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Home Affairs Committee

The work of the Immigration Directorates: Calais

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Home Affairs Committee

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1 Migrants in Calais

1. Calais is the closest entry point to the UK from Europe, with frequent ferry services to Dover, the Eurotunnel Shuttle service to Folkestone, and direct passenger trains to London St Pancras. About 10 million passengers and about £89 billion worth of UK trade pass through the port of Calais every year.¹ A further 20 million passengers pass through the tunnel on Eurostar or the Shuttle.² Most of the traffic is freight. Most of the passengers are British citizens on leisure trips. It is self-evident that the transport routes are popular and important to UK travellers and trade. The growing number, and living conditions, of migrants in Calais, and the enhanced security measures brought in to counter them, have affected the residents of Calais, the reputation of the port of Calais, and the ease with which trade and traffic can pass between Britain and the Continent.³

2. The number of migrants at Calais has increased over 2014, from an estimated 1,300 in September,⁴ to about 2,500 by the end of October.⁵ It was estimated to be near 2,500 when we visited in December 2014. The majority are from countries that have been affected by war or civil unrest.⁶ Most are men, and from Somalia, Sudan, Eritrea and Syria—in 2013 Syria overtook Afghanistan as the top country of origin of asylum-seekers in the world.⁷ There are also smaller groups from Ethiopia, Egypt, Afghanistan, Iran and Iraq.⁸

3. Some of the migrants live in squats and small camps in the town of Calais,⁹ but most live in makeshift tents made out of plastic sheets and canvas, poorly constructed, located in empty industrial sites or woodland. Some live in the countryside around Calais, without safe drinking water, sanitation or shelter.¹⁰ The camps are not permanent and Calais is not the final destination, but a staging post for migrants wishing to enter the UK illegally. The favoured tactic is to hide inside one of the many lorries passing through the area before they board a ferry or the Shuttle service through Eurotunnel. The locations of the camps are determined not only by what land is available, but also by proximity to junctions and slip roads on the main routes into the Port of Calais or the Eurotunnel facility at nearby Coquelles. As security has increased, the migrants walk further, looking for parts of the road network where the lorry traffic slows down.¹¹ According to Peter Cullum of the Road

1 Home Affairs Committee, The work of the Immigration Directorates (Jan–June 2014), Q71 [[18 November 2014](#)]

2 Home Affairs Committee, The work of the Immigration Directorates (Jan–June 2014), Q54 [[18 November 2014](#)]

3 Home Affairs Committee, The work of the Immigration Directorates (Jan–June 2014), Q71 [[18 November 2014](#)]

4 <http://www.bbc.co.uk/news/uk-29074736> 5 September, 2014

5 Home Affairs Committee, The work of the Immigration Directorates (Jan–June 2014), Q9 [[28 October 2014](#)]

6 Written evidence, [Doctors of the World](#), March 2015

7 Written evidence, [Doctors of the World](#), March 2015; BBC News, [Europe's asylum seekers](#), 30 September 2014

8 [UNHCR appeals for urgent action to address deteriorating humanitarian situation in Calais](#), 26 September 2014; Home Affairs Committee, The work of the Immigration Directorates (Jan–June 2014), Q10 [[28 October 2014](#)]

9 Home Affairs Committee, The work of the Immigration Directorates (Jan–June 2014), Q12 [[28 October 2014](#)]

10 [Letter from Doctors of the World](#), 28 November 2014

11 Home Affairs Committee, The work of the Immigration Directorates (Jan–June 2014), Qq79-80 [[18 November 2014](#)]; [Migrants storm UK-bound lorries at Calais](#), The Telegraph, 20 October 2014

Haulage Association, some haulage firms advise their drivers not to stop within 200 kilometres of Calais.¹²

Increased security and maintaining traffic flow

4. The UK cannot ignore the issues around Calais. While security in France is the responsibility of the French authorities, the UK operates juxtaposed border controls in Calais and Coquelles.¹³ These juxtaposed controls enable all border administration for entry to the UK to take place before passengers and vehicles leave France. Efficient management of queues and the ability to deliver on time are important, both to avoid disruption to carriers' timetables, and to avoid the excessive build-up of traffic on the surrounding road network. As well as ensuring the efficient and timely processing of travellers and freight, the border controls are needed to ensure the integrity of the UK border.¹⁴

5. Border Force has invested in security at the Calais as part of its response to the increased number of migrants trying to get to the UK through the Port. This includes thermo-detection security cameras, extra perimeter fencing, and vehicle-scanning equipment to detect people hiding in lorries, tankers and refrigeration vehicles. We saw staff operating the vehicle scanners on our visit to Calais and were told of the high numbers that are intercepted in this way. However, the migrants learn which hiding places work and do not work; they make repeat attempts and adapt accordingly. Sir Charles Montgomery, Director-General of Border Force, told us that his staff detected 30,180 attempts to enter the UK through the juxtaposed controls in the ten months from March 2014 to the end of January 2015. This compared to 18,000 attempts in the year to March 2014.¹⁵ Sir Charles told us that the main task for Border Force was disruption of "the enormous weight of numbers, many of whom are being facilitated by criminal gangs to get across the border".¹⁶ He said his French counterparts, the Police Aux Frontières (PAF), were intercepting similar numbers of migrants.¹⁷

6. Additional investment in security can slow the traffic and cause the queues to back up onto the filter roads. Both the Port and Eurotunnel have extended their perimeter fencing to capture further stretches of approach roads. So, alongside security, there have to be steps to maintain the free movement of traffic at a reasonable speed on the approach roads, reducing the opportunities for migrants to climb on board.¹⁸ The French have increased the number of police in Calais, some dedicated to assisting traffic flow through the town centre. There are concerns that, as security around freight traffic at Calais port increases, those attempting to enter the UK illegally will adapt to hiding in a wider variety of vehicles,

12 Home Affairs Committee, The work of the Immigration Directorates (Jan–June 2014), Q101 [[18 November 2014](#)]

13 Home Affairs Committee, The work of the Immigration Directorates (Jan–June 2014), Q16 [[28 October 2014](#)]; Border Force operates juxtaposed borders in Calais, Dunkirk, Coquelles, Paris, Brussels and Lille.

14 Home Affairs Committee, The work of the Immigration Directorates (Jan–June 2014), Q84 and Q96 [[18 November 2014](#)]

15 Home Affairs Committee, The work of the Border Force, Qq115-118 [[10 February 2015](#)]

16 Home Affairs Committee, The work of the Border Force, Q107 [[10 February 2015](#)]

17 Home Affairs Committee, The work of the Border Force, Q108 [[10 February 2015](#)]

18 Home Affairs Committee, The work of the Immigration Directorates (Jan–June 2014), Qq72-73, Q97, Q101 [[18 November 2014](#)]

including private cars or caravans.¹⁹ This would obviously increase concern if peaks in leisure traffic added to longer queues, extending beyond the fenced area.²⁰

7. On 20 September, the Home Secretary and the French Interior Minister, Bernard Cazeneuve, issued a joint statement on Calais. It committed the UK to spending £12 million over three years to address both security issues and traffic flows around Calais. James Brokenshire MP, Immigration and Security Minister, pointed to the increased number of UK Border Force booths in the port, which were intended to keep traffic queues within the fenced area.²¹ The announcement also said there would be an increase in collaborative working between French and UK law enforcement agencies on criminal gangs and trafficking, and action at EU level to deal with wider migrant flows.

