 Chair:** Finally from me, how damaging has all this been for the reputation of Britain as a major centre for aviation?

**Colin Matthews:** It is damaging. I was in the United States and Canada a couple of weeks ago and among those I met were senior people from companies that invest in infrastructure around the world. If such people come to the UK and have to wait for a long time in immigration, that will discourage them from coming back to London and doing business. Inherently, there is no more reason why that person should have a good customer experience than someone's elderly parents who are standing in a queue—of course they deserve a good customer experience. Border security is the top priority, but we happen to think that a good passenger experience for elderly people, young people, important business people and everyone has to be delivered alongside it. Airlines have that obligation, we have that obligation with security outbound and the same should be true for immigration in London.

**Q11 Chair:** I assume you all agree with that.

**Andrew Lord:** Very much, Chair.

**Q12 Dr Huppert:** It occurred to me when you were talking about punctuality that most people, while they appreciate punctuality, do not find much use for it if they then spend a couple of hours queuing, despite the fact that their plane was on time. I think you have all suggested that things improved during 2010 and then got worse—if that is right, I would be very interested to see that graph—but what was better in 2010? What happened in that period that made things better and why did it stop happening?

**Colin Matthews:** I have maintained a regular series of meetings with the UK Border Force since taking my role. We collaborate, we work together and we share data. In particular, the autumn period is always a challenge, with a very large number of students arriving in this country. So in the autumn of 2010 and the autumn of 2011 we had a lot of students arriving in the UK and that put extra load on the immigration procedures—we will have the same thing the day after the Olympics this year. Things are not constant through the year. We did manage to make some improvements, but every year you will see some ups and downs as a result of issues such as the students arriving in the autumn.



**Corneel Koster:** Before I add to that, I would like to stress that we, too, believe that security obviously is paramount, but that is not incompatible with a good passenger experience. In our opinion, things have got worse recently due to a combination of factors: historical changes to working patterns and organisational changes in the UKBA and the UKBF, staff cutbacks, a move away from a risk-based security regime and, no doubt, increased passenger figures, which have probably added to some queues. So a combination of factors, and we believe that that is very much what John Vine acknowledges in his report.

**Andrew Lord:** As an industry, we work very well with our key service partners and providers. We were frustrated towards the middle and end of 2011 that the information was available. If you take terminal 5 as an example—we were the only airline in terminal 5 until March this year, when Iberia came in with us—the UK Border Force has better and more data about the customers arriving in terminal 5 than in probably any other terminal in the UK, and we believe that more can be done to pre-plan and deploy the resource and then deal with it flexibly when problems arise. That has not happened over the last few months. There has been improvement in the last 10 days, but certainly for the first quarter and last quarter of last year, that did not happen.

**Q13 Dr Huppert:** Just to be clear, across all the airports in Britain, where do you think there is any problem at all? There is Heathrow. Where else?

**Colin Matthews:** It is worth recognising that Heathrow is different from other airports, because we have a huge proportion or relatively huger proportion of non-EU passengers, which puts a bigger burden on immigration services. Of course it does, so Heathrow is bound to be a focus of people's concerns. In the case of Stansted, the schedule does have peaks—one of which the Chairman saw on Sunday evening—late at night. That has been the case for years and years. It has always been a challenge to manage immigration queues for the last wave of arrivals that happens very late every single night of the year.

**Q14 Chair:** It didn't help that the e-gates broke down. There were no e-gates in existence on—

**Colin Matthews:** That is infuriating. On the e-gates, I should have said that if we look a little bit to the future—it is not for this afternoon, but a little bit into the future—automation will, we think, provide a route to a better passenger experience and a lower cost. We have made some progress on that, because the EU passengers can go through e-gates with their passport. For the most part, that works very well. We have had a faster take-up than had been predicted, at Heathrow in particular, and passengers like them. I have some data here that shows how much passengers prefer the automatic experience to going through a gate. It shows the take-up rate, which is terrific. What we have not yet got and what we need is the equivalent for the regularly visiting non-EU passport holder. BAA has invested £10 million in both sorts of gates, so we are willing to help out. We are not simply sitting back and saying, "It's all down to you." We have invested

money and we will continue to invest effort to make sure it works. Automation is part of the answer.

**Q15 Chair:** Mr Lord, do you want to answer Dr Huppert's question?

**Andrew Lord:** In British Airways' experience, although Heathrow has been the worst, our customers have had poor experiences at both Gatwick's North terminal and London City airport, but not to the same extent, because obviously the volumes and the mix of customers are different. But certainly I am aware that there are issues at airports other than Heathrow.

**Q16 Alun Michael:** Can we go back to the question of the queue times and the figures that have been used in different places? We can start with Mr Matthews. BAA has its own queue time figures, which seem to be significantly different from the Border Agency's figures. Why do you believe that your figures reflect a more accurate picture of queue lengths? That is what you have said, I think.

**Colin Matthews:** I suppose fundamentally because we also have a measure—this is the graph I was referring to the Chairman to a little while ago—that shows that every month we ask passengers about their experience at Heathrow across a range of measures, including the wait at immigration, and you can see that it has been getting worse. Secondly, you can read the e-mails and tweets. I get inundated with these things, so I know that, over recent months, queue lengths have been two hours and higher, because passengers e-mail and say they are.

**Q17 Alun Michael:** Okay. That is the soft public-opinion sort of thing and it is quite clear to you. What about your measurements of the physical arrangements?

**Colin Matthews:** The measurement technique is quite different in the case of the Border Force and ourselves in one particular measure. We simply measure the queue every 15 minutes, provided that we can get to the end of it—it is within the immigration hall. We have a problem if it is stretching down the corridors, as the Chairman has already pointed out. But every 15 minutes we take a measure. I think—you will have to ask them—that the Border Force procedure is to measure once every hour, if they have resources available to take such a measure. We have entirely independent resources taking a measure every 15 minutes, and I do think it gives a better representation of passengers' impression of what is happening at the front end.

We have had experience of queue-measuring techniques since the liquid bomb attack back in 2006. Security queues were a big issue for a time. We had to develop the queue-measuring techniques around that and we continue to measure the queue. We simply measure the immigration queue using the same approach as we use to measure the outbound security queues.

**Alun Michael:** You have underlined the issue of hearing what members of the public are saying about the experience. That is interesting.

**Corneel Koster:** May I add to that? We believe that the measurement should be in terms of maximum

time, rather than averages. Otherwise, poor performance at the peak can disappear. Waiting for two hours 20, as we saw at T3 in April, is obviously not acceptable. It has improved slightly as a result of the recent focus on it, so we are encouraged, but even last week we saw queue times up to 1 hour 47 for non-EEA travellers at Terminal 3. We have seen about 50 minutes for what is called the fast-track, so clearly the issue has not disappeared. Next to measurements, as Mr Matthews explained, is the passenger experience, and the Chair was alluding to it earlier. There is nothing as frustrating as queuing up and seeing desks unmanned. If there is a big queue, all the desks are manned and the Border Force is working as effectively as it can, then it is not such a big issue. Desks being unmanned is the issue. I would also like to iterate that most of our passengers actually say that the Border Force staff across the UK are courteous and helpful—it is important to stress that point.

**Q18 Alun Michael:** That is helpful. May we go back to the point that Mr Matthews mentioned of measuring how long people are waiting before they get to the arrivals hall? You said you found that difficult. Do you mean difficult or impossible?

**Colin Matthews:** We don't measure it. That means that our measurement will, in those cases, underestimate the queue length.

**Q19 Alun Michael:** Have you tried to get agreement with the Border Agency on a consistent method of measuring so that everybody is measuring the same thing? It should be accurate, in taking the public into account; and deal with that issue of measurement before they get into the arrivals hall.

**Colin Matthews:** I agreed with the Home Office last week to do that. I would be delighted to have a single measure.

**Q20 Alun Michael:** Why didn't it happen before last week?

**Colin Matthews:** I think because, from my point of view, that measure was not available. We had the impression, starting in T4 in particular but then in other terminals as well, that the queue lengths were unacceptable. In my experience, to manage such an issue you have to have the facts—you can't manage something if you don't have the facts. So absent a decent measure, and I couldn't get my hands on a decent measure, we said we would bear the cost of measuring this ourselves. So we now contract with an outside provider to have staff who are simply doing that.

**Q21 Alun Michael:** A final question from me. If you look at the points that have been made about the information that is fed in, which should provide an indication in advance of likely build-up, and the fact that you have been working on measurement, why is it that things have continued to deteriorate? If you are providing that information on arrivals, numbers and all the rest of it, then surely that is to a purpose?

**Colin Matthews:** I have the impression that the Border Force needs to develop its planning capability. On the two recent strike days, we used our planning

resources to support that and we ended up with rosters that were well adapted to the actual flow of passengers. It is one thing to have the data, but you need to have the resources, the people, who can turn those data into useful roster patterns. That is the key thing that would be constructive and take us forward.

**Q22 Alun Michael:** Just one thing about impression, it has come out in our evidence that the Border Agency isn't an agency; it is an integral part of the Home Office. When you are having dealings with it, does it feel as if you are dealing with a part of the Home Office in which the hierarchy of the Home Office takes an interest, or as if you are dealing with a separate body that is nothing to do with the Home Office?

**Colin Matthews:** I have had a constructive dialogue with the people currently responsible for the Border Force and the previous people in UKBA. We have always been very focused on the business of improving things for passengers, and it has been a constructive relationship.

**Chair:** Thank you.

**Q23 Michael Ellis:** Gentlemen, I appreciate this is perhaps going to be a challenge to your corporate loyalty, but how about taking some responsibility yourselves for your airlines and for the delays that might, at least in part, be occasioned by, for example, the accuracy or otherwise of flight schedules, the scheduling of flights to arrive en masse at peak times, or passenger manifests that are occasionally inaccurate? I have been listening to you allocate blame left, right and centre, but I wonder if you accept that the airlines themselves have some responsibility for the efficiency of queue operations?

**Corneel Koster:** I would not agree that we are allocating blame left, right and centre. We have always wanted to work with the UK Border Force, and we have certainly worked very closely with the BAA on this topic over the years. The flight schedules are taken into account when scheduling terminal operation and slot allocation. Peak periods can generally be predicted. Last-minute changes are possible, but the airlines and airports deal with those changes quite well. Why could the Border Force not do the same?

There is evidence that queue times have actually lengthened recently. You talk about the information that we provide but, as I stressed, before the aircraft even take off the UK Border Force knows everything about our passengers. We believe that we are doing our bit, and if there is any other way in which it would like the information to be provided, we will certainly work with it to make the provision of information even more—

**Q24 Michael Ellis:** Is that information unfailingly accurate? You have pointed out that you provide it several hours beforehand, but if it is not accurate it is not going to help.

**Corneel Koster:** We understand that passenger data must be accurate. The integrity of the passengers on board is crucial to the safety of our aircraft, so we take it very seriously. When Virgin Atlantic provides

flight manifest, there could on average be one or two mistakes in those data. Those are mistakes such as Mr Michael Ellis instead of Michael Ellis.

**Chair:** Or Sir Michael Ellis.

**Corneel Koster:** Or Sir Michael Ellis—apologies. Those are tiny mistakes that do not affect what the information can be used for.

**Andrew Lord:** I would echo Mr Koster's comments. From a British Airways perspective, we provide hundreds of thousands of data about all our customers, day in, day out, to agencies all over the world. The best example is the United States where, if we do not have accurate information, the aircraft is not allowed to depart with the customer on board. I have every confidence that the information we provide is accurate. In terms of operational performance, as Mr Matthews has already said, our performance at Heathrow has improved year on year for the past five years. Heathrow is operating at full capacity. There is no capability for aircraft to bunch or for passenger loads to arrive in bunches because an aircraft lands or arrives there every 90 seconds, and the Border Force knows that in advance.

**Q25 Michael Ellis:** Let me come back to something that you said a few minutes ago, Mr Koster. Three of the four points that you raised about why there were queues and delays involved increased numbers and working patterns—I presume that by that you mean such things as the roster and flexibility of staff. There is room for improvement. It is not necessarily a question of just hiring more people; it is also a question of ensuring that the right people are on duty at the right time. Do you all agree with that?

**All witnesses:** We do.

**Q26 Michael Ellis:** You also said there had been a move away from risk-based security. Is that another way of saying that what is sometimes referred to as profiling would be more appropriate and more efficient?

**Colin Matthews:** That is entirely a question for the Home Office. We do not have the competence, or the desire, to tell the Home Office what procedures should be used to manage immigration. Border security is the most important priority, and it is entirely up to it to decide how best to exercise that.

**Q27 Michael Ellis:** I raise the issue because Mr Koster pointed it out as one of the reasons why he thought there were delays. Do you have anything to add to that, Mr Koster or Mr Lord?

**Corneel Koster:** It is definitely something that John Vine also registered in his report.

**Q28 Chair:** Can I have a quick answer, because we will come to these matters later?

**Corneel Koster:** To answer your question, we believe that there is room to develop outcome-based security further. We are not going to tell the UK Border Force how to do its job, but it is a fact that more outcome-based security gives a higher focus to high-risk groups, and a lower focus to low-risk groups such as schoolchildren returning to the UK. It is also a way of allocating resources to ensure that security is as

robust and efficient as possible, and the UK Border Force would probably agree that there is work that could be done.

**Chair:** Thank you. Steve McCabe.

**Q29 Steve McCabe:** I want to ask the airlines this question. If there is some doubt about the suitability of a passenger and whether or not they would be admitted to the UK, do you have conversations about that prior to the passenger getting on board, or do you make a judgment at some stage and say, "We are going to carry him or her anyway"? I ask because I am trying to understand the nature of inaccurate information. It could be that the passenger is mistaken for someone else—I understand that—but I am trying to understand why you would make a decision to carry a risk passenger to the UK.

**Andrew Lord:** We would not make a decision whether or not there is a risk in carrying somebody; we are responsible for ensuring that every customer we carry has the appropriate documentation and paperwork to enter the UK or the other country that they are travelling to. If we do not achieve that and the individual is not admitted into the UK, we are then responsible for repatriating them to their original destination. We do not take any judgment on the security of the individual and whether or not they are appropriate to enter the country if they have the appropriate documentation to do so. It is then for the Home Office and the UK Border Agency to decide whether to admit them into the country or not.

**Q30 Steve McCabe:** Would you discuss that with them before the flight takes off?

**Andrew Lord:** If there was any doubt around an individual of that nature, then yes, there would be a conversation. Again, the best example would be the advance passenger information system for the United States. We have to transmit all the data before the aircraft departs. The United States authorities come back and tell us if somebody is not suitable in their opinion, and we have to remove them from the flight.

**Corneel Koster:** To add to that, I agree with everything that Mr Lord said. Also, for many years, we have participated, as has BA, in an industry-leading scheme in which UKBA staff travel overseas to train our staff how to do extra-stringent visa and passport checks. We very much work on catching the person before he or she gets on board the flight. In case of doubt, people are not allowed to travel.

**Q31 Chair:** In fact, I travelled back from Orlando last week, and one of the passengers with me was profiled and was not allowed to board until they had been checked through. It happens at boarding, doesn't it?

**Corneel Koster:** Yes, it does.

**Q32 Bridget Phillipson:** Mr Matthews, you have talked about the longer-term benefits of e-gates and the role that they can play in improving customer satisfaction and reducing queues, but at the moment, there is a problem with e-gates. Can I ask what the extent of that problem is, in terms of them being out of order, and how often that happens?

**Colin Matthews:** Well, there are two different sorts of e-gate. The ones that are in service already—and, I maintain, very effectively, with good levels of serviceability, good reliability and good passenger appreciation—are the e-gates for EU passengers who have a chip and biometric details in their passports. That works well. The take-up is so quick that we are going to need more gates very quickly.

There is a different category, though. There are some gates which we have acquired for dealing with non-EU passengers. That is a different process, and the Home Office has not yet fixed its IT strategy with respect to those. Those ones we cannot use yet, but the gates for EU passengers are working well.

**Q33 Bridget Phillipson:** What conversations are you having with the Home Office about getting more of those gates for EU passengers, if they are working so well?

**Colin Matthews:** That is a conversation that I had last week, and that I have had with the Home Office and Border Force over a period of time. We measure the performance of these gates every single month—I have the data here in front of me—and we have been pleasantly and agreeably surprised by the rate at which passengers are keen to use them, how much they like them and how well they work. I am glad. It is a good problem to have. We need more gates quicker.

**Q34 Bridget Phillipson:** Are you confident that that will happen? Will you get these new gates?

**Colin Matthews:** I think we must. I cannot see any other way of squaring the circle of needing to get more passengers through more comfortably and with less cost. It is evidently the route that we should take.

**Q35 Chair:** But the contracts end at midnight at Stansted. Even if you get these e-gates, if any passengers arrive after midnight, as a lot do at Stansted, they cannot go through the e-gates.

**Colin Matthews:** Well, that is infuriating. One of the great things about e-gates is that they can work 24 hours a day.

**Q36 Chair:** So why do they stop at midnight?

**Colin Matthews:** I don't have a good answer for you. I will have to ask my colleague who is responsible for Stansted or get back to you, but they shouldn't.

**Q37 Chair:** I can tell you the answer: the contract ends at 12. They all go home.

**Colin Matthews:** Well, that is a frustration. The e-gates have to be manned by Border Force people. It is not just that they stand alone and operate. Clearly, there needs to be the Border Force resource to make them operate.

**Chair:** Thank you. David Winnick.

**Q38 Mr Winnick:** Gentlemen, you said to Michael Ellis that checking and ensuring adequate security of

passengers arriving in the UK is a matter for the Government and the Home Office. No one is likely to dispute that. Do you have any views about the controversy that occurred with the suspension of Brodie Clark, the head of the Border Force? He worked on the basis of a flexibility of checking, which he believed to be more effective. Do you have any views on that?

**Corneel Koster:** We have a view that risk-based security can work and we believe very much that that is what the airlines and the DFT have also proved over time. We think that it is a direction that the UK Border Force could move in, but whatever happens, it needs to be based on evidence and fact, and we must be thoroughly decided that border security is never ever compromised.

**Q39 Mr Winnick:** There is a feeling arising from the suspension and, as some would say, the way in which he was disgraced—I am referring to Brodie Clark—that the personnel involved in checking passengers are very much on their guard in making sure that virtually every passenger is checked more thoroughly than previously. Again, I wonder whether that is a reason for some of the problems that have arisen, particularly at Heathrow.

**Andrew Lord:** It is absolutely our understanding that the stringency of the checks has increased since summer 2011 and, as a result, the processing time for every passenger arriving in the UK has increased, which in turn has obviously led to longer queuing times. The issue as to why the checks and the process times have increased is for the Home Office and the UK Border.

**Q40 Mr Winnick:** I am just wondering whether you have any comment on the piece that Brodie Clark wrote the other day. He said, "Almost every non-European person waiting in the three-hour Heathrow queue have already been checked against the UK watch list before they set foot on the plane." Does that make any sense to you?

**Colin Matthews:** There is a case, which my neighbour made a little earlier, that it makes sense to focus the resources on the passengers, or the categories of passengers, who are the highest risk. However, I do not have access to the sort of information that you are describing to be able to judge it. We do have to deal with similar questions when it comes to outbound security. Likewise, in the case of outbound security, there is a good case for focusing the best resources on the passengers who pose the biggest risk for whatever reason—the way they are behaving or the things that they are carrying in their bags. That is not my area of expertise when it comes to immigration processes.

**Andrew Lord:** There is absolutely the ability to go to a robust risk-based approach that would still maintain robust security at the border. British Airways, along with other airlines, has been involved in—or has been prepared to be involved in—what was called a smart zone trial, which includes the pre-clearance of

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customers so that the UK Border has the full details of the passengers on a flight when it is due to arrive and assesses whether it wants to meet those passengers individually or whether they are clear to enter the country and go through a separate channel. That trial has been suspended.

**Q41 Mr Winnick:** We will hear in a moment from the union that represents many of the employees at the airports. I am just wondering whether you have any views about the staff position and whether the policy of reducing staff will cause particular problems in the Olympic year.

**Colin Matthews:** The data I have suggest that the border will be well resourced through the Olympic period, so I am not especially anxious about the Olympics. However, we have May and June between now and when the Olympics start, and the day the Olympics finishes is more or less when students start arriving in the UK. So I am concerned not specifically for the Olympics but on an ongoing basis about having the right number of desks manned on the right day. The point has already been made that that is not just a question of having the right number of staff. Even before that, it is a question of having the right pattern, the right plan to ensure that the right number of desks are open at 8am, 5am or 12 midnight where the Chairman was earlier this week. So, that ability to plan the resources according to passenger flow in my opinion is higher up the list of things to do. The second thing is to ensure that you have the right number of people in the organisation to match that.

**Q42 Mr Winnick:** In so far as those people—immigration officers—are obviously employed by the Home Office, if you have strong views about the numbers, do you make representations accordingly? Do you consider that part of your job—Mr Matthews, Mr Lord, Mr Koster?

**Colin Matthews:** I think we have to speak up on behalf of passengers, and passengers are frustrated when they stand in long queues and see a large number of gates unmanned. So the point is not necessarily to argue for more staff; it is to argue, though, for the right number of desks being manned at the right time of day.

**Andrew Lord:** I think I would add that it is not for us to determine how many staff the Border Force needs; but what we do, absolutely, want is the appropriate resource available to man the desks and be deployed flexibly when the airports require it, and our passengers and our customers need it.

**Mr Winnick:** I would not have expected you to say anything other than that.

**Corneel Koster:** We very much agree with that, and please pass on the message that our passengers believe overall that UK Border Force staff are helpful. Of course the staff and the unions have a role to play in ensuring that resources get allocated and used effectively. So there are two questions: is the resourcing right; and are the resources adequately used? We would expect staff to support that.

**Chair:** Mr Koster, Select Committees cannot pass on messages, but you will meet the Minister in the corridor, so you can tell him yourself. We don't want to keep him waiting too much longer, so this is the final question.

**Q43 Mark Reckless:** Airports, I understand, currently pay for the cost of their policing, and pass that on through landing charges. I wonder whether I can ask Mr Lord and Mr Koster whether they would perhaps support a similar approach to pay for extra immigration officers.

**Andrew Lord:** As an industry, we already pay significant fees to both the Government and the airports for the use of the services that are provided, and one of the key services that are provided by the airports through the Home Office is the UK Border. As an industry, we are taxed more than any other transport sector at the moment, and we believe that if more funds need to be found to provide resource then it should be by that means; the funds are already there.

**Corneel Koster:** The regular discussion we have with Mr Matthews is about airport charges, so we would imagine that possibly a larger contribution of airport charges could go into the Border, potentially. We would also suggest allocating part of the £2.7 billion receipts from air passenger duty, possibly to move in this direction.

**Q44 Mark Reckless:** Mr Matthews, I think, with respect to Heathrow, you are currently getting a landing charge that was designed to pay for a third runway that is not being built. Can you perhaps divert some of that money to support extra immigration officers?

**Colin Matthews:** That is not true.

**Q45 Chair:** Do you miss Brodie Clark?

**Colin Matthews:** We have had a good relationship with UK Border Force since I have been here, and Brodie Clark was a good opposite number for us; and his successors have been, too.

**Chair:** Thank you. Mr Koster, Mr Matthews, Mr Lord, thank you very much for giving evidence. Please keep in touch with the Committee. We want to monitor this until the Olympics.

### Examination of Witness

*Witness:* **Damian Green**, Minister of State for Immigration, gave evidence.

**Q46 Chair:** Minister, good morning. My apologies for keeping you waiting. We had a number of witnesses to deal with.

In your very large article in *The Times* on Saturday, you said that British business was addicted to foreign labour. Do you think that there is an addiction on the part of the British public to queues?

**Damian Green:** I think I said that they were addicted to immigration, which is slightly different: it is a phrase I have used before. No: nobody likes standing in a queue. The British are, famously, on the whole, well behaved, but no—and the queue levels we see at some times of day, particularly at Heathrow and Stansted, are not acceptable. That is why we have taken all the measures we have all been discussing for the last couple of weeks, and will take more measures. This is a problem that we need to continue gripping.

**Q47 Chair:** Why did it take so long for the Home Office, and in particular the UKBA, to get a grip on the situation? It cannot be usual for the Prime Minister to ask you and the Home Secretary to come and see him about this issue; and I think Downing Street had briefed publicly that the UKBA had to take a grip of what was going on. Were you conscious that a grip was not being taken on this issue?

**Damian Green:** It is, of course, Border Force, not UKBA now, since the split of the two organisations. In not the most recent set of John Vine reports but the previous one on the pilot that we thought we were conducting last year, it was revealed that the way in which queues had been mitigated over many years—five years or so—was to relax some checks in an unauthorised way when the queues got too big. In effect, we were having not risk-based controls but queue-based controls. For all sorts of obvious reasons—notably, that in the end the priority must be security; I think that that is unarguable—that is unsatisfactory, so we have moved into a new era. We have split Border Force off, there is a new head of Border Force, and we are now taking practical steps to address the issue of queues, while at the same time—I will say this once more and not keep repeating it, as I am tempted to—making clear that the first priority absolutely has to be the security of our border.

**Q48 Chair:** I think that everyone agrees with that. You were not in the room when BAA, BA and Virgin gave evidence—they also agreed with that statement, but they said that this has been going on for two years. In the reply to the urgent question that I put to you in the House last Monday, you talked about lengths of time. You talked about average lengths, but of course the key thing is peak times. You went to Heathrow the next day, but you did not go at a peak time. I was at Stansted between 10 o'clock and midnight last Sunday, when 6,000 mostly British citizens came back to the United Kingdom after a weekend's holiday somewhere in Europe. There was queuing all the way back to the aircraft, so it was not just the immigration hall; they were held in queues, because the

immigration system was simply not working. The e-gates had failed to operate—no e-gates were working—and only five of the 10 kiosks dealing with British citizens and EU citizens were personed.

**Damian Green:** I am slightly surprised by that last point, because Stansted is different from Heathrow.

**Chair:** It is a different place.

**Damian Green:** It is organised in a different way. I know that you have been discussing with the airlines what happens when people arrive at Stansted. Essentially it is a holiday airport. Everyone wants to squeeze the last few hours out of their holiday, so, quite often at Stansted, planes arrive in a huge bunch from 10 o'clock on a Sunday night through to midnight or often 1 am. I have the figures here, and on a number of days recently—from the sound of what you saw on Sunday, that was one of them—when the targets were not met, but every gate was manned and everything was working. That is why I say that Stansted is different from Heathrow: you can have everything you want from Border Force, yet there are still unacceptable queues at Stansted. That is obviously a longer-term and wider point about the design of the terminal, how many physical gates you can get in there, and the amount of automation. To take your point about Heathrow, you were at Stansted on Sunday night and I was at Heathrow, privately, first thing on Monday morning—

**Q49 Chair:** Was that at peak time?

**Damian Green:** Yes, absolutely—I was there for precisely that reason. What I think is really crucial, as the airlines and BAA agreed, is the provision of timely information about how many people are coming through. If you are going to staff the gates, you need to know how many people are coming through. What I was told, not by senior Border Force management but by the person who actually organises the rosters for the mobile teams, was that on Friday Border Force was told that 2,500 people would be arriving at peak time on Monday morning at Terminal 5. I have just checked and the actual number between 6 am and 9 am—the peak time—was 7,500, three times the amount. Over the weekend, presumably, tickets were sold on cut rates and things like that, so—

**Q50 Chair:** They did not know until the planes arrived—is that what you are telling me?

**Damian Green:** No, they knew.

**Q51 Chair:** Before?

**Damian Green:** He knew when he came on shift on Sunday night. I forget who it was, but somebody said in your previous session that Border Force gets between six and 12 hours' advance notice. In this case, it was six hours' notice. Indeed, he did not know that it was 7,500; he thought it was 5,000. Just in terms of practicality, if you find out at midnight on Sunday that twice as many people are going to be coming through from 6 am on Monday, in practical terms it is not the easiest thing in the world to deal with. I note you have the unions coming on after me. Ask them what their members would think if they were woken up at 1 am on Sunday to be told, "You've got to be on duty at 5 am on Monday morning."

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**Q52 Chair:** Sure. I was not with you at Heathrow, so I just want to pursue the Stansted experience a little more. UKBA or the Border Force would have known a week before that 6,000 passengers were coming in between 10 pm and midnight at Stansted. All the e-gates were shut—they did not work because the contractor is only contracted to work until midnight, but actually they were not working anyway that night. Five of the 10 kiosks were not occupied and as far as the non-EU citizens were concerned, only three of the 12 kiosks were occupied. What you are talking about, which is very interesting, is predictability. You are saying that if the information came sooner, there would be more flexibility. Is that right?

**Damian Green:** There would certainly be more flexibility. I will go away and check what the figures were for Sunday night, because I have got the figures up to Friday, when there were indeed unacceptable queues, but, as I say, everything on Border Force was open, so Stansted, in a sense, clearly has structural problems. But absolutely, the further in advance Border Force gets the information, the more chance they have of getting the right number of people there. That is why we are in the last throes of building a central control room at Heathrow, which will have one place where all the information will come in and where you will have visual big screens, so that if you see a terminal starting to fill up you can deploy the mobile teams instantly. I think that will be a very considerable step forward.

**Q53 Chair:** These are your “green hit squads”? You will be able to move them between terminals? “Air Green.”

**Damian Green:** I never used the term “hit squad”. There are 16 teams of 10 people each, covering the airport 24 hours a day.

**Q54 Chair:** And are these new members of staff that you have taken on just to deal with this crisis?

**Damian Green:** No, they are not new members of staff for what’s happening now; they are redeployed people. Everyone agreed, and John Vine himself, commenting in his most recent reports on the problems last year at Heathrow and Gatwick, said rightly that Border Force has about 8,000 staff, and within that, you can deploy them to avoid this type of thing.

As we are talking about new staff I should say—the Committee ought to hear this first—that I am very conscious that, post-Olympics, people are very worried. We all know that we are putting in huge amounts of efforts, including 480 extra staff, to keep gates open at peak time for the Olympics. After the Olympics, people will take leave and so on. Terminal 2 is reopening in 2014; it has been closed for several years. We are bringing forward the recruitment of the first wave of new people who will be working at Terminal 2, so that eventually there will be in the first wave 70 extra people working at Terminal 2, who will be new members of staff. We are recruiting them now so that they can be recruited and trained from the immediate post-Olympic period.

**Q55 Chair:** So this is a new announcement you are making to the Committee?

**Damian Green:** Yes.

**Chair:** Well, thank you very much. Please come back often and give us more staff.

**Q56 Alun Michael:** Right at the beginning of your remarks, you referred to the split of the Border Agency into two bodies. I just wanted you to clarify that. The Border Agency, of course, is not an agency; it is a part of the Home Office and therefore accountable directly to officials, the permanent secretary and Ministers. So what does the split mean? As the Border Agency is part of the Home Office, is the Border Force a part of the Home Office? What is the governance of the Border Agency and what is the governance going to be in the future? What is the governance of the Border Force and what is the governance going to be in the future?

**Damian Green:** The governance of the Border Agency doesn’t change particularly. I take your point, it is—

**Q57 Alun Michael:** Semi non-existent.

**Damian Green:** You can have sort of theology about whether something is an agency or not. It is not a non-departmental agency; it is a Home Office agency, but it is run by a chief executive.

**Q58 Alun Michael:** But it is part of the Home Office. It is not even an agency of the Home Office.

**Damian Green:** It has a board, which has non-executives on it, and the board reports to the Home Office’s own strategic board, so it does have its own governance structures. Indeed as a result of the split and a desire to improve UKBA as well as Border Force, we have now split the roles of chairman and chief executive. The chief executive used to be chairman of UKBA as well, and we think that was wrong according to best corporate governance principles.

**Q59 Alun Michael:** Is the chairman a civil servant?

**Damian Green:** No. The chairman is a non-executive. He is outside—it is Philip Augar, who is one of the non-executives on the Home Office Strategic Board—precisely so that you do not have an inward-looking organisation.

**Q60 Alun Michael:** That is helpful. Could you write to us with clarification of the general governance issues?

**Damian Green:** Certainly.

**Q61 Chair:** When did you appoint this new chairman? I don’t think the Committee is aware of this.

**Damian Green:** He chaired his first board meeting a couple of weeks ago. You have Rob Whiteman coming up later on; he will be the ideal person to explain.

**Chair:** Yes, but it would be good if you could write to the Committee to tell us these things.

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**Q62 Mr Clappison:** I know that colleagues have other questions about the Olympics. You have just made some revelations about what is going to happen, but in the light of what you told us about the provision of information and about not getting information in a timely way, is that going to be sorted out in time for the Olympics, so that you have an idea of how many people are arriving and we do not see queues of people waiting to get into the country hoping to see the Olympics?

**Damian Green:** As you would expect, we are in very intensive talks, not just with BAA but with other airport operators and, of course, the airlines, and in the end, as you know, Heathrow will be the host airport for the Olympics. That is where most people will be coming in.

The short answer is yes. As I said, we are building this control room, the central hub of which should be in operation within the next fortnight. It is not just a question of assembling all the people in the same place; we want that to have all the immediate feeds so that as soon as an airline knows something Border Force can know it as well. It will make the staffing more flexible.