8. We welcome the Joint Statement between the UK and French governments on Calais, and the £12 million investment over three years from the UK Government on security measures at Calais, taken in cooperation with the French. Juxtaposed border controls mean that we operate our border on French soil (as the French do at Folkestone), so issues around border integrity need to be shared. The joint statement between the UK and French Governments is a welcome acknowledgement of the two countries' shared responsibilities in this area.

9. It is important that improvements in security at one site do not simply displace clandestine activity to another site. Much of the investment from the UK Government appears to have gone into improving security around the Port of Calais ferry terminal, rather than the Eurotunnel terminal at Coquelles. If the Government accepts there is a security problem at both sites, then it should contribute to security measures at both sites.

10. It is apparent that extra security slows the traffic, creates queues and can increase the vulnerability of the lorries to infiltration by migrants. Improvements in security must be combined with improvements in managing the traffic flow.

The day centre and night shelter

11. The Jules Ferry day centre opened in January, initially providing running water (but not showers), electricity and meals for migrants. The intention is that it will provide overnight accommodation for women and children, and accommodation for medical staff providing basic care. The Pas-de-Calais General Council will also provide a night shelter for vulnerable people in the event of the temperature at night dropping to -5°C , which will close when the temperature rises. The shelter in Calais has a capacity of 500. On its first night in December it hosted 44 people, and within three nights it was providing shelter for 300.²² The facilities have been compared to the Red Cross centre at Sangatte, which

19 Home Affairs Committee, The work of the Immigration Directorates (Jan–June 2014), Q72 and Q79 [[18 November 2014](#)]

20 Home Affairs Committee, The work of the Immigration Directorates (Jan–June 2014), Q100 [[18 November 2014](#)]

21 Home Affairs Committee, The work of the Immigration Directorates (Jan–June 2014), Q116 [[18 November 2014](#)]; The number of booths was increased from 10 to 14.

22 [Plan Grand Froid: le hangar mis à disposition des migrants fonctionne](#) (Plan Grand Froid: hangar available to migrant in operation), 28 December 2014

operated from 1999 to 2002. Sangatte was designed for 500 but grew to hold 1,500 people. It was away from the centre of Calais but near Coquelles, and the subsequent number of attempts to access their trains forced Eurotunnel to spend over £5 million on security.²³ Senator Natacha Bouchart, the Mayor of Calais, told us that the current situation was worse than during the Sangatte period, because, in the absence of shelter, there are many migrants living rough in the city of Calais. When asked if the creation of the day centre and night shelter might act as a magnet for migrants, the Mayor said:

What would you prefer? We think that the problem is going to get worse anyway so we need to do something to contain it. Perhaps the solution is to set up this centre and have it as a Franco-British co-operation project.²⁴

The joint statement agreed by the UK and French under took to “ensure effective measures are taken to protect vulnerable persons such as the victims of human trafficking”, including the provision of appropriate support and assistance.²⁵ Mr Brokenshire has told us that the day centre receives no UK funds.²⁶

12. The people of Calais are presented with a difficult situation not of their own making. They have a large population of transient homeless people who show little desire to settle in Calais. The townspeople are bound by humanitarian instincts to look after the migrants near Calais, particularly the families and children, and they do not want a large number of people sleeping rough in Calais town. We understand of course why the day centre and the night shelter have been provided, and such support will only ever be temporary and cannot provide a long term answer to the problem. Such camps have the potential, like Sangatte, to make a bad situation worse. The UK Government has repeatedly stated that it is not providing funds for the day centre or night shelter. The Joint Statement between the UK and French Governments states that the Governments will take effective measures to protect vulnerable persons such as the victims of human trafficking, and that this will include “ensuring such victims receive appropriate support and assistance”. The Government should explain what specific support it is providing, if it is not contributing towards the day centre or night shelter at Calais.

Economic migrants or refugees

13. We were told repeatedly, by the Mayor of Calais and members of the French Senate in Paris, that the migrants perceive the UK to be a better destination than France, because the British welfare state will give everyone £36 a week, work can be found easily, the labour market is under-regulated and there is no system of identity cards, so recent arrivals will not be tracked down and deported. Senator Bouchart told us that the migrants believed the UK was an “El Dorado” of highly paid work and easy benefits.²⁷ However, we do not know

23 BBC News, [Sangatte asylum talks due](#), 26 September 2002

24 Home Affairs Committee, *The work of the Immigration Directorates (Jan–June 2014)*, Qq32-33 [[28 October 2014](#)]

25 [Joint Agreement between UK and French](#); Home Affairs Committee, *The work of the Immigration Directorates (Jan–June 2014)*, Q124 [[18 November 2014](#)]

26 [Letter from James Brokenshire to Keith Vaz](#), 27 November 2014. See also HC Deb 5 Jan 2015, [Col 13](#)

27 Home Affairs Committee, *The work of the Immigration Directorates (Jan–June 2014)*, Q11, Q16, Qq37-38 [[28 October 2014](#)]

the basis on which the Mayor made that claim. Many migrants in Calais appeared to want to come to the UK to work in what they believed to be an unregulated job market.²⁸ Yet the migrants we met in Calais were overwhelmingly from regions suffering from war, internal conflict and failure of the state, who would appear eligible to apply for asylum in Europe once they reach a safe destination.

14. The Mayor told us that the migrants in Calais do not want to claim asylum in France. She said “We do a lot to facilitate them so that they could ask for asylum, because it would make life a lot easier, but they don’t.”²⁹ Furthermore, the French Government has opened a fast-track asylum office in Calais, partly to address its reputation for being slow.³⁰ The migrants in France evidently do not enter France from the south and journey all the way to the north coast to claim asylum in Calais. If they intend to claim asylum in France, then they are doing so elsewhere in France, because France does take in refugees: in 2013, France received 1,500 asylum seekers per week, whereas Britain received 600.³¹ In fact, the UK and France are two of the five countries that take 70% of all asylum seekers in the EU, the others being Germany, Sweden and Italy.³²

15. Neither do the migrants appear enthusiastic about applying for asylum in the UK. Tim Reardon of the UK Chamber of Shipping said:

As an illustration, when these individuals are encountered on board the ship they frequently ask to be taken back to Calais and returned to France, rather than be brought to the UK and put into the asylum processing system.³³

This view was echoed by Sir Charles Montgomery:

I think it is important to recognise that many of these clandestines are not seeking to gain asylum. They are in many cases seeking to avoid detection all the way through the system, so when some of them get to Dover they seek a return back to France.³⁴

16. Making an asylum claim means entering the system and becoming traceable. If a migrant wants to enter the UK to work, possibly in an unregulated sector where fewer questions are asked about identity and status, then staying outside the system keeps more options open. However, something—possibly the harsh winter or the authorities’ success in frustrating attempts to reach the UK—appears to have led to the numbers applying for asylum in Calais to increase for the first time.³⁵

17. The French and UK Governments should ensure that the migrants in Calais have access to advice on asylum, and understand that a successful claim is a legal path to

28 The Times, Huddling together by the barbed wire, they share one goal: a life in Britain, 2 March 2015

29 Home Affairs Committee, The work of the Immigration Directorates (Jan–June 2014), Qq20-21 [28 October 2014]

30 Home Affairs Committee, The work of the Immigration Directorates (Jan–June 2014), Q34 [28 October 2014]

31 The Guardian, [Natacha Bouchart is wrong: Britain is no El Dorado for asylum seekers](#), 29 October 2014.

32 [Asylum statistics](#), Eurostat, July 2014. [A legal way to seek refuge in Europe](#), 12 February 2015