**Q63 Dr Huppert:** I am slightly concerned about what you say about Stansted having a structural problem, given that it has lower usage than it did a few years ago and is at about only 50% of its capacity. The real question would be if it ever started using anything like its full capacity. But may I turn to this issue about resources—

**Damian Green:** May I just point out that I am not sure that there are? Stansted is a classic example of where, boy, does it use its full capacity for about three hours a night on Fridays, Saturdays and Sundays, so if it started using more of its capacity—as I am sure the airlines and the airport operator want it to—at three in the afternoon, that would not add to the pressures; it would just spread them out.

**Q64 Dr Huppert:** I hope that is the case, but misuse of resources clearly makes it harder, if the staff are doing tasks that are not productive. I was concerned to see the reports from John Vine, the Independent Chief Inspector of Borders and Immigration. His report on Heathrow Terminal 3, for example, says that when he examined search of person records, which presumably take some time out, “in 67% of cases, the search was neither justified nor proportionate”, and in his report on Gatwick North he found, again for search of person records, that in 71% of cases the search was neither justified nor proportionate. Some “passengers were arrested even though person searches had not revealed any illicit goods” and the searches revealed persistent differences with ethnicities, with officers using their negative stereotypes, and so forth. Presumably, if officers are spending their time doing searches that they should not do and arresting people for no cause, they are not doing a more useful task.

**Damian Green:** By definition—clearly John Vine’s office is an extremely useful one and all his reports are extremely useful—Border Force is looking at the lessons that need to be learned, just as Ministers are.

We learnt a huge amount from his previous report and have implemented a large number of the recommendations, and we will look at this one very carefully as well.

**Q65 Dr Huppert:** But this is a high figure: two thirds of the searches were not justified or proportionate. That is a very large number. What are you doing to change that? That was found in two separate airports.

**Damian Green:** We are looking at what they are actually doing. Don’t forget that those are not contemporaneous reports; they are reports of what was happening last year under the previous regime of Border Force. As you will have observed, the whole of Border Force has gone through an enormous, radical change since then; not least, it is now run by a former chief constable who obviously is hugely experienced at making sure that his officers do the right things and are conscious that they are observing proper protocols and so on—a lot of the things that John Vine complained about. People were behaving in ways that they could not justify because there was no clear guidance and protocol. Part of what Brian Moore is driving though very quickly is to make sure that everyone knows what they should be doing.

**Chair:** Yes, we have Brian Moore coming in to see us.

**Q66 Michael Ellis:** I raised the subject of accurate information with Virgin and British Airways a few minutes ago, and suggested to them that perhaps the airlines had some responsibility for providing accurate information and manifests and the like. Would you say that a lot of this is going to be helpful to organising accurate rosters, staffing requirements and personnel on duty, if we can get more accurate information, as well as get the airlines to space their flights out a bit more?

**Damian Green:** The airlines would take issue with spacing their flights out because they want to take as much—

**Q67 Michael Ellis:** They all want to come in at the same time.

**Damian Green:** They all want to come in at the same time, and quite often they all want to come in five minutes before the other person. That is a commercial matter for them. Absolutely, the general point is that the earlier and better information we in Border Force can have from the airlines, the more likely it is that the right number of people will be at the right desks at the right time. There is always more we can do. We are engaged in a very healthy private dialogue with the airlines about how to do that.

**Q68 Michael Ellis:** Is one of the things we can do, Minister, perhaps to say to the airlines that they might be sanctioned if they provide information too late in a way that is disruptive to the effective running of the airport? If they are supposed to provide information beforehand and they do so six hours before and there is not sufficient staff on duty, is there more that we can do?

**Damian Green:** There is more that we can do, but I am very keen not to go down any kind of sanctions



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route because this is a team game. Airlines, Border Force and airport operators need to be absolutely aligned. So I am very, very keen—this is one of the things I am devoting lots of time to at the moment—to make sure that we all try to work together, because it is clearly not in the airlines’ interests, Heathrow’s interests or BAA’s interests for these queues to happen and to become a big public controversy. It is in all our interests to sort this.

**Q69 Mr Winnick:** Minister, when the airlines and BAA gave evidence earlier, they said, understandably, that the question of checking passengers and the rest is obviously a matter for the Government—the Home Office. No one is going to dispute that. In its written evidence, Virgin Atlantic said that in order to deal with the congestion at Heathrow in particular there is a need either substantially to increase UK Border Force resources or to return to a sensible risk-based approach at border controls. Leaving aside staff, which you have mentioned, what do you say to that comment about risk-based border controls and checks?

**Damian Green:** As I say, it is about having the right staff at the right time. That is the key—the deployment of resources, rather than necessarily absolute numbers—but I have said before this Committee and in the House, as has the Home Secretary, that, in principle, I am not against risk-based controls. That is why, as I say, we had the trial we thought we were having last summer. What that revealed—or what John Vine revealed—was that, at the same time as we thought we were doing risk-based controls, we were actually in an unauthorised way doing queue-based controls as well, so clearly the evidence from the risk-based controls, which looked positive, was tainted.

The other point I would make about risk-based controls is that they would not be a panacea for queues because, in as much as one can rely on the data from last summer, it is not at all obvious that just having risk-based controls necessarily reduces queues. You will have seen from all the BAA data in particular that the problematic queues at Heathrow tend to involve non-EEA rather than UK and EU citizens. Even the figures published a couple of weeks ago show that, in April, there were no breaches for EU and British citizens under the terms of the current agreement.

The risk-based checks may well involve doing more checks or more thorough checks on some of those non-EEA passengers. That is when you really do get down to a level of granularity. Frankly, if a plane arrives from Lagos 10 minutes before a plane from New York, the American citizens may well take longer to get through risk-based checks than they would if those planes arrived the other way around. Whether they arrive before or after each other will depend on the wind, over which, with the best will in the world, the airlines and the Border Force do not have any control.

**Q70 Mr Winnick:** I quote from an article that states: “Almost every non-European person waiting in the three-hour Heathrow queue will already have been checked against the UK watchlist before they set foot

on the plane.” That comes from the person who was demonised, shamed and suspended, namely, Brodie Clark, who considered that he was doing his job effectively. Do you disagree with what he wrote?

**Damian Green:** Sorry, did you say “European” or “non-European”?

**Q71 Mr Winnick:** Non-European. He said, “every non-European person waiting in the three-hour Heathrow queue will already have been checked against the UK watchlist before they set foot on the plane.”

**Damian Green:** Obviously, it depends where they are coming in from. We do now have—this is another recent achievement—100% coverage on the e-Borders system of all flights coming from outside the EU, but, obviously, non-EU people can fly from within the EU to this country, and until we get all other countries in the European Union, and the Commission and the Parliament, to agree to providing the information on intra-European flights as well, then people can come in who are not EU citizens, if you like, on an EU flight. So to that extent that remark is not necessarily correct.

**Q72 Mr Winnick:** Do you think that, arising from what happened to Brodie Clark—I don’t expect you, for one moment, to come to a different view before us: perhaps, privately you do, for all I know, but certainly not before us today—there is a greater feeling on the part of the Home Office, immigration officers and the rest, that they should be determined to put more questions to the passengers than otherwise, just in case they find themselves in the position of Brodie Clark?

**Damian Green:** No. My experience of immigration officers is that they are keen to stop bad people coming into this country. They are dedicated to the basic part of their job.

**Q73 Mr Winnick:** Well, we hope so. But what I am asking is whether you think it has put some fear into them, and that they think they had better be careful because of what happened to the head of the Border Force?

**Damian Green:** No, I do not think it makes any difference. I think they were careful beforehand. They were told by their managers, “We’re relaxing these controls because the queues are too long”, and the managers, as we discovered, were doing that without authorisation. Immigration officers are no more or less careful than they were before. They have always been careful. They are keen on that aspect of their job; that is the basis of their job. That is why they like doing it.

**Q74 Mr Winnick:** Are you meeting the unions in the near future to discuss their grievances?

**Damian Green:** Not the last time I was at Heathrow—I was there yesterday—but the previous time, which was about 10 days ago, I had a quiet private session with the union representative in the terminal that I was in. We had a very useful exchange there. Incidentally, I read afterwards that the gates were all filled as a Potemkin village for the Minister’s visit. All I can say is that the union rep—PCS, as well—who was having

a quiet talk with me did not mention it, and I cannot help thinking he would have done if that was actually the case.

**Q75 Mr Winnick:** It is very nice having quiet, private talks at Heathrow and the rest of it, but are you intending to meet the unions, if they so request, to discuss their present grievances?

**Damian Green:** I will talk to anyone. You say, “their present grievances”. The strike that happened recently was about pensions. To be honest, it is not for me to negotiate with public sector unions that have members across the board about pensions. There is an offer on the table and I hope those unions that have not yet signed up to it do so; indeed, that would be in the interests of their members. You talk about their grievances, but that was their most recent grievance. It is not for me to negotiate about pensions.

**Q76 Mr Winnick:** No one is suggesting that, but relating to matters at Heathrow and the rest, if such a meeting was requested—

**Damian Green:** I talk to staff a lot. I visit airports and ports a lot.

**Chair:** Anyway, Minister, they are outside, so if you want to see them on the way out, you can.

**Mr Winnick:** Another private meeting.

**Q77 Steve McCabe:** Minister, on this question of authorised or unauthorised activities to deal with queues, has there been, to your knowledge, any reduction in the number of comparisons used at e-gate barriers at any airport in the United Kingdom since you became the Immigration Minister?

**Damian Green:** I have read these stories with fascination. It is impossible—there is a threshold level, because essentially you are trying to get the best match possible, and there is a threshold below which the gates cannot be reduced, and that is the base level. It is occasionally switched up above that level if there is some particular piece of intelligence, but it is never, I am told, taken below the threshold.

**Q78 Steve McCabe:** But absolutely not the case that it has been reduced.

**Damian Green:** No.

**Q79 Steve McCabe:** Thank you, Minister. May I also ask one other thing? I understand that you are planning to increase the size of the border staff at Heathrow to deal with the Olympics, which I think we probably all understand, but not surprisingly we have heard from others who are concerned that that might lead to a reduction elsewhere. One example is Eurostar, which fears a reduction in staff at peak periods, such as the August bank holiday when people are returning from the continent. Are you aware of this, and do you have any contingency plans to deal with it?

**Damian Green:** Obviously. What we have said is that we will keep the gates at the busy ports fully manned at peak times during the Olympic period, but the contingency pool of people who are coming in for the Olympics are not just taken from within Border Force, but come from everywhere else. Of course we are

conscious that the summer is a busy period anyway for Eurostar and Eurotunnel, and indeed that they might well be getting extra passengers because of the Olympics. So yes, we are conscious that this is not just about Heathrow; it is about other ports as well, including the channel ports and Coquelles, the Eurostar port.

**Q80 Steve McCabe:** There is no danger that we will see queues building up there, or the reverse—people slipping through because they will not be properly staffed there?

**Damian Green:** No. The staffing levels are designed for all ports, not just for Heathrow and Stansted.

**Q81 Bridget Phillipson:** Minister, Border Force officials and unions are reporting that in order to deal with the passport queues issue, they are having to reduce the number of customs checks that they carry out for drugs, contraband and weapons. Is that the case?

**Damian Green:** No. One of the things that we are doing is deploying people. The mobile teams I have talked about are not just deployed for immigration purposes—on the primary control point, to use the jargon—but can be deployed on customs-related operations as well. In fact, in April 2012, the period when we know there were problems, there were 230,000 examinations for customs, anti-smuggling and revenue purposes. We will shortly be publishing the drug seizure figures, which I suppose are one of the measures. I have had run-ins with the National Statistician before for revealing drugs figures outside the normal cycle, so I will not do so again, but I am confident that the performance on interception of serious or class A drugs is strong.

**Q82 Bridget Phillipson:** How do the figures you have just mentioned compare with the same period in the year before?

**Damian Green:** The most recent figures, as I said, I cannot give to the Committee, for reasons that you will understand, but we absolutely do not denude customs to fill immigration desks. The whole point of the mobile teams is that they can be deployed at either immigration or customs. The best customs work is often done on an intelligence-led basis: we know an individual before he appears, and he has taken lots of trips from Colombia or something like that, so we will just check his baggage once or twice.

**Q83 Bridget Phillipson:** So were the figures you have just given higher or lower?

**Damian Green:** I do not have April 2011 with me, but I will be happy to write to the Committee about that, if that is okay.

**Q84 Chair:** Finally on the airports issues, before we move on to the other sections of your portfolio, the Government are very keen on new technology. I mentioned the e-gates being closed at Stansted and the contract ending at 12 midnight, when passengers were still landing. One of the points raised by the airport with me was the speed of the computer system when your passport is, basically, swiped. I watched this for

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half an hour on Sunday night. It took about 30 seconds for a passport to be swiped—this is not through the e-gates, but when it was done manually. I arrived this morning and put my Oyster card on the Oyster card reader and I got through in, literally, two seconds. If you look at other ways in which new technology works, it can actually be much quicker—if you google a name, Google searches through 2 billion pieces of information and gives you an answer very quickly. Is there scope for looking at the quality of our new technology at the point of entry—not the e-gates, I am talking about the manual checks—because each 30 seconds, as Mr Barton pointed out to me on Sunday, adds up to even longer queues. Could we look at that? Is that something you will be looking at?

**Damian Green:** We are permanently looking at technology, and it improves all the time, as we all know. I would enter the caveat that of course the Oyster card just registers the fact that you have an Oyster card and that there is money on it, which is a relatively simple thing to extract electronically. There is a lot of important information and hugely sensitive information that needs to be taken out of the passport. It is not just the chip itself; it is that the passport has not been tampered with, and that the biometric picture in it has not been interfered with.

**Q85 Chair:** But it could be quicker than 30 seconds.

**Q86 Damian Green:** It could always be quicker. There are plenty of ways. I agree that saving seconds on each transaction is the way to reduce queues, and a lot more could be done when you have a load of people and there are 12 gates in front of them. Three or four seconds saved by someone going through faster, in the way that banks and supermarkets do, sounds quite trivial, but when you have 1,000 people in an arrival hall, saving four seconds a time is important. We always look at technology, and the e-gates are getting better. They are still not perfect, as you observed—

**Q87 Chair:** When they are open, they are getting better.

**Damian Green:** When they are open, they are getting better. But also, the more we have, the better it is. At the moment, we have banks of three e-gates, which take two officers. We have someone looking at the pictures, and someone else for those whose are rejected. You can do exactly the same if you have five e-gates. You still need only two people, so the productivity gains there are huge.

**Q88 Chair:** Are you conscious of the reputational damage that our country has suffered because of the stories in the media and the fact that the Prime Minister got involved in the issue? The airlines are upset, and the public are very upset. I went on a website listing the world's five-star airports, and there is no British airport in the top five-star rating. Those are Hong Kong, Seoul and Singapore, and the world's four-star airports range from Abu Dhabi to Frankfurt and Dusseldorf—competitors of our airports. There is no British airport in the top four-star rating. Is that

a worry for the Government, or is it seen as just a seasonal issue?

**Damian Green:** Of course, it is a worry for the Government. I am conscious of not wanting to stray beyond my brief, not least because the Transport Secretary is about to publish a consultation document on airport capacity in south-east England. I am aware, not least from reading yesterday's *London Standard*, that BAA and BA are very seized of a wider issue than queues, and certainly a much wider issue than Border Force—

**Q89 Chair:** But you think your solution will bring an end to the damage?

**Damian Green:** Inasmuch as Border Force can contribute to this wider debate by making sure we have the right people in the right place at the right time, then we are doing everything we can to try to achieve that.

**Chair:** Thank you.

**Q90 Michael Ellis:** Minister, there has been a suggestion that money spent on new uniforms could have been better spent elsewhere. I understand that the uniforms for the Border Force were due for replacement. Can you tell us a little about that?

**Damian Green:** Uniforms wear out. The previous uniform was bought three years ago, so people are wearing worn-out uniforms at the moment. I read those reports as well, and went back and checked the details. The uniform budget for the Border Force this year is £1.1 million. The uniform budget for the Border Force last year was £1.1 million. That does not seem to me to be a huge expansion of spending on uniforms. They wear out, and they must be replaced.

**Michael Ellis:** I agree.

**Q91 Dr Huppert:** Minister, almost exactly a year ago, on 9 May, I raised a question with you in the House about the treatment of children born overseas to unmarried male British citizens before 2006, who are not eligible for citizenship by descent, whereas those born after 2006 are. You highlighted, correctly, that that is an odd hangover from previous legislation. I think you had argued against it two years previously to that. At the time, you said that it could not be changed because there was no appropriate primary legislative vehicle going through the House. Given that the Crime and Courts Bill deals with some immigration law changes, would you consider looking at whether that could be used to correct this anomaly?

**Damian Green:** I'll obviously look at that, but I am not conscious that the long title would allow it. Off the top of my head, I cannot recite the long title of the Crime and Courts Bill.

**Q92 Dr Huppert:** But you will have a look.

**Damian Green:** Yes.

**Q93 Alun Michael:** We have been given some figures about foreign national offenders released on bail. Apparently, only 10% who are released on bail while awaiting deportation are released by the Border Agency; 90% are released by the courts. Are you

happy with those figures, and what view do you take on the way that that issue should be dealt with?

**Damian Green:** By definition, I am not happy, because UKBA releases a small number, as you say. Those figures are exactly accurate: 10% by UKBA; 90% by the courts. UKBA does it having assessed that the risk of harm to the public is low and that there is no realistic prospect of removal in a reasonable period of time. That is the only time UKBA decides to release someone, but other people go to the courts and argue their case. UKBA challenges that and we lose those cases, which is frustrating. What we are trying to do about it is to extend and improve our returns procedures with as many countries as possible. I was in China a few weeks ago and had fruitful discussions there. It is often a question of providing documentation. These will be people who, characteristically, do not have it—they have destroyed their passports.

**Q94 Alun Michael:** Sure, but that 90% seems a very high proportion. Do you have concerns about the current framework of the law and the decision making that is taking place?

**Damian Green:** In all sorts of fields, as well. In a few weeks, we will be revealing the results of our consultation on the use and abuse of article 8 of the human rights convention by people whom we think probably shouldn't have a right to stay in this country. So there are legislative things that we can and will do, and also practical things.

**Q95 Alun Michael:** Is that about the legislation, the court making a judgment, or a failure of the evidence that is provided to the courts? Do you see my point?

**Damian Green:** Yes, I do. On the article 8 point, it is a peculiarity that, since the Human Rights Act was passed in 1998, Parliament has not uttered anything legislative in any way about the balance between the rights of society and the rights of the individual under article 8—there has been a vacuum. That vacuum has been filled by judges as cases come before them. I dare say many members of this Committee would agree with me that the balance has not been struck in exactly the right place, so we will seek to give better and more precise guidance to the courts as to where Parliament thinks that balance should lie.

**Q96 Alun Michael:** So this would be subsidiary legislation, rather than primary legislation?

**Damian Green:** There will be a parliamentary vehicle for it. That is, I think, all I had better say at the moment.

**Q97 Mark Reckless:** Minister, if we are keen to have the judges defer to a degree to what you say Parliament will have said, and you have then said “we”, would it not be better to put this in primary legislation rather than immigration rules? If it is just in a statutory instrument, surely there should be a positive procedure and a Committee to speak to it?

**Damian Green:** Immigration rules are not statutory instruments. Slightly oddly, they are a sui generis piece of legislation. As you observe, I am constrained in what I can say, but we will ensure that Parliament

has had a say, so it is Parliament speaking and not just Government.

**Q98 Steve McCabe:** Minister, I know you do not like to rely too heavily on newspaper reports, but I wondered if anyone had brought to your attention stories that apparently come from the Heathrow Independent Monitoring Board report. They say that you are keeping children of all ages at Heathrow airport, sometimes overnight, without sleeping accommodation and only hand basins for washing, and often they are forced to share space with unrelated adults. Is that true?

**Damian Green:** I do not need to rely on the newspaper reports, because I have obviously seen the report of the monitoring board. I visited some of these holding facilities at Heathrow and they are not ideal. The report used language that I would not have used—it talked about “degrading” and I think that is too strong, frankly—but they are not ideal.

**Q99 Steve McCabe:** But is it true that they do not have sleeping accommodation, that the only place they can wash is hand basins, and that they are sharing space with unrelated adults? Is that true?

**Damian Green:** What they do is create temporary sleeping accommodation, which I completely agree with the monitoring board is not ideal. For some time now, the Border Force and, indeed, before that, when it was part of the UKBA—UKBA has been in negotiations with BAA, because in the end, it is their airport, their rooms. If the UKBA wants to use a room for anything, it has to pay rent.

**Q100 Steve McCabe:** How old are these children, Minister?

**Damian Green:** They're normally—there are not many children. They would normally be—if they're unaccompanied, they will obviously be teenagers. There might be families. These rooms are designed for them to be held there for a couple of hours before being taken somewhere else. The only time they get held there for long periods is if they arrive, as they do—flights arrive at, I don't know, 2 am on a Saturday morning. With the best will in the world, getting Hillingdon social services to send someone to collect them will take some hours. I don't blame Hillingdon social services at all for that. That seems perfectly reasonable. So children are sometimes kept there for a number of hours, and these rooms are not ideal; I absolutely don't contest that. We are trying very hard to negotiate a proper agreement with BAA that we can install shower facilities—proper facilities.

**Q101 Mr Clappison:** A few moments ago, you paid tribute—in my view, quite rightly—to immigration officers and their dedication. In view of the problems that we have been hearing about—people coming into this country with the wrong papers and people having to be held up at immigration checkpoints in this country—do you think there is a case for strengthening the discretion of immigration officers in post overseas?

**Damian Green:** Yes, I do. We are looking at ways of—in a properly targeted way—using interviews

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more, so that it's not an entirely paper-based system. I can quite see why the previous Government went from what was purely an interview-based system to a much more objective system. Given the numbers applying, you have to have that degree of objectivity. But in a sense, I think the pendulum has swung too far into just automatic checks of documentation and that you've filled in a form correctly. A bit of credibility testing of individuals will actually improve the security of the border.

**Q102 Mr Clappison:** I think you mentioned Lagos a little while ago in your evidence. I visited Lagos in the last Parliament with this Committee, and an immigration officer made the point to me there that they had special local knowledge and discretion and insight based on their knowledge of local conditions, which enabled them to form a judgment, but that sometimes they were not able to give effect to that judgment in an exercise of discretion and prevent people from arriving at Heathrow, Gatwick or Stansted in the first place.

**Damian Green:** Yes, immigration officers have made the same point to me, and I should say, because you make the very important point that it's better to stop them before they get on the plane, that we now have the RALON network, our airline liaison network, which is increasingly effective at doing precisely that. We stop more than 1,000 people a month getting on planes to come to this country. That's cheaper and better. It's one of the bits of the system that is getting distinctly better.

**Q103 Chair:** But that is what this Committee has been saying for the last five years—that we should have more face-to-face interviews. We warmly welcome what you are doing in Pakistan, but that needs to be extended. One concern that members of the Committee have and I have is about the Government's proposal to abolish the right of appeal for family visitors. We conclude that the reason why this has happened is that the Government lose so many of these appeals—I think currently it's about 50%—and the way to stop this loss is just to take away the right of appeal. Why are the Government proposing to do this when it is a system that works and gives people the opportunity of challenging decisions?

**Damian Green:** Because it's not a system that works. It was introduced in 2000, having been abolished in 1993. In 2000, the projection was that there would be 20,000 appeals a year. There are now 50,000 appeals a year, costing £29 million, and of the cases that the UKBA loses—you're right, Mr Chairman: it loses many of them—63% are lost entirely because of new evidence introduced at the appeal stage. So not only does it absolutely not work from the taxpayer's point of view, but from the point of view of the individual, if you have made a genuine mistake on your application and you apply again, you will normally get a reply within 15 days. If you go through the appeal system, it can take eight months, so for the individuals it's better just to apply again. If you have made a genuine mistake, that's quicker, better and cheaper.

**Q104 Chair:** With the greatest respect, Minister, 90% of my case load is about immigration, but nobody has come to me and said that the best way to sort out the system is to abolish the right of appeal. They have, however, said that there needs to be a better system of administrative review. Those who oppose the abolition of the right of appeal would like to look at the alternative. If the alternative is just to place everything back into the hands of the entry clearance officer or the manager in the post abroad, you are not going to get a better system. You will get a system where ECOs and ECMs are going to be inundated with letters from Members of Parliament asking for cases to be reviewed.

I know that you weren't in the Chamber when I put this to the Home Secretary last week, but in your absence she has offered a meeting between you and Members from across the House who are deeply concerned about the effect that this is going to have on settled British citizens. There is a way of checking whether people have gone back—I send my constituents who get to win an appeal back to the high commission and get them to show that they have returned.

**Damian Green:** The current system is an absolute gold mine for immigration lawyers. They are the people who benefit most from it and who will object most to it being taken away. However, it is not something that was written in the Magna Carta. No other country does it and we don't allow it for other types of visa. There has been a lot of discussion this morning about Britain's image with business people, but you don't get this right of appeal if you come on a business visa. It is an anomaly in the system that is hugely expensive for the taxpayer.

**Q105 Chair:** Are you prepared to meet and talk to those who deal with a lot of immigration cases from all sides of the House?

**Damian Green:** Yes, of course.

**Q106 Chair:** I have to declare my interest because my wife is an immigration lawyer, but she does not benefit from this particular measure. Obviously, constituents would like a quicker system. If you have applied to bring someone in for a wedding, you don't want to wait eight months.

**Damian Green:** Exactly; that is my point.

**Q107 Chair:** But are you prepared to look at a quicker system?

**Damian Green:** Any system would be quicker. I am quite happy to have the meeting.

**Chair:** Okay. Mr Winnick.

**Q108 Mr Winnick:** The appeals system was set up on 1 July 1970, and I believe that I was involved in one of the very first cases at Gatwick airport. Minister, you say that appeals are won because evidence is produced later, but surely immigration judges will judge the case as it was at the time of the application. If new evidence comes to light, usually the appeal will be dismissed and a new application will have to be made abroad.

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May I emphasise the Chair's point? For people who want to come and visit, will this not mean—as with the previous Conservative Government—that immigration officers who do the interviewing abroad will be the judge and jury? When the answer is no, the sponsors in Britain will inevitably go to their Member of Parliament, who will then write to the Minister, who will probably tell us, “Well, the person has been interviewed abroad. The immigration officer has come to such a conclusion, and that is it.” What sort of justice is that?

**Damian Green:** I must point out as gently as I can that five minutes ago, the Chairman was applauding the fact that we are giving more responsibility to ECOs and ECMs abroad who are doing the interviews. Mr Winnick, you are now objecting to that system.

**Chair:** No.

**Q109 Mr Winnick:** No, not at all. I am just saying that the immigration officer will be judge and jury.

**Damian Green:** Let us look at what happens now. In 2011 we had 452,200 family visitor applications, 83% of which were granted. In more than four out of five cases there is no issue at all. Some 78% were granted on application, and 4% were granted after appeal. This is a small part of it. In no way are we trying to stop people coming to visit relatives in this country, and the vast majority of them will do so. Advice can be given; more and more applications are done online so that people can read the instructions while they are filling in the form and so on.

As I have said, with all due respect to respectable, good and competent immigration lawyers such as your wife, Mr Chairman, the people benefiting most from this are immigration lawyers. The system is not working.

**Q110 Mark Reckless:** Minister, you say that with the 82% who are accepted, there is no issue, but surely it is at least possible that some of those are wrongly admitted and may go on to overstay.

**Damian Green:** It is possible. That is inherent in the nature of issuing visas: you may issue a visa to somebody who then abuses it. What we pay entry clearance officers to do is minimise that risk. That is what we do. That is the way that any immigration system works.

**Q111 Mark Reckless:** But surely if immigration officers, like anyone else, are to do their job well in clearing people or otherwise, there should be scrutiny of that process. If the right of appeal is removed, does that not risk their doing the job badly but no one knowing about it, except the MPs who get the complaints?

**Damian Green:** The management will be able to see whether patterns emerge. As I said, this is not some new thing. This is how the system used to work. This is how every other country runs its visit visa system. This is how we run other parts of our visit visa system. This is not any great innovation.

**Q112 Mark Reckless:** On the issue of cost, if there are too many appeals—50,000 or so, rather than the

20,000 expected—and this is costing us £10 million or so a year—

**Damian Green:** It is £29 million.

**Q113 Mark Reckless:** You put out a briefing saying that it was £101 million over about 10 years, which I thought was an unusual way to deal with it, but whatever the precise cost, to the extent that it is too high or the taxpayer is having to pay for it, surely the solution is to increase the fee for making an appeal.

**Damian Green:** I think that that would have its own level of controversy.

**Q114 Chair:** Well, we will come and talk to you about it. Finally, on bonuses, are you happy with the fact that £3.58 million has been paid out in bonuses to the senior management of the UKBA?

**Damian Green:** It has not been paid out to senior management. This is another story that grew slightly in the telling.

**Q115 Chair:** Well, do clarify.

**Damian Green:** Actually, it is being paid out to many thousands. That £3.5 million includes all the merit payments paid to members of staff of both UKBA and Border Force. It is not, if you like, a few senior managers at the top being paid huge sums of money. Nobody got a bonus of more than £10,000. Characteristically, this money would have been a few hundred pounds paid to middle-ranking officials who were judged by their Ministers to be doing a good job. This is not a City-style bonus culture.

**Q116 Chair:** But why are we paying bonuses at all to people for doing their job in an organisation that this Committee, former Home Secretaries and present Ministers have already said is not doing its job to the satisfaction of the public? Why are we paying any bonuses to these people?

**Damian Green:** Individuals within any large organisation—if we put the two back together, as they were during this period, we are talking about an organisation with more than 20,000 employees, many of whom—

**Michael Ellis:** Are doing a good job.

**Damian Green:** Doing a good job. The pay system is negotiated so that people are rewarded in, as I said, a pretty modest way. It will be a few hundred pounds for the vast majority of those receiving bonuses. As a reward, it is relatively normal. It is not—

**Q117 Chair:** And you are happy with that? You are happy with the bonuses being paid?

**Damian Green:** There is a wider issue about bonuses in the public sector which is, I think, above my pay grade.

**Q118 Steve McCabe:** Minister, I want to come back to this. It is very convenient to play it down as a few hundred pounds, but most people would think that £10,000 is quite a lot of money for someone who is already being paid to do their job, in this day and age. Your staff say that they get £10,000 only if they have

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demonstrated exceptional performance. Can you tell us how many people got £10,000, and what was the exceptional performance?

**Damian Green:** That is the sort of thing that is better done in writing, because some of it will be individual.

**Q119 Chair:** Two individuals got £10,000. It has already been told to us.

**Damian Green:** Well, it is the second half of the question, really, about what the exceptional performance was.

**Q120 Chair:** Would you write to us and tell us the grade of the persons? I think Mr Ellis is bursting for a final question.

**Michael Ellis:** I am all right, thank you very much. The Minister has capably answered the question.

**Chair:** Thank you. Dr Huppert is bursting for a question.

**Q121 Dr Huppert:** I want to come back, if I may, to the issue of appeals. Minister, I hope I heard you edging towards an improved review process, because I think we would all agree that the current situation does not work well. I certainly recommend that constituents put in a fresh application rather than appeal, because of timeliness. We could perhaps distinguish between cases where somebody has not provided the correct information in their approach—which raises questions about whether the information is being given to them correctly—but where I can see

the Minister's argument, and those where UKBA asks for unreasonable information. I had a constituent recently whose father wanted to come in. They had birth certificates, copies of the passports and various others things, and the ruling was that they were not sufficiently sure that they were all genuine or that he was genuinely the father, but I happen to know that he is. That strikes me as something that somebody could not realistically be expected to provide at the beginning. There should be some sort of review mechanism that can say, "We need a little bit more on this," rather than a complete rejection.

**Damian Green:** Senior managers—entry clearance managers—can always do that. Obviously, if you know an individual personally, that is a different slant. I am afraid that there are countries in the world where we insist that every document is approved by a lawyer and, instantly, corrupt lawyers appear, whose entire income appears to derive from forged documents. It is unsurprising that UKBA is institutionally wary in certain parts of the world, particularly of documents that are produced. I do not think that one should blame any entry clearance officer for that.

**Chair:** Minister, thank you very much for coming, as usual. We shall see you again in the not-too-distant future.

**Damian Green:** I am sure. Thank you very much.

**Chair:** Or at Stansted or Heathrow airport.

**Damian Green:** Or when we hit the same airport at the same time.

**Chair:** Thank you very much.

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### Examination of Witnesses

*Witnesses:* **Lucy Moreton**, Head of Litigation, Immigration Services Union, and **Paul O'Connor**, National Officer for the Home Office, Public and Commercial Services Union, gave evidence.

**Q122 Chair:** Ms Moreton and Mr O'Connor, thank you very much for coming to give evidence. My apologies: we have been over-running because of the interest in this subject from members of the Committee.

Perhaps I could start with you, Mr O'Connor. What is morale like in the service?

**Paul O'Connor:** I think when you consider the question of morale, you have to think about the atmosphere that border officers are working in: they are suffering from chronic understaffing due to a jobs cut programme, from consecutive years of pay freezes and pay caps, and they are really struggling at the borders to provide the public service they want to provide. I spoke to one of our reps at Heathrow yesterday and asked him a direct question: "What is morale like at the coal face?" His response was that morale is not so much low as subterranean, so that gives you some flavour of how people feel.