33 Home Affairs Committee, The work of the Immigration Directorates (Jan–June 2014), Q95 [18 November 2014]

34 Home Affairs Committee, The work of the Border Force, Q111 [10 February 2015]

35 Home Affairs Committee, The work of the Border Force, Q108 [10 February 2015] Vice News, [Migrants are struggling to survive the frozen hell of refugee camps in Calais](#), France, 27 January 2015

secure rights in the EU. Every effort must be made to ensure someone who is fleeing war or persecution, who could apply for asylum either in France or the UK, does not decline the opportunity through a lack of information, or the provision of misinformation by fellow migrants, traffickers or others. Disrupting the criminal gangs and their influence over the migrants is an important part of achieving this objective. There needs to be a sustained campaign to inform migrants in Calais of the reality of life in the UK and France, of their rights to claim asylum, and the safety that a successful claim can bring.

18. It would be highly persuasive that the approach of the UK Government towards improved security at Calais was effective, if the UK Government could demonstrate the increase in asylum applications in Pas-de-Calais with published figures.

Intercepting and processing clandestines

19. Clandestines are illegal migrants who hide in vehicles to cross international borders. In the past, when clandestines were caught at the UK managed juxtaposed borders at Calais or at Coquelles, Border Force used to process them, and take biometric information such as fingerprints. This practice was stopped in 2010 because of limited detention facilities, and now clandestines are handed over to the French police. This is inconsistent with what happens at the other juxtaposed border controls, where all individuals who attempt to enter the UK illegally are fully processed and formally refused.³⁶ Sir Charles explained that the 30,000 attempts to enter the UK through the juxtaposed ports last year do not represent 30,000 individuals:

The numbers of people there, 3,000, many of them we see time and time again in repeated attempts to come across the border and we continue to return them to the French authorities, so we do see very repeated attempts to get across the border.³⁷

We understand that the French police will simply release clandestines they apprehend in France.³⁸

20. Fingerprinting and establishing identity is important to help track individuals each time they reappear in the system. The Dublin Regulation, an EU Regulation to which Switzerland, Norway and Iceland have also agreed to be bound, allows a person who seeks asylum in one Member State, having first passed through another, to be transferred back to the Member State which they first entered from a third country.³⁹ However, this provision can only be exercised where the individual's country of entry to the EU can be proven (if, for example, their fingerprints have been taken at any stage of the journey). In general, countries that are commonly the place of first entry for a lot of migrants tend not to take fingerprints because it would risk them taking on a considerable volume of asylum

36 The Independent Chief Inspector of Borders and Immigration, [An Inspection of Juxtaposed Controls November 2012 – March 2013](#), August 2013

37 Home Affairs Committee, The work of the Border Force, Q107 [[10 February 2015](#)]

38 Home Affairs Committee, The work of the Immigration Directorates (Jan–June 2014), Q86 [[18 November 2014](#)]

39 Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person

applications in comparison to those European countries that are rarely the country of first entry. Mr Brokenshire told us that the UK Government upholds the Dublin Convention.⁴⁰ In 2013, the UK removed a total of 935 people to other EU countries (including, but not limited to France) under the Dublin Convention.⁴¹

21. Countering illegal migration creates a huge amount of work and absorbs a vast amount of resources. The number of interceptions by Border Force and PAF, the French Border Police, highlights the sheer scale of the problem. And yet we have seen no evidence that France or the UK is pursuing a policy of processing and deporting the individuals found at Calais. We find it bizarre that there are thousands of attempts to enter the UK illegally through Calais, at great cost and inconvenience to business and leisure travellers, transport companies, and hauliers, and yet the people who are caught are simply released back into the French countryside. Nothing in this process appears to serve as a disincentive to returning to Calais and trying again and again, and there is no evidence it has affected the number of migrants living in the Calais area. It appears to be an admission of stalemate and something must be done to break this cycle.

Europe and the southern border

Human trafficking

22. Organised criminal gangs are involved in illegal immigration around Calais. We met two migrants from Pakistan who had paid €9,000 to get as far as Calais, with the intention of getting to the UK. This is not a local problem limited to Calais, and Mr Brokenshire said that the UK response was not limited to action in northern France. The joint statement between the UK and France said both Governments would work together in the fight against the smuggling and trafficking of migrants, to combat the criminal gangs which seek to exploit illegal migration—through agencies such as the National Crime Agency and Border Force—and joint actions through organisations like Europol:

These measures will be effective immediately and the Ministers will set clear and ambitious targets to ensure the full impact in the fight against organised immigration crime.⁴²

The Government has created a dedicated Task Force, including Border Force, Immigration Enforcement and the National Crime Agency to tackle organised crime involvement in human trafficking. Since February 2014,

The number of joint investigations has increased, with 27 currently live joint investigations (24 with France and 3 with other European partners). The Task Force has so far achieved 15 disruptions of criminal groups and 70 arrests. 91 people have

40 Home Affairs Committee, *The work of the Immigration Directorates* (Jan–June 2014), Q134 [[18 November 2014](#)]

41 HC Deb, 13 May 2014, [col 450W](#). The UK stopped returning asylum applicants to Greece, one of the major countries of first entry, because conditions in Greece contravened Article 3 of the ECHR

42 [Joint Agreement between UK and French](#)

been charged in the UK by Task Force investigation teams and, to date, 582 months in custodial sentences have been handed down in the UK Courts.⁴³

23. We welcome the work of the Task Force to address human trafficking and look forward to further updates of its successful work. The joint statement between the UK and France on Calais said the measures to fight organised gang involvement in trafficking would be effective immediately, and we welcome the number of joint investigations between the UK and French authorities aimed specifically at criminal gangs involved in trafficking. The joint statement said it would commit the UK to set clear and ambitious targets to show the full impact in the fight against organised immigration crime. We recommend that the Government publish these targets and publish the performance against these targets.

Schengen and the southern border

24. Tackling criminal trafficking gangs means addressing the established migration routes to and through the EU. At the moment that means through Libya or Egypt and by boat to Italy, or overland through Turkey to Greece or Bulgaria. A recent report on the numbers willing to make these journeys despite the risks said that in April 2014, a record 4,000 migrants landed on the Italian coast in two days, prompting the Italian authorities to declare it a state of humanitarian emergency.⁴⁴ The boats continue and there are countless stories of overcrowded boats being intercepted as they attempt to get to Lampedusa or Puglia.⁴⁵ Last October, the EU decided to stop funding *Mare Nostrum*, the Italian-run search and rescue operation in the wider Mediterranean, and replace it with Operation Triton, a smaller operation, with a third of the budget, focussing on patrols within 30 miles off the Italian coast. Operation Triton is run by Frontex, the EU's External Borders Agency. Although the UK is not a full participant in Frontex, because we are not a signatory to Schengen, it does contribute £500,000 a year to the Agency for, among other things, intelligence gathered on trafficking gangs, migration routes and tactics such as nationality swapping.⁴⁶ The UK Government has said that it cooperates with other countries to help reduce the number of people who make the journey across the Mediterranean.⁴⁷