**Lucy Moreton:** As I think you would expect—and the reason why you have asked the trade unions to speak with you today—morale is extremely poor. Yes, we are short-staffed, and yes, there are issues with consecutive pay freezes, but that could be seen across the civil service. Within UK Border Force specifically and UKBA more broadly, there is simply too much change too fast. The staff have faced four

reorganisations in the past six years and four sets of uniforms. Largely it has been the same set of senior management throughout, but everything else has moved, and that is very fatiguing for them. They are facing a very rigid and difficult system of rostering, which not only doesn't deploy staff when it's supposed to, but makes it very difficult for them to achieve their work-life balance. They are facing shifts of 10 and 12 hours, and runs of shifts without a day off running into nine and 10 days. That is extremely fatiguing and very difficult to balance. If you want to have some sort of life outside of work—if you have child care, want to do further studies or volunteer—the fact that there is no leeway within that system makes that all impossible. Stress-related absence is rising—it was commented on in the Vine report—and I am afraid it will continue to rise throughout the summer.

**Q123 Chair:** We have been examining the queues this morning. How much of the queue build-up has been due to the fact that staff have been cut?

**Lucy Moreton:** It is a contributory factor. Passenger numbers would have risen at this time anyway. This was a relatively predictable rise running up to the Olympics. The staffing numbers that we have now were predicated on us being able to run a risk-based

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control and predicated on the delivery of certain sets of IT. We no longer run a risk-based control, for reasons that this Committee, particularly, will be very familiar with. The IT has not delivered what was hoped. Consequently we are trying to run the control that is rightly expected of us with the staffing designed to deliver a very different type of control. Yes, there are other elements around queuing: the bunching of flights by the airport authorities; issues with rostering—but, yes, a fair proportion of that is down to just staffing numbers.

**Paul O'Connor:** We would say that the queues that are being experienced at airports now are entirely due to staffing shortages, and the number of staff who have been laid off in the recent period. There has been a lot of talk about a risk-based approach to border control and whether that's a better system than 100% checking, and I think some of the real story has been lost in the spat between Brodie Clark and the Home Secretary over who authorised what, where and when. The reality is that the risk-based approach—the entire rationale for its introduction was queue management, because there were not enough staff at the border controls to do the checks.

**Q124 Chair:** So you supported what Mr Clark was proposing to do—or did do, in fact.

**Paul O'Connor:** We think that there is room for a more rational debate about the whole issue of immigration, taking into account fully political, social and economic factors. Obviously we are not, as a union, privy to the type of information, in terms of intelligence, that the Home Secretary is privy to, but what we do say is that the Home Office has got to decide what level of checks it wants to perform, and then build a proper staffing complement around that. What it seems to have done instead is decide that it's going to cut a quarter of the work force between now and 2015, and have absolutely no rationale about how it's going to deliver the public services in the light of those cuts.

**Q125 Michael Ellis:** First of all, can I, through you, express my admiration for your members, who work very hard in what I appreciate are difficult and trying conditions, often with angry and tired passengers, to prevent the wrong people from entering the United Kingdom? I think we recognise that they are doing a difficult job.

Do you accept that the country cannot afford to go on the never-never? Savings have to be made. Do you accept that premise? You have just said that it is entirely due to staff shortages. The executive here from Virgin airways said that they attributed some of the problems at the airport to increased passenger numbers, difficulties with working patterns, and a move away from what he called risk-based security, as well as the staffing levels. So why is it that Virgin, among others, say there is a plethora of reasons why there are delays, but you want to attribute all the delays to the staff cuts?

**Paul O'Connor:** I think, on the first question, it is perhaps a question about the Government's economic policy. I don't know whether it is the right forum, but I'll answer it none the less. Our view as a union is

that the problem is being caused by a deficit to bail out the banking industry. We don't see why ordinary workers in this country should pay for that, particularly when there's £120 billion going uncollected, evaded or avoided in taxation every year. Instead of laying off workers in revenue-collecting departments we should be employing them to go out and bring that in. Then it would not be a choice between laying people off and having weak borders.

**Q126 Michael Ellis:** Those numbers are being increased, Mr O'Connor, not withdrawn.

**Paul O'Connor:** To answer the second part of your question, what we were told by the agency management at the time the cuts programme was being implemented was that the challenge for them was to deal with increased passenger volumes with reduced resources. So I accept that passenger volumes are on the increase, and that is part of the problem; but to suggest that the way to deal with that is to cut the number of staff who check those people coming through is nonsensical.

**Q127 Michael Ellis:** How about ensuring that all the staff are on duty at the right time and in the right place? We heard from the chief inspector of constabulary, in relation to policing, a couple of years ago, that only 11% of police officers were on duty and available to the general public at any one time. Is it not possible, therefore, as the police have been doing, to look at the correct management, rostering and flexibility of staff? We have heard about bunching of airline flights; we have heard about flexibility, from a number of different witnesses. How about, instead of the mantra of just employing more and more people, making sure that the people who are already employed are utilised effectively and efficiently? Surely, that is in your union's interest.

**Lucy Moreton:** The UKBA could certainly roster staff significantly better than it is doing now, and that has been a constant theme throughout. A system of rostering was imposed, against the recommendations of staff and the trade unions, back in 2011, and it has failed. That has been found by the Vine report. It is not for us, as trade unions, to say, "I told you so", but we have a lot of experience, particularly in the ISU, because we represent such a narrow sector—we are only operational staff—and our members were saying, "It's not going to deliver for the business." It is not resistance to change; it's just about getting people in the right place at the right time.

We could roster a lot more carefully than we do, and that's something we have been trying to take up with senior management for some time.

**Q128 Mr Clappison:** I shall ask this question of both of you. You may not be able to say—I don't know, but I shall try it on you—but do you have any idea of the number of your members that would be required to deal with the problem of queues and to meet the challenge in the targets which we have heard about?

**Lucy Moreton:** That would depend on how you roster them: what sort of level of secure control you want. The closest I can get to an answer for you is that I understand that, at one point, an application to recruit



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a further 400 border officers was with the Home Secretary. I don't know what has happened to that and I was not involved in the calculation of 400. But that's as close as this union is able to come. I do not know if Mr O'Connor has more.

**Paul O'Connor:** I think if you look at the figures and the number of people who have been laid off in the past 12 months in Border, it is about 1,000. So, clearly, that is a huge gap for other people to make up. So we would want to see that sort of number re-recruited. It is no coincidence that the queues are on the increase since those people have gone.

What is worrying us, as well, is that this is not just a question about immigration control and passport control. Because immigration is the political priority, the vast majority of the Border Force's resources are being deployed on to immigration, which means the customs operation is all but non-existent at Border.

**Q129 Mr Clappison:** On a separate subject, we understand that additional staff have been taken on to deal with the number of people expected during the Olympics period. Do you have a view on the training of those staff? From what you know of it, do you think they've been given sufficient training or not? And how would it compare with the training your people ordinarily receive, as full-time members of staff?

**Lucy Moreton:** The contingency training is two days to manage the EU element of the control and a further two days to manage the non-EU element. The learning and development unit, which is the section within UKBA responsible for delivering that, has made it clear that if you trained at a standard pace, that course would take 10 days to deliver. There's a lot of pressure to get it through faster, so the delegates are given a lot of pre-course material to read and learn in advance. In comparison, the proposed training plan for a border officer—we don't actually have border officers at the moment: they haven't been invented and we haven't recruited any yet—is 15 weeks. The current training for a legacy immigration officer would have been six weeks classroom-based and a further four weeks' practical, and I believe that, for a legacy Revenue and Customs officer, it would have been the same: six weeks and four. To squidge that into four days—I don't think it's rocket science to say that that cannot, under any circumstances, be adequate.

**Q130 Mr Clappison:** I hope they do better with their reading list than I used to do before my courses. But I'm sure they will do. Mr O'Connor, what do you think?

**Paul O'Connor:** We concur with that view. We think the training being offered is completely inadequate and is a recipe for disaster.

**Q131 Mr Winnick:** I asked the Minister at the Home Office whether he was willing to meet the unions. Understandably, he said it wasn't his job to deal, for example, with pensions, although no one suggested that that would be his responsibility. But on the wider issues concerning what is happening at Heathrow, and the rest, have you sought a meeting with him and would he, in your view, be willing—in so far as you

have had experience of these matters, have Ministers been willing to discuss issues with you, apart from what he referred to as some private meeting or gathering at Heathrow?

**Paul O'Connor:** I noticed, despite your pressing, that he was noncommittal about a meeting. Our experience has been that we are not able to secure a meeting. We wrote to the Home Secretary some months back to talk about all the issues that we are in dispute with the employer over. They include jobs, pay, privatisation and the imposition of draconian human resource policies. The Minister redirected us to the HR advisers who were in the Department to take forward discussions. Obviously, we have taken them up on that offer. We believe that we need a little bit more direct access to Ministers so that we can get across to them, face to face and in a quite forceful manner, what exactly is going on on the ground that they may not be hearing from their officials.

**Q132 Steve McCabe:** Ms Moreton, I wanted to ask about these e-gate barriers. You were quoted in an article in *The Sunday Times*, which claimed that the number of comparisons used at the e-gate barriers had been reduced in an effort to cut the number of queues. I asked the Minister about it earlier, and he said that that could not happen and that it was not technically possible to reduce the number of comparisons. He claimed that occasionally they were increased, but they were not reduced. Have you any comments to make on the article and on the suggestion that the Government have been reducing the number of comparisons in order to limit queuing?

**Lucy Moreton:** I think the Minister's briefing might have been in error. It is certainly possible to reduce the level at which the checks are performed. The staff call it "the gain" on the machine, and that is the number of points of recognition. In fact, that was reported in John Vine's report on Terminal 3. The fact of that reduction was recorded there. It is not something I have personal experience of—I am a full-time trade union official—but that is what our members are telling us. It is not so much about reducing queues, although that is very much part of it, but about reducing the number of false positives—the number of people for whom a comparison is not found, and they are held in a gate and an officer has to intervene with, "Well, actually they had glasses in the photo and they don't now." But reducing the gain or the sensitivity does increase the risk at the gates.

**Q133 Bridget Phillipson:** To what extent are the airlines responsible for this? Do you think that the airline arrival schedules and flight and passenger information are causing problems with queuing, or are they not factors at all?

**Lucy Moreton:** Bunching is definitely a factor. It is commercially inevitable that everyone is going to want the most popular slots. If you are flying the business red eye from New York, you are going to want it in London between 7.30 and 8 because it will enable you to get into the City for 9. That is going to happen. The passenger data are not accurate. I have made inquiries to see if we can find out why they are not accurate. There is an organisation within UKBA

called JBOC<sup>1</sup>—I presume the Committee is familiar with it—which is responsible for receiving the passenger manifests and checking the names against the varying databases that are held. It is estimated that at Heathrow, for a third of the JBOC alerts that are issued daily, the people do not turn up; they are not detected on arrival. Did they buy a ticket but not board the aircraft? Did they board that aircraft, but were connecting out of the UK again, in which case they had no cause to approach UKBA; or did they, as has happened on occasion, approach UKBA and get through? We simply do not know the answer. That indicates quite starkly how inaccurate the data are. I am not privy to what measures UKBA or even the Government would have to use to put pressure on a commercial operation, particularly one not based in this country, to improve that data.

**Paul O'Connor:** The issue is that it is commercial pressure for the airline. They want the peak arrival slots. Again, the Government have to ask themselves whether they are really serious about stimulating growth and bringing in investment. If they are, what they need to do is facilitate the arrivals at those times by having a properly staffed border operation to improve the passenger experience.

**Q134 Bridget Phillipson:** And you think that job losses and staffing is the single biggest factor?

**Paul O'Connor:** It is absolutely the single biggest factor.

**Q135 Mr Clappison:** I was struck by what you were telling us, Lucy, about the JBOC system and not knowing how many passengers would be coming through the border controls. Do they not know how many people are going on to connecting flights? Surely, in this computerised age, it should be possible to have information like that. One assumes that it is mostly people who are going on to connecting flights, not people who have wasted money on not catching flights.

**Lucy Moreton:** I asked the same question, because it seemed bizarre to me. There are networks of airlines that share data with one another—the Star Alliance is one of the larger ones. Other than that, I understand that it is a matter of commercial pressures and that they do not share the data with each other. So airline one bringing a passenger into the UK simply does not know that that passenger has a connecting ticket out an hour later if it is not on a related airline. It should be possible, but it is not.

**Q136 Chair:** Did you hear in the Minister's evidence that, as far as Heathrow was concerned, there were only going to be 3,000 passengers arriving on Monday morning, but that 7,000 passengers arrived? I wonder how that is possible. If there are defined slots and it takes quite a while to fill an aircraft, how is it possible that between the information being received on Sunday, when this officer got in for his shift, and Monday, when the Minister arrived at the airport, another 4,000 passengers suddenly appeared? How is that possible? Because, as I keep telling everybody, I went to Stansted and when I looked at the AOS

system, it had the details of every single airline, the number of passengers, the number of disabled passengers, when the plane had taken off and when it had landed. That information was given to UKBA. How is it possible for an extra 4,000 passengers to suddenly arrive?

**Lucy Moreton:** I can only speculate, but perhaps someone made a mistake. Once the flight is in the air, you know who is on it. That is a counter-terrorism issue. You know who is on board the aircraft once it is flying.

**Q137 Chair:** You say “once it is in the air”, but the Committee has seen the way in which the American system operates in Miami. Once the flight is booked and once they board, you know who is on the plane. Is that not right? Am I getting this wrong?

**Lucy Moreton:** I believe that that is correct for the US. I am told that JBOC receives its passenger manifests 24 to 48 hours before departure, because it takes that long to process them. There is considerable tilling, then, with people who have brought last-minute tickets travelling at short notice and people ceasing to travel at short notice. That said, a discrepancy of 4,000 passengers is a bit big to be accounted for that way.

**Q138 Chair:** It is, and the Committee will want to investigate this JBOC further. Wherever it is located in the United Kingdom, we will find it.

**Lucy Moreton:** It is in Liverpool.<sup>2</sup>

**Q139 Michael Ellis:** I am also struck by what you have said about JBOC. It is something that I put to the airlines earlier this morning, and they did not seem quite so keen to accept that the information they provide is not always perfect 100% of the time. In your experience with your union members, that is one of the reasons for delays, presumably, in that the information is incorrect and therefore it causes a backlog.

**Lucy Moreton:** It wastes little time on the primary arrivals control, but if the alert is of a sufficient magnitude, either police or arrest-trained border officers may be dispatched to the aircraft to meet and then apprehend that individual—if there is an outstanding arrest warrant, for example. That can take a team of 12 away from the primary arrivals control. If that individual is not on the aircraft, that is a waste of time.

**Q140 Michael Ellis:** Are you able to say anecdotally how often that happens as a percentage? How often would it be? Would there be an erroneous piece of information on every other aircraft, or would it be more frequent or less frequent? How often are we talking about?

**Lucy Moreton:** The closest I think I can get for you is what I was given from staff at Heathrow yesterday. They estimate that of the 10 to 14 alerts they get per day at Terminal 5—the officer to whom I was speaking was based there—three or four per day never turn up or are not encountered. That is where I got

<sup>1</sup> Joint Border Operations Centre

<sup>2</sup> Note by witness: JBOC is in Manchester.

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my very rough figure of a third of JBOC alerts from. I am afraid that I cannot get closer than that.

**Q141 Chair:** At the end of the day, you have seen the public concern about the number of queues at Heathrow. Are you satisfied that the proposals the Minister has talked about—first to the House, and again today—are going to deal with the issue of the long queues at some of our airports?

**Lucy Moreton:** Regretfully not.

**Q142 Chair:** You do not think that that is going to happen.

**Paul O'Connor:** We think it has just papered on the cracks. What the Minister has done is to bring in a mobile team of 80 people, deployed from elsewhere in the country, flown in at great expense.

**Q143 Chair:** Flown in from where?

**Paul O'Connor:** Flown in from other areas of the country—places like Manchester and Belfast, according to reports we have heard. People are being

flown in on shifts, so they are not even completing a full shift at Heathrow. That is costing the taxpayer an inordinate amount of money in extra expenditure for flights, hotels, taxis, car-parking fees, and everything else. It makes more sense to us to have a permanent work force at Heathrow dealing with that job.

**Q144 Chair:** And the peaks and troughs of people arriving, as I saw for myself, are entirely predictable, are they not?

**Lucy Moreton:** Largely, yes.

**Q145 Chair:** You cannot just get an aircraft arriving that nobody knows about—unless it comes from Mars.

**Lucy Moreton:** We try not to.

**Chair:** You know when it is coming.

Mr O'Connor, Ms Moreton, thank you very much for coming to give evidence. Please keep in touch with the Committee. We will remain interested in this issue. Thank you, and apologies for keeping you waiting.

**Lucy Moreton:** Not at all, thank you.

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#### Examination of Witness

**Witness:** **Rob Whiteman**, Chief Executive, UK Border Agency, gave evidence.

**Chair:** Mr Whiteman, thank you very much for coming in. My apologies—it is not often you get an apology from me, but you do today, for keeping you waiting.

**Rob Whiteman:** I'll savour it, Chairman.

**Q146 Chair:** I apologise—we have had the Minister and others in to talk about queues at airports. You are very fortunate that you are not responsible for the UK Border Force any more. Were you surprised, disappointed, shocked or relieved when the Home Secretary rang you up and said that a third of your job had disappeared?

**Rob Whiteman:** The UK Border Agency, as the country's immigration agency, is a significant job, and as I covered with you last time and will doubtless cover today, a significant amount of improvement and transformation is needed to our immigration system. My job of running the immigration system is considerable.

**Q147 Chair:** So you did not mind.

**Rob Whiteman:** The Home Secretary's decision to say that UKBA is responsible for the country's immigration system, but the job of border control and customs and revenue should be a separate organisation, because one organisation should not carry out those two major roles—

**Q148 Chair:** At the time you were appointed, you were given the whole shebang, but you do not mind it going somewhere else, because you think that you can focus more on the stuff you are doing. Is that what you are telling the Committee?

**Rob Whiteman:** Yes, that is what I am saying, Chairman. What has happened to UKBA over the last

year means that the agency should now be able to focus on its primary job. The decision over a year ago, after Ms Homer left, to put ministerial policy into the Home Office—it was very unusual for an executive agency to have that ministerial policy role. The decision of the Home Secretary to make a separate organisation of our border security function again means that UKBA should now focus on its job of running the country's immigration system.

**Q149 Chair:** Good, I think that is a fair point. You did not say, "No, no, I want to keep it." You just said, "Yes, good idea."

**Rob Whiteman:** I did.

**Q150 Chair:** I am going to start with another bit of praise for you. Your last letter to the Committee—as you know, we are examining the UKBA every four months—was a model for a reply to a Select Committee, compared with your predecessor, who wrote in huge paragraphs, and we made no sense of her letters. You were actually replying to questions that had been put to you. I am not saying that there was all the information we need, but you are replying, and you did sort of reply within the deadline. You certainly rang me up and asked for a short extension. We are extremely grateful for that, and we hope that this will be the way in which UKBA continues to deal with the Committee.

**Rob Whiteman:** Thank you, Chairman. We are trying hard, and we will continue to work hard in order to give you the information in the form that you want.

**Chair:** Excellent.

**Rob Whiteman:** I appreciate your comments; thank you.

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**Q151 Chair:** So, from a bit of praise to a tiny bit of criticism—I am sorry to tell you—over the issue of your computer system that crashed at Lunar house. Hundreds of people were turned away, and we hear that some were in tears at the fact that the system did not work. What went wrong? Have we got compensation from the IT company? Will it happen again, and have we rearranged all the appointments?

**Rob Whiteman:** We contacted people over the bank holiday weekend and rearranged appointments. Around 500 appointments that were cancelled were rearranged. The issues around IT are incredibly frustrating for my staff, as well as for our customers. When I meet staff, it is a constant frustration that systems do not work all the time and that some of the resilience issues do not conform to common standards. In terms of morale and other issues, it is absolutely vital that we get to the heart of these IT problems. They are complex, yes, but—

**Q152 Chair:** Yes, but we do not want to go into that now. Do we know why it broke down?

**Rob Whiteman:** We do know why it broke down. It was an error on the network that affected the way appointments were queued from the system, and therefore they could not travel properly around the network. It was an IT failure, but, to answer your question, I have discussed this several times with the Chief Executive of the IT company that is the primary IT provider.

**Q153 Chair:** What is the company?

**Rob Whiteman:** I would rather not say.

**Q154 Chair:** I am sorry, Mr Whiteman; this is a Select Committee of the House—

**Rob Whiteman:** It is Atos.

**Q155 Chair:** There is no need to be secret with us; we will find out. It is public money. It is not coming out of your pocket. The taxpayer is paying. What is the name of the company?

**Rob Whiteman:** Atos.

**Q156 Chair:** And what was his explanation as to why it broke down?

**Rob Whiteman:** The reason I was reluctant, Chairman, is that we have a contract with Atos. It is trying its best to resolve the issues, but obviously we are being a demanding client and saying that performance is not good enough.

**Q157 Chair:** As you should be.

**Rob Whiteman:** I would not want to cast aspersions on the effort that it is making. It has put an additional team in to try to analyse the problem, and I receive daily and weekly reports from them. The point I would make is that in terms of UKBA improving over the next couple of years—

**Q158 Chair:** Yes, we will come on to that in a minute.

**Rob Whiteman:** Some of the things are quick. IT is going to be a recurring theme, and at the moment we have to put in place some reviews and studies,

because while we have now stabilised this position with the appointments—we have rebooked appointments and we have dealt with it—the systems are still prone to resilience problems. That will not be put right overnight.

**Q159 Chair:** So in English, as opposed to UKBA-speak: it's going to go wrong again. We know it is going to go wrong again.

**Rob Whiteman:** It could. At the moment, systems are prone to falling over. I hope that that is in English.

**Q160 Chair:** The worry for this Committee—of course, this predates you—is that we have had a long running saga with the Home Office and UKBA about IT. Some £750 million was going to Raytheon, and they are now in litigation. You have said that you are going to scrap the iris scanners—£9.1 million of public money. Then there are the e-gates that I saw at Stansted that did not work after midnight, because people went home. We do not expect Ministers to be responsible for this, but we do expect senior officials to be able to do this. Who is taking grip of the IT problem at UKBA?

**Rob Whiteman:** I am, Chairman. As Chief Executive, it is my job to deal with some of the recurrent and underlying issues. Let me reassure you: every effort has been made to stabilise the problems that occurred. They have been put right and we rebooked appointments. We do not want the problems that you talk about to occur again, and it will take some considered work in the months ahead to review fundamentally the resilience of our IT arrangements.

**Q161 Chair:** How long is the contract with Atos? You did not sign that contract.

**Rob Whiteman:** No. I do not have that information to hand, Chairman.

**Q162 Chair:** Could you tell us that and the value of the contract?

**Rob Whiteman:** Yes.

**Q163 Bridget Phillipson:** Mr Whiteman, you referred to Lunar House and I thought that I would take this opportunity to raise this with you now. I have written to the Minister asking to visit Lunar House this summer—I have visited in the past—and no doubt that letter will come your way. I hope that it is possible to arrange that. Sometimes arranging visits with UKBA can be a little difficult. I hope that when I visit, we might see some improvement at Lunar House in how not simply UKBA staff but the staff employed on contract treat vulnerable people—that there is a little more care in future. I hope that we might have some improvement.

**Rob Whiteman:** I would be very pleased for you to visit, as, indeed, we always are. Staff enjoy visits and the opportunity to say how their work is going. If you have had trouble arranging a visit, I assure you that we will put that right.

**Bridget Phillipson:** Thank you.

**Q164 Chair:** Excellent. To conclude on IT and the breakdown of the system: it may well occur again,

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you have had meetings with the chief executive of the company, you are on to them all the time, they have put a team on to this, and you will let us know how long the contract has to run. Are there any other IT problems that you foresee that we should know about?

**Rob Whiteman:** Some of my comments are broader than just the biometric residence permit issue, because, of course, if we have problems with the network and the infrastructure, that could affect the operation of other applications, too. I hope I am being transparent.

**Chair:** Yes, you are.

**Rob Whiteman:** I think there is an issue there that could affect several applications and that will need proper resolution.

**Chair:** We will watch this space.

**Q165 Mr Clappison:** Going back to the famous situation that came to light in 2006 of foreign prisoners who had not been properly considered for deportation, 57 of them are still untraced. I know that that is only a small proportion of the original figure, but are efforts still being made to trace them and what is your view of them?

**Rob Whiteman:** Yes indeed, Mr Clappison. This is covered on page 2 of my letter to the Committee, where I point out: "Over 80% of the cases have been concluded". I would just say, by means of context, if I may, that this problem of people being released from—

**Q166 Mr Clappison:** Is that 80% of the 57?

**Rob Whiteman:** No, 80% of the 1,016.

**Q167 Mr Clappison:** Right. There are 57 who we know are untraced.

**Rob Whiteman:** The problem that occurred in 2006, which obviously got huge attention, of foreign national offenders who could be deported being released from prison without consideration for deportation, is a historic problem. This does not happen now. As people come to the end of their prison sentence, we can deal with that.

**Mr Clappison:** I understand that.

**Rob Whiteman:** For these 57 from 2006, we carry out extensive checks via the police national computer, we look at footprints, we look at DWP and HMRC, and we use financial tracing and Equifax, so every effort is being made to trace them.

**Q168 Mr Clappison:** Are you able to say, based on that type of approach, whether you think that some of them are still in the country?

**Rob Whiteman:** We will talk about the controlled archive later and we have some research that shows that the majority are not. I am more wary of saying that in relation to foreign national offenders because it is a much smaller sample. My view is that, given the amount of checks that we have carried out, a good number of them have probably left the country; but bearing in mind the small number and the nature of risk, it is still in the interests of the taxpayer and the country that we carry on checking for those 57. It is likely that a number of them have left the country.

With effect from 2015, when we will have e-Borders—the system that the Chairman has mentioned—we will be able to count people out as well as in, so we will have much better management information on flows in and out of the country. At the moment, we do not record people leaving the country in the way in which we record people coming in. It is a matter of tracing them. I think that a number of them will have left, but it is a small number and we will carry on our efforts for the immediate future to trace them on a regular basis.

**Q169 Mr Clappison:** On a different point on the same subject, we understand from what you have told us that no central record is kept of the time within which the National Offender Management Service refers foreign national offenders who are liable to deportation by the Border Agency. Are you satisfied with that?

**Rob Whiteman:** Of course, NOMS systems will show their data with regard to when somebody has entered its system. Our computer system shows when people have been referred to us. Our system does not take the information off NOMS. We believe that in the vast majority of cases the referral is made to us within five working days, as per the memorandum of understanding. We do not have a computer interface to confirm that, but we believe that the vast majority of cases are referred to us. We consider people for deportation 18 months before the end of the sentence, so between that five days and getting to the 18 months before, we could offer early release or facilitated release. In my view, that works satisfactorily. I do not come across cases in which NOMS is routinely referring cases to us later than five days. We believe that the memorandum of understanding is working well in terms of identifying people in the prison system as early as possible.

It helps, of course, that we have some FNO-only prisons. Indeed, the Minister continues to discuss the matter with the Ministry of Justice. Through our partnership working, if we can have another FNO-only prison, with our staff based there, the likelihood of people being referred to us within five days would be all the greater.

**Q170 Steve McCabe:** I wonder whether I can ask a quick follow-up on that point. Obviously, UKBA is responsible for deporting foreign offenders, but did I understand correctly that you told Mr Clappison that you are entirely reliant on NOMS advising you that someone is in the system? Therefore, if, by any chance, it does not happen to notify you, you would not be able to fulfil your responsibility to deport them. Is that right?

**Rob Whiteman:** Yes, and that is what happened in 2006, isn't it?

**Q171 Steve McCabe:** I am not trying to get you into a corner, but I really want to understand this. Am I right in thinking the position is that you are responsible for the deportation, but you wait and hope that NOMS will advise you that a candidate is available? That system is inevitably prone to risk. Mr

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Clappison asked whether you were satisfied with it—I cannot understand why you are.

**Rob Whiteman:** The reason why I am satisfied with it is that it is working.

**Q172 Steve McCabe:** How can you possibly know?

**Rob Whiteman:** It is working, because we have a memorandum of understanding with NOMS to identify people.

**Q173 Steve McCabe:** But if NOMS forgot to notify you or if there were a breakdown at NOMS, you could not possibly know that, because you are entirely reliant on it. I am asking whether you are satisfied that that is the best system for you to be able to fulfil your responsibilities?

**Rob Whiteman:** We would know if it were failing.

**Q174 Steve McCabe:** How?

**Q175 Chair:** How would you know?

**Rob Whiteman:** Because NOMS would have management information. NOMS would know that a foreign national offender had reached the end of their sentence without being referred to UKBA.

**Q176 Steve McCabe:** And you would be entirely reliant on its advising you of that. That is the point I am making. You have no way of knowing.

**Q177 Chair:** I think the point that Mr McCabe is making is the same as the one that we made in our last report—that this should be notified directly at sentence. When a foreign national prisoner is sentenced, to a sentence that merits removal at its end, the notification should be made immediately. In your letter to me, you have no way of checking how many times the five-day target was met.

**Rob Whiteman:** Yes.

**Q178 Chair:** That's the point that Mr McCabe is making. You were very clear. That is unsatisfactory. You, as the head of the UKBA, ought to know whether or not the memorandum that you have signed with the NOMS people—whoever they are—is working.

**Rob Whiteman:** Well, I do.

**Q179 Chair:** But you don't know, because you have told us you cannot give us any information.

**Rob Whiteman:** Remembering, Chair, that in 2006, it was known that foreign national offenders were reaching the end of their prison sentence and could be deported—

**Q180 Chair:** Sorry, this is not about the end of the sentence; this is on sentencing. What you said in your letter, and what Mr McCabe is getting at, is that referral by NOMS within five days of sentencing—that is when you have to be under your memorandum of understanding. But in my letter to you, I asked how many times the target had been reached, and you cannot tell this Committee.

**Rob Whiteman:** That is the case, Chairman. I can tell this Committee that in the view of my staff, we are being given notification in sufficient time to be able

to work with offenders before they come up for deportation. I can also say that people are not finishing their sentences and are not facing deportation.

**Q181 Chair:** Mr McCabe is saying, wouldn't it be better that at the time of sentencing you were notified so that, rather than waiting for someone in NOMS to tell you, you could be told what was going on?

**Rob Whiteman:** Yes. If we could be notified at the time of sentence, we would welcome that. There are resource issues for NOMS, or resource issues for UKBA.

**Chair:** I think that is a simple fact, actually. Mr Michael is bursting to get in. We are all trampling on Bridget Phillipson's question, but trample away!

**Alun Michael:** No, with respect, 21 comes before 22.

**Chair:** Yes, take it from here, Mr Michael.

**Q182 Alun Michael:** Can we just unpack this a little bit? We may be in danger of misunderstanding what is being said, listening to the responses. If there was a notification at the point of sentencing, that would presumably have to be done by the court through some automatic system. Am I right in saying that there is no communication to you from the court?

**Rob Whiteman:** It could be done two ways, Mr Michael. One would be a communication from the court to us. That would have a resource implication for NOMS. The other would be that we have staff in court to hear every sentence. That would have a resource implication for us.

**Q183 Alun Michael:** So, the period of five days is set to ensure that you know early in the sentence that there is somebody who requires your attention.

**Rob Whiteman:** Yes.

**Q184 Alun Michael:** So is the five days important, or is it the balance of the sentence that is important?

**Rob Whiteman:** It is the five days that is important. If, by the balance of the sentence, you mean the length of the sentence—

**Q185 Alun Michael:** If somebody is sentenced for two years, you get the notification within the five days. You have then got the remnant of that two years to do what you need to do.

**Rob Whiteman:** We have got enough time.

**Alun Michael:** Or the remnant of six months, or whatever it happens to be.

**Rob Whiteman:** We can automatically deport people, on the whole—two years for EEAs, two years for non-EEAs. So as long as we are notified within five days, we have time, within that year or two years, for the length of the sentence. It is the sentence that allows the automatic deportation. It reaches the threshold of what is called a criteria removal where, because of the nature of the sentence—the length of the sentence—we can automatically deport on expiry of the sentence, or we can encourage people to finish their sentence early so that we can deport them. In fact, one of the points that I make in the letter is that nearly half of deportations now finish before the expiry of the sentence. So, because we are notified within five days and we work with the offender, actually half of the

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cases now don't reach the end of their sentence before we deport them. We are deporting them under the early release scheme, or the facilitated release scheme, and that is a success. We are pushing up the number all the time of prisoners we are deporting early.

**Q186 Alun Michael:** Can we just go to the other side of what the Chair was asking you about, which is being sure that cases aren't missed? If a case was missed and notification early in the sentence—whether it is five days, six days or seven days when they told you—hadn't happened, how would it pop out of the system that somebody had been overlooked?