25. There are signs that the current measures are insufficient to manage the problem. Following the loss of 300 migrants, who had set off from Libya in four dinghies in February 2015, the UN High Commissioner for Refugees, António Guterres, described Triton as a “woefully inadequate replacement for Italy’s *Mare Nostrum*”.⁴⁸ There is some evidence that merchant shipping is being forced to fill the gap, with about 800 merchant ships diverted in

43 [Letter from James Brokenshire to Keith Vaz](#), 2 March 2015

44 The Global Initiative Against Transnational Organised Crime, [Smuggled Futures: The dangerous path of the migrant from Africa to Europe](#), May 2014; [Mapping Mediterranean migration](#), BBC News, 15 September 2014;

45 [Hundreds of migrants killed in new Mediterranean tragedy](#), says UN, BBC News, 11 Feb 2015; [Major tragedy in the Mediterranean confirmed](#), 300 migrants and refugees are missing, HNHCR, 11 Feb 2015; [Abandoned migrant 'ghost ship' carrying hundreds of Syrian refugees](#), The Independent, 3 January 2015

46 Home Affairs Committee, The work of the Border Force, Q131 [[10 February 2015](#)]

47 Home Affairs Committee, The work of the Border Force, Q132 [[10 February 2015](#)]

48 [UNHCR urges Europe to recreate a robust search and rescue operation on Mediterranean, as Operation Triton lacks resources and mandate needed for saving lives](#), 12 February 2015

the Mediterranean last year to rescue migrants on small boats.⁴⁹ Fabrice Leggeri, the executive director of Frontex, has warned that there are between 500,000 and 1,000,000 potential migrants ready to leave Libya for Europe.⁵⁰ The EU has started to discuss how Europe might take collective administrative responsibility for the waves of migrants arriving on the shores of countries like Italy. Peter Sutherland, Special Representative of the UN Secretary-General for International Migration and Development, has called on European Governments to consider the possibility of processing asylum applications overseas, such as in North Africa.⁵¹

26. The situation in Calais needs to be dealt with as near to the source countries as possible. This is an international problem which can only be addressed by concerted efforts on the part of the international community. The UK Government, in cooperation with other nations, must continue to address the factors that force large numbers to migrate from their own country to Europe.

27. Securing Europe's southern external border should be a high priority for the EU, and current arrangements are clearly not working. In particular, Operation Triton has failed in its central objective of reducing migration in the central Mediterranean. Heedless of the increased risks to the lives of migrants, the traffickers continue to load people onto overcrowded vessels that are not fit to reach Lampedusa, let alone the European mainland.

28. The deaths of so many people in the Mediterranean is a cause for great concern. People traffickers seem to act with impunity. The UK and French governments, both who have historic links to North Africa, should take the lead in ensuring the EU makes a priority of stopping the flows of migrants at source and cutting off the funds that are obtained by criminal gangs who deal with people trafficking.

29. Those who successfully evade the authorities join established migration routes throughout Europe. The Schengen agreement makes it easier for migrants to move across Europe without having their identity or status checked.⁵² Schengen was intended to allow free movement, but not the free movement of illegal migrants. Schengen was based on the assumption that the external border would be secure.⁵³ Someone can stow away in a lorry that might travel from Greece to Spain without having to stop at a border—and four out of five lorries passing through Calais are not British-owned.⁵⁴ The Mayor of Calais said the situation in Calais was “a failure of Europe because the Schengen agreement does not work

49 [Merchant Shipping Companies Strain With Load of Mediterranean Migrants](#), Wall Street Journal, 4 March 2015

50 [Up to a million Libyans ready to cross into Europe](#), says Frontex, 9 March 2015

51 [The Migration Opportunity](#), 2 March 2015

52 Schengen signatory countries can introduce checks at the border but they cannot be the equivalent of passport checks

53 Home Affairs Committee, The work of the Immigration Directorates (Jan–June 2014), Q76 [[18 November 2014](#)]

54 HC Deb, 5 Jan 2015, [Col 1](#); Home Affairs Committee, The work of the Immigration Directorates (Jan–June 2014), Q100 and Q74 [[18 November 2014](#)]

and the Frontex agency does not work.”⁵⁵ Reform of Schengen has been discussed in the past and we heard similar views in Paris.⁵⁶

30. The Schengen Agreement was designed to enable travel without border checks between Member States. The citizens of those countries enjoy free movement without the inconvenience of passport or identity checks. Unfortunately, it also makes it easier for individuals who have illegally entered the EU to move between countries. Migrants heading to the UK become stuck at Calais only because the UK did not sign up to Schengen and the border controls remain. The countries of Schengen need to acknowledge that as far as migrant issues are concerned, the Agreement is not working as it was intended.

31. The free movement of migrants within the Schengen area has implications for each country and their own approaches to immigration and to asylum. The countries of southern Europe, in particular Greece, Italy and Spain, need assistance in managing the immigration flows, but they also need other countries within the Schengen area to take their share of the burden. Otherwise trust breaks down and mechanisms like the Dublin Convention do not work.

55 Home Affairs Committee, The work of the Immigration Directorates (Jan–June 2014), Q15 [[28 October 2014](#)]

56 [Europe and Immigration](#), BBC News, 26 April 2011

2 Exit checks

32. In our last report, we commented on the Government's progress towards delivering on its pledge to deliver 100% exit checks by 31 March 2015. Data on air passengers is generally good. However, data is not so good for rail and ferry passengers, partly because of the ticketing systems and partly because customers can decide to travel, buy a ticket and check in very near to departure. Each year, 10 million passengers travel through Eurotunnel on the Shuttle, 10 million passengers via Eurostar, and 12–13 million people on ferries through Dover.⁵⁷ Few of these passengers undergo exit checks.

33. Both Sir Charles Montgomery, Director General of Border Force, and James Brokenshire MP, Minister for Immigration and Security, have told this Committee that the pledge would be met. In November, Mr Brokenshire said that the Home Office was working with Eurotunnel, Dover Harbour Board, and transport operators at Dover, to deliver the objective of exit checks by 31 March 2015 and ensure:

We have an effective mechanism in place that gives us the advance passenger information or gives us the passport details that are taken at point of exit, to be able to provide us with better information on who is leaving the country, to inform our work around over-stayers and elsewhere.⁵⁸

On 10 February, the Minister repeated his assertion that the pledge would be met, but one week late, and with caveats. He said:

We are, as the programme is moving forward, seeking to take 100% of those within the scope of the programme. The reason I frame it in those terms is that there are certain exceptions. It does not cover, for example, the common travel area. [...] We remain confident that we will be delivering exit checks on 8 April.⁵⁹

34. The focus has always been on commercial traffic, because the overwhelming majority of travellers choose to come and go using commercial transport. The slippage of the date when the system goes live, by a few days, is a sensible move which will avoid the new system being activated just before the busy Easter weekend.⁶⁰ However, the caveat that the Government now intends to deliver 100% exit checks only for “those within the scope of the programme” is rather more concerning. It means that passengers travelling to the Republic of Ireland, and movements involving non-commercial aviation and maritime traffic, will not be covered by exit checks. The Financial Times reported an interview with James Brokenshire which suggested exit checks would not apply to EU migrants.⁶¹ By confining the scope of the programme, the Government has introduced a grey area around which travellers might not be caught by exit checks. **The Government must provide this Committee, no later than 27 March 2015, an exhaustive list of those categories of travel**

57 Home Affairs Committee, The work of the Immigration Directorates (Jan–June 2014), Qq54-63 [[18 November 2014](#)]

58 Home Affairs Committee, The work of the Immigration Directorates (Jan–June 2014), Q204 [[18 November 2014](#)]

59 Qq67-69 [[10 February 2015](#)]

60 Home Affairs Committee, The work of the Border Force, Qq98-101 [[10 February 2015](#)]

61 [Focus shifts to visa exit checks](#), Financial Times, 24 November 2014

which will be including within the scope of 100% exit checks and of those which will not. The Government should also provide an estimate of the percentage of all travellers who will and will not fall within the scope of the programme.