**Rob Whiteman:** It would pop out of their system, because NOMS keeps a record of where it has identified that somebody is a foreign national. Where we get—the Committee has been made aware of this in the past—three or four cases in some years in which the system does not work, it is because, on very short sentences, the court sentences and releases on the same day because people have been held on remand. You will be aware, Mr Michael, that remand counts as double time towards the sentence. So, sometimes we get a small number of cases in which we don't have people at court—which would not be in the interests of value for money—and they receive short sentences. In those cases, we obviously put people into our tracing arrangements and try to find them as absconders as quickly as possible.

**Q187 Alun Michael:** But is there a mechanism now whereby NOMS is looking out for that sort of case, so that you are pre-advised when somebody is getting towards court?

**Rob Whiteman:** There is. Again, I would say that the arrangements are working. People are being deported on expiry of their sentence.

**Chair:** Excellent. If we could have some figures, that would be very helpful. Thank you, Mr Whiteman.

**Q188 Michael Ellis:** Mr Whiteman, your own figures show that 3,900 foreign national offenders—criminals—are subject to deportation action who are living in the community, as of six weeks ago; the beginning of April, I think. I accept that two and a half thousand of those—2,467—were released over two years ago, and 817 were released over five years ago, but people are getting fed up with this.

The fact of the matter is that, despite previous incompetence that you have inherited—I appreciate that that is the case—too many foreign nationals who have committed criminal offences are here who, surely, should be deported, and it is taking too long. Why is it taking such a long time, and what is being done to address the backlog?

**Rob Whiteman:** I agree with you that it is taking too long. We do not want foreign national offenders to be in the community for several years before they are deported. I would remind you that, as we say in the letter, in 90% of these cases people are in the community because of a decision of the court and not a decision of the UKBA. Our view is that while people are facing deportation, those who are offenders should be held in detention.

People are released into the community because the court deems that we do not have a realistic prospect of quick removal, and therefore the offender has the right to be in the community rather than held under immigration powers. The reasons for that are the lengthy time it can take for a case to go through our judicial system. People have multiple rights of appeal on different points of law, and sometimes that can take several years to go through the system, particularly if it goes to a higher court.

There are some countries from which we have difficulty receiving documentation. We cannot just put somebody on a flight and send them home; they have to be documented in order that that country accepts them. Indeed, some people really try to frustrate the system and, even when they are documented, when they get to the other end they say, "I'm not really your nationality; I come from somewhere else" in an attempt to be sent back. In fact, we had a case of that recently; somebody had frustrated our attempts to deport them nine times and we finally got them out. One point is documentation and the other, of course, is the legal issues that I spoke about—the appeal process. Some case law now makes it fairly difficult to remove—

**Q189 Chair:** European case law or British case law?

**Rob Whiteman:** Both. ZH (Tanzania) is a case—a Supreme Court case—that says that the interests of a child outweigh the interests of deporting a foreign national offender, so we have cases in which we would—

**Q190 Michael Ellis:** What about the interests of the general public?

**Rob Whiteman:** If I could just add to that? Just in terms of what we are doing about these issues, first of all—

**Q191 Chair:** I think Mr Ellis is keen to know from you that the 3,900 figure is going to come down—rapidly.

**Rob Whiteman:** Yes. I do not think I can guarantee that it will come down rapidly. I can guarantee—

**Q192 Michael Ellis:** Is it mostly due to foreign countries not co-operating? I take the point that you make about the appeals process, but usually there is a time limit of perhaps 21 or 28 days after the conclusion of a case for the defendant to appeal. After that time has elapsed, it ought to be assumed that their appeals process is not going to be utilised or that they have exhausted their appeal. Where there is obviously an appeal in progress, I accept that you have to wait, but where there is not, that should not be the case. Would you say it is mostly foreign countries not co-operating?

**Rob Whiteman:** It is a mixture of the three. First, getting to the stage of appeal rights being exhausted can take a long time if there are complex points of law around the family, for example, which will be contested through the courts. Secondly, on documentation, some Governments are not there. We need to have a functioning Government in order to be able to get documents. There are a few places in the

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world where, in effect, we are not able to make returns because no Government are in operation from whom we can get documents. Thirdly, there are some countries with which we ought to be able to document cases more quickly, and we are using a whole-Government approach so that all Departments are lobbying those countries on quickening up the documentary process.

**Chair:** It would be helpful, Mr Whiteman, if you let us have a list of those countries, and we will see what we can do to help.

**Michael Ellis:** Yes, that would be helpful.

**Chair:** Let us move on to the archive. I am sorry to hurry people along but you have been waiting a long time, Mr Whiteman, and I am conscious that you have important business to conduct.

**Rob Whiteman:** There is nothing more important than being here, Chairman, as you would expect me to say.

**Chair:** Good answer.

**Q193 Steve McCabe:** Clearly, we have time, Mr Whiteman. You said in your information to the Committee that you had been able to reduce the controlled archive, but it still stands at more than 100,000. Those are effectively cases that we have lost track of. Is that a fair way of describing it?

**Rob Whiteman:** The real issue about the controlled archive is that the majority of the cases have gone home.

**Q194 Steve McCabe:** But the fact is they are cases that are not completed. You may have your impression, but we do not totally know that, do we? We know you cannot account for what has happened in 100,000 cases. That is what it really means, is it not?

**Rob Whiteman:** Again, I hope in my few appearances here that I have been open and transparent.

**Chair:** Yes, you are. We keep saying that.

**Rob Whiteman:** I think that there are a small number of cases in the controlled archive that should not have been in there.

**Q195 Steve McCabe:** That is what I want to come to next. I am just trying to establish what it is. It is cases that are not completed. They may have gone home, but we do not actually know that. You say that the case assurance and audit unit is now going to carry out a manual audit of the controlled archive. Has that started, how will it proceed and what do you expect the result to be?

**Rob Whiteman:** We do know—

**Q196 Steve McCabe:** Has it started?

**Rob Whiteman:** It has started and it will be completed in the next couple of months. As I show on page 9 of the letter, we are making good progress on the asylum controlled archive. You will see that that has come down from a high of 98,000 to 80,000. I remind you that these are all cases that pre-date 2006. Many of these are cases that are six, eight, 10 years old and the reason they could not be concluded was that we could not contact the person at the time the legacy was closed. Where we carry out some sampling—as I said to the Committee earlier we do not have full e-Borders

coverage of people leaving—we have strong evidence that shows that people have left. That is where we have been able to research a sample. We also know that these are people who have not left a footprint in terms of DWP, HMRC and Equifax tracing for more than six years and often longer.

We have to do two things. First, where there are cases that should not be in there—I know from the correspondence that MPs send me that there are cases, a minority of cases, that should not have been in there—or where information comes to light, we will put them in the live cohort, that top line of page 9. Where we do not have any evidence and where it is a significant amount of time, it is in the interests of the taxpayer to close that case because we are employing staff to carry out checks on people who have left a decade ago.

**Q197 Chair:** Yes, I think we would all accept that. However, looking at the table that you sent us, as Mr McCabe said, the asylum controlled archive has gone down by 13,000, but your live asylum cohort has gone up by 4,000.

**Rob Whiteman:** Yes.

**Q198 Chair:** The point is that in a sense, it is going from one tray to the other. The net figure that you have reduced it by is actually 7,000, but the migration controlled archive, which is a new archive that you created within the master archive—the main Tardis, as I like to call it—has gone down by 500. All in all it is a net decrease of 7,000. When the National Audit Office employed people to look at cases that you said could not be traced, it found a number of people that your organisation could not find.

**Rob Whiteman:** No. It employed a tracing agent in order to look at names. It found addresses but—I covered this in this Committee Room yesterday afternoon during the Public Accounts Committee—it did not find people. When we looked at those addresses, we didn't find—

**Q199 Chair:** They weren't there. They just had the footprint, but there was no foot, is that right?

**Rob Whiteman:** That is right. Over the next year we want to apply more widely the approach that we have adopted of intensively checking the controlled archive or tier 4. We want to be seen—it is important for UKBA to be seen to take action against overstayers, and we will do more of it.

**Q200 Chair:** Let us be clear for the record. Since our last report, the live asylum cohort has gone up by 4,000. The asylum controlled archive has gone down because you are pushing cases from one section to the other. The migration controlled archive has gone down by 500, and of the 7,600 cases dealt with by the CAAU, indefinite leave to remain has been given to 4,450.

**Rob Whiteman:** That is correct.

**Q201 Chair:** So of the 7,600 cases you have cleared, you have allowed 4,450 to stay and removed only 650.

**Rob Whiteman:** Yes. Can I just say in relation to the live cohort that although—



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**Q202 Chair:** No. Are those figures right for the CAAU? Of the 7,600 cases, you have given leave to remain to some 4,000 and removed only 650.

**Rob Whiteman:** That is correct. This is at the top of page 8 of my letter, and it deals with original cases in the live cohort.

**Q203 Chair:** Of course. We like to know about these things.

What we call the legacy cases, which Mr Winnick talked about last time and the time before, were supposed to be cleared by July last year. How many have we got left in the CAAU as of this morning?

**Rob Whiteman:** I don't have the figures as of this morning. I am allowed to give you our latest published figures as in the letter.

**Q204 Chair:** Okay. What are they?

**Rob Whiteman:** I will say that for the 80,000, we now have an extra resource team working on that in Liverpool, and the Committee is always welcome to visit should it wish. We are making intensive efforts, and my view is that we will close that 80,000 this year.

**Q205 Chair:** So by 31 December this year, that 80,000 will have gone.

**Rob Whiteman:** Yes. Where we come across that minority of cases that should not be there, those will add to the live cohort. Although it looks as if the live cohort has not really moved a lot, we have put extra cases in there and cleared a lot as well. We have cleared 4,500 cases in the live cohort, but we have added more to it.

**Q206 Chair:** I have not discussed this with the Committee, but that is a good timetable to stick to. By 31 December, everything in the asylum controlled archive will have closed.

**Rob Whiteman:** Of the 80,000, yes.

**Q207 Chair:** Good. How many are left in the CAAU?

**Rob Whiteman:** In terms of staff or work?

**Chair:** Work.

**Rob Whiteman:** Well, the cases that are presently in the live cohort or that will go in there—

**Q208 Chair:** But that is asylum. I mean migration cases.

**Rob Whiteman:** Of the migration cases the figures are as published here—21,500.

**Q209 Chair:** So there are still 21,500 that haven't been cleared—of live people you know with footprints and feet—and 21,000; so it's about 42,000.

**Rob Whiteman:** The live people with feet is that top line—21,000.

**Q210 Chair:** Asylum?

**Rob Whiteman:** Asylum. The asylum controlled archive is people that we haven't been in touch with for many years.

**Chair:** These are the dead people. Fine.

**Rob Whiteman:** The migration controlled archive—the non-asylum one—is, again, people that we haven't been in touch with since at least 2008. They are going to be similar to the controlled archive, in that we will carry out checks on them, but the majority of those cases have probably gone home.

**Q211 Steve McCabe:** That's actually quite useful. I just want to try to clear up one point I am slightly confused by. Is this manual audit that you talk about something new—something in addition to the work you've been doing that's got rid of the 13,000?

**Rob Whiteman:** Yes.

**Q212 Steve McCabe:** So what were you doing that reduced it by 13,000 and what's the new thing that you're going to do, that's going to reduce it a bit more?

**Rob Whiteman:** First of all, in terms of the accuracy of the figures, we are counting the work. We are actually counting the work itself, rather than relying on previous totals from computer systems. One of the things that the Committee has complained about in the past is that the figures went up and down. We have therefore carried out an audit, manually seeing what is there and going through it. What we are then doing is carrying out—

**Q213 Steve McCabe:** I don't mean to interrupt you, but maybe I am just losing the plot here. Does a manual audit simply mean you are going to count the number of cases manually? Is that all it means?

**Rob Whiteman:** No, it means that—

**Q214 Steve McCabe:** Does it mean something else? I am just trying to figure out what it is that is different, and I am struggling, because I am not quite getting it; but you've done some work on analysing some of these cases, and that's reduced it by 13,000; and you're going to do some additional work. I am just wondering what that additional work is. It is not just counting them manually. It's something else.

**Rob Whiteman:** It means that we are working on the case itself—the file itself—rather than always using a system solution.

**Q215 Chair:** What does that mean in English?

**Rob Whiteman:** You could take a large number of cases on a computer system and match them against another system, to see what matches you get on tracing, for example. So it's what we do. We'll say, "Let's take 10,000 or 20,000 cases, match them against HMRC, DWP, Equifax": we do that, but the manual audit is that a member of staff is actually looking at the case, seeing if there are other things that would help us trace or understand the footprint.

**Q216 Steve McCabe:** Would that be things like a letter from an MP, for example?

**Rob Whiteman:** Yes, or it may be, "What if I play around with the name a bit?", and of course they play around with the name a bit and find a duplicate file. Remember, I have again said to the Committee that these are cases, not people. One of the other things we find by that more detailed manual work is that

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people will sort of do fuzzy matching—they'll try and look at names, and they'll find duplicate entries. So although it takes longer, we think that that manual intervention, as well as the type of systems work that takes place, is more thorough.

**Q217 Chair:** We must move on. One final question on this. The end product is, of the 7,600 cases that you'll have dealt with, only 650 people have been removed.

**Rob Whiteman:** Yes.

**Q218 Chair:** That's a very small figure.

**Rob Whiteman:** It is; and of course it is given the age of the cases. If these come to light after many years—and again I thank the Committee for encouraging MPs to write to us—very often, given that length of time, it is more difficult, because barriers to removal around establishing family, and rights to a family life, would have increased.

**Q219 Chair:** Does this amount to something of an amnesty? Out of 7,600 you are just allowing 4,500 to stay.

**Rob Whiteman:** It is anything but an amnesty. We will remove any case where we can.

**Q220 Mr Winnick:** My questions relate to this. I write, as I am sure colleagues do, on behalf of people who have seen me and have been here quite a number of years. There is no secret where they are. The chances that they will be removed are remote, because of the number of years and the fact that they have had children born here and the rest of it. It seems odd that virtually all the replies, Mr Whiteman, that I receive, either signed by you or one of your senior officials, do not say anything other than, "In due course a decision will be made on these cases." They could have been here—and in some instances people have been here—12 or 13 years.

**Rob Whiteman:** Yes, Mr Winnick. I think that, for the future, the quicker we do work, the better it will be for the longer term solution. We are dealing with an issue where, I am afraid, backlogs of work built up. Where cases are raised with us—as I said earlier, some of the cases should not have been in here; it is genuinely not that, when replying to you, I am trying to be unhelpful—it does then take a while to go through the agency, establish all the different files that we may have and make a decision that is binding on that case.

For the future, we will introduce a new immigration casework system, which will link all the legacy systems. There is a facility on it called iSearch, which means we can search different systems and databases around a common name; but at the moment, in trying to conclude a very old case, it does take a considerable amount of work and time to pull together the files from different parts of the agency. I am sorry about that. We are doing our best to get through this work. We will conclude it, and I hope that for the future we

do not allow it to happen again. I of course recognise, as I sign these letters to you, that those older cases can take a while to resolve.

**Q221 Mr Winnick:** These controlled archives—an almost Orwellian term: are they in the main based in Croydon? Will there be an opportunity for members of the Committee, if we so wish—we are going to Croydon, aren't we, Chair—to see actually what is happening?

**Rob Whiteman:** They are in Liverpool, and you are very welcome to go, Mr Winnick.

**Q222 Mr Winnick:** They are all in Liverpool, are they?

**Rob Whiteman:** Most, yes. The controlled archive is in Liverpool.

**Q223 Alun Michael:** Just to be clear on one point, over the period from 1 December to 31 March, approximately 4,500 tier 2 cases were identified as being liable for curtailment action from notification sent by their sponsors, but you reviewed only some 1,400 of those. What is the reason for that? Why were not the other 3,100 investigated?

**Rob Whiteman:** When we receive notifications from sponsors it can be changes of circumstances; changes of address. We look at those and say, "How many of these may be that the person is no longer working there?" The 4,500: we did review 1,400 of these, which has led to identifying 400. The remainder of those, Mr Michael, will be worked on over the summer.

**Alun Michael:** I see; so this is just what you—

**Rob Whiteman:** This is what we have done so far.

**Q224 Alun Michael:** And is the priority given to those where there is a sense of a judgment that perhaps there is some priority?

**Rob Whiteman:** Yes, it is; and also, over the last few months we have given priority to student curtailment, so just like we deal here with how many curtailment notifications we received, in relation to students we received some 120,000 curtailment notices during the history of the points-based system. We have now been through all of those. We have got back down to some 26,000, where we have issued curtailment notices, because of the nature of the information. We have prioritised that work. We have done some of the rest, but by the end of this month we will be fully up to date, so that as we get new student curtailment notices we deal with them as they come in. By the end of the summer we will be up to date with curtailment notices for other tiers.

**Q225 Chair:** On students, in our letter to you we asked how many of the 62,000 notifications received between February 2010 and October 2011, of students no longer attending college, had resulted in the students being removed, and you didn't have an answer for us. Do you now know how many of those notifications have been acted upon?

**Rob Whiteman:** In relation to tier 4, we are up to date with regard to curtailment notices, as I have just said to Mr Michael.

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**Q226 Chair:** I'm sorry, but that does not mean anything. Of the 62 notifications, how many have been removed?

**Rob Whiteman:** What has happened with those, Chairman, is that we are now up to date with curtailment notices and we have given a number of those to arrest teams for our summer enforcement campaign. We have an operation called Operation Mayapple. Based on our national tasking and co-ordination intelligence board, we take information that we have on student curtailments, employment curtailments, sham marriages, foreign national offenders—different operations. We have now tasked a number of those students from those curtailment notices to be arrested over the summer, through our Operation Mayapple, and at the next Committee I will be able to brief you on how many arrests and removals we have made.

**Q227 Chair:** Excellent. Finally, I have just been informed that there are at the moment 1,000 people waiting to clear immigration at Heathrow airport. People are very concerned out there and they are very upset about the delay. We have heard what the Minister said earlier and we have also heard what the airlines have said. It is surely not acceptable, is it, that thousands of people should be waiting in this way?

**Rob Whiteman:** Obviously, this is something you will wish to ask my colleague, Brian Moore, about at the next hearing. I am not responsible for passport control, since 1 March.

**Mr Winnick:** You must be grateful that you are not.

**Q228 Chair:** I understand why you said that, Mr Whiteman, but you are the head of the UKBA. Presumably, Mr Moore's office is not far away from yours at Marsham Street, you talk to him and you do not live in silos. You must agree with the Minister and others that this is not acceptable.

**Rob Whiteman:** I do, Chairman. I am sorry, but I took too long on my sentence and never got to the end of it. The issue of Heathrow, which I know from my time managing Border Force, is that every day there is a spike in activity. We have some weekly spikes and seasonal spikes. The issue about getting border control right and security right is making sure that we have all the desks manned at those busier times.

**Q229 Chair:** Which is not the case. You had management of this until six weeks ago.

**Rob Whiteman:** Until 1 March.

**Q230 Chair:** This did not just happen six weeks ago. It was happening then and we have heard that it has

been happening for two years. You want to see all the kiosks manned, do you?

**Rob Whiteman:** What we all want to see is, first of all, from my own experience, the work to introduce a command room, which is important. You heard from BAA earlier at your Committee about real-time information in order that the nature of flights coming in is understood. It is important that we improve rostering, and it is important that we have all desks open at the time. That is a shared responsibility between the Home Office, Border Force and UKBA. The Home Office will have arrangements, through better rostering, a new command suite and other actions, to have all those checkpoints manned at busy times.

**Q231 Chair:** Yes, but it is clearly not happening at the moment, is it, Mr Whiteman?

**Rob Whiteman:** The airlines need to ensure that they do not do what is called bunching. If you get a number of very heavy, large planes from a destination where you are going to carry out a lot of passport checks, and if they all come at the same time rather than as scheduled, every desk opened in the hall will not be able to deal with the throughput.

**Q232 Chair:** Indeed, but this crisis that we have seen over the past few weeks has not just been over the past few weeks; it happened under your watch. You are saying that these changes will deal with the problem—is that right?

**Rob Whiteman:** Yes. I believe that the changes that are being made—

**Q233 Chair:** They were announced by the Minister last week. So the queues will go.

**Rob Whiteman:** The service standard with BAA is that EEA passengers should not have wait for longer than 25 minutes. For non-EEA, it is 45 minutes. Those standards are very rarely breached. In 95% of cases, those standards are maintained. It is absolutely the intention that they are maintained all the time and that, where we see these cases of queues for longer than that service standard, through better rostering and better management information, we should see the back of them.

**Q234 Chair:** Apparently, it is happening at Heathrow as we speak. Perhaps when you go back to Marsham Street, you could pop into Mr Moore's office and tell him that we will ask him about this next week.

**Rob Whiteman:** It will be a pleasure, Chairman.

**Chair:** Mr Whiteman, thank you very much indeed. That concludes our session.

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**Tuesday 22 May 2012**

Members present:

Keith Vaz (Chair)

Nicola Blackwood  
Mr James Clappison  
Michael Ellis  
Dr Julian Huppert

Alun Michael  
Bridget Phillipson  
Mark Reckless  
Mr David Winnick

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**Examination of Witness**

*Witness:* **Brian Moore QPM**, Director General, Border Force, gave evidence.

**Q235 Chair:** This is the Committee's investigation into the Border Force following the appointment of Brian Moore. Welcome, Mr Moore, and welcome to this Committee.

**Brian Moore:** Thank you.

**Q236 Chair:** We will be considering other matters after your hearing. Can I congratulate you most warmly on behalf of the Committee on your appointment? I would just like to deal initially with your appointment to this very important post. When were you told that you had this job? Because this is a job that was never advertised but was in the appointment and gift of the Home Secretary.

**Brian Moore:** Yes. I cannot recall the exact date. It was somewhere around 18 or 19 February, somewhere around there from memory.

**Q237 Chair:** You do not know exactly when the Home Secretary rang you and made you the head of the Border Force?

**Brian Moore:** The Home Office contacted my police authority. I can find out the exact date. I just do not have it with me right at the moment.

**Q238 Chair:** Right. When you were appointed, what was your remit? Because, of course, up until then there was one organisation headed by Rob Whiteman, who had recently gone through an appointment process and was appointed to head the entire operation. Basically you inherited a third or half of this organisation?

**Brian Moore:** My appointment is an interim one. I am seconded from the Wiltshire police, from 1 March until 31 August effectively, so I am interim head of the Border Force. After the Home Secretary's announcement to Parliament that it should be establishing a separate law enforcement command, which is the Border Force, I inherited probably about a third of the overall size of the UKBA in the Border Force.

**Q239 Chair:** Do you know how many people you have working for you?

**Brian Moore:** Currently 7,300.

**Q240 Chair:** Your appointment lasts until August of this year. At the end of August, will you go back to Wiltshire?

**Brian Moore:** I don't intend to. My contract expires pretty much at that period so they will be looking to

appoint a new Chief Constable, probably, when the new Police and Crime Commissioners are elected in November. In theory I could certainly return there, but it probably would be quite disruptive to the business of Wiltshire police if I do return. If I am not successful in any subsequent application for this post, that I am currently occupying substantively, I shall look elsewhere probably.

**Q241 Chair:** It sounds all a bit uncertain, bearing in mind the UK Border Force is a very important organisation. We have the Olympics coming up. There seems a little bit of uncertainty. Let's go to the certainty. You were appointed on an interim basis until August?

**Brian Moore:** Yes.

**Q242 Chair:** Your job has been advertised by the Home Secretary?

**Brian Moore:** Not yet.

**Q243 Chair:** Not yet. When is the permanent post going to be advertised because it is already the end of May, isn't it?

**Brian Moore:** Yes. I understand that post will be advertised shortly, but again I am not aware of a specific date.

**Q244 Chair:** This must be a bit of a problem for you not knowing what is going to happen in the future, because you are indicating today that you will apply for this job. Is that right?

**Brian Moore:** I am intending to apply, yes.

**Q245 Chair:** But it is quite possible that somebody else might be appointed and then you will go off somewhere else?

**Brian Moore:** Yes, if there is a better candidate who will lead this wonderful organisation forward, good. So, no, there is no uncertainty, I am just very focused now on making sure that the Border Force is doing all that I would expect it to do moving forward. Everyone in the Border Force will be well led and well managed by me, moving forward.

**Q246 Chair:** In view of the fact the Olympics are coming up, and obviously that is going to be a key issue for you, wouldn't it be wise that there should be no advertisement for this job until after the Olympics is completed, to give you the full confidence to know that you are not in competition with other people

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applying for your own job? Wouldn't that certainty actually be quite welcome?

**Brian Moore:** No. I am not affected by that at all. It is not an issue on my mind for one second. I am just focused on making sure that we do a really good job, that we are very well prepared for the Olympics, and nothing—but nothing—undermines the security of the country during the time that I occupy this post. So I am not even thinking about that, Mr Vaz. I just want to focus on making sure the Border Force is well led.

**Q247 Alun Michael:** Can we clarify something about the role of the Border Force? Previously of course it was one organisation. The Border Force was simply a part of the Border Agency although we all know it is not an agency, it is a part of the Home Office. Can you clarify for us what the Border Force does and what the Border Agency does?

**Brian Moore:** The Border Agency deals initially with the allocation of visa requests in foreign countries, for example, so it has an international remit. Then it is responsible for inland, in-country investigation of immigration issues that affect the United Kingdom. The job of the Border Force is to screen all passengers and all goods arriving into the United Kingdom, so that we can detect and deter anyone who would break our laws or who otherwise poses a risk to the safety or security of the community of the United Kingdom. We are that very important checkpoint at the border, one of the natural filters in our island where we can detect and deter. Immigration crime is dealt with by the Border Agency in the main, and we concentrate on being able to detect and deter people who should not be coming to our country or goods that should not be coming to our country that arrive at our border.

**Q248 Alun Michael:** Can I be clear, though, how that works in practice? If somebody is identified coming into this country and there is a question about them, does that remain a matter for the Border Force or essentially are they pulled to one side and passed over to the Border Agency? That is where I am not clear where the lines come.

**Brian Moore:** Yes. There is a stage where the Border Force will do an investigation—a very limited one—in the presence of the person at the border. If we decide that there are queries about the status of that individual, they are issued with a notice, which basically detains them while some inquiries are made. If it is a very simple matter, they are allowed to proceed on their way or sent back. With something more complicated, then the position is that we refer cases to the UK Border Agency to take over. The detail of this is being worked through in transition arrangements. Of course one of the change management strands that falls to me and Mr Whiteman to do, is to make sure that the handoffs between the Border Agency and the Border Force are managed very well, going forward, but for the time being things are as they are. There are no—

**Q249 Alun Michael:** This may be subject to subsequent clarification, but if the case is being referred to the Border Agency do you still hold that

individual or does the Border Agency then hold that individual?

**Brian Moore:** If they are put into detention for any reason, then the Border Agency is responsible for the detention in the detention estate of that individual.

**Q250 Alun Michael:** You referred to the number of people that you have responsibility for. I think you said 7,300?

**Brian Moore:** That is correct.

**Q251 Alun Michael:** How was it decided where the line would be drawn?

**Brian Moore:** It is largely historical. That which was allocated to the Border Force, as part of the Border Agency, has largely been moved into the separate agency. Again, of course, there will be work to do to make sure that the respective resourcing levels are appropriate moving forward, and that is part of the—

**Q252 Alun Michael:** Understood. At the point when it is clarified it might be helpful for you to inform the Committee. Then can I ask about the governance of the Border Force. You are accountable as the head of the Border Force, which is a part of the Home Office, to the Home Secretary. What about other accountability, are you accountable to the Permanent Secretary or to the director of one of the divisions or departments of the Home Office? I am not sure what terminology gets used because it keeps changing.

**Brian Moore:** We are a law enforcement command within the Home Office. I am an interim Director General, like the other Directors General in the Home Office. My line manager is the Permanent Secretary and I report to the Ministers and the Home Secretary, in the way that the other Directors General do.

**Q253 Alun Michael:** Is there any governance in respect of your work and the work of those within the Border Force? Is there a board, is there a committee, or is it simply a personal responsibility to the Permanent Secretary and, in policy terms, to the Home Secretary?

**Brian Moore:** Currently, I manage a senior management team of the senior members of the Border Force. I report to the Permanent Secretary and the Ministers. As part of these transition arrangements, I will be seeking to have a board put in place, but realistically, by the time we have done some of this transition work, that is going to be more like September or later on in the year, and subject—

**Q254 Alun Michael:** You are looking to put some form of governance in place and will that include some independent representation?

**Brian Moore:** Yes, that is what I would intend. Of course, I need to report all this to my seniors.

**Chair:** It would be helpful to have a note of that.

**Q255 Mark Reckless:** There is going to be another board for the Border Force, as well as the Home Office board and the UKBA board?

**Brian Moore:** These are all the issues that I will look to others to resolve for us, an effective system of governance that provides clarity and independent

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challenge—if and where that is necessary—but keeps the whole thing as non-bureaucratic as possible. One of the reasons why the Border Force was established was to make sure there is clear focus and challenge around Border Force—

**Q256 Mark Reckless:** This Committee is very keen to see effective prosecution of people smugglers. As you may be aware, there was a recent case in Sussex where a prosecution of alleged people smugglers—I think from Sri Lanka, supplying people to the black labour market—collapsed, and there was very significant judicial criticism about no one knowing who was in charge of the prosecution, whether it was seconded police officers or UKBA. There was no idea of what the disclosure regime was, and just huge incompetence in the prosecution of that, ostensibly by UKBA. Are you aware of that and is that an area where you and the Border Force, with your policing skills, may be able to get involved?

**Brian Moore:** I am not familiar with the case so I can't comment, I am afraid. I don't know enough about the Border Agency's prosecution activities to be able to comment effectively.

**Q257 Mark Reckless:** Would the Border Force potentially have a role with prosecutions, or is that something you see as outside your area?

**Brian Moore:** In terms of prosecuting, one of the transition issues that I do want to examine is what capability the Border Force needs to be able to investigate and prosecute border-related crime and/or rely upon, for example, the UK Border Agency to provide that to us. These are issues that we are working through.

**Q258 Chair:** Thank you. We will come on to other issues to do with your role in a second. Can I just finish on your appointment and Wiltshire police? The Committee has received a letter from Sue Leffers and Zoë Durrant—a copy of which has been sent to the Home Secretary—about the way in which you conducted an investigation into allegations of sexual harassment by your former deputy at Wiltshire. There is a complaint that you took over a year to make progress in this matter, and that it had to be referred to an outside body. Would you like to tell the Committee anything about this?

**Brian Moore:** I don't think it is appropriate to comment on this. I managed the case well, but the reason why I can't comment further is that there is an inquest into the death of a serving officer, which is to be heard on 11, 12 and 13 June, so really quite imminent, and there are some—

**Q259 Chair:** You are waiting for the outcome?

**Brian Moore:** Yes.

**Q260 Chair:** But you have nothing more to do with this particular investigation?

**Brian Moore:** I have nothing more to do with it, no.

**Q261 Chair:** Have you seen a copy of the letter?

**Brian Moore:** I have not.

**Chair:** The Committee will give it to you. Let us move on now to—

**Mark Reckless:** I have a point of order.

**Chair:** Yes, of course.

**Mark Reckless:** Could I make a declaration of interest? The individual concerned, Mr Ainsworth, was previously Assistant Chief Constable at Kent and I worked with him in that role as a member of the Police Authority then.

**Q262 Chair:** Thank you very much.

You have had a bit of a baptism of fire. You called it a “wonderful organisation”, yet the Prime Minister was very concerned about it. He summoned the Home Secretary and the Immigration Minister to see him a fortnight ago. You seem to be quite relaxed about the long queues at Heathrow and other airports because you said if people had to have a delay because of border security, “then so be it”. Is that still your position or do you support what the Minister has done, since you made that statement, in sending additional staff to our airports?

**Brian Moore:** In terms of those comments, I remember that well. I gave about six interviews in an hour, and I was able to say in all, bar the one that you have just quoted from—it was in the context of the Olympics, actually—that we had a very strong Olympic plan and I did not envisage at all that members of the travelling public would be delayed unnecessarily during the Olympic period.

**Chair:** Yes. We will come on to the Olympics in a minute. If you concentrate on now because we have other questions on the Olympics, specifically about what has happened in the last two weeks.

**Brian Moore:** Sure.

**Q263 Chair:** The fact that Ministers have had to send in more staff to deal with this issue, don't you think that is something you ought to have done, since you have operational control of this matter? Why had you to wait for the Minister for Immigration to set up a new control system?

**Brian Moore:** My plan for the summer rise in passengers actually commenced on 1 May. That was something that I had pre-planned, to increase the numbers of staff being deployed to the border from 1 May.

**Q264 Chair:** So you were unaware of the queues at Heathrow Airport? You did not know people had been waiting for up to three hours? If the plan was 1 May, were you not conscious of the fact that people couldn't get into this country for up to three hours? You went to Stansted, I understand. I have been to Stansted. People were waiting a very long time to have their passports checked. Were you not aware of that?

**Brian Moore:** I have visited a large number of ports. Any delay of three hours would be unacceptable. There is just no question about that. That is not right, unless there is some extraordinary reason. But for that to be routine—which it isn't—is simply not acceptable. This has been part of a gradual process of moving our resources, which is sometimes not a strength of the Border Force that it has ready means

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to move its resources around quickly where there are peaks in demands. It took me a little time to get our resources assembled so that we could get the right number of people in the right place.

**Q265 Chair:** Mr Moore, some may think you were being very complacent. It took the Prime Minister telling you and the Home Office to get a grip before anything happened. Shouldn't this have been something you should have sorted out before 1 May?

**Brian Moore:** I don't know the Prime Minister's thinking on this.

**Q266 Chair:** It was in the newspapers, Mr Moore. I don't know the Prime Minister's thinking, I just read what is in the newspapers.

**Brian Moore:** Right. Yes, I perhaps don't always accept everything that I read in the press. But the point—

**Q267 Chair:** You had no contact with the Immigration Minister expressing concern about these queues? I find that remarkable.

**Brian Moore:** Of course, the Minister and I have been discussing security and queues since I arrived. We all want a secure border and delivering a fast and fair service for the travelling public. That is what we have been working hard to do together.

**Q268 Mr Winnick:** Mr Moore, airport and airport owners have stated that it is not tenable to maintain 100% passport checks, as the Border Force have insufficient numbers of staff to process passengers through immigration. What are your views on that?

**Brian Moore:** I think it is absolutely tenable to maintain a high level of checks at the border. We must maintain a high level of checks to keep our public safe. What we must do, and my job—hence back to the questions from Mr Vaz in a minute—is to make sure that the Border Force has an efficient way of moving the resources available to it around to meet demand. That is what I have been doing. That is the process. Strong security, and a fast and fair service for the travelling public, is what we must achieve.

**Q269 Mr Winnick:** Mr Moore, no one disputes the necessity for having high levels of security, otherwise there wouldn't be any reason to have your organisation. Everyone is concerned, first and foremost, with the threat of terrorism, which certainly has not gone away. I did not ask you about high levels of security. We take that for granted, I hope. It is a question of whether it is necessary to have 100% passport checks, UK citizens coming with children and the rest of it. Do you have any views about the policy pursued by Mr Brodie Clark, who as you know was suspended—some would say “demonised”—because he brought about a system of flexibility that clearly the Home Secretary did not know about, or says she did not know about, and hence his suspension?

**Brian Moore:** I don't know. I have never met Mr Clark, and I am not in a position to be able to comment about what he may have thought or said.

**Mr Winnick:** I accept that. What about—

**Brian Moore:** As I say, Ministers and the Home Secretary have been very clear that 100% checks are what they require, and that is what I am delivering.

**Q270 Mr Winnick:** Are you satisfied that there are sufficient staffing levels at the busiest airports, Heathrow first and foremost but other airports? The Chair had difficulties at Stansted. If you have difficulties at Stansted one can imagine what it is like at Heathrow, long queues and the hours of waiting. Are you satisfied that staffing arrangements now are meeting the urgency of what is happening or some would say “the crisis” at Heathrow?

**Brian Moore:** Staffing arrangements are improving all the time to meet the rise in passenger traffic that we can expect during the summer. Last week you heard the Minister tell the Committee that more people are being provided to Heathrow, and others will be provided to other ports as necessary, to make sure that we achieve the balance between strong border security and a fast and fair service to our travelling public.

**Q271 Mr Winnick:** The evidence we have had from the unions representing employees at airports gives a different picture. They say the staffing levels are nowhere near adequate. You dispute that?

**Brian Moore:** Yes, I do. I do dispute that. I understand the unions' position. Unions do ask for more staff. The contingency arrangements that we have put in place are increasingly beginning to bite on the queue lengths. I think you heard evidence from BAA colleagues—probably as recently as last week—that even recently they are beginning to see improvements, as are we. I understand the unions' position, but it is not quite as simple as they would have it.

**Q272 Mr Winnick:** Mr Moore, are you satisfied that as the summer approaches—obviously the Olympics but also the very busy summer season—we are not going to have a situation at Heathrow where people will be queuing up as they arrive in the United Kingdom, at Heathrow in particular, for two, three and four hours? Are you satisfied that will not occur?

**Brian Moore:** I am satisfied that with our contingency plans we should be in a position to see that not happen. There will always be—

**Q273 Chair:** That is a double negative. Can we have a straightforward answer? You are a straightforward police officer, so let's have a straightforward answer, not a politician's answer.

**Brian Moore:** I would not want to be accused of that, Mr Vaz.

**Chair:** Right, so what is the answer?

**Brian Moore:** I do not anticipate seeing large queues of two, three and four hours because of the work that we are doing to move our resource to meet demand. However—

**Q274 Mr Winnick:** Yes, what is the answer, Mr Moore?

**Brian Moore:** I do not anticipate seeing queues of two, three and four hours. However, there will always be circumstances beyond our control, so I cannot say—

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**Q275 Chair:** Is this the wind issue that was raised last week?

**Brian Moore:** I am not commenting on what the circumstances might be, but there might always be conditions that may arise that simply defeat us. Our job will be to make sure that at the times of peak demand we have as much resource there as is necessary to be able to manage that which is present before us.

**Q276 Mr Winnick:** There will be a mighty row if what has occurred in the last few weeks occurs again, particularly during the Olympics.

**Chair:** We will deal with the Olympics in a second. We must move on.

**Brian Moore:** We have a strong plan for the Olympics, Mr Winnick.

**Chair:** We will come on to the Olympics now.

**Q277 Bridget Phillipson:** Mr Moore, my understanding is that staff holidays have been cancelled during the Olympics and extra staff are being drafted in. Could it be the case that queues are manageable during the Olympics, but then afterwards understandably staff will want to take time off and we will not necessarily have the same staffing levels? It might be after the Olympics that we see the lengthy queues that we have seen in recent weeks—

**Brian Moore:** We must keep this going, mustn't we? We will learn a lot about this resource movement I have been talking about. We will learn a great deal from that. We will have a strong Olympics. In September we move into an important period where lots of students arrive in the United Kingdom to commence their studies, so we will need to keep a strong set of arrangements in place for September. This is going to be the position moving forward.

**Q278 Bridget Phillipson:** Will that really be possible because surely staff who are working throughout the summer, and won't be able to take holidays, will have to take their own holidays at some point?

**Brian Moore:** We are principally talking about leave restrictions around the two blocks of two-week periods most associated with the big peak of arrivals of people in the United Kingdom for the Olympics. It won't be continuous months and months of no leave. There are a couple of periods where it is sensible to do that. In terms of deciding that, of course, we did have regard that towards the end of the performance year, later on, people will want to take their leave. That has all been considered and is going into our planning.

**Q279 Michael Ellis:** Mr Moore, the issue of bunching of flights at airports has also been a factor, as have been the increased passenger numbers. We heard evidence last week, from the airlines and the like, and from the Minister, about how flights are tending to bunch together, arrive at the same time, put pressure on the system at focal points, as well as some airlines failing to provide information to the Border Force authorities on time, in less than the required number of hours that they should be doing so. That also puts pressure on staffing. At unprecedented levels

of passenger traffic—for example, at the time of the Olympics—I understand the plan that the Border Force have is to draft in extra staff. It is my understanding that some of these extra staff will have a somewhat reduced period of training than is normally the case for full-time and full-service employees, the Border officers. The recommended period of training for Border officers is apparently 15 weeks—

**Chair:** Sorry, Mr Ellis, could you put your question.

**Michael Ellis:** I will do so in a moment, Mr Chairman. I won't take a fraction of the long time that some of the Labour Members have taken, if that is all right with you. The point of my question is this. There is going to be less time for training of these temporary officers. Do you envisage that being a problem?

**Brian Moore:** No, I don't, and if I can explain why. But taking your first point, yes, there are a host of factors about making sure that passengers have a smooth journey throughout their time. We are working closely with BAA and the carriers, to make sure that, end to end of the journey, the passenger arrival is properly understood and everyone plays a part in getting this right. That is very important.

In terms of the training being given to the contingency staff, let me explain that the Border Force officer training is three weeks in duration, the bit that deals with the arrival of people at the border. Our contingency staff receive two periods of training, which actually amounts to two weeks and one day as compared to the full three week period. I have read with interest some of the stories that have been circulated about this. May I just explain a little about the training?

**Michael Ellis:** Yes, please do.

**Brian Moore:** In dealing with an EEA citizen, which includes a British person, the contingency officer will receive one day of electronic e-learning, pre-course reading, including things like child protection-type issues and human trafficking issues in their pre-reads.

**Q280 Chair:** One day?

**Brian Moore:** One day. They then receive three days of classroom training. What we are asking them to do is to really be good at three things: one, establish the identity of the person who is presenting themselves to you; two, establish their nationality from which then one could make decisions; thirdly, to be able to handle the machinery, from which we can then determine whether there are any alerts or intelligence that we need to know about that person's security status. Then through the fifth day, of course, is being mentored by an experienced person immediately after that training is done. When they are deployed, they are then supervised and sat next to a mentor. That is the first part. I have a little more to say about the training of these. That is to do with EEA citizens.

To do with non-EEA citizens, the same contingency officer receives a further day of e-learning, then four days in the classroom being able to understand more about visas, with different kinds of visas for non-EEA nationals of course; how to manage the secure identity fingerprint checking; and then a further day of mentoring with a colleague. In fact, that is 11 days over two weeks, as compared to the three-week



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period. That is the training that is provided to contingency staff.

**Q281 Michael Ellis:** It is 11 days over a couple of weeks, as opposed to about that same period over 15 weeks?

**Brian Moore:** That is correct. It is a three-week block of training in the main course. The colleagues on the main course will also do customs work, post-interview detention, which they don't do.

**Q282 Michael Ellis:** The reportage that it was going to be four days compared to 15 weeks is absolute rubbish? The trade union figures that were being bandied about, to make it seem as though there was going to be an absolute huge difference between the training of the temporary staff and permanent staff, you are saying is absolutely wrong?

**Brian Moore:** I am saying that there are significant variations in the reportage, as you described it.

**Q283 Chair:** If you could answer the question. I think he has put a very good question to you. Is it wrong?

**Brian Moore:** It is wrong, yes.

**Q284 Chair:** It is wrong. How many days does the 15 weeks mean? How many days' training is the norm?

**Brian Moore:** It does mean 15 weeks or more, in fact.

**Q285 Chair:** Is that five times 15, is it? You said—

**Brian Moore:** But not for the role that we are asking the contingency staff to do. They are not trained as customs officers.

**Q286 Chair:** It is a different role?

**Brian Moore:** It is a different role. We have given them an adequate amount of training to be able to do support work. Bear in mind these contingency arrangements have been planned for over a year now, and these staff have already been deployed for at least at three strikes and other days. So, yes, it is something that has not been just whistled up in the last week or so.

**Michael Ellis:** Mr Moore, thank you. That is very helpful.

**Q287 Chair:** The number of days' training is what in total for a contingency member of staff, just for the record?

**Brian Moore:** A contingency member of staff, who will deal with EEA citizens—

**Chair:** Yes, you have explained what they are.

**Brian Moore:**—will receive five days.

**Chair:** Five days' training.

**Brian Moore:** Yes, which is—let me just confirm—a day's e-learning, three days—

**Chair:** Yes. We have gone through that. I understand that.

**Brian Moore:** The contingency staff dealing with non-EEA people will receive six days, so a contingency—

**Q288 Chair:** So the extra day?

**Brian Moore:** No, on top of what the person dealing with the EEA group gets, gets another period. So it is 11 days for a contingency staff member who can deal with both EEA nationals and—

**Chair:** Excellent.

**Q289 Michael Ellis:** Is the key point that they are getting roughly similar training from the other officers for that which they are being required to do? They are not being trained to be full-time border officers; they are being given the same sort of training that somebody else would get for the work they are being required to do.

**Brian Moore:** That is correct.

**Q290 Mr Clappison:** This is just a layman's question really, listening to what you have already said. I am somebody who is not versed in the bureaucracy of all this. What do you think would be a reasonable maximum time for somebody to have to wait when they arrive at border control?

**Brian Moore:** I can talk about the current service level agreement.

**Q291 Mr Clappison:** If I can put it another way, at what point do you think a wait would become unreasonable? In your view, what would be a reasonable maximum time after which it becomes unreasonable?

**Brian Moore:** That would vary greatly from person to person, so I simply can't give you an answer to that.

**Q292 Mr Clappison:** In your view, what do you think?

**Chair:** If you were arriving at the airport without your uniform on, with your wife and children, what Mr Clappison wants to know is what is a reasonable time that people ought to be made to wait? It is not a difficult question.

**Brian Moore:** It is 25 minutes and I think that is reasonable.

**Chair:** Reasonable.

**Brian Moore:** We will always try to improve that, and steps and efforts will be taken to improve that. But I understand what is going on in terms of security and getting this balance right. Provided our public understand that, and I think many of them do—there are lots of surveys out there saying how well the public understands security of the country is really important—most people have found that 25-minute mark to be not unreasonable.

**Q293 Mr Clappison:** You think after 25 minutes it becomes too long?

**Brian Moore:** No, I don't. It's difficult not to have words put in one's mouth in this way—

**Mr Clappison:** No. I am asking you what you think. You tell me.

**Brian Moore:** It is a matter for our public and it is a matter for our politicians to come to a view on this. We will provide advice on the security. Frankly, no one wants to be delayed a moment in queues. Everyone wants to get straight off their plane and straight through the border. That simply can't happen the way that many people would like, because there

is some really important work to be done to make sure that people who do not pose a risk to the safety and security of people in our country are—

**Q294 Chair:** Mr Clappison was looking at what was reasonable and what was unreasonable. You said it was reasonable to wait 25 minutes but you didn't know what was unreasonable.

**Brian Moore:** It is certainly reasonable because most people get through our border very, very quickly indeed, as compared to—

**Chair:** Okay, I think we get the point.

**Q295 Dr Huppert:** Mr Moore, the Border Force was separated out from the Border Agency because both agencies were having problems in a whole range of ways, which this Committee has examined on a number of occasions. A change is very much needed, and firm leadership is clearly needed in order to be able to make that change. So far today you have given fairly generic answers and very carefully avoided giving your opinion on any of the issues that you have been pressed on. Is that just because this is a Select Committee you are being very cautious?

**Brian Moore:** No. I am trying to do my best to help the Committee. I have a clear vision for the Border Force going forward; one that I am sure the public and the Ministers on their behalf would wish to see. Our country—a great country—will have among the safest and strongest borders in the world. It will provide a fast and fair service to our public. I want to get to the position where we use technology well, to screen and pre-screen people and goods coming to our country to identify risks. That is what we want to do.

**Dr Huppert:** I think we are looking for a bit more than just a mission statement, which any of us could write out.

**Chair:** I think we all agree with that.

**Brian Moore:** Thank you.

**Q296 Dr Huppert:** We are looking for a sense that you can actually make sure that this does happen, that the Border Force will deliver, will not have the problems that we have seen in the past, and will become an agency, an organisation that we should be proud of rather than embarrassed about.

**Brian Moore:** The next level of detail down from that, which I want to see for the Border Force, is that we are stronger and better at acquiring intelligence about those people who would threaten the United Kingdom's safety and security. The Border Force reacts well to alerts about these things but, as a law enforcement officer, I can see there is more potential for it to acquire and utilise intelligence.

**Q297 Dr Huppert:** You would be in favour of intelligence-led checks, for example, which is what caused this whole fuss in the first place?

**Brian Moore:** I am in favour of intelligence-led alerts, to make sure that we can identify threats to our border, absolutely. I want to see more intelligence in our system being wrung from every encounter with suspects that we have. I want every scrap of intelligence about: "Who sent you to our country? Where were you going to go in our country? How was

that being facilitated?" I want to see all the pips wrung from those kinds of encounters to inform what we do not know as well as what we do. Alerts tell you what you know. We need to strengthen how we acquire intelligence to help us about what we don't know. I want to see more use made of the radar capabilities of this country. We are good at alerts based upon intelligence, but we can tie that into how civil aviation tells us what is coming to our country and how maritime intelligence tells us about what is approaching our country, linked to our National Border Targeting Centre. I really want to do more about that. Obviously, a national—

**Q298 Dr Huppert:** There are a number of issues in that we could perhaps look at. But let me ask you about one particular area of your responsibilities—something that this Committee is interested in separately—which is about drug policy in the UK. One of your responsibilities is to seal the border and try to prevent things from coming in. Clearly, things do come in. How effective do you think the Border Force is at trying to control drugs trafficking across the border?

**Brian Moore:** In the short period that I have been here, I have seen some absolutely excellent anti-drug operations led and managed by the Border Force. As you can well imagine, I have lots of data about the tonnes of class A drugs that we seize and it is really good work.

**Q299 Chair:** You have figures for what you have seized since you took up this appointment?

**Brian Moore:** I particularly have some figures here, assuming that you might choose to ask me about them, during this very busy period—

**Q300 Chair:** No, since you took up your appointment or are these historical figures?

**Brian Moore:** No, the data I have, I am talking about the Easter period, a very busy period when—

**Chair:** Right, excellent. Maybe you can send that to the Committee. That would be very helpful.

**Brian Moore:** It is very, very impressive.

**Chair:** Excellent.

**Q301 Dr Huppert:** When you say it is "very impressive", we have been looking at this in other countries as well and there are often individual seizures. But I would be interested to know how you think it compares to the total number of drugs that are available in the UK. What proportion do you think you are actually seizing? Because one or two interesting episodes is not quite the same as actually having control over what is coming in and out of the borders.

**Brian Moore:** Yes. The data about what drugs does the United Kingdom want for its drug-related communities as against what we seize is not agreed or clear. We seize about five tonnes of class A drugs a year. That is a very, very large amount indeed.

**Q302 Dr Huppert:** How many are estimated to be in the UK?

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**Brian Moore:** The country's need for drugs, I have not seen agreed data on the size of that cohort, actually, so I don't want to speculate about it.

**Chair:** Could you write to the Committee with those figures? That would be very helpful.

**Q303 Bridget Phillipson:** There are reports in the press that, because of the problems with airport queues, staff are being redeployed from customs' roles to tackle the queues. You were just talking about the figures there, are the figures that you are talking about for this period of Easter better than for the same period last year or is the redeployment of staff having an impact there?

**Brian Moore:** No, the figures are comparable to last year's figures. I think they are slightly less. You are only taking a one-month snapshot, though they are certainly comparable. What we do is, yes, we do move our staff around. Some of our customs officers who have both sets of skills, i.e. immigration skills and customs skills, will sometimes find themselves doing some immigration work as well as their customs work when that is appropriate to do so. What I can tell you is—and I think the Minister told you about this—that in the month of April something like 230,000 customs inspections took place of passengers, of freight and of the post and parcel service that we do. We are still maintaining an effective capability around customs work. It is very close to my heart that drugs and guns do not reach communities and decimate them. I want to make sure that we continue to field a very good service about this.

**Q304 Bridget Phillipson:** The difficulty with the Minister's answers last week was that, while he said that the figures were encouraging for this year, he wasn't able to give comparable figures for the year before, so it is impossible to know whether that is better or worse or just about the same. Could you provide the figures for both periods to the Committee?

**Brian Moore:** I think we are in the hands of national statisticians around that. There are times when I think certain data are published, but I will do all I can to help you in that regard and I am sure my colleagues will take a note to that effect.

**Q305 Mark Reckless:** Mr Moore, what is your assessment of the current state of morale in the Border Force?

**Brian Moore:** It is a bell curve, as in any organisation. I have some absolutely brilliant people who no matter what adversity they find themselves in will do a great job for the public. I have some at the back end who no matter what happens will never be happy, and I have a group in the middle who are the community I need to concentrate on, quite frankly. Everybody in the public sector is feeling the pressure. There is no question about that. So do my people. I have now held 13 events where I have had the chance to speak to over 4,000 of my colleagues directly. What they are looking for is real clarity of direction. They want some continuity and stability and they want to be absolutely clear what is expected of them. That is what I am going to do. The feedback has been very,

very encouraging indeed about trying to set a direction for them.

**Q306 Mark Reckless:** This group of Border Force officers that you refer to—that they will never be happy whatever you do—is it appropriate for them to remain in the employ of the Border Force?

**Brian Moore:** Ultimately, you have a range of options. There are those who could if only they were shown, and we will do that. There are those who, no matter what you do with them, will just not want to be part of the organisation, and I don't think our public would want people like that protecting them, and frankly nor would I.

**Q307 Mark Reckless:** Are you taking any steps to manage any of those individuals out of the organisation?

**Brian Moore:** When they come to my attention and notice, I will make sure that everyone knows exactly what is expected of them. That is the purpose of these staff events that I have held. I have seen over 4,000, and I have made it very, very clear what is expected of a very professional law enforcement command within the Home Office going forward, which is one of the primary agencies in terms of keeping our public safe. No one will walk away from any event unclear about what is expected of them.

**Q308 Nicola Blackwood:** In previous evidence to the Committee, it was agreed by BAA and the unions that one of the key problems for the Border Force was rostering to adapt to the actual flow of passengers. One of the key challenges to actually achieving that was the accuracy of flight manifests. When we heard evidence from the Minister, it appeared that there could be inaccuracy, up to the level of 4,000 passengers, in the numbers that were received in advance by the Border Force. In light of the events of the last few months, what is your forward plan to try and address these challenges with the staffing levels that you have? Because clearly this problem is not going to get much better immediately, and with the JBOC<sup>1</sup> systems and the passengers systems that you have, you are going to need to address the rostering problems that have become apparent.

**Brian Moore:** Absolutely. I think that is right. As I said, to get this right, the balance of security and a good passenger journey, needs really good co-operation between the carriers, the ports and the Border Force. I have seen some evidence that it has not necessarily been accepted by air carriers and ports that there is a problem with bunching. We have not seen really precise, clearly laid out data about the nature of the phenomenon. I do hope that this Committee has been helpful in encouraging BAA, carriers and the Border Force to get together to help sort this out. Going forward, we will get to the bottom of that.

**Q309 Nicola Blackwood:** But what about the Border Force response, when it becomes evident that there are not enough officers available to respond to the

<sup>1</sup> Joint Border Operations Centre

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number of passengers there? For example, where you have thousands of passengers waiting to go through and you only have one or two people available, do you not have some emergency procedure to call up additional staff?

**Brian Moore:** Yes. The senior officer on duty in a port is constantly checking what is happening between the amount of passengers anticipated arriving and the resources that are available. The more time we have to get that right the more he or she can do. What I have seen so far is some of our regions have seen themselves as quite autonomous, and not necessarily willing to speak to the region in the north of England to get help for the centre of England. That is work that we must do. That is why I have asked for plans to develop—a bit like you have heard about the control centre at Heathrow—a national command and control centre for the Border Force with its own radio channel and so on, so we can move staff around in light of anticipated demand more quickly.

**Q310 Nicola Blackwood:** In what kind of timeframe are you talking about? Because my father is a doctor and he is on call if an emergency arises. He has to be within 45 minutes of the hospital if someone has a heart attack so he can get there in time. Obviously we are not talking about heart attacks here, but we are talking about quite significant health and safety issues when you have massive build-ups of passengers within airports. I wonder why there isn't an on-call structure with border officers, where if you have an unexpected build-up of passengers you don't have a number of officers on call within 45 minutes of the airport, or something like that.

**Brian Moore:** Indeed. It is certainly about distances as well. Some of these airports are rather far apart and people do have to travel quite a long way. I do take your point, and the broader point is that the Border Force can and should do more to make sure that there is a very flexible, dynamic and available workforce to meet those kinds of demands, but one that is fair to the staff concerned. We have more work to do around this and I intend to do more work around this.

**Q311 Chair:** Mr Moore, you will be pleased to know we are coming to the end of this session. I have some quick factual points to put to you. A “yes”, “no” or “don't know” answer is perfectly fine by me. If somebody arrives for the Olympics with a visa and is on the watch list, will they be admitted to this country or not? Yes, they will be admitted; no, they will not be admitted? They have a visa, they arrive at the border and they are on the watch list.

**Brian Moore:** It absolutely depends on the scenario. With respect, on that bald set of facts I—

**Q312 Chair:** Maybe? It is possible, even if they are still on the watch list. We do not want them in but we will let them in if they have an Olympic visa?

**Brian Moore:** It depends what the watch list requires us to do. There is not a simple answer to that question, Mr Vaz.

**Q313 Chair:** It depends on the classification on the watch list?

**Brian Moore:** It depends on a number of factors.

**Q314 Chair:** Secondly, will foreign citizens who come for the Olympics be allowed to carry firearms on the streets of the United Kingdom? When they come through the border and they have a firearm—obviously not licensed in this country because they are foreign citizens, but they come in—will they be allowed to carry firearms in the UK?

**Brian Moore:** I will have to come back to you on the—

**Q315 Chair:** Is it a “yes”, “no” or “don't know”?

**Brian Moore:** I will have to come back to you on the detail. Citizens are not allowed to bring firearms into the United Kingdom.

**Q316 Chair:** No, a foreigner coming into this country.

**Brian Moore:** Right. If it is an Olympic athlete then there are, of course, special arrangements to make sure that they can eventually get their weapons in and do that. Again, it very much depends on the circumstances that you are describing. With relation specifically to the Olympics, I can get more information for you.

**Q317 Chair:** Would you? Because we are very keen. We know that a lot of FBI agents are coming in, agents from other countries, to protect their athletes. We just want to know whether this is going to be allowed. Presumably, it is “yes” and you would know—would you—or somebody would know how many foreign citizens were in our country carrying firearms? Somebody would know but not necessarily you?

**Brian Moore:** I am not agreeing the premise at the moment. I will find out more for you, Mr Vaz, if I may.

**Q318 Chair:** Would you? That would be helpful. Two quick practical points. The e-gates. When I was at Stansted the e-gates were not working. I was told the contract with the e-gate suppliers terminates at midnight, so if any flights come after midnight there is just nobody there to operate the e-gates. In fact, they were closed when I was at Stansted two weeks ago. Are you looking into this problem with the contractors? Because obviously we like the e-gates. It helps. It saves time.

**Brian Moore:** Yes, the e-gates, about 8 million passengers have used those. They are effective when they are working. What we are trying to do is make sure that the engineering support is really beefed up around those.

**Q319 Chair:** But are you looking at this?

**Brian Moore:** Yes, closely.

**Q320 Chair:** You are? Because they do break down quite a lot.

**Brian Moore:** Yes.

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22 May 2012 Brian Moore QPM

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**Q321 Chair:** You are happy with the decision, taken by Mr Whiteman before you got your job, to get rid of the iris scanners?

**Brian Moore:** Yes, the iris technology is old. It has been replaced around the world by facial recognition technology and fingerprints, so it is converging with international—

**Q322 Chair:** Finally, it was raised in the House yesterday, by Nicholas Soames—who represents part of Gatwick, I think—about the absence of your officers actually at the kiosks. The key thing in order to clear queues is to have people at the kiosks processing these passports. Does it cause you concern that so many are left empty?

**Brian Moore:** What causes me concern is if we don't have the right number of people able to handle the group of passengers arriving. That does not mean that all desks need to be staffed all the time. If you have a—

**Q323 Chair:** No, of course not. If there are no passengers you do not need to staff them, do you?

**Brian Moore:** Exactly, so—

**Chair:** I think we all accept that point; over 21.

**Brian Moore:** Yes. The Home Secretary has given a commitment that during the Olympics all desks will be staffed at the Olympic ports, and that is what we are going to do because it is a unique event. She has given that commitment and that is what we will do.

**Chair:** Thank you. The Committee will be writing to the Home Secretary about your successor's appointment—it could well be you—because we feel it is unsatisfactory that we do not know when this post is going to be advertised. Certainly, even though you are focused on your job and doing the best you can, it is still an issue that needs to be resolved. We will want to know what the arrangements are, so I will be writing to the Home Secretary about it. We may have you back before the Olympics if things do not improve. Thank you for coming.

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# Written evidence

## Letter from Rob Whiteman, Chief Executive, UK Border Agency, to the Chair of the Committee, 3 May 2012

Thank you for your letter of 30 March 2012 in which you requested information ahead of my evidence session on 15 May 2012. Please find my response to your questions below.

Please note the figures quoted below are based on management information unless stated otherwise. The information has been subject to internal quality assurance checks however it is drawn from snapshots of UK Border Agency databases and is therefore subject to change. Some numbers have been rounded which will explain discrepancies in some totals.

### Foreign National Offenders

Questions 1 to 19: *Progress in dealing with Foreign National Offenders (FNOs)*

I would like to start by reminding the Committee of our wide-ranging work on FNOs, the progress we are making and the principles to which we work.

In 2011 we removed 4,522 FNOs from the UK. We are also seeing fewer cases arising which fit the deportation threshold—numbers are down approximately 12% in 2011 compared with 2010, whilst the overall prison population has not fallen; this suggests that foreign nationals are committing fewer serious crimes.

We are also starting the deportation process earlier and removing foreign criminals more quickly. The average number of days between a FNO finishing their sentence and being removed has fallen from 131 days in 2008 to 74 days in 2011. In 2011 just under half of removals were within the Early Removal Scheme period, when a prisoner can be removed earlier to save taxpayers' money.

We also work to a number of important principles. Where a foreign criminal poses a risk to the public we believe they should stay in detention and vigorously oppose bail. In only 10% of cases of FNOs released from detention whilst awaiting deportation was this decision made by the UK Border Agency—the courts made the decision to release in the other cases. The UK Border Agency must act within the law and consider releasing individuals where there is no realistic prospect of removal in a reasonable timescale.

We are also driving concerted cross-government action to embed our returns agenda with foreign governments. This work includes negotiations to receive documents more quickly from foreign national governments where FNOs have destroyed their passports or refused to correctly identify themselves to delay attempts to deport them.

### *Foreign National Offenders released in 2006 without being considered for deportation*

The Committee has specifically asked for an update on the progress we are making on the cases of the 1,013 foreign prisoners who in 2006 were found to have been released without consideration for deportation. The table below sets this out and is accurate as at 3 April 2012.

<i>Total cases concluded</i>	<i>Of which deported or removed</i>	<i>Of which did not result in deportation or removals</i>	<i>Cases still going through the deportation process</i>	<i>Number of individuals serving a custodial sentence</i>	<i>Not located</i>	<i>Total</i>
844	399	445	93	19	57	1,013

Over 80% of the cases have been concluded and nearly half of those have been deported. We continue to focus on the remainder. Inevitably they are now the oldest and most complex cases but we continue to make progress. We have removed a further two cases since my last letter in December 2011.

In particular we continue to carry out tracing on the 57 cases (5% of the original group) that have not yet been located and their details have been circulated on the Police National Computer.

The Committee is aware that these are historical issues and strenuous work is carried out to ensure that prisoners who may be deported at the end of their sentence are identified between NOMS and the UK Border Agency.

The Committee asked for details of the 445 concluded cases that did not result in removal or deportation:

	<i>Total</i>
Appeal allowed	110
British citizen	82
Irish citizen	10
Exempt <sup>1</sup>	22
Deportation criteria not met	121
Other reasons <sup>2</sup>	92
Duplicates	8
<b>Total</b>	<b>445</b>

#### *New Foreign National Offender cases*

The Committee asked how many FNOs are being held in prison as of 31 March 2012. The latest data available from National Offender Management Service (NOMS) shows that as at 31 March 2012 there were 11,127 foreign nationals in prison.

NOMS does not routinely publish data regarding the number of foreign nationals received into prisons, only the number of foreign nationals in prison on a certain day. However, in a recent FOI response NOMS released data that shows 14,805 foreign nationals entered prison between January and September 2011.

There are no central records held by NOMS or the UK Border Agency to record the referral times against the date prisoners are sentenced. To obtain an analysis to establish the proportion of cases referred within five days of sentence would require a manual case by case search of individual files and such a search would be at a disproportionate cost. Whilst we have an agreement with NOMS that prisoners will be referred within five days we are confident that notifications not received within five days do not have a significant impact on processing times for deportation. NOMS continue to remind establishments of the importance of making referrals to UK Border Agency on time.

#### *Foreign National Offenders deported during the most recent period available*

The numbers of FNOs deported (including under the Early Removal Scheme or Facilitated Returns Scheme) between January and March 2012 will not be published until 24 May. However, between October and December 2011, we deported 1,018 Foreign National Offenders.

Of these 427 were removed via the Early Removal Scheme and 416 via the Facilitated Returns Scheme.

#### *Foreign National Offenders released during this period*

A total of 454 individuals were released between 1 December 2011 and 31 March 2012. The reasons for these releases are set out in the table below. You will see that the vast majority were released by an Immigration Judge on bail. The UK Border Agency must also release those where we have been unable to maintain detention under the law because there is no imminent prospect of deportation. These individuals are assessed according to level of risk and conditions are set.

<i>Reason for Release</i>	<i>Total</i>
Immigration Judge Bail	374
UKBA—Bail <sup>3</sup>	54
UKBA—Allowed Appeal	8
Prison—End of Sentence <sup>4</sup>	4
Mental Health Discharge	14
<b>Total</b>	<b>454</b>

All 454 individuals were released on restrictions whilst the Agency continued to pursue deportation, except for those released following an allowed appeal. 427 cases remain outstanding. Under official statistics protocols we are unable to give a breakdown of the outcome of the cases that have been concluded over the period as this will form a subset of statistics published on 24 May 2012.