Exit checks for rail and maritime travellers

35. At the moment, the percentage of the millions who pass through Eurotunnel who are subject to exit checks is 0%. On 8 April, this is expected to increase to 100%.⁶² The transport carriers, whose staff would be carrying out the exit checks, told us that they had concerns about the way exit checks were being introduced, the lack of time given to prepare, how the checks would be supervised, what roles and powers their staff would have, what equipment would be needed, what data they would collect and where it would be sent. They would trial possible systems in November 2014. We asked the private transport companies about the level of co-operation they had received from the Home Office and the UK Border Force, the lessons learned from the trials, and if their concerns about the implementation of exit checks had been met. We received a letter from John Keefe, Eurotunnel, on 6 March and from Tim Reardon, UK Chamber of Shipping, on 3 March 2015.

36. Tim Reardon told us that the trials had been carried out by the three ferry operators which use Dover. They compared the time duration for a normal check-in process as carried out at present, the duration of a check-in that included swiping the passports of the occupants of the vehicle, and the duration of a check-in that included swiping the passports of the occupants of the vehicle and a visual check that the occupants matched the passports.⁶³

37. Exit checks in the trials almost doubled the time for the average car check-in. With lorries, the exit check almost trebled the average time for check in at one ferry company (unfortunately, the ferry company that carries the most freight traffic). Computer modelling of the process suggests that there will be significant queues on days when overall car numbers exceed 7,500, which happened on 25 days in 2013, and 21 days in 2014. Exit checks on the busiest day of 2014 would have created a queue of vehicles over 8.5km long. As of 3 March, discussions as to how to manage such queues were unresolved. In his letter of 6 March, John Keefe, Director General, Eurotunnel, said:

Our principal concern in this market is the likelihood of significant delays occurring on peak holiday departure days when traffic is heavy, shuttle load factors are high and cars carry 5-7 people per vehicle.⁶⁴

He also raised concerns about implementing 100% checks on lorry drivers and freight traffic:

Forecasts show an increase of 30% in traffic over the coming 5 years. Manual exit checks will not be able to cope with the increased levels of traffic and congestion is likely

62 Qq73-77 [10 February 2015]

63 [Letter from UK Chamber of Shipping to Keith Vaz](#), 3 March 2015

64 [Letter from Eurotunnel to Keith Vaz](#), 6 March 2015

38. On 10 February, Sir Charles told us that they had been testing the mobile and static operator systems, to ensure the systems the transport companies used would be compatible with those of Border Force.⁶⁵ As of 3 March, Tim Reardon pointed out that the written outline for the exit checks scheme was received on 29 August 2014, but the technical specification to enable development of the exit checks software with their existing systems was not received before 19 December 2014. This is three months before the system has to be working and one month *after* the trials had been completed.

Coach travel

39. On 10 February 2015, we were told that there will be an exception for coach parties of children aged under 16.⁶⁶ We have not been told of any other exceptions. Coach travel represents an area of concern for the transport carriers. A lorry generally has one or two passengers. A car may have four or five. A coach could contain 50 plus individuals, all over the age of 16 and all travelling independently. When asked about what to do with such coaches, Sir Charles said:

The coach sector is the most difficult of all logistically. That has been the focus of trials and tests at each of the major ports that operate coach travel. The trials are still underway. They are continuing to refine and change practice to make sure that the regime works as smoothly as possible. I am confident we will have a solution come the go live date.⁶⁷

Sir Charles's confidence was not shared by the Chamber of Shipping. Tim Reardon told us that

No practicable process has been identified for conducting an exit check on coach passengers at the port.

John Keefe, Eurotunnel, said:

For coach passengers (60 per vehicle), there is still no clear solution

Furthermore, Eurotunnel said that the Home Office have left them to find a solution, which will involve getting all coach passengers to disembark, be checked, then get back on board, which:

For a transport system that relies on fluidity, this will cause significant delays to each coach movement and therefore carries a heavy risk of knock on delays elsewhere in the system.

Mr Reardon noted that coach traffic was not part of the trials in November (because there was no process to be trialled), and ferry operators are unaware of any of the trials relating to coach traffic of which Sir Charles had told the Committee.⁶⁸

65 Home Affairs Committee, The work of the Border Force, Q99 [[10 February 2015](#)]

66 Home Affairs Committee, The work of the Border Force, Q93 [[10 February 2015](#)]

67 Home Affairs Committee, The work of the Border Force, Q103 [[10 February 2015](#)]

68 [Letter from UK Chamber of Shipping to Keith Vaz](#), 3 March 2015

40. The UK Chamber of Shipping argue that exit checks on coach passengers would be better sourced from the coach operators who already have the passenger list. On the face of it, this looks feasible, but Mr Reardon told us that, in view of the opaqueness of the Home Office planning process, it was impossible to make any informed comment other than that it was unsatisfactory for this work to have been left so late. He added that:

The impossibility of performing an exit check on coaches at check-in at Dover has been obvious, and known to the Home Office, since the outset.⁶⁹

41. Both UK Chamber of Shipping and Eurotunnel have made it clear that they believe responsibility for any problems that result from the introduction of exit checks in early April should lie with the Home Office. Tim Reardon said:

It has separately advised ferry operators to tell any passenger who queries the exit check that they are carrying it out as part of their business process, a response which would be untruthful as exit checks are being carried out purely at the Home Office's behest.

And John Keefe said:

Beyond 8 April, Eurotunnel will no longer be able to mitigate the impact and will be dependent on the Home Office to ensure that Exit Checks do not create delays to travel and trade across the channel.⁷⁰

42. The Coalition Agreement said "We support E-borders and will reintroduce exit checks." We have been told several times by the Government that it will deliver 100% exit checks for all passengers leaving the UK by the end of March 2015. However, as of February 2015, a number of significant exclusions have crept into this pledge, excluding those travelling within the common travel area with the Republic of Ireland, and under-16s travelling by coach.

43. It is becoming obvious that the Home Office cannot guarantee exit checks will be in place on 8 April 2015. Logistical problems remain around how to inspect passports for fifty individuals in a coach, who cannot be seen from the check-in booth. This has been known from the start. It is not clear if the systems that collect the passport data will be compatible with the ferry companies' existing systems. The Home Office is faced with a decision whether to push the date back further and allow for effective preparation, admit there are problems in some transport, such as coaches, which could involve introducing exit checks gradually, or assert that nothing is wrong and carry on as normal.

44. We would not be surprised if further forms of travel or categories of passenger were declared out-of-scope to allow for exit checks to be declared a success. We recommend that the Government publish a single, definitive document listing what is in scope and what is out of scope of the exit checks scheme.

69 [Letter from UK Chamber of Shipping to Keith Vaz](#), 3 March 2015

70 [Letter from Eurotunnel to Keith Vaz](#), 6 March 2015

45. In our previous report on the work of the Immigration Directorates we warned that, if implemented wrongly, there was a chance that exit checks could introduce delays and queues, that these will be highly visible and could have a serious impact on UK business, trade and tourism. There has been plenty of time to discuss how exit checks would be implemented. The responsibility for making sure that exit checks are introduced without any problems lies with the Home Office.

3 Criminal Record Checks

47. In our previous Immigration Directorate Reports, on Q2 and Q3 2013, and on Q4 2013, we commented on the mechanisms for identifying and stopping undesirable people from entering the country. We have repeatedly expressed concern about the ability of the Border Force to stop foreign national offenders from entering the UK. The main database Border Force staff use to check passengers against is the Home Office Warnings Index. The National Audit Office has pointed out that the Warnings Index went live in the early 1990s and was designed to have a seven year life span. It is now unstable and at risk of collapsing. It also contains a great deal of out-of-date information.⁷¹ The Semaphore system for capturing Advanced Passenger Information (API) was developed as a pilot in 2004. API is passed to the National Border Targeting Centre where information on passengers entering the UK is checked against the Warnings Index.

48. We previously commented on the “crossbow stalker” case: when Mrs A alerted the Home Office that a foreign national, who was in a relationship with Mrs A’s daughter, had a criminal record for violent offences that he had lied about, and was about to come into the country. The Home Office did not act to stop the individual entering the country, check if he had entered the country, or act again once Mrs A repeated her concerns that he was in the country. The Home Office had information on the individual’s flight two working days before he was due to arrive but his details were not added to the Warnings Index until after he had arrived. The man was arrested five months later, only after he had “embarked upon a prolonged and escalating campaign against Mrs A’s daughter and her family” including setting fire to Mrs A’s house. He was arrested at the hospital where Mrs A’s daughter worked, with a loaded crossbow and other weapons.⁷²

49. Two recent cases have further highlighted the problem. The first is that of Alice Gross, who died in August 2014, believed to have been murdered by Arnis Zalkans, a Latvian with a previous conviction for murder, who had arrived in the UK in 2007.⁷³ Zalkans killed himself before the police caught up with him. The second case is that of Professor Paul Kohler who was savagely beaten in his own house when he was attacked by a gang of four burglars. The four attackers were career criminals, all had convictions in Poland for violent robberies, and one, who was on the run from a Polish prison, had served time for a gun attack, theft, burglary and drug offences. In Poland, Oscar Pawlowicz convictions included burglary in 2005 and 2006, robbery in 2002, and violent disorder in 2003. Dawid Tychon had convictions for burglary between 2005 and 2012, and one for robbery in 2005 in Poland. Pawel Honc and Mariusz Tomaszewski were both sentenced to 19 years for grievous bodily harm with intent and aggravated burglary. Oscar Pawlowicz and Dawid Tychon were sentenced to 13 years for aggravated burglary.⁷⁴

71 NAO, [The Border Force: securing the border](#), HC 540, September 2013, para 2.30

72 [Home Office failures put a family in danger](#) A report by the Parliamentary Ombudsman on an investigation into a complaint by Mrs A and her family about the Home Office, HC 403, Session 2014–15 (July 2014)

73 BBC News, [Alice Gross case murder suspect Arnis Zalkalns profiled](#), 27 January 2015; BBC News, [Alice Gross murder suspect Zalkalns ‘would have been charged’](#), 28 January 2015

74 Daily Telegraph [Burglars who attacked university professor Paul Kohler receive up to 19 years in jail](#), 30 Jan 2015

50. When asked about the two cases, the Immigration Minister said the UK was reliant on each EU country sharing information with each other via the European criminal records information system. Once on the shared European database, the information can be added to the UK Warnings Index. He said the UK was joining the Schengen Information System II in April 2015, to make sharing European arrest warrant data more easily, and encouraging other European governments to enter relevant information. The Minister said that, in the Zalkans case, “the information that was available at the time was not entered”.⁷⁵ Subsequently, the Minister wrote to reiterate that there had been a 700% increase between 2010–11 and 2014–15, in the number of checks through ACPO Criminal Records Office of foreign offenders.⁷⁶

51. The Home Office, the police and Border Force are clearly reliant on access to timely information to enable them to intervene when criminals attempt to enter the UK. The murder of Alice Gross and the violence inflicted on Professor Paul Kohler show that such reliance is inadequate. Other agencies in Europe need to make relevant data available via the criminal records system and the Schengen Information System. The Home Office needs to have the IT system in place that can manage the volume of information and disseminate it to the relevant bodies in the UK. E-borders has been terminated. The Warnings Index is over fifteen years old, and considerably overdue to be renewed. While API coverage is good for those entering by air, it is poor for people entering by rail or boat. We support the Government’s efforts to improve the data it receives from other countries on people with criminal records who the UK may consider undesirable. However, we are unconvinced that the Home Office’s IT systems are fit for purpose given the ever increasing volume of data.

75 Q18, Q20, Q43 [[10 February 2015](#)]

76 [Letter from James Brokenshire to Keith Vaz](#), 2 March 2015

4 Key indicators of the Immigration Directorate's performance

52. The Committee assesses the Home Office's report on a quarterly basis against a number of indicators covering the major aspects of its work. This chapter looks at Quarter 3 2014. The chapter is split into two sections, reflecting how the work is divided in the Home Office.

53. Part one covers the work of UK Visas and Immigration

- Visa applications
- Sponsors and licensing
- New asylum cases
- Asylum and immigration caseload
- Grants of settlement
- Appeals and tribunals performance
- MPs correspondence
- Staff numbers

Part two covers the work of Immigration Enforcement

- The Migration Refusal Pool
- Sponsors and suspension
- Immigration detention
- Foreign National Offenders

These lists are not definitive and the Committee may decide to add further indicators.

5 UK Visas and Immigration

Visa applications

Visas issued

54. The UK point based system provides for visas in separate categories: Tier 1 is for “high value” individuals. Tier 2 is for skilled workers from outside the EU with a skilled job offer (Tier 2 is subject to an annual upper cap of 20,700). Tier 4 is for students and Tier 5 is for people whose reason to work in the UK is temporary and not for work reasons, e.g. artists. The service standard target for in-country postal visa applications is 90% in four weeks. The service standard target for premium visa applications is 90% in 24 hours.

In country processing

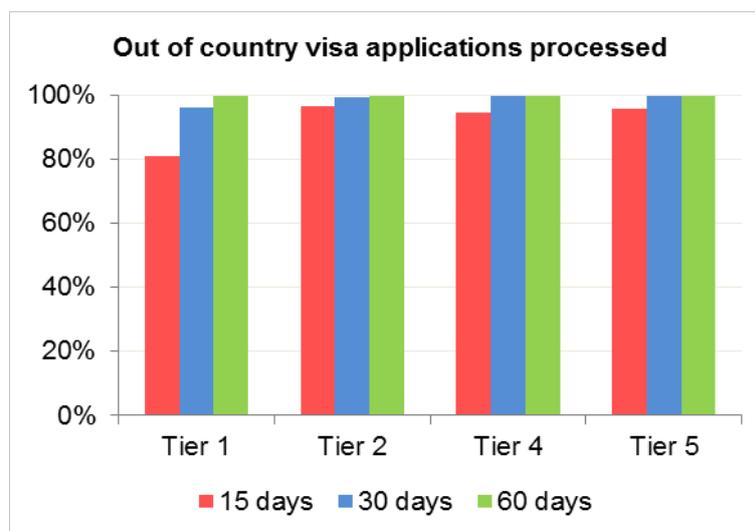
The Home Office has changed the format in which the data for in country visa applications is provided. As a result, we do not have data setting out the performance on postal applications nor premium applications for Tiers 1, 4 and 5 in Q3 2014.