<sup>1</sup> Exempt includes those who fall under Section 7 or Section 8 of the Immigration Act—eg diplomats, foreign members of UK Armed Forces and those resident in the UK before the 1971 Act.

<sup>2</sup> Other reasons include: deceased, successful appeal (before 1 April 2006), length of residence, minor.

<sup>3</sup> These are cases where the Agency has no immediate prospect of removal and so has to bail in accordance with the law.

<sup>4</sup> These are cases that are released by the prison that:

- Do not fit FNO deportation criteria and the criminal case is then later closed (deportation is not pursued);
- Exceptional cases where a case may be extradited quicker than we anticipate eg by SOCA; and
- Released by prison before the CCD referral gets processed by the prison.

The 427 outstanding cases fall into the following categories. You can see that half either have appeals underway or face further criminal proceedings:

<i>Category of outstanding cases</i>	<i>Total</i>
Further legal challenges <sup>5</sup>	149
Casework issues <sup>6</sup>	67
Country situation currently presents challenges to removal <sup>7</sup>	21
Compliance issues <sup>8</sup>	36
Further criminal proceedings	2
Other <sup>9</sup>	2
Awaiting/Outstanding Casework Decision <sup>10</sup>	150
<b>Total outstanding</b>	<b>427</b>

Of the 427, 16 individuals have been re-detained.

#### *Foreign National Offenders managed in the community*

As of 4 April 2012 there were approximately 3,900 FNOs who are subject to deportation action living in the community. Deportation of FNOs can be delayed for a variety of reasons, such as the use of judicial challenges or by the individuals' continued failure to comply with the re-documentation process. A high proportion of FNOs are detained under immigration powers after their release from prison, but our powers do not allow us to detain indefinitely. We can only detain where there is a realistic prospect of removal within a reasonable timescale.

In 2011, for an average month, approximately 110 FNOs were released from immigration detention on restrictions while deportation was considered. Approximately 90% of these were released on bail by the courts; the remaining 10% were released by the UK Border Agency, having assessed the risk of harm posed to the public and the prospects of removal in a reasonable timescale.

The breakdown of these cases by time since release from prison is shown in the table below.<sup>11</sup>

<i>Time Since Release</i> <sup>12</sup>	<i>Total</i>
Within the previous 6 months	327
Within the previous 12 months	31
Within the previous 24 months	664
More than 24 months	1,650
More than 60 months	817
Data Quality Issues <sup>13</sup>	166

#### *Foreign National Offenders released without consideration for deportation in 2010–11*

The Committee has asked for an update on the three FNOs that were released from prison prior to being considered for deportation in 2010–11, and were no longer in contact with the UK Border Agency. These cases were originally reported to the Committee by the Home Secretary in September 2010.

We are continuing to trace these individuals and their details have been circulated on the Police National Computer stating that the UK Border Agency should be contacted if they are encountered. We have also sought information on their whereabouts using internal and external databases.

<sup>5</sup> Appeal against deportation, asylum claim, judicial review.

<sup>6</sup> Application to Revoke DO, Children Issues, further representations, medical reasons, Appeal Rights Exhausted (ARE)—awaiting travel docs, ARE deportation order not yet served, awaiting removal—barriers, awaiting removal—no barriers, decision served, in appeals, revoking DO.

<sup>7</sup> Country situation prohibits removal but compliant in obtaining Emergency Travel Document.

<sup>8</sup> Emergency travel document required but non-compliant, unwilling to go voluntarily.

<sup>9</sup> Nationality not confirmed, unable to revoke asylum.

<sup>10</sup> These are cases that are currently being caseworked.

<sup>11</sup> All data provided is derived from internal management information which has not been externally validated and is subject to change. All figures have been rounded to the nearest 10.

<sup>12</sup> Data is calculated from the ERS date, as this is often recorded on CID, it does not mean that individuals went during their ERS period.

<sup>13</sup> These are cases where the custodial end date or early release date have not been recorded at the time.



## Asylum and Immigration Backlog

Questions 20 to 46: *Our progress on dealing with the remaining historic legacy cases*

I will take these questions together in order to set out both the historic and current situation.

The Case Assurance and Audit Unit (CAAU) was established in April 2011 to actively manage the live older asylum cases that had been reviewed by the Case Resolution Directorate (CRD) but had remaining barriers to conclusion, and to actively trace those cases which had been placed in the Controlled Archive.

In the last financial year, CAAU employed an average of approximately 112 full time equivalent staff. The CAAU operational budget was of approximately £3.2 million.

From this resource we currently have a team consisting of approximately 13 full time equivalent staff to work specifically on analysing tracing results conducted on the Controlled Archive.

In 2011–11 the UK Border Agency reduced the cost of asylum support by over £100 million from 2009–10 and are bringing the cost down further in 2011–12.

### “Live” asylum cohort

CAAU originally took responsibility for 23,000 “live” asylum cases when CRD closed on 31 March 2011. These cases had been reviewed but were awaiting conclusion, in the main because there were barriers such as ongoing litigation, impending prosecutions, incomplete legal or criminal proceedings or non-compliance.

Jonathan Sedgwick previously reported to the Committee in September 2011 that approximately 4,500 of this original “live” cohort had been concluded leaving approximately 18,000 live cases.

In my letter to the Committee in December 2011, I updated this figure to show that 7,700 of the cases had been concluded to date.

In December 2011, a further 1,500 additional cases that had previously been managed by CRD had been identified as not being picked up as part of the data transfer when CAAU was established and were therefore added to the “live” cases cohort.

We have always been clear that the “live” case cohort will grow as we trace people in the Controlled Archive. Where a case in the Controlled Archive has been traced, it is transferred to the “live” case cohort to be case worked to conclusion. Therefore the number of cases within the asylum “live” cohort will fluctuate. In order to resolve these cases, CAAU use the same processes used for any other case that is resolved by the UK Border Agency and does so in line with our published policy.

### Progress since last update

Since my last update, CAAU has concluded a further 4,900 applicants. Of these:

- 2,100 were identified as removed (including robust data matching across the whole cohort);
- 2,500 were given leave to remain in the UK;
- two are deceased; and
- 300 have been closed as duplicate cases.

The Committee also asked for a breakdown of the “live” asylum cases originally transferred from CRD that have been concluded over the period. Of the “live” asylum cases concluded since my last update, approximately 3,000 were part of the original “live” asylum cohort transferred from CRD. This brings the total conclusions from the original 23,000 cases transferred from CRD to 7,600. Of these:

- 650 were removed;
- 4,450 were given leave to remain;
- 12 are deceased; and
- 2,500 were duplicates.

As of 31 March 2012, there were 21,000 cases within the asylum “live” cohort of legacy cases. These “live” asylum cases pre-date 2006 in terms of application and, as demonstrated by the cases recently concluded, there will be a range of outcomes including removal where legally permissible. These are complex cases many of which face significant ongoing legal challenges.

### Controlled Archive

The Controlled Archive has been in existence since May 2007. In my evidence session in December 2011, I reported to the Committee that the asylum Controlled Archive stood at 93,000 and the migration Controlled Archive contained 26,000 cases.

We have made good progress in the four months (December 2011 to March 2012) since my last report and have reduced the asylum Controlled Archive by 13,000 (nearly 15%) and the migration Controlled Archive by 4,500 cases. No cases have been added to the Controlled Archive over this period.

Therefore, as at 31 March 2012, there were 80,000 cases in the asylum Controlled Archive and 21,500 in the migration Controlled Archive. We believe that the majority of these cases have left the UK but we do not have evidence of this because the UK has not carried out embarkation controls. The Committee is aware that e-Borders will carry out this function by 2015.

The table below shows progress of the live asylum cohort and both the asylum Controlled Archives so far.<sup>14</sup>

	<i>April 2011</i>	<i>September 2011</i>	<i>December 2011</i>	<i>March 2012</i>
Live asylum cohort	23,000	21,500	17,000	21,000
Asylum controlled archive	75,500	98,000	93,000	80,000
Migration controlled archive	26,000	26,000	22,000	21,500

As I said in my last evidence session I aim to significantly reduce the number of cases within the Controlled Archive by March 2013. To do this we have introduced a more proactive and robust process to trace these cases.

CAAU conducts regular checks on all cases within the Controlled Archive. We are bulk checking the entire untraced caseload against a number of external databases including DWP and HMRC and information held by a major credit reference agency (Equifax). This is in addition to the checks already being run against internal Home Office databases.

Where new information comes to light as a result of information held by these databases, we will remove the case from the Controlled Archive and transfer to a CAAU “live” casework team to progress to conclusion.

CAAU is currently conducting a manual audit of cases within the Controlled Archive in order to provide a further breakdown of the movements of these cases, other than by how much the number of cases within the Controlled Archive has gone up or down. This audit is close to being finalised and will provide detailed information regarding the individual movement of cases from the Controlled Archive. The results of this audit will be available for the next update to the Committee. From 1 May 2012, a mechanism to control and provide an audit trail of all decisions made by CAAU has been in place, and we will be in a position to report to the Committee with more detailed information on the removal of cases from the Controlled Archive in future updates.

## New Asylum Cases

Questions 47 to 50 *asked for information on our performance regarding asylum cases*

Published statistics show that between 1 April 2011 and 31 July 2011 the UK Border Agency received 6,548 asylum applications from main applicants (this may include those who subsequently absconded or withdrew their application).

Published statistics also show that on 31 January 2012, there were 1,334 main applicants either awaiting a decision on their asylum application or within the appeal process where the application had been made between 1 April and 31 July 2011.

It is not possible, however, to detail how many of the 6,548 asylum applications made in the period 1 April to 31 July 2011 have been granted/been refused/have withdrawn at the present time as to do so would breach the Code of Practice for Official Statistics. Data will be published in August 2012.

The proportion of applications made in the period April to July 2011 that received decisions within 30 days or were concluded within six months also cannot be answered in full due to data publication restrictions. These figures will become available in August 2012.

Indicative performance can be obtained by reference to published statistics for the latest period available, March 2010 to February 2011.

Published statistics for the period March 2010 to February 2011 show that of the 16,128 adult applications made, 59% (9,556) were decided in 30 days.

Published statistics for the period March 2010 to February 2011 show that of the 18,257 main asylum applications made 53% (9,216) were concluded in six months.

Questions 51 to 54 related to asylum applications made over the period 1 April 2011 to 29 February 2012: for applications made over this period published data shows there were 18,070 main applicants.

The proportion of applications made in the period April to February 2012 and decided within 30 days cannot be answered fully due to data publication restrictions. Statistics covering this period will be available in August 2012.

Nor can the question regarding rejected asylum applicants be answered fully due to data publication restrictions. Data for January and February 2012 is not available until 24 May 2012.

From the available data it is not possible to say what stage in the asylum process the nationals of any country have reached at the time of their removal. This includes whether their claim has failed at that point and they

<sup>14</sup> Rounded to the nearest 500.

have become failed asylum seekers, because those departing voluntarily can do so at any stage without notifying the UK Border Agency. For this reason the answer can only provide the number of asylum cases removed.

The table below shows the number of asylum cases (including dependants) who were removed or voluntarily departed from the UK over the period 1 April to 31 December 2011.

	<i>1 April–31 December 2011</i>
Asylum cases, total	6,269
Enforced removals and notified voluntary departures	4,573
Assisted Voluntary Returns	1,361
Other voluntary departures	335

It is not possible to extrapolate a figure for those remaining in the UK from available published or internal management data.

The e-Borders system enables checks to be made on individuals arriving or exiting the country at a majority of the points of entry to the UK and is being fully rolled out. e-Borders is currently tracking around 55% of inbound and 60% of outbound passenger movements to and from the UK. This equates to approximately 126 million passengers a year on over 2,800 routes, and includes over 90% of non-EU aviation passengers. The Government is committed to ensuring that the number of UK ports undertaking exit checks is increased to ensure a more complete travel history is recorded on passengers.

The Committee also asked for a breakdown of why some failed asylum seekers may remain in the UK after their decision has been made. The UK Border Agency expects those with no right to remain in the UK to leave voluntarily, otherwise we will seek to remove them from the UK as quickly as possible. However, where an individual seeks to frustrate their removal by submitting spurious last minute legal challenges or refusing to co-operate with the travel document process delays can occur.

Published statistics relating to the period March 2010 to February 2011 show that the vast majority of cases within the asylum WiP (Work in Progress—ie the number of cases which are unconcluded) are decided and require activity to facilitate return to the country of origin, as is shown in the table below. Our strategy of developing a balanced and well managed asylum system requires us to focus on removals and encourage voluntary departures, to ensure inflow is balanced by outflow.

#### ASYLUM PERFORMANCE FRAMEWORK MEASURES ASYLUM WORK IN PROGRESS CASELOAD (WIP)

The number of cases that are unconcluded at the given point in time. This includes: undecided cases, those cases awaiting an appeal outcome and those cases awaiting removal.

<i>Status of applications</i>	<i>WIP as at end June 11</i>	<i>Age of cases</i>	<i>WIP as at end June 11</i>	<i>Gender</i>	<i>WIP as at end June 11</i>
Awaiting Initial Asylum Decision	4,851	0–12 mths	10,315	Male	26,619
Asylum Appeal Outstanding	5,553	12–24 mths	7,088	Female	11,240
Subject to Removal Action	24,738	24–36 mths	9,262	Unknown	44
Further Leave Application Outstanding(1)	2,761	36 mths +	11,238	Total	37,903
<b>Total</b>	<b>37,903</b>	<b>Total</b>	<b>37,903</b>		

*Note:* The figures demonstrate that the majority of cases in the work in progress caseload have been processed through the initial stages of the asylum system and are “subject to removal action”.

Whilst some cases in this category await imminent removal, for many there will be significant barriers to removals which we are still working to overcome. Such barriers include: Difficulties in obtaining documents from national governments; dealing with last minute legal challenges; and logistical and practical challenges in removing families in a humane and dignified fashion.

In 2011 the UK Border Agency carried out a total of 52,526 removals across all categories. 8,869 of these were asylum removals. The number of removals has increased over the last three quarters for which statistics have been published.

	<i>Q2 2011</i>	<i>Q3 2011</i>	<i>Q4 2011</i>	<i>Cumulative Total for 2011 (inc Q1)</i>
Asylum cases, total	1,828	2,120	2,321	8,869
Enforced removals and notified voluntary departures	1,459	1,451	1,663	6,384
Assisted Voluntary Returns	298	549	514	2,003
Other voluntary departures	71	120	144	482

We have developed a removals programme for the whole Agency and I intend to make sure that removals performance increases.

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## “Lille Loophole”

Questions 55–60

Responsibility for border control has now transferred to Brian Moore as interim Head of Border Force. Mr Moore will address these questions in a separate response.

### Sponsor Licensing

In questions 61 to 64: *Sponsor licensing applications*

Migrants coming to the UK under Tier 1 are high value migrants and so do not require a sponsor.

The number of new applications submitted for each tier during the period December 2012 to March 2012 is as follows:

<i>Total sponsor applications</i>	
Tier 2	2,048
Tier 4	59 <sup>15</sup>
Tier 5	230

We operate a risk based approach to pre-registration visits in Tiers 2 and 5. In Tier 4, we visit all institutions which make a valid first application to join the sponsor register.

We carried out the following pre-registration visits in the period December 2011 to March 2012:

<i>Pre registration visits</i>	
Tier 2	364
Tier 4	35
Tier 5	19

We also carry-out follow up visits on a risk-based and intelligence-led basis. We carried out the following post license visits in the period December 2011 to March 2012:

<i>Post licence visits</i>	
Tier 2	1,767
Tier 4	435
Tier 5	161

Unannounced visits are undertaken in order to allow the UK Border Agency to undertake inspections of high risk sponsors when we do not wish to allow them to have any advance preparation time. However, announced visits remain necessary as depending on the type of information we wish to see, or individuals that we wish to interview, we may need to give the sponsor advance notice to ensure that the items/people are available on the day. During the period December 2011 to March 2012 we carried out the following unannounced visits:

<i>Unannounced visits</i>	
Tier 2	712
Tier 4	163
Tier 5	41

During the 2011–12 financial year 49% of all Tier 4 post-licence visits were unannounced.

### Tier 4 Visa Applications and Sponsors

Questions 65 to 80: *Student visa applications and Tier 4 sponsors*

Statistics regarding student visa applications are published on a quarterly basis. The data for the period January to March 2012 will be published on 24 May 2012.

The latest published data shows that between 1 October and 31 December 2011, 20,154 entry clearance visas and 34,882 extensions of stay were granted to main applicants applying for Tier 4 (General) Study visas. In the same period 4,750 entry clearance visas and 4,209 extensions of stay were refused to main applicants applying for Tier 4(General) Study visas.

Information regarding the reasons visas were refused, the number of gifted students exempted from the language requirement and the number of students removed from the country for breaking the terms of their visas is not available as to collate it would involve a search of individual case records at disproportionate costs.

<sup>15</sup> Not all of these applications are first applications: some are renewal applications; and some are applications for Highly Trusted Sponsorship

As our new ICW system is developed and rolled out the range of management information automatically provided will increase in the years ahead.

The Committee also asked for information regarding Tier 4 sponsors and applications for Highly Trusted Status.

The UK Border Agency does not have the power to fine or prosecute Tier 4 sponsors for misuse of their licence. We can however, suspend or revoke sponsor licences if the licence is misused. During the period 1 December 2011 to 31 March 2012, 32 Tier 4 sponsors had their licence suspended and 22 had their licence revoked.

Where the owner or an employee of a sponsor has committed an immigration offence then UKBA can and have prosecuted those individuals.

A total of 241 sponsors applied for Highly Trusted Sponsor (HTS) status in the period 1 December 2011 to 31 March 2012. As of 31 March 2012, 70 of these cases have been decided, of which 20 had been approved with the remainder withdrawn or refused. 171 applications remained outstanding on 31 March 2012.

In line with “Hampton Principles”, we do not visit every sponsor in relation to a HTS application. Where an application is refused based on information already held or where an application is withdrawn by the sponsor it is generally not necessary to undertake a visit. Furthermore, it may not be necessary to visit a sponsor whose premises we previously visited without any concerns. Of the 20 sponsors that were approved for HTS in this period, eight were visited as part of the HTS decision process.

As of 10 April 2012, there were 1,460 Tier 4 Sponsors with HTS status.

As of 10 April 2012, 910 sponsors who had applied for HTS status remained subject to the interim limit on the number of Confirmation of Acceptance of Studies they can issue. This figure consists of sponsors who have:

- Applied to renew their HTS but have not yet obtained educational oversight;
- Applied for HTS for the first time but have not yet obtained educational oversight; and
- Applied for HTS status for the first time and already have achieved educational oversight.

## Visa Applications

Questions 81 to 87

Statistics regarding visa applications are published on a quarterly basis. The data for the period January—March 2012 will be published on 24 May 2012.

Published data shows that for 2011 the following visa applications (excluding dependants) were made:

	<i>Total applications (excluding dependants)</i>	<i>Granted<sup>16</sup></i>	<i>Refused</i>
Tier 1	8,190	8,579	1,233
Tier 2	39,713	38,012	1,443
Tier 4	275,154	235,546	40,695
Tier 5	38,887	36,584	1,962

Figures for outstanding applications for PBS Tier 1, 2 and 5 are not available from published statistics.

Information relating to the reasons visa applications were refused is not available as to collate it would involve a search of individual case records at disproportionate costs.

## Enforcement

Questions 88 to 105: *Enforcement action taken against those who break the rules*

For the period 1 December 2011 to 31 March 2012, approximately 460 civil penalties were issued to employers caught employing migrant workers illegally. As of 31 March 2012, approximately 30 of these penalties had been reviewed and cancelled following an objection or appeal and approximately 30 were still in the appeal process. Of the remaining 400 we have collected payments of over £125,000. We expect this figure to increase as many of the charges have not yet reached the final payment due by date as yet.

For the period 1 December 2011 to 31 March 2012 approximately 310 Carriers Liability Charges were issued. As at 3 April 2012, around 140 have been paid and approximately 20 had been cancelled at the objections stage following our review. Many of the charges have not yet reached the final payment due by date so we expect this figure to increase.

<sup>16</sup> Grants and refusals in 2011 will include some cases where the application was made in 2010.

For the period 1 December to 31 March 2012, we imposed penalties on 450 hauliers found carrying clandestine entrants. As at 31 March 2012, around 150 cases had been paid. It should be noted that many of the hauliers penalties imposed within the period were not due for payment until after the 31 March 2012, there being a statutory period of at least 60 days from the date of imposition before payment is due. Penalties are also subject to an objection process which would defer payment for a maximum of a further 140 days if instigated. Over the longer term the Home Office usually collect 82–85% of the penalties imposed on hauliers once objections and relevant time periods have been taken into account.

The Committee asked about the action the Agency takes when we receive notifications from Tier 2 sponsors.

The timely removal of those who are found to have no right to remain in the UK is paramount to the integrity of our immigration system. We prefer that people leave the UK voluntarily. However, if this option is refused then we will enforce removal including arresting and detaining those who refuse to comply.

Tier 2 Sponsors made approximately 21,300 notifications between 1 December 2011 and 31 March 2012. The vast majority of these did not relate to non-compliance but rather to administrative changes such as change of work places or salary changes. There were also duplicate notifications.

During the period approximately 4,500 Tier 2 workers were identified who may be liable for curtailment action. We reviewed approximately 1,400 of these, taking curtailment action on about 400 cases and identifying approximately 1,000 as requiring no further action. Approximately 3,100 notifications remain outstanding. We have prioritised curtailment activity on Tier 4 in recent weeks and will deal with the outstanding Tier 2 notifications shortly.

The Committee also asked for details of notifications that were sent by HEIs to the Agency between 1 October 2010 and 28 February 2011 to notify us that students were no longer attending courses.

Every notification received by 28 February this year has been processed and by the end of May, all necessary curtailment action arising from these notifications will be complete. We are unable to provide a timeline on individual records, eg for notifications from HEIs.

Between 1 October 2010 and 28 February 2011 we refused 9,414 Tier 4 visa extension applications. Our management information shows that about 800 of these left the UK in the same period of which 38 were enforced removals and 768 left voluntarily. However, others will have left at the end of their leave with no need for Agency intervention and will not have been captured by our systems, will have departed after February 2011 or will have gone on to regularise their stay and will not be provided for in this count.

The Committee asked for further information regarding the action the Agency can take against sponsors who do not comply with our sponsorship rules.

Under Tiers 2, 4 and 5, we do not have the powers to fine sponsors for the misuse of a sponsor licence. If we consider that a sponsor has not been complying with their sponsor duties, has been dishonest in their dealings with us or is a threat to immigration control in some other way then we will take action against them. This action may be to revoke, suspend pending further investigation or (for Tiers 2 and 5 only) to downgrade a sponsor's licence. We can also reduce the number of Certificates of Sponsorship (CoS) or Confirmation of Acceptance for Studies (CAS) the sponsor can assign. Where the owner or an employee of a sponsor has committed an immigration offence then UK Border Agency can and have prosecuted those individuals.

Over this period we have suspended the licences of approximately 140 Tier 2 sponsors and 20 Tier 5 sponsors and revoked the licences of about 130 Tier 2 sponsors and 10 Tier 5 sponsors.

## Appeal Tribunals

### Questions 106 to 115: *The Agency's appeals performance*

Our appeals performance has improved, however I am still clear there is more to do to drive this improvement further. We are taking forward a number of initiatives which will improve efficiency in the appeals process, our performance at appeals, and reduce the total volume of appeals in the system all of which will provide savings for the taxpayer. We are also implementing e-solutions to ensure consistent delivery of case files to our presenting teams and to the Courts in a timely way. We are currently analysing the reasons why we lose cases and will take action internally to improve our procedures and process.

Appeals statistics are published by the Ministry of Justice and data covering December to March 2012 has not yet been published.

The table below gives the latest available published data covering the period 1 October 2011 to 31 December 2011.

APPEALS PROMULGATED BY TYPE AND OUTCOME  
1 OCTOBER TO 31 DECEMBER 2011

<i>First Tier Tribunal (Immigration and Asylum Chamber)</i>	<i>Promulgated</i>	<i>Dismissed</i>	<i>Allowed</i>	<i>Withdrawn</i>
Asylum	2,970	1,900 (64%)	800 (27%)	270 (9%)
Managed Migration	8,500	3,600 (42%)	3,800 (44%)	1,100 (13%)
Entry Clearance	6,900	2,500 (36%)	2,500 (36%)	1,900 (28%)
Family Visit Visa	12,000	4,900 (41%)	3,800 (32%)	3,300 (27%)

The UK Border Agency continues to increase its performance against the indicators set out in the Appeals Improvement Plan.

Performance in October to December 2011 against AIP targets is as follows:

Target: 90% of bundles to be received at the IAC Tribunal by the date prescribed by HMCTS.

Bundle performance has increased from 49% (received by prescribed date) in 2010–11 to 62% in 2011–12. We expect further improvements in bundles performance over the next 12 months as we move from paper to e-solutions for asylum bundles, and make changes to how bundles are managed overseas where the majority of cases are.

Target: UK Border Agency to represent 90% of appeals.

The UK Border Agency was represented at 100% of Upper Tribunal hearings and 84% overall during the period 1 October to 31 December 2011.

Representation rates have been in the low to mid 80% range for the last year. After continued efforts to improve representation rates through various initiatives, such as training additional staff to represent, we anticipate that rates will increase further as appeal volumes are reduced under various policy initiatives.

Target: UK Border Agency to increase the number of appeals it wins.

In the period 1 October to 31 December 2011 the UK Border Agency won 42% of all appeals, and 64% of asylum appeals.

There is an increase in the win rate across these three months but the win rate for the last year has been 44%. There are a number of initiatives underway to improve the win rate.

We will target actions to improve and increase our win rates for visit visas, other entry clearance and managed migration. This includes getting solutions to deliver paperwork in a timely way, providing feedback to initial decision making and working with HM Courts & Tribunal Service on the impact of late evidence.

The UK Border Agency has a number of initiatives in place which contribute towards improving the win rate. Overseas cases are reviewed prior to the appeal hearing to ensure that decisions that cannot be sustained (for example due to new evidence that has been submitted) are withdrawn and in May 2011 we introduced legislation (section 19 of the UK Borders Act 2007), which restricts new evidence in all Points Based System appeals. We are also analysing appeal determinations to identify trends and improvements that can be made through training and we will step up our activities in this area in the next six months.

Target: Reduce appeal volumes and therefore cost to the taxpayer.

In the period 1 October to 31 December 2011 there were 28,111 appeals lodged.

Appeal volumes are decreasing. In 2008/9 there were 188,700 appeals lodged, compared to 159,800 in 2009–10 and 136,800 in 2010–11. We anticipate that they will continue to decrease as a result of forthcoming policy initiatives, resulting in savings for the taxpayer.

## Entry Clearance

Questions 116 to 122: *Entry clearance operations overseas*

Regional “hubs” or decision making centres (visa offices making decisions on visa applications from multiple locations) have existed in the UK Border Agency network for a number of years. In June 2007 the Agency began a more systematic “hub and spoke” programme to consolidate our visa application network further. Since then there have been over 100 occasions when decision-making has been transferred from one visa post to another, and/or changes made to the application centre network. Maps showing the location of all our visa processing centres and application points are available on our website and a copy is attached at Annex A.

Many of our “hubs” are in FCO missions overseas and many have pre-existed prior to our “hub and spoke” programme. Therefore I have set out below our eight main hubs and the dates when the main “spokes” were added.<sup>17</sup>

<i>Abu Dhabi</i>	<i>New York</i>
Lahore (Pakistan)—October 2008	Nassau (Bahamas)—December 2007
Karachi (Pakistan)—November 2008	Hamilton (Bermuda)—December 2007
Manama (Bahrain)—March 2009	Belmopan (Belize)—December 2007
Islamabad (Pakistan)—May 2009	Guatemala City (Guatemala)—December 2007
Mirpur (Pakistan)—June 2009	Panama City (Panama)—December 2007
Dubai (UAE)—August 2009	San Jose (Costa Rica)—December 2007
Tehran (Iran)—October 2009	Buenos Aires (Argentina)—January 2008
	Santo Domingo (Dominican Republic)—January 2008
	Montevideo (Uruguay)—January 2008
	Georgetown (Guyana)—January 2008
	La Paz (Bolivia)—January 2008
	Castries (St Lucia)—January 2008
	Lima (Peru)—January 2008
	Port of Spain (Trinidad & Tobago)—June 2008
	Bridgetown (Barbados)—June 2008
	Mexico City (Mexico)—September 2008
	Santiago (Chile)—October 2008
	Caracas (Venezuela)—November 2008
	Chicago (USA)—October 2010
	Los Angeles (USA)—May 2011
	Ottawa (Canada)—October 2011
<i>Beijing</i>	<i>Pretoria</i>
Ulaanbataar (Mongolia)—December 2007	Maputo (Mozambique)—June 2007
Chongqing (China)—July 2010	Windhoek (Namibia)—June 2007
	Harare (Zimbabwe)—July 2007
	Lilongwe (Malawi)—December 2007
	Gaborone (Botswana)—March 2008
	Luanda (Angola)—December 2008
	Lusaka (Zambia)—October 2010
<i>Manila</i>	<i>UK Visa Section</i>
Seoul (South Korea)—January 2009	Algiers (Algeria)—November 2008
Tokyo (Japan)—January 2009	Pakistan settlement—January 2009
Hong Kong (China)—March 2009	Gibraltar—January 2011
Taipei (Taiwan)—October 2009	Dusseldorf—March 2011
Bandar (Brunei)—November 2009	Amsterdam—August 2011
Canberra (Australia)—March 2011	Dublin (Republic of Ireland)—March 2012
Kuala Lumpur (Malaysia)—October 2011	Tripoli—April 2012
Singapore—October 2011	
<i>Moscow</i>	<i>Warsaw</i>
Ekaterinburg (Russia)—May 2008	Vilnius (Lithuania)—October 2007
St Petersburg (Russia)—September 2008	Bratislava (Slovakia)—February 2008
	Tallinn (Estonia)—March 2008
	Riga (Latvia)—March 2008
	Vienna (Austria)—March 2008
	Prague (Czech Republic)—April 2008
	Budapest (Hungary)—June 2008
	Bucharest (Romania)—February 2010
	Sofia (Bulgaria)—February 2010
	Chisinau (Moldova)—August 2011

<sup>17</sup> This is not comprehensive and may not capture all spokes for each hub (for instance commercially run visa application centres) and some of the spoke arrangements may subsequently have changed.



The 10 largest hubs (by total visa application numbers) in our six regions received the following number of visa applications between October and December 2011:

<i>Africa</i>	<i>Asia Pacific</i>	<i>Euro-Med</i>
Abuja—29,295	Beijing—22,246	Moscow—34,622
Pretoria—25,222	Manila—21,620	Istanbul—22,503
<i>Americas</i>	<i>Gulf and Pakistan</i>	<i>South Asia</i>
New York—18,695	Abu Dhabi—35,120	New Delhi—23,657
		Chennai—20,736

The 10 largest hubs (by total visa application numbers) in our six regions received the following number of Tier 4 visa applications between October and December 2011:

<i>Africa</i>	<i>Asia Pacific</i>	<i>Euro-Med</i>
Abuja—1,961	Beijing—1,397	Moscow—188
Pretoria—191	Manila—1,846	Istanbul—312
<i>Americas</i>	<i>Gulf and Pakistan</i>	<i>South Asia</i>
New York—2,202	Abu Dhabi—2,942	New Delhi—2,134
		Chennai—1,094

The Committee also asked for details of the actions undertaken by both the visa application centres (spokes) and decision centres (hubs).

*Visa application centres* are the customer-facing element of the visa process. They are responsible for:

- Taking the visa fee (except in locations where we have mandated online payments).
- Checking that core elements of the application form (eg bio-data) have been completed correctly.
- Recording and receipting documents submitted in support of the visa application.
- Enrolling biometrics.
- Data entry of core details relating to an application (eg bio-data, type of application, etc).
- Securely packaging the entire application bundle and despatching to the decision making hub.

Once the decision has been made the application bundle is returned to the visa application centre, which then:

- Notifies the applicant that their application is ready for collection.
- Returns the unopened application bundle to the applicant.

Throughout all parts of this process, visa centre staff and managers are required to carry out certain checks to ensure the integrity of the process. For example, the officer capturing biometrics must compare the photo in the passport with the person in front of them and the photograph on the visa application form. A manager will check periodically by CCTV that this basic but effective check is being carried out.

*Decision centres* are responsible for:

- Quality assuring data entry and entering any remaining application details onto our system.
- Verifying documents as and when required.
- Confirming the completion and outcome of watchlist and fingerprint checks.
- Considering the application against the Immigration Rules and recording the decision and reasons for it.
- Providing written reasons for refusal or placing the visa vignette in the passport.
- Copying all relevant documentation for future reference.
- Ensuring all original documents are securely packaged for return to the visa centre.
- Despatching the sealed package back to the visa centre.
- Filing the application form and copy supporting documents for future reference.

Again, throughout the process staff and managers have audit and assurance responsibilities. For example, the Entry Clearance Manager is required to check refusals and a sample of applications granted for decision quality.

The Committee also asked for details of Entry Clearance Officers who had been made redundant taken voluntary redundancy. No UK based entry clearance staff have taken voluntary redundancy or been made redundant to date. These staff are posted overseas and deployed for a tour of duty and then return to their home units.