Work in progress – worse performance

- In Q3 2014, there were 147,111 in country visa applications which were work in progress of which 4% were un-input cases. This is an increase from the previous quarter when there were 96,450 in country visa applications which were work in progress, of which 3% were un-input cases.

Out of country processing – improved performance

The chart below shows out of country visa applications processed within 15, 30 and 60 days by Tier in Q3 2014.



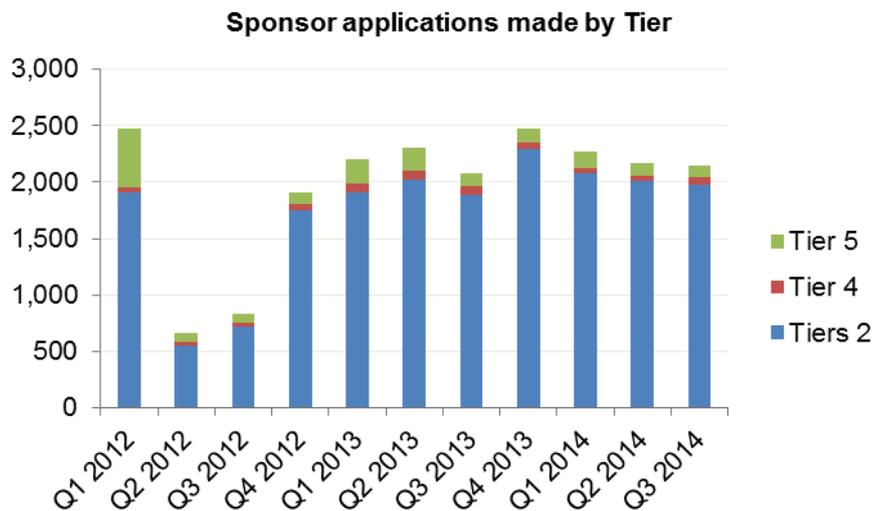
- There are 58,696 out of country visas applications that are work in progress in Q3 2014. This is a decrease from 91,434 in the previous quarter.

Sponsors and licensing

55. Applications under Tier 2, Tier 4 and Tier 5 require a sponsoring body. Under Tier 2 and Tier 5 (Temporary workers) the sponsor must be an employer based in the UK. Under Tier 4, the sponsor must be an education provider. Such organisations apply to UKVI to get sponsor status.

Applications

The chart below shows sponsor application made by Tier.



Sponsor application processing

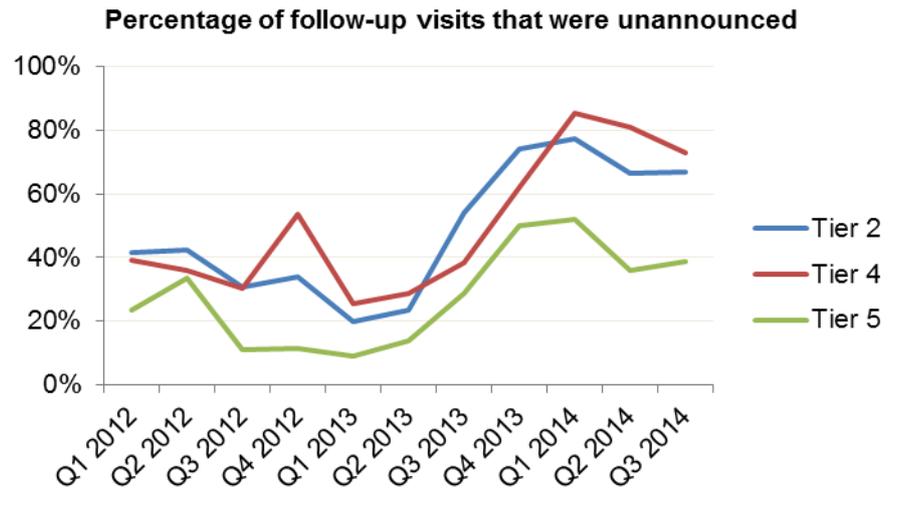
- In Q3 2014 1,978 applications were made in Tier 2, 64 applications were made in Tier 4 and 104 applications were made in Tier 5.
- In Q3 2014, it took an average of 14 days to process a sponsor application, the same amount of time as the previous quarter.

Follow up visits

- In Q3 2014, 1,098 follow up visits were made to visa sponsors in Tiers 2, 4 and 5. This is an increase from 1,045 in the previous quarter.

Unannounced visits

The chart below shows the proportion of follow up visits to visa sponsors that were unannounced.



- In Q3 2014 67% of Tier 2, 73% of Tier 4 and 39% of Tier 5 follow up visits to sponsors were unannounced.

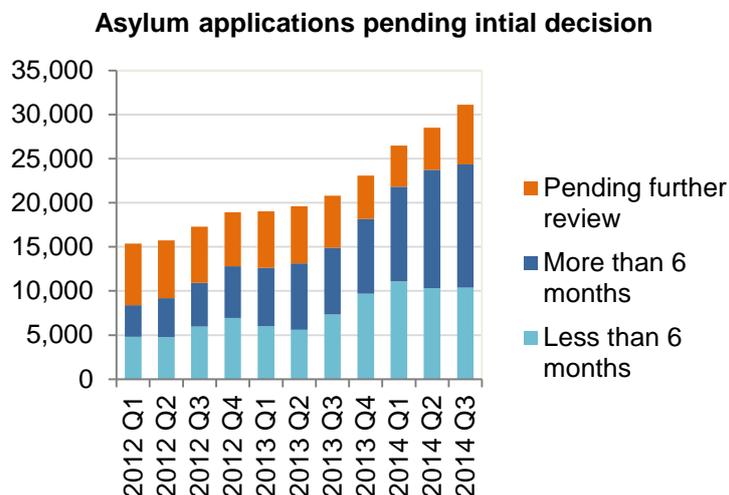
New asylum cases

Applications – improved performance

- 8,824 applications were made for asylum (main applicant and dependents) in Q3 2014, up from 6,885 in the previous quarter.
- 8,171 initial decisions were made in Q3 2014, a rise from 4,740 initial decisions in the previous quarter. 37% of the initial decisions were grants (some of these decisions may relate to applications made in previous quarters).

Asylum applications pending initial decision - worse performance

- The chart below shows that 31,134 asylum applications were pending an initial decision in Q3 2014, up from 28,525 in the previous quarter.



Asylum applications pending initial decision for more than 6 months – improved performance

- There has been a fall in the proportion of cases waiting more than 6 months for an initial decision. In Q3 2014, 45% of cases had waited more than 6 months for an initial decision, down from 47% in the previous quarter.