Since April 2010, as part of the ongoing programme of consolidation of our overseas operation just over 160 locally engaged staff have been made redundant. These include some who were doing entry clearance work.

#### MPs' Correspondence (Question 123)

The aim of the MP Account Manager (MPAM) programme is to provide a faster response to MPs' enquiries. Their focus is on dealing with MPs through e-mail or telephone contact and we do not separately record the number of letters sent to MPAMs.

The performance of MP Account Managers is published on the UK Border Agency website. The most recent published figures show performance for 2011 and are below.

#### PERCENTAGE OF FURTHER ACTION REFERRALS COMPLETED WITHIN SERVICE STANDARD 1<sup>18</sup>

<i>Number received</i>	<i>Number completed within service standard</i>	<i>Percentage completed within service standard<sup>19</sup></i>	
Quarter 1 2011	593	516	87%
Quarter 2 2011	676	593	88%
Quarter 3 2011	660	578	88%
Quarter 4 2011	688	609	89%

#### PERCENTAGE MPS' EMAILS ANSWERED WITHIN SERVICE STANDARD<sup>20</sup> (Please note: Recording MPs' email performance started on 1 April 2011)

<i>Number received</i>	<i>Number answered within service standard</i>		<i>Percentage completed within service standard<sup>21</sup></i>
Quarter 1 2011	Not Applicable	Not Applicable	Not Applicable
Quarter 2 2011	3,313	2,713	82%
Quarter 3 2011	3,753	3,280	87%
Quarter 4 2011	3,519	3,270	93%

#### Child Detention (Questions 124–126)

The Coalition Government made a commitment to end the detention of children for immigration purposes. A new family returns process has been developed to encourage families to leave voluntarily and the welfare of the child is at the heart of this.

When a return has to be enforced, options include the use of new pre-departure accommodation at Cedars. This was designed with advice from Barnardo's (who now run the welfare and support services at the centre) and has a completely different look or feel from an immigration removal centre.

The refurbished Tinsley House immigration removal centre is now used only for families who have been stopped at the border and, on rare occasions, for criminal and high-risk cases which are unsuitable for Cedars.

Statistics regarding the number of children entering detention are published on a monthly basis. The latest statistics, published in February, show that 41 children entered detention during the period 1 October to 31 December 2011, 30 in January 2012 and 10 in February 2012.

<sup>18</sup> All figures quoted are management information and are subject to internal quality checks.

<sup>19</sup> The service standards are: 90% of cases completed within 10 working days.

<sup>20</sup> All figures quoted are management information and are subject to internal quality checks.

<sup>21</sup> The service standards are: 95% completed within 20 working days.

Length of detention figures are published on those leaving detention, a subset showing children for the latest period available (1 October—31 December 2011) is shown below.

CHILDREN LEAVING DETENTION BY REASON AND LENGTH OF DETENTION,  
Q4 2011

	<i>Total children detained</i>	<i>Removed from the UK</i>	<i>Granted temporary admission/release</i>
Total Children	42	26	16
3 days or less	35	21	14
4 to 7 days	6	5	1
8 to 14 days	0	0	0
15 to 28 days	1 <sup>22</sup>	0	1

## Intelligence

Questions 127 to 136: *The new National Allegations Database and how the Agency uses the intelligence and allegations it receives*

Good progress is being made with setting up the National Allegations Database, which we aim to be fully operational by the end of July 2012.

Funding for the project has been secured and the design of the database has been agreed. Staffing and other operational requirements have been assessed. Work on an updated web allegations form is proceeding well and initial discussions on how feedback can be provided, when requested and appropriate, are under way.

Caseworkers are instructed when and how to refer cases to the Agency's intelligence unit at appropriate points in our existing guidance. The current instructions will be refreshed with the introduction of the new National Allegations Database.

The Committee asked about allegations the UK Border Agency has received. Reports on the total number of allegations received by the UK Border Agency are collated manually on a fortnightly basis. For the period 9 December 2011 to 29 March 2012 approximately 25,600 allegations were received. All allegations received by the UK Border Agency are initially assessed on receipt and approximately 98% of these were assessed within 48 hours of receipt.

A breakdown of the types of allegations received is not recorded at the moment but will be available when the new National Allegations Database is operational.

Following initial assessment, details of approximately 16,000 allegations were logged and sent to the appropriate teams for further work. The Agency prioritises high harm (ie counter-terrorism, threat to life, firearms, weapons, sexual offences, vulnerable adults and children, possession of large quantities of drugs/drugs factory, trafficking or facilitation of families involving children) or time sensitive allegations which are sent to specialist teams for immediate investigation.

The remaining allegations were further researched and no further action was taken, either because they did not contain enough information to identify an immigration or other crime, or they contained information which had been provided previously or which was known to be incorrect or vexatious.

Where an allegation contains sufficient information to conduct an enforcement visit, the UK Border Agency will take action. During the period 1 December 2011 to 31 March 2012, approximately 900 allegation based enforcement visits took place, approximately 700 of which were illegal working operations.

As a result of these enforcement visits approximately 700 individuals have been arrested for a variety of offences, including illegal entry, overstaying and facilitation. It should be noted that the offence an individual has been arrested for may not relate to the allegation raised in the first instance, and it may also be the case that the person arrested at the address is not related to the initial allegation.

The new National Allegations Database will, once operational, allow the UK Border Agency to track allegations received which end up with a removal but we are currently unable to provide this information.

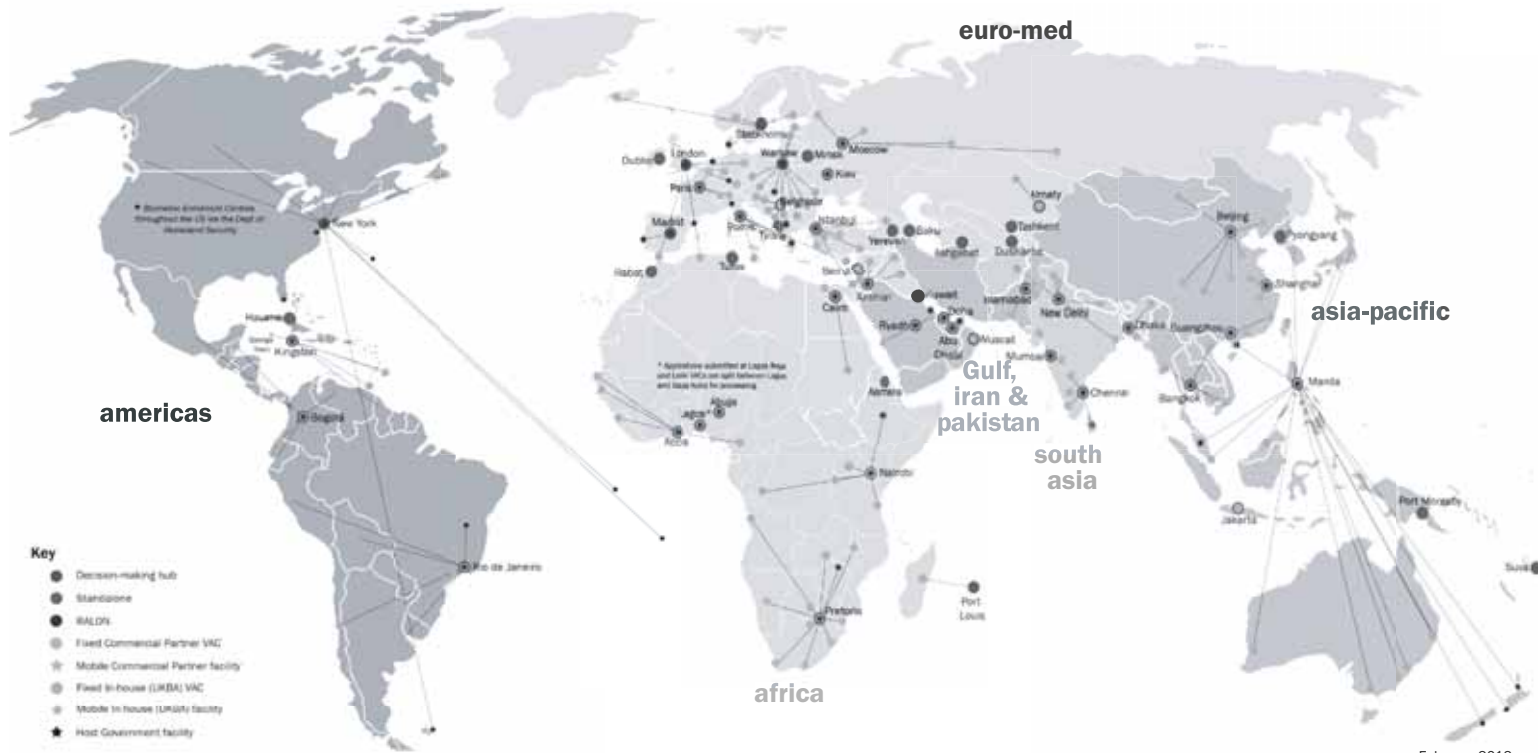
I hope you have found this information useful and I look forward to discussing it further when I appear before the Committee on 15 May.

*Rob Whiteman*  
Chief Executive

<sup>22</sup> This was an exceptional case relating to an individual who appeared to be significantly over 18 and who was in possession of valid passport to support that fact. An independent age assessment was completed which assessed the individual as being under 18 and the individual was released into local authority care on the same day this assessment was received.



# international Group global operations



**Letter from Rob Whiteman, Chief Executive, UK Border Agency, to the Chair of the Committee,  
14 June 2012**

Thank you for your letter of 29 May following my oral evidence session before the Home Affairs Select Committee on Tuesday 15 May. Please see below answers to the additional questions that you have raised.

### Foreign National Offender (FNO) Referral Process

The process of referring FNOs from the justice system to the UK Border Agency has been an area of significant progress and continued focus as part of the ongoing modernisation of criminal deportations. As I indicated at the evidence session we have a Memorandum of Understanding with the National Offender Management Service (NOMS) to ensure that sentenced offenders are referred to the UK Border Agency. The process is effective but I am undertaking a further detailed assessment over the coming months. I will continue to report to you about exceptional cases where prisoners are released prior to consideration of deportation.

The Committee identified the role of other partners in the justice system who could provide further assistance in referrals to the Agency. This includes the police, the prosecuting authorities, and the court service. At best, evidence gathered (such as travel documents) in the early phase of police investigation could support the NOMS to facilitate a prisoner transfer to a foreign prison or deportation. We continue to work closely with justice system partners.

Figures on referral times are not currently available, but we are working with NOMS to ensure that we have these for my next appearance before the Committee.

You asked for a list of sentences that merit automatic deportation. Section 32 of the UK Borders Act 2007, which came into force on 1 August 2008, places a duty on the Secretary of State to make a deportation order for a person who is not a British citizen who has been convicted in the UK of an offence and sentenced to a period of imprisonment of at least 12 months.

This duty applies to all foreign criminals except where they fall within one of the exceptions listed in section 33 of the Act. Where an exception does apply, deportation may still be appropriate under the existing provisions of the Immigration Act 1971 or, in the case of European Economic Area nationals and their family members who are exercising Treaty rights, under the Immigration (European Economic Area) Regulations 2006.

### FNOs in the Community

You asked about foreign national offenders who are living in the community and continue to be subject to deportation action and I can confirm that there are around 3,900, as I reported in my previous letter. The table at the top of the previous letter contained a typographical error for which I apologise. The figure for the number released within the previous 12 months should have read 313 rather than 31.

As I have reported to you previously, the vast majority of FNOs living in the community prior to deportation were released by an Immigration Judge on bail. The UK Border Agency must also release those where we have been unable to maintain detention because deportation is not possible within a reasonable period of time. These individuals are assessed according to level of risk and wherever possible those released are placed on restrictions whilst the Agency continues to pursue deportation, except for those released following an allowed appeal.

### Deportation of FNOs

You asked about the number of “failed Foreign National Offender removals” in the period 1 December 2011 to 31 March 2012. A number of factors, including logistical, legal or the persistent failure of the individual to engage with the process to confirm their nationality, can prevent the removal of an FNO going ahead as planned. Over this period around 270 planned FNO removals were affected in this way—about a fifth of total removal attempts.<sup>23</sup>

Over a third of these cases have since been successfully removed and more will be once the issues in question are resolved.

The UK Border Agency removed around 650 FNOs under the Early Release Scheme in the period 1 December 2011 to 31 March 2012. This accounted for just over half of the total FNO removals in the period.<sup>24</sup>

You also asked for further information on those countries to which we have difficulty returning FNOs. Most countries readily accept their international obligations to take back their own nationals. Effective international co-operation is essential, in terms of agreeing both documentation arrangements and the method of return. However, with some countries the process for obtaining travel documents can be slow. It can be hindered by the lack of supporting evidence about an individual’s claimed nationality, or poor compliance by the individual with documentation procedures. There are some countries where we receive limited or no co-operation with the returns process and in these circumstances it can be difficult to return individuals. The Agency, in

<sup>23</sup> Both successful and unsuccessful removals.

<sup>24</sup> All data is sourced from operational management systems and is not fully assured under National Statistics protocols. Figures provided from internal management information do not constitute part of National Statistics and should be treated as provisional.

conjunction with the Foreign and Commonwealth Office, invests considerable time and effort to resolve these issues. Legal barriers, affecting all returns to some countries, add a further dimension: in many cases the individual (or their representative) will mount prolonged and repeated attempts to frustrate removal, through non-compliance with the re-documentation process and submission of frivolous or late notice legal representations.

A more detailed explanation of the obstacles we face with specific countries could inhibit our ability to negotiate with each country effectively. I would, of course, be happy to provide an in confidence briefing on this matter if it would be helpful.

### UK Border Agency Staffing

The number of full time equivalent UK Border Agency employees at the end of May 2012 was 12,835 (note this excludes Border Force). The number of full time equivalent UK Border Agency employees at the end of May 2011, excluding Border Force, was 14,431.

Full time equivalent employees broken down by group are as follows.<sup>25</sup>

<i>Directorate</i>	<i>May 2012<sup>26</sup></i>	<i>May 2011 restated<sup>27</sup></i>
International Group	1,970	2,130
Resource Management Group <sup>28</sup>	777	785
Human Resources and Organisational Development <sup>6</sup>	550	638
Strategy and Intelligence Directorate	134	110
Enforcement & Crime Group	2,273	2,084
Immigration Group	7,131	8,684
<b>Total UKBA (excluding Border Force and Policy and Strategy)</b>	<b>12,835</b>	<b>14,431</b>

### Visa Processing Times

The UK Border Agency's customer service standards state that we will process 90% of non-settlement visa applications within three weeks, 98% within six weeks and 100% within 12 weeks of the application date.

Performance statistics for the processing of applications under the Points Based System during the period January to March 2012 are as follows:

	<i>Total number of applications</i>	<i>3 weeks</i>	<i>6 weeks</i>	<i>12 weeks</i>
Tier 1	7,699	94%	98%	100%
Tier 2	16,746	98%	99%	100%
Tier 4	26,189	91%	98%	99%
Tier 5	11,959	98%	100%	100%

Performance statistics for the processing of applications under the Points Based System during the period October to December 2011 are as follows:

	<i>Total number of applications</i>	<i>3 weeks</i>	<i>6 weeks</i>	<i>12 weeks</i>
Tier 1	4,860	93%	99%	100%
Tier 2	14,929	98%	100%	100%
Tier 4	30,165	84%	87%	88%
Tier 5	7,257	98%	99%	100%

The above data is sourced from operational management systems and is not fully assured under National Statistics protocols. Figures provided from internal management information do not constitute part of National Statistics and should be treated as provisional.

<sup>25</sup> Border Force and Policy and Strategy staffing figures have been removed from the May 2011 data as both directorates have since been split from the UK Border Agency.

<sup>26</sup> Figures have been estimated using 30 May 2012 data.

<sup>27</sup> Some posts will have switched between directorates, therefore figures are not directly comparable.

<sup>28</sup> Both Human Resources and Organisational Development and Resource Management Group contain functions with significant numbers of staff that undertake work that supports the frontline: both carry out shared functions so while staff are listed as UK Border Agency employees their roles includes supporting Border Force.

## Appeals

Between 1 October and 31 December 2011 the UK Border Agency was represented at 83% of First Tier appeal hearings. For asylum appeal hearings within the same period the Agency was represented at 94% of First Tier hearings. The Agency was represented at 100% of hearings related to deportation cases and 100% of Upper Tier hearings.<sup>29</sup>

## Immigration Casework

Work in Progress (WiP) levels for temporary and permanent migration for October 2011 to March 2012 are as follows:

<i>Case Type</i>		<i>Oct 11</i>	<i>Nov 11</i>	<i>Dec 11</i>	<i>Jan 12</i>	<i>Feb 12</i>	<i>Mar 12</i>
Temporary Routes	Family	6,638	7,433	7,626	7,820	7,729	18,674
	Employment	6,173	10,328	11,238	9,924	10,092	17,837
	Study	25,829	24,709	18,580	15,437	14,943	17,431
	Visiting the UK	144	203	241	305	265	345
Permanent Routes	Permanent Residence	9,240	9,618	9,910	14,415	17,958	18,936
	Euro (inc ECAA and A2)	18,929	20,037	20,576	23,387	23,046	28,737

March 2012 saw a substantial increase in the number of applications under the Tier 1 Post Study route, and intensive work to curtail the leave of non-compliant students. We will return to our normal level of service across the majority of routes by the end of July. These issues were discussed by Dame Helen Ghosh and Jeremy Oppenheim at our oral evidence session before the Public Accounts Committee on 14 May.

We do not routinely publish the average age of cases in the WiP as it is misleading due to a small numbers of exceptional cases that for various legal and practical reasons take longer to conclude. Our performance on processing times is measured by the percentage of cases that are concluded within an agreed processing time (our Service Level Agreement) which more accurately reflects how long we take to process the majority of applications within a certain category.

## Tier 4 Notifications

Between 1 December 2011 and 31 March 2012 we received about 35,300 notifications about students from Tier 4 sponsors through the Sponsorship Management System (SMS).<sup>30</sup> These do not all necessarily relate to non-compliance and a substantial portion will not result in curtailment action because they simply refer to administrative matters such as address or course changes. It is not possible to specify how many of these related to a potential curtailment of leave as at the time that these notifications were received they were not electronically flagged by category. It would require a manual cross reference of all notifications to determine how many relate to a potential curtailment.

Since 6 April 2012 the SMS has been upgraded to allow sponsors to categorise their notifications. This should allow us to more easily identify which notifications may relate to curtailment action, which will assist us in prioritising actions as well as reporting figures to the Committee. However any figures generated this way will be purely indicative and will rely upon individual sponsors categorising their notifications correctly.

Of the 35,300 notifications received between 1 December 2011 and 31 March 2012, about 24,400 (69%) have now been investigated.<sup>31</sup> When we take action following a notification we keep an electronic record (so that the notification can be closed) but we do not record the date against that action. We can therefore only generate reports as a snapshot at the time that the report is run.

## IT Supplier

Atos currently provides the Home Office with a range of application management and hosting services under the Immigration and Nationality Directorate (IND) Procurement of Infrastructure Development and Support contract, which runs until 31 January 2016. The contract has an estimated value of £220 million over six years, from 2010 (when the contract was renegotiated) to 2016. This information has previously been provided to Cabinet Office and published as part of the Crown Pipeline in 2010; it is available here: <http://data.gov.uk/sites/default/files/Crown%20Pipeline.csv>

Expenditure in 2011/12 was approximately £52 million.

<sup>29</sup> All data is sourced from operational management systems and is not fully assured under National Statistics protocols. Figures provided from internal management information do not constitute part of National Statistics and should be treated as provisional.

<sup>30</sup> All data is sourced from operational management systems and is not fully assured under National Statistics protocols. Figures provided from internal management information do not constitute part of National Statistics and should be treated as provisional.

<sup>31</sup> All data is sourced from operational management systems and is not fully assured under National Statistics protocols. Figures provided from internal management information do not constitute part of National Statistics and should be treated as provisional.

## Visits by Members of the Committee

Finally I received your letter of 16 May about Committee members arranging visits to the Agency. I would like to reassure you that we are happy to facilitate such visits. In addition to the Committee's visit to Lunar House scheduled for 28 June we have invited Bridget Phillipson MP to visit our Asylum Screening Unit this summer. The clerk of the Committee has the contact details for my team and you are welcome to share these with members of the Committee to assist in accommodating future visits.

I hope this additional information has been useful.

*Rob Whiteman*

Chief Executive, UK Border Agency

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## **Letter from Brian Moore, Director General, UK Border Force, to the Chair of the Committee, 3 May 2012**

Thank you for your letter of 30 March 2012 in which you requested information ahead of my evidence session on 22 May. Please find my response to your questions below.

### e-Borders

The Committee asked for an update on the rollout of e-Borders to non-canalised traffic, canalised maritime traffic and rail.

#### Non-canalised Traffic

This category covers General Aviation (GA) and General Maritime (GM).

e- Borders delivered the capability to collect data from GA and GM in April 2012. We have worked with Aircraft Owners and Pilots Association (AOPA) to develop the interface for general aviation users and AOPA will start to provide General Aviation Report (GAR's) shortly.

We will now plan a progressive roll out starting with commercial shipping. The e-Borders programme will continue to engage with the GM sector to ensure that specific concerns that exist within the leisure boating sector are taken into account as part of the rollout.

#### Canalised Maritime Traffic

Engagement is advanced with a number of maritime carriers in preparation for having the Freight Targeting System (FTS) available for the transmission of data from June 2012. These carriers are already using FTS to transmit freight data to Customs and the e-Borders Programme has sought to build on this capability to provide the industry with a "single window approach" for the transmission of both freight and passenger data. The provision of data from Ferry operators will be achieved through the interface with FTS, which will strip out the Travel Document Information elements and forward them to e-Borders for processing.

#### Rail

We continue to engage with current and future partners (Eurotunnel, Eurostar, Deutsche Bahn) to ensure their business processes are aligned with the UK's requirements.

The programme will have developed its capabilities to receive data from the majority of these sectors in 2012, however specific rollout dates are in many cases subject to individual agreement.

It should be noted that the majority of international rail services are at present covered by juxtaposed control arrangements in place in France and Belgium (Paris, Lille, Calais, Coquelles and Brussels) where entry checks are completed in advance of boarding by Border Force officers. In the future this model will not be further expanded to cover new routes introduced following rail liberalisation. For a small number of other Eurostar services departing from stations where there are not juxtaposed controls, (specifically from Marne La Vallee (Disney), seasonal winter ski services from Bourg St Maurice and a summer service from Avignon) entry checks are conducted on arrival in the United Kingdom.

The Committee also asked for information regarding the capability of e-Borders to conduct checks on large numbers of last minute ticket purchases.

The e-Borders checks are conducted by the system in near real time on receipt of data from the carrier which must take place no less than 30 minutes before departure. The system allows matches to be ordered according to the projected arrival time so that the most time critical matches are investigated and, if appropriate, progressed to alerts first. Other than in the case of juxtaposed controls, the NBTC has the time of the journey itself to issue an alert to the port of arrival.



The system makes no assumptions on how many late check ins there are. Matches are ordered and prioritised based on the circumstances at the time and all arrivals at ports in the UK are subject to full checks by a Border Force Officer.

#### *e-gates and IRIS*

The Committee asked for details of the e-gates currently in operation and what will happen to the biometric data collected through the IRIS programme. Personal Data from IRIS (including Biometric data) will be permanently deleted within 6 months of the service being decommissioned.

Sixty-three e-gates are currently in operation at 15 terminals, as is shown in the table below. No passengers using false identities or who have been banned from entering the UK have been able to enter the UK using e-gates.

<i>Location</i>	<i>Number of gates</i>
Birmingham	5
Bristol	3
Cardiff	3
Edinburgh	5
East Midlands	5
Gatwick North	5
Gatwick South	5
Heathrow 1	3
Heathrow 3	3
Heathrow 4	3
Heathrow 5	3
Luton	5
Manchester	5
Manchester	5
Stansted	5

#### *Entry checks*

The Committee asked for details of the checks Border Force carries out on passengers arriving at UK ports, and for details of any variations from this. Border Force carries out a standard set of checks on passengers arriving at UK ports. This includes:

- Identity and nationality checks;
- Forgery checks on documents;
- Checks against watchlists; and
- An assessment of threat to identify vulnerable persons or individuals who may be a criminal, terrorist or immigration threat.

Standard checks also include the following checks applicable to particular cohorts of passengers:

- Open biometric chip of passport;
- Interview to confirm eligibility for entry;
- A Secure ID check; and
- Additional checks to safeguard and promote the welfare of children.

In addition to these standard checks Border Force officers will also conduct whatever further checks are deemed necessary and appropriate on a case by case basis to protect the border.

The following groups of passengers are subject to checks that vary from the standard checking regime and the differences are summarised below:

- Passengers exempt from immigration checks, such as Heads of State, some diplomats and crew in certain circumstances. Checks are confined to the level necessary to establish their identity and that they qualify as exempt.
- Members of the Royal Family (HM the Queen is already exempt) and serving members of the Cabinet when travelling on official business. Where notified in advance, they will not be subject to visual or passport checks. Members of their entourage will be subject to standard checks.
- Passengers using IRIS gates (usually frequent travellers). These passengers have already undergone an eligibility interview with a Border Force officer and are checked against the watchlists when they apply to be enrolled. When they subsequently enter the UK their iris patterns are read to verify their identity and the watchlist is checked before they are granted entry.
- Passengers on cruise ships that start and finish their journey in the UK. Passengers are subject to modified procedures, where vessels are assessed on return and are usually cleared remotely. All passengers are checked against the watchlists.

- Passengers arriving via General Aviation or General Maritime (light aircraft or small sea vessels) are subject to a different checking regime.
  - General aviation arrivals are assessed for risk, using information provided by fax on the General Aviation Report (GAR) and sources of intelligence (such as civil aviation tracking data). The information is then risk assessed to determine whether or not arrivals will be met or cleared remotely. All arrivals are manually checked against the Warnings Index (WI). e-Borders capability to receive data electronically from non-canalised traffic has been in place from late April 2012. This will mean a change from the current reporting format for the General Aviation sector from paper-based to an electronic system. This will improve the quality and accuracy of the data received from this sector and will simplify and bring consistency to the reporting process across the UK. It will also enable the automatic checking of passengers against WI entries, and automatic cross-checking against civil aviation tracking data. This will enable us to identify any aircraft which has not complied with reporting requirements before it lands.
  - General maritime vessels are monitored and assessed for risk, with a greater emphasis on intelligence to identify wrongdoing and risk. Border Force builds its own intelligence in this sector using resources such as the cutters, but also works with other law enforcement agencies, the public and joint initiatives such as the National Maritime Information Centre to help target resources effectively. Where we identify risks we will either undertake on arrival checks or intervene before a vessel lands. Anyone on board a general maritime vessel who is not an EU national must get a Border Force officer's permission to enter the UK before landing. The person responsible for the vessel must make sure that anyone requiring immigration clearance (including themselves if appropriate) obtains the necessary permission to enter. Vessels arriving from ports outside the EU also have to notify the authorities.

#### *New Border Force*

In her statement to the House on 20 February the Home Secretary made clear that the Border Force needs a whole new management culture. The first step towards this was to create the Border Force as an operational command within the Home Office, separate from the UK Border Agency, with direct accountability to Ministers. The Home Secretary also announced that a new Operating Mandate for Border Control would be implemented which will provide staff with clarity on their roles and responsibilities.

Since becoming interim Director General on 1 March I have emphasised in all my communications with staff, that my intention is to create a Border Force which is a highly competent law enforcement body with a strong chain of command linking our operations and government priorities.

In practice this has a number of key features:

- Ensuring that full comprehensive checks are universally carried out to secure the border. The Operating Mandate which we are developing is critical to delivering this.
- I have made clear to all operational managers that it is their responsibility to ensure that staff under their command have been properly briefed about the checks and who can make decisions about suspending them. I will hold individual managers directly to account for this.
- I have undertaken a series of face to face meetings across the country and so far 3,750 members of staff have attended 13 meetings at six locations to talk directly to them about our vision, standards and expectations of them during the transition and transformation of the Border Force. This is a key part of my plan to improve and change the culture within the Border Force. Attendance is mandatory for all staff and specific feedback has been sought from all attendees on the learning they have gained at these events. To become a professional law enforcement command within the Home Office I am implementing a transformation programme in which culture change will be a specific strand of work. The transformation programme will continue to build a flexible workforce of highly trained staff where every member of staff is not only capable of dealing with any threat to our border but actively seeks opportunities to gather intelligence on those seeking to do harm. We will do this by ensuring our frontline officers have all the tools of a law enforcement organisation and feel supported by their management in making reasonable decisions in difficult circumstances. In setting a clear framework for Border Force officers on their roles and responsibilities at the border, the Operating Mandate will reinforce the message that managers and staff are to have regular and open lines of communication. We will focus on building our management capability at all levels with the leadership teams being held to account through a range of performance measures including staff surveys. By building a culture of open communication and strong leadership we will build a workforce that is committed and motivated with a positive view of Border Force.

#### *National Crime Agency*

The Committee asked for details of how Border Force will work with the Border Policing Command (BPC) in the National Crime Agency.

There is a clear distinction to be made between the roles of the Border Policing Command and Border Force. Border Force will be responsible for entry controls and customs functions at the border. The Border Policing Command will take the lead—bringing a controlling hand to border security—to deliver better, more joined up enforcement activity across all agencies operating in and around the border, including Border Force with a clear focus on serious and organised crime at the border. Border Force will be responsible for sharing intelligence with the BPC. This will enable the BPC to deliver a single, comprehensive picture of the threats to public safety and security that manifest at the border and an agreed view of the ways in which the border is being exploited and what needs addressing. The BPC will be responsible for tasking and co-ordinating Border Force assets (alongside wider NCA, UKBA, law enforcement and other partner assets) to carry out separate or joint operations to tackle the threats, prioritising action, allocating ownership and accountability, to have the greatest impact.

The Border Policing Command is still being designed and will not become fully operational until 2013 so there is not currently an operating model in place. However in the Shadow Border Policing Phase the BPC will work closely with Border Force to collaboratively tackle threats at the border through improved tasking arrangements better intelligence gathering.

As well as driving early improvements in border security, the Shadow Border Policing Command (SBPC) will act as an important proof of concept for the ongoing design work of the BPC and the broader National Crime Agency. The SBPC will begin operating by May 2012 and will be built in tranches until 2013. We will test working practices during this phase to ensure that by 2013 a sound operating model is in place which will govern future joint working with Border Force.

#### *“Lille Loophole”*

In your letter to Rob Whiteman dated 30 March 2012 you also asked a number of questions regarding the Lille Loophole. As the responsibility for border controls sits within Border Force, I have provided responses to these questions below.

In Rob Whiteman’s letter of 22 February he set out the steps which the Home Office have taken to deal with this issue which culminated in Eurostar’s decision to suspend the sale of point to point Brussels to Lille tickets other than to regular travellers who hold season tickets. After representation from both the French and the Belgians they resumed sales of tickets later that week but only on three specific services a day.

Given the small number of services which are now vulnerable to “loophole abuse” we are able to target resources on these trains. Upon arrival at Lille, the numbers of Lille tickets sold are reconciled with total disembarkations and the information shared with Border Force. Securitas conduct full ticket checks on passengers before the trains arrive at Calais where those without a valid St. Pancras ticket are instructed to disembark. Additional immigration checks are then conducted by UK Border Force at St Pancras when the trains arrive.

Since this arrangement was put in place, we now provide weekly updates to the Immigration Minister which show that our response to this situation has been successful in significantly reducing numbers of irregular migrants seeking to abuse this route. However, these updates show that this route continues to be targeted by people traffickers and indicates that our caution in putting detailed figures for Lille ticket abuse into the public domain is well founded.

In addition to the day-to-day activity to protect the UK border, officials are in discussions with their Belgian and French counterparts to identify what additional measures might be taken to further secure the route and allow a reopening of certain ticket sales while reducing the impact on genuine travellers. They are also in regular contact with Eurostar to monitor the functioning of the new system and future planning to mitigate abuse of their trains.

The Committee has asked for a breakdown of the number of people discovered trying to enter the UK on the Eurostar without a valid ticket. It is my view that by releasing this information we would be providing potentially useful information to those who seek to evade our immigration controls and facilitate illegal migration. Releasing port specific information gives an insight into our capabilities and operational activity at ports which has the potential to be of interest to those seeking to facilitate illegal migration.

I hope that this information will be of use to you and the Committee ahead of my appearance and that we can have a useful and constructive discussion when I appear in front of you.

*Brian Moore*  
Director General  
UK Border Force

*May 2012*

**Letter from Brian Moore, Director General, Border Force, to the Chair of the Committee,  
20 June 2012**

Thank you for your letter of 29 May 2012 in which you requested additional information following my recent evidence session on 22 May 2012. I am sorry that we missed the deadline that the Committee had set for a response. Please find responses to your questions below.

**Questions 1–4: Staff Rostering & Deployment**

The majority of Border Force officers work annualised hours working (AHW) which gives the flexibility to change, extend or curtail shifts with less than seven days' notice. Minimum staffing levels are continually reviewed to ensure demand is met and changes are made when demand increases. In general, outline rosters are prepared and agreed a year in advance as part of the AHW (this is in line with the AHW contracts) and amendments are then made as necessary to refine requirements as traffic projections are finalised. Rosters are kept under regular review as flight and passenger information is provided to us by airlines. Under AHW shifts are generally confirmed 7 days before the start of a shift.

This is the point at which Border Force would be able to increase the total number of staff on duty. However, as I explained when I appeared before the Committee, Border Force has mobile teams who are multi-skilled and able to deal with immigration and customs work that can be flexibly deployed to deal with surges in passenger numbers.

**Question 5: JBDC and NBTC Alerts**

The National Border Targeting Centre (NBTC) opened in March 2010 and replaced the Joint Border Operations Centre (JBOC), which closed in May 2010. Therefore JBOC did not issue any alerts in past 6 months.

Between November 2011 and April 2012 the NBTC issued 27,759 alerts in relation to passenger movements, both inbound and outbound, across the UK Border.<sup>32</sup> Any further detail about the figures would potentially be a security threat.

**Question 6: Short Term Holding Facilities**

As I outlined during my appearance, currently passengers refused entry to the UK at the Primary Control Point (eg under Schedule 2 of the 1971 Immigration Act) may be placed into short term holding facilities (STHF), and are under the jurisdiction of Border Force. In circumstances where the matter is more complicated, UKBA Returns Directorate is responsible for providing the service to man the STHF using contractor Detention Custody Officers.

This is the current situation, but this arrangement is under review following the separation of Border Force from UKBA. Going forward both Rob Whiteman and I want to ensure that the handoffs between the Border Agency and the Border Force are managed well and this is an area that we are reviewing.

**Questions 7 & 8: Staff Numbers**

Please find a table below showing the number of FTE employees employed by the Border Force at the end of March 2011 and March 2012; data on this is collected on a financial year basis.

	<i>March 2011</i>	<i>March 2012</i>
Border Operations & Change	95	88
Central Services	207	195
Customs, National Operations & Performance	581	624
Heathrow	1,707	1,530
North region	1,068	1,023
Central region	1,292	1,214
South & Europe Region	2,840	2,659
<b>TOTAL</b>	<b>7,790</b>	<b>7,333</b>

There have been a number of changes in Border Force over the last two years. As a result the responsibilities of the groups detailed above may not be directly comparable year on year.

**Question 9: Service Level Agreements**

The percentage of EU/EEA passengers who have cleared immigration within the Border Force's target processing time over the past year (April 2011 to April 2012) is 98.4%.

<sup>32</sup> The above data is sourced from operational management systems and is not fully assured under National Statistics protocols. Figures provided from internal management information do not constitute part of National Statistics and should be treated as provisional.

The percentage of non EEA passengers who have cleared immigration within the Border Force's target processing time over the past year (April 2011 to April 2012) is 95.6%.

Data is collected on a financial year basis, so I am unable to provide you with information for May 2012.

### Questions 10 & 11: e-Gates

You asked for the total number of EEA arrivals at ports with e-Gates between 1 December 2011—30 April 2012. Passenger arrival statistics are published by Home Office statisticians as National Statistics each quarter on total number of passengers rather than on a port by port basis. The total number of Passenger arrivals is broken down into three broad nationality groupings: British nationals; Other EEA nationals; and Non-EEA nationals. A breakdown of total arrivals for British Nationals and Other EEA Nationals is dependent on the availability of International Passenger Survey data from the Office for National Statistics (ONS).

The table below sets out the published information taken from Immigration Statistics January—March 2012 and covers the most recent quarterly data up to March 2012.

**Table ad.01.q:**

#### PASSENGER ARRIVALS INCLUDING EEA AND SWISS NATIONALS

<i>Number of journeys</i>	<i>2011 Q2</i>	<i>2011 Q3</i>	<i>2011 Q4</i>	<i>2012 Q1</i>
<b>Total (millions)</b>	<b>28.6</b>	<b>34.0</b>	<b>23.0</b>	<b>20.6</b>
Non-EEA Nationals	3.8	4.2	2.7	2.4
EEA Nationals <i>of which:</i>	24.7	29.9	20.3	18.2
- British Citizens	17.0	21.3	13.3	-
- Other EEA and Swiss Nationals	7.7	8.6	7.0	-

*Source:* Home Office, Immigration Statistics January—March 2012.

This is only available at a national level and not by individual port. We expect the breakdown for the three broad nationality groupings up to Q1 2012 to be available in the next publication. The next publication of data will be 30th August 2012, albeit not in the format you have requested. When this information is made available I shall provide it to you.

The information that you requested about the eligible passengers using e-Gates is attached at Annex A.<sup>33</sup> The tables set out the number of people who used the e-Gates and the number of referrals broken down by those ports where e-Gates are present. Management information about the number of passengers who do not use e-Gates is collected at those ports which operate the gates and this information is also included in Annex A. This information is not centrally collated for all other ports and to do so to respond to question 10b would be very resource intensive and would require staff to be diverted from their existing duties to collect and cleanse the data.

For the period 1 December 2011 until 30 March 2012 our records indicate that the e-Gates were unavailable for 1.17% of their maximum potential availability.<sup>34</sup>

### Question 12: Governance

Border Force is an operational command within the Home Office. At present Border Force has a senior management team and, as discussed at my appearance before the Committee on 22 May, I am seeking to introduce a Board structure and to put in place further independent oversight of the Border Force. I will write to you once all arrangements are in place.

### Question 13: Customs Seizures

The Committee asked for a breakdown of the monthly seizure figures for the past year (31 May 2011 until 31 May 2012); The Home Office already publishes statistics on drug seizures on the Home Office website at <http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/police-research/hosb1711/hosb1711-tabs?view=Binary>

For ease of reference I attach the breakdown at Annex B. These show total Home Office seizures, which are broken down by police and UKBA (which includes Border Force for the periods covered in your letter); the border drug seizures are a sub-set of these published statistics. However from August this year, our plan it to start publishing our own set of seizure data (we are working towards publishing our own set of seizure data as agreed with Home Office Statisticians). We are also seeking to publish other seizure data.

<sup>33</sup> The attached data is sourced from operational management systems and is not fully assured under National Statistics protocols. Figures provided from internal management information do not constitute part of National Statistics and should be treated as provisional.

<sup>34</sup> The above data is sourced from operational management systems and is not fully assured under National Statistics protocols. Figures provided from internal management information do not constitute part of National Statistics and should be treated as provisional.

### Question 14: Drugs Data

The Committee asked for data on the amount of drugs estimated to be smuggled into the UK for the same time period (31 May 2011–31 May 2012). The Border Force automated management information systems were still being rolled-out in April 2011 and had not achieved national coverage. Consequently, reliable data on this is not available. I am therefore unable to provide you with sufficiently accurate data to be shared with the Committee at this stage.

As you know the Border Force is committed to maintaining border security. By deploying staff flexibly we are continuing to target drugs and illegal weapons while carrying out our immigration work as rigorously and efficiently as possible. We target all high and medium Class A routes as directed by available intelligence and national tasking and routinely risk test new connecting services. Class A drugs continue to be a priority and we target all high and medium Class A routes based on intelligence and we routinely risk test new connecting services.

### Question 15: Queue Times

Please find below a breakdown (month by month) of queue times for both Non-EEA and EEA for the past year (31 May 2011 until 31 May 2012). I want to stress to the Committee that this is internal management information and sourced from operational management systems. I want to reiterate again that Border Force met its SLA last year for both UK/EEA and non EEA passengers as set out in our response to Question 9.

<i>Month</i>	<i>Maximum queue time (Hrs:Mins)</i>
June 2011	02:35
July 2011	02:55
August 2011	02:14
September 2011	02:50
October 2011	01:59
November 2011	01:55
December 2011	02:30
January 2012	01:58
February 2012	02:15
March 2012	02:53
April 2012	02:30
May 2012	02:18

The queues are measured every hour of the week that it is possible to do so. The measurement is taken by handing a card to waiting passengers in both the EEA and the Non-EEA queues. The time the card was given to the passenger is noted on the card. When the passenger arrives at the desk they hand the card to the IO who notes on the card the time they received it. The Border Force is working with BAA and others to consider how we measure queues and possible improvements to this process.

### Question 16: Carrying Firearms During the Olympics

Foreign nationals coming to the UK for the Olympics will be allowed access to firearms in the two circumstances:

- (i) Games competitors in shooting competitions whose firearms are covered by section 5 of the Firearms Act will not be able to carry their weapons but will have access to them once they are in secure Olympics practice facilities. Their weapons are being imported under secure transport arrangements controlled by Registered Firearms Dealers. Those whose weapons are covered by sections 1 or 2 will be able to bring their weapons with them as long as they have applied for and been given British Visitor Permits (BVP) issued by the Home Office Firearms Licensing section.
- (ii) Armed Personal Protection Officers for VIPs may be allowed to carry firearms on the authority of the Home Secretary, who will take advice from the Commissioner of the Metropolitan Police. The Home Office will not publicise the details of any such authorities granted for the carriage of firearms for security reasons, whether granted in relation to the Olympics, or for any other visit to the UK.

Aside from the Olympics, there will also be instances where foreign nationals may carry or have access to firearms in the same way as outlined above—for example, sportsmen carrying hunting rifles for which they hold a BVP.

I hope that this information will be of use to you and the Committee.

*Brian Moore,*  
Director General  
Border Force

*June 2012*

**Annex A:****E-GATE USE**

	<i>Dec-11</i>	<i>Jan-12</i>	<i>Feb-12</i>	<i>Mar-12</i>	<i>Apr-12</i>
Stansted Successful user	22,360	26,098	23,504	36,915	32,640
Stansted Referrals*	4,934	5,405	4,271	6,734	3,395
Stansted Eligible passengers who did not use the gate	130,670	139,810	136,122	151,764	Not available
Manchester T1 Successful users	27,532	30,147	30,786	38,473	36,209
Manchester T1 Referrals*	2,428	2,707	2,397	2,903	2,925
Manchester T1 Eligible passengers who did not use the gate	67,992	67,892	75,348	86,751	Not available
Manchester T2 Successful users	13,746	17,248	16,472	15,905	15,413
Manchester T2 Referrals*	1,180	1,296	1,283	1,153	1,299
Manchester T2 Eligible passengers who did not use the gate	69,595	73,178	67,956	75,891	Not available
Luton Successful users	3,081	2,392	494	828	2,092
Luton Referrals*	337	262	151	100	201
Luton Eligible passengers who did not use the gate	74,169	84,587	81,187	97,548	Not available
Gatwick North Successful users	55,336	52,226	57,163	61,796	73,513
Gatwick North Referrals*	3,824	2,774	2,339	3,219	2,741
Gatwick North Eligible passengers who did not use the gate	112,926	132,708	128,226	166,051	Not available
Gatwick South Successful users	54,519	48,215	56,276	65,255	70,144
Gatwick South Referrals*	4,611	4,415	3,994	3,941	3,825
Gatwick South Eligible passengers who did not use the gate	110,729	138,912	121,362	144,315	Not available
East Midlands Airport Successful users	8,699	10,247	10,850	15,358	22,842
East Midlands Airport Referrals*	319	389	343	409	900
East Midlands Eligible passengers who did not use the gate	22,149	21,166	23,198	28,626	Not available
Cardiff Successful users	1,770	1,906	2,049	2,141	3,160
Cardiff Referrals*	66	71	91	177	215
Cardiff Eligible passengers who did not use the gate	4,419	4,403	5,982	9,138	Not available
Bristol Successful users	5,115	8,073	13,741	11,272	12,844
Bristol Referrals*	156	268	395	271	326
Bristol Eligible passengers who did not use the gate	39,684	42,992	41,205	53,865	Not available
Birmingham Successful users	14,977	18,842	20,906	27,036	33,654
Birmingham Referrals*	524	620	770	822	1411
Birmingham Eligible passengers who did not use the gate	50,116	53,145	51,824	60,368	Not available
Heathrow T1 Successful users	33,870	42,299	37,736	43,814	44,618
Heathrow T1 Referrals*	9,256	12,132	11,011	11,850	9847
Heathrow T1 Eligible passengers who did not use the gate	56,047	59,578	55,500	64,008	Not available
Heathrow T3 Successful users	49,039	60,024	63,998	72,099	74,689
Heathrow T3 Referrals*	6,959	8,735	8,439	8,135	5433

	<i>Dec-11</i>	<i>Jan-12</i>	<i>Feb-12</i>	<i>Mar-12</i>	<i>Apr-12</i>
Heathrow T3 Eligible passengers who did not use the gate	128,346	132,138	115,725	138,442	Not available
Heathrow T4 Successful user	34,403	37,613	39,508	41,428	46,550
Heathrow T4 Referrals*	7,687	7,130	7,471	6,473	3966
Heathrow T4 Eligible passengers who did not use the gate	67,143	70,936	64,031	73,082	Not available
Heathrow T5 Successful users	63,105	66,905	71,548	89,556	89,900
Heathrow T5 Referrals*	12,060	14,430	15,150	10,868	7482
Heathrow T5 Eligible passengers who did not use the gate	117,305	115,181	112,097	128,003	Not available

\* There can be several reasons why passengers can be referred from e-Gates to a Border Force officer including that they fail the facial recognition stage of the process; their travel document fails to pass the document examination stage; or that they require subsequent checks by Border Force.



## Annex B

## Seizures of drugs in England and Wales 2010/11

Table 5.1 Number and percentage of drug seizures by class, drug type and authority, 2010/11

Drug class	Drug type	Police forces		UKBA		Total
		Number	%	Number	%	
Class A drugs	Cocaine	16,852	95	837	5	17,689
	Crack	5,367	100	13	0	5,380
	Ecstasy	2,522	99	13	1	2,535
	Heroin	10,702	99	110	1	10,812
	LSD	93	98	2	2	95
	Methadone <sup>2</sup>	1,067	--	--	--	1,067
	Morphine	113	99	1	1	114
	Other class A	599	66	313	34	912
	All class A <sup>3</sup>	33,959	96	1,287	4	35,246
Class B drugs	Cannabis	165,998	99	1,383	1	167,381
	Amphetamines	7,135	99	42	1	7,177
	Barbiturates 2	22	--	--	--	22
	Other class B	2,475	91	247	9	2,722
	All class B <sup>3</sup>	173,581	99	1,637	1	175,218
Class C drugs	Anabolic steroids	561	83	113	17	674
	Benzodiazepines <sup>2</sup>	2,488	--	--	--	2,488
	GHB	66	100	-	0	66
	Ketamine	1,683	94	109	6	1,792
	Temazepam <sup>2</sup>	250	--	--	-	250
	Other class C	1,728	67	866	33	2,594
	All class C3	6,435	86	1,081	14	7,516
Unknown	Unknown	3,677	100	-	0	3,677
All seizures <sup>3</sup>		208,830	98	3,954	2	212,784

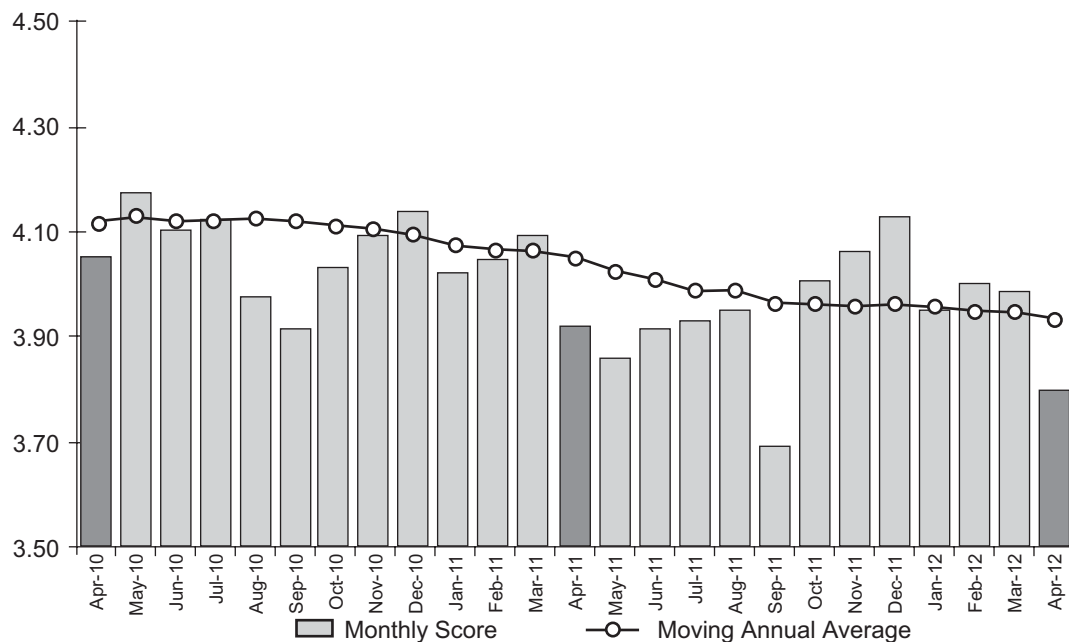
1. Seizures from joint operations involving the UKBA and the police are recorded against the lead agency that takes possession of the seized drugs.
2. Seizures of methadone (class A), barbiturates (class B), benzodiazepines and temazepam (both class C) could not be separately identified from the UKBA's recording system for 2010/11. They are instead included with the relevant 'other class' total.
3. As a seizure can involve more than one drug, figures for individual drugs and drug classes cannot be added together to produce totals.

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**Written evidence submitted by BAA [UKBA 07]**

**Letter from Colin Matthews, Chief Executive Officer, BAA, to the Chair of the Committee,  
18 May 2012**

Further to my attendance at the Home Affairs Select Committee on Tuesday of this week, enclosed is the information I undertook to send relating to passenger survey data. We survey Heathrow passengers on a monthly basis, against a range of passenger experience measures, including waiting times at immigration which is captured in the data provided.



Source: Mainline QSM Departures And Arrivals Tracker.  
Heathrow Total, Departures Annual data n=22,399, arrivals n=14,734

BAA

May 2012

### Written evidence submitted by Home Office [UKBA 08]

#### Letter from Dame Helen Ghosh DCB, Permanent Secretary, to the Chair of the Committee, 25 May 2012

#### UK Border Agency Bonuses

Thank you for your letter of 11 May, requesting a breakdown of the bonuses paid to UK Border Agency staff in recent years.

You have asked for the breakdown of bonuses paid to Senior Civil Servants in the UK Border Agency to be provided by individual member of staff. As you know there are existing ground rules around the disclosure of information about individuals and in accordance with these we are unable to provide this information without the written consent of all the individuals concerned. We are currently going through the process of obtaining this consent. In Annex A we have therefore provided, for each performance year, the percentage of SCS staff in the UK Border Agency awarded a bonus, the minimum and maximum value of those awards and the percentage of staff who received a bonus within £5,000 bands. As you will see this data shows that the percentage of bonuses paid to staff and the size of these bonuses has reduced substantially over that four year period. As I have previously explained to the committee, this both reflects changes in Government Policy on SCS bonuses but also that we have chosen to exercise restraint and therefore paid 1.7% of our pay bill in SCS bonuses in 2010/11 when Cabinet Office guidance allows up to 5%.

Please also find attached at Annex B the information requested for staff below SCS in UK Border Agency.

My apologies for the delay in responding to your request. This is the first time we are disclosing information in this level of detail and format and I wanted to ensure that you receive the most accurate and up to date information available.

It may be helpful for you to know that this response has been provided using a data set recently prepared to implement Lord Hutton's recommendations on Pay Disclosure within the civil service regarding pay medians and pay multiples. Guidance was issued by H M Treasury in February 2012 and covered, amongst other things, how to report bonus information. The Department's data set is currently being prepared for independent scrutiny by National Audit Office as Pay Disclosure will be included in the Department's Annual Report and Accounts publications.

*Dame Helen Ghosh DCB*  
Permanent Secretary  
Home Office

May 2012

## Annex A

### UKBA SCS BONUSES

#### For 2010–11 Performance Year—Paid in 2011–12 Financial Year

- 24% of UKBA SCS were awarded a bonus.
- Minimum value £4,500.
- Maximum value £7,000.
- 20% of UKBA SCS awarded a bonus in the £0–5k banding.
- 4% of UKBA SCS awarded a bonus in the £5–10k banding.

#### For 2009–10 Performance Year—Paid in 2010–11 Financial Year

- 67% of UKBA SCS awarded a bonus.
- Minimum value £3,500.
- Maximum value £10,000.
- 37% of UKBA SCS awarded a bonus in the £0–5k banding.
- 30% of UKBA SCS awarded a bonus in the £5–10k banding.

#### For 2008–09 Performance Year—Paid in 2009–10 Financial Year

- 72% of UKBA SCS awarded a bonus.
- Minimum value £7,500.
- Maximum value £15,000.
- 60% of UKBA SCS awarded a bonus in the £5–10k banding.
- 12% of UKBA SCS awarded a bonus in the £10–15k banding.

#### For 2007–08 Performance Year—Paid in 2008–09 Financial Year

- 65% of UKBA SCS awarded a bonus.
- Minimum value £6,000.
- Maximum value £22,000.
- 39% of UKBA SCS awarded a bonus in the £5–10k banding.
- 13% of UKBA SCS awarded a bonus in the £10–15k banding.
- 11% of UKBA SCS awarded a bonus in the £15–20k banding.
- 2% of UKBA SCS awarded a bonus in the £20–25k banding.

## Annex B

### UKBA STAFFING AND ONE OFF PAYMENTS FOR BELOW SCS STAFF 2008–09 TO 2011–12

#### NUMBER OF STAFF EMPLOYED 2009–12

UKBA Grade	Headcount			
	2009 Total	2010 Total	2011 Total	2012 Total
1.AA	1,719	1,721	1,582	1,279
2.AO	4,761	4,594	5,673	5,111
3.EO	7,541	7,612	9,557	8,823
4.HEO	2,855	2,970	3,277	3,038

UKBA Grade	Headcount			
	2009 Total	2010 Total	2011 Total	2012 Total
5.SEO	1,256	1,387	1,466	1,265
6.G7	446	535	551	485
7.G6	140	180	189	161
<b>Total</b>	<b>18,718</b>	<b>18,999</b>	<b>22,295</b>	<b>20,171</b>

Data Source: Home Office Dataview Extract as at 31 March in each year

Representative of Current Civil Servants

NB Figures from 2011 include HM Revenue and Customs staff who joined UKBA in April 2010

2008–09

Grade	Number of staff who received a one off payment	Total (aggregate) value of the one off payments paid* <sup>1</sup>	Min* <sup>2</sup>	Max* <sup>2</sup>
1. AA	332	£80,621	£286	£304
2. AO	1,205	£399,172	£337	£413
3. EO	2,353	£1,102,382	£461	£589
4. HEO	1,095	£630,421	£577	£736
5. SEO	592	£440,525	£736	£875
6. G7	242	£288,815	£1,072	£2,233
7. G6	76	£139,983	£1,313	£2,736
<b>Grand Total</b>	<b>5,895</b>	<b>£3,081,919</b>		

\*<sup>1</sup> Includes end year performance payments and special one off payments

\*<sup>2</sup> Minima & maxima payable in end year performance one off payments

2009–10

Grade	Number of staff who received a one off payment	Total (aggregate) value of the one off payments paid* <sup>1</sup>	Min* <sup>2</sup>	Max* <sup>2</sup>
1. AA	528	£240,386	£291	£309
2. AO	1,364	£722,795	£342	£419
3. EO	2,398	£1,175,355	£468	£598
4. HEO	994	£627,964	£586	£1,495
5. SEO	619	£521,935	£747	£1,777
6. G7	239	£269,805	£1,088	£2,267
7. G6	80	£144,232	£1,333	£2,777
<b>Grand Total</b>	<b>6,222</b>	<b>£3,702,472</b>		

\*<sup>1</sup> Includes end year performance payments and special one off payments

\*<sup>2</sup> Minima & maxima payable in end year performance one off payments

2010–11

Grade	Number of staff who received a one off payment	Total (aggregate) value of the one off payments paid* <sup>1</sup>	Min* <sup>2</sup>	Max* <sup>2</sup>
1. AA	396	£116,061	£295	£314
2. AO	1,431	£501,372	£346	£425
3. EO	2,539	£1,253,852	£476	£607
4. HEO	1,136	£758,050	£595	£1,518
5. SEO	600	£489,359	£759	£1,804
6. G7	223	£263,746	£1,105	£2,302
7. G6	88	£141,929	£1,353	£2,820
<b>Grand Total</b>	<b>6,413</b>	<b>£3,524,369</b>		

\*<sup>1</sup> Includes end year performance payments and special one off payments

\*<sup>2</sup> Minima & maxima payable in end year performance one off payments

2011–12

<i>Grade</i>	<i>Number of staff who received a one off payment</i>	<i>Total (aggregate) value of the one off payments paid*1</i>	<i>Min*2</i>	<i>Max*2</i>
1. AA	307	£88,603	£295	£314
2. AO	1,316	£455,680	£346	£425
3. EO	2,373	£1,150,533	£476	£607
4. HEO	1,114	£743,292	£595	£1,518
5. SEO	516	£429,091	£759	£1,804
6. G7	210	£273,847	£1,105	£2,302
7. G6	65	£105,053	£1,353	£2,820
<b>Grand Total</b>	<b>5,901</b>	<b>£3,246,099</b>		

\*1 Includes end year performance payments and special one off payments

\*2 Minima & maxima payable in end year performance one off payments

### Supplementary written evidence submitted by Home Office [UKBA 08a]

#### Letter from Damian Green MP, Minister for Immigration, to the Chair of the Committee, 6 June 2012

I am writing further to my oral evidence session before the Home Affairs Select Committee on Tuesday 15 May, at which I offered to write to the Committee on two issues.

#### UK Border Agency and Border Force Governance

Further detail on the existing governance in place for the UK Border Agency was provided to you by the Permanent Secretary in letters dated 14 and 30 November 2011. Since that time Philip Augar has been appointed as non-Executive Chair of the UK Border Agency. Mr Augar has been a non-executive board member at the Home Office since December 2010. In this new role for the UK Border Agency he will chair Strategic Board meetings and play a key role in supporting and advising the Agency on its performance and development.

Border Force is an operational command within the Home Office. At present Border Force has a senior management team and, as discussed at his appearance before the Committee on 22 May, interim Director General Brian Moore is seeking to introduce a Board structure and to put in place further independent oversight of the Border Force. He will write to you once all arrangements are in place.

#### Secondary checks

The Committee asked how the 230,000 examinations for customs, anti-smuggling and revenue purposes in April 2012 compares with the equivalent period in 2011. The Border Force automated management information systems were still being rolled-out in April 2011 and had not achieved national coverage. Consequently, reliable data on the total number of examinations conducted as a comparison is not available. I am therefore unable to provide an equivalent figure but will of course be happy to provide the Committee with updates on our performance in this area in the future.

I also wanted to clarify two further points:

#### *Stansted*

At the session you provided your observations following your visit to Stansted Airport between 10.00 pm and midnight on Sunday 13 May.

We were expecting the arrival of approximately 6,000 passengers during that time and had rostered sufficient staff to deal with those volumes.

There are 24 immigration desks at in total at Stansted. Four are redundant, two are used to operate the e-Gates and the other-18 are used as standard passport desks. One of these desks was inoperable on the night due to a hardware issue. All 17 available desks were occupied from just after midnight. 14 of the 17 were occupied for the two hours before midnight. During this time we had officers deployed to deal with tobacco seizures and others deployed in the Common Travel Area channel addressing a specific threat.

A passenger arriving into a full arrivals hall at Stansted will usually be cleared within 20 minutes and that was the case on 13 May. However, due to the capacity of the arrivals hall, passengers will occasionally be held at busy times on the connector from the aircraft gates. This occurred on occasions from around 11.00 pm on 13 May. CCTV confirms that on two occasions the queue did reach just over 30 minutes, but were less than that for most of the period in question.

The five e-Gates at Stansted are owned by BAA and are currently open between 7.00 am and midnight. Those opening hours are agreed between BAA (which provide the hosts) and Border Force. On 13 May, the gates had a technical fault and were not being used. Border Force is

working with BAA and the Gate engineers to improve the reliability of the gates, to reduce instances where they are not available due to technical faults and consider the hours when they are available.

*Heathrow*

In my evidence I quoted figures given to me by a Border Force officer about Terminal 5 arrival projections from 6.00 am to 9.00 am on Monday 14 May when I was visiting Heathrow. The officer told me that projections had risen from 2,500 arriving passengers on Friday, to 5,000 on Sunday and then, when looking at the live arrivals screen in the Terminal on the Monday morning, he could see 7,500 passengers had actually landed.

I have since established that projections were for about 7,800 total passengers to arrive and the actual total arrivals on the day were just over 7,600. In providing the information to me, the officer in question confused various different types of data available to him.

*Damian Green MP*  
Minister for Immigration

6 June 2012

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**Supplementary written evidence submitted by Home Office [UKBA 08b]**

**Letter from Damian Green MP, Minister for Immigration, to the Chair of the Committee, 28 June 2012**

**STUDENT VISAS**

Thank you for your letter of 18 June.

Please find below the information that the Committee has requested.

**Including International Students in Migration Statistics**

The independent Office for National Statistics (ONS) is responsible for producing net migration statistics from the International Passenger Survey (IPS) which it runs. In line with the internationally agreed (UN) definition, which has been in place since 1991, these statistics define a migrant as someone changing their normal place of residence for more than a year. All our major competitors—including the US, Australia and Canada—include students in their net migration figures, even if their categorisation of them may vary slightly.

As I set out to the BIS Select Committee this week, students coming for over a year are migrants, not visitors. During their stay they affect the local economy, communities, public services and infrastructure and are in effect part of the resident population.

We know that many stay for longer periods: in recent years over 100,000 have been extending their visas and 40,000 have been staying in the Post Study Work route every year, despite many having unskilled employment, or no employment at all. Home Office research shows 20% of those who arrived in 2004 were still in the UK five years later. The Government does not therefore consider it appropriate to deviate from the internationally agreed definition of a migrant and believes that doing so could damage public confidence in the statistics.

**Progress on the Implementation of a New Data Collection System for Foreign Students Leaving the Country**

In the UK, student immigration is disaggregated in the ONS data so it is already possible to see students' contribution compared with the work and family routes among those intending to stay for a year or more.

As you know, currently it is not possible to accurately identify in the IPS those students who then depart, but ONS has now refined the survey to get better data on student migration. From the start of this year, it has asked an additional question to better identify students leaving the UK. The first estimates from this change will be published in August 2013.

In addition, the Government has committed to re-introducing exit checks by 2015. The e-Borders system already allows the electronic checking of more than 60% of all departures from the UK, including 100% of all non-EU aviation routes.

**Inspections of Tier 4 Sponsors**

There have been no changes to the UK Border Agency's arrangements for inspecting Tier 4 sponsors. All sponsors are visited following their initial application, and further checks may be made once a sponsor has been licensed to ensure it continues to comply with sponsor licence requirements. These checks may be prearranged or unannounced. Where the Agency has concerns about the compliance of a sponsor it will make an unannounced visit. Between March 2011 and April 2012 the UK Border Agency conducted 1304 Tier 4 visits, 46% of which were unannounced.

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However, not all visits are to investigate suspected non-compliance, and around half are announced in advance. Undertaking a full audit of an institution, for example, involves the production of hundreds of student files and interviews with a considerable number of students and staff from across a number of school/faculties who will need to be available when UK Border Agency officers visit. Other visits may be undertaken at a sponsor's request, for example to help review a new system or to resolve a system query.

### Reductions in International Students

In the year to March 2012, the number of Tier 4 visas issued fell by 57,000 for main applicants and 13,000 for dependants compared with the previous year. In the same period the Government's student visa reforms, coupled with tougher compliance action by the UK Border Agency, have seen over 500 private colleges lose their right to bring students to the UK. The latest UCAS figures on non-EU university student applications for the academic year of 2012 show a rise of 10%, though we will have a more complete picture of the intake for the current academic year when the Higher Education Statistics Authority releases its statistics in February. This indicates the reductions are having most impact on the private further and higher education colleges and the English language sectors, where abuse was most prevalent.

### Cost to the Economy

Whilst the published impact assessment on the policy changes relating to non-EEA Tier 4 students and the Post-Study Work Route estimated a net cost to the economy of £2.44 billion over four years (total cost of £3.56 billion minus a total saving of £1.12 billion) this used the assumptions previously applied to estimate the impact of lower population on the overall product of the economy.

In light of the Migration Advisory Committee (MAC) report, published in January 2012, which revealed a number of weaknesses in the methodology and recommended that migration policy impact assessments should focus on the welfare of UK residents, the government intends to revise the impact assessment relating to non-EEA Tier 4 students and the Post-Study Work Route. As per the MAC's recommendation lost migrant wages will not be included in the net cost to the economy, which could remove a cost of £3.2 billion from our assumptions. This will reduce any estimated net impact considerably. In addition, the MAC recommended there should be greater emphasis on the non-monetised impacts of migration, for example dynamic effects on the labour market and the economy. The changes to the estimated costs and benefits of the proposals will be set out in the revised impact assessment when it is published in the autumn.

*Damian Green MP*  
Minister for Immigration

28 June 2012

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