Asylum cases receiving an initial decision within 6 months

56. The number of asylum applications awaiting an initial decision has continued to grow since Q1 2012. It surpassed 30,000 for the first time in Q3 2014. We have been given three reasons for the increase in total applications: intake is up because of ongoing instability around the world, particularly in Syria, the number of asylum applications made by people when they are caught by immigration enforcement has increased, and the capacity in the then UKBA to manage asylum applications was reduced following restructuring and loss of staff. UKVI has since taken on extra staff to replace those lost in the restructure.⁷⁷

57. During 2014, the number of asylum applications waiting more than 6 months for an initial decision has increased every quarter from 3,609 in Q1 2012 to 13,997 in Q3 2014. In Q4 2014, the number waiting more than 6 months for an initial decision fell to 11,629. This is the first fall in three years. The processing times for asylum applications have been a long standing issue for this Committee. We have recommended in successive reports that the Government address the issue and it has accepted that this is a concern. In its response to our Asylum Report, the Government said “We agree that nearly all initial decisions should be taken within 6 months” and pointed out that in 2012-13, 78% of initial decisions were taken within 6 months.⁷⁸ In April 2014, Sarah Rapson, Director General UKVI, said that “by the end of this financial year we will be in a position to say that all cases will get a decision within that six month period.”⁷⁹

58. **The number of asylum applications receiving an initial decision within six months has increased steadily since the beginning of 2012. Only in the final quarter of 2014 has the number decreased, to 11,629. This does represent progress, particularly in light of the increasing number of applications, but the number waiting is still too high. We welcome the acceptance in UKVI that this is an issue and the new resources dedicated to address the problem. The fact that the additional resource has been added is an admittance that the restructure in 2012 that led to a reduction in the number of staff making decisions was a mistake. Performance is improving, but we cannot see how all applications will receive an initial decision within 6 months by the end of March 2015.**

Asylum and immigration caseload

59. Legacy cases and the Older Live Cases Unit. The OLCU, formerly the Case Assurance and Audit Unit (CAAU). The CAAU inherited 124,000 archive cases in March 2011, cases

77 Q55 [[10 February 2015](#)]

78 [Government Response to the Seventh Report of the Home Affairs Committee 2013-14, Asylum](#), Cm 8769

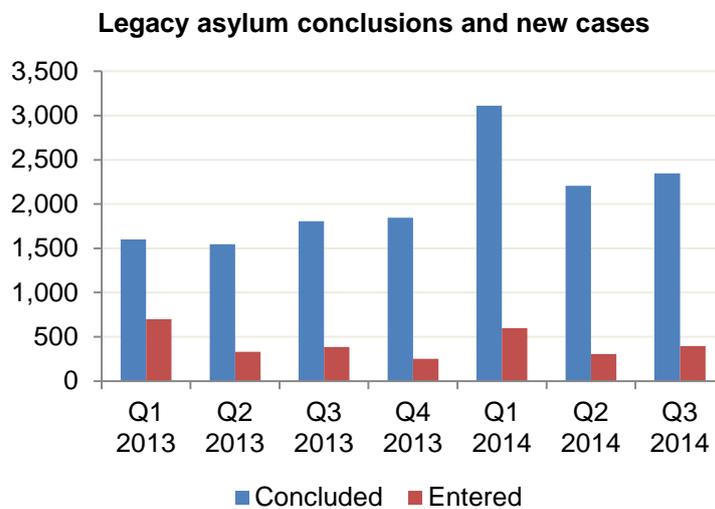
79 Home Affairs Committee, The work of the Immigration Directorates (Oct– Dec 2013), Q115 [[1 April 2014](#)]

that the Case Resolution Directorate (CRD) could not trace before closing. The 124,000 cases included 98,000 asylum cases—where the claim had been made before 5 March 2007; and 26,000 older immigration cases where the CRD had been unable to locate the applicant. Legacy cases are concluded by granting leave, removing individuals from the country or by cleansing clear data errors and duplicates.

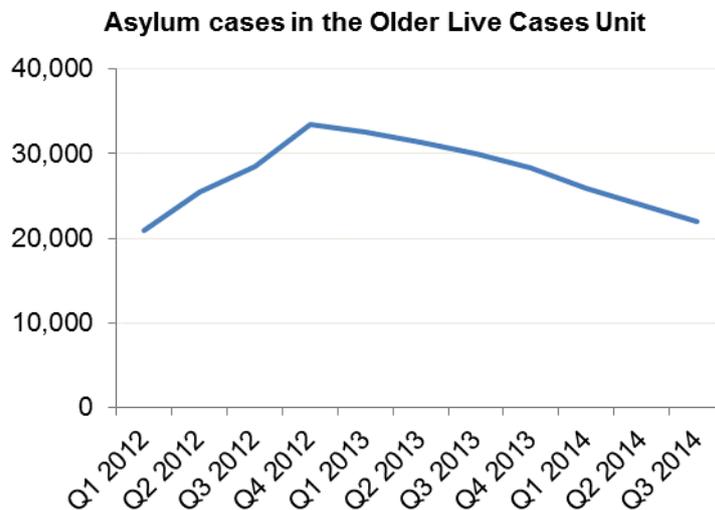
Legacy Asylum

Asylum cases concluded – improved performance

- The chart below shows that in Q3 2014 2,346 legacy asylum cases were concluded, up from 2,206 in the previous quarter.



The chart below shows the total number of asylum cases in the Older Live Cases Unit has continued to fall since Q4 2012.

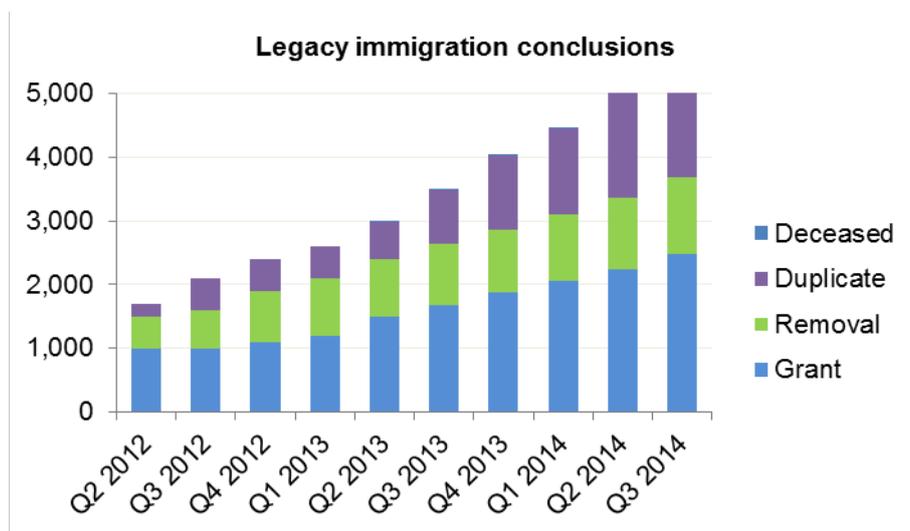


- At the end of Q3 2014, 49% of all legacy asylum applications concluded had been granted leave to remain, 21% were removed and 29% were found to be duplicates.
- The 29% of applications that were found to be duplicates in the asylum OLCU in Q3 2014 is the highest proportion since Q1 2012 and has grown as a proportion every quarter since Q4 2012.
- **In Q4 2014, there were 20,473 cases remaining in the OLCU. Over 10,000 cases have been removed since Q4 2012. We welcome the continued reduction in asylum cases in the Older Live Cases Unit since Q4 2012.**

Legacy Immigration

Legacy immigration conclusions - improved performance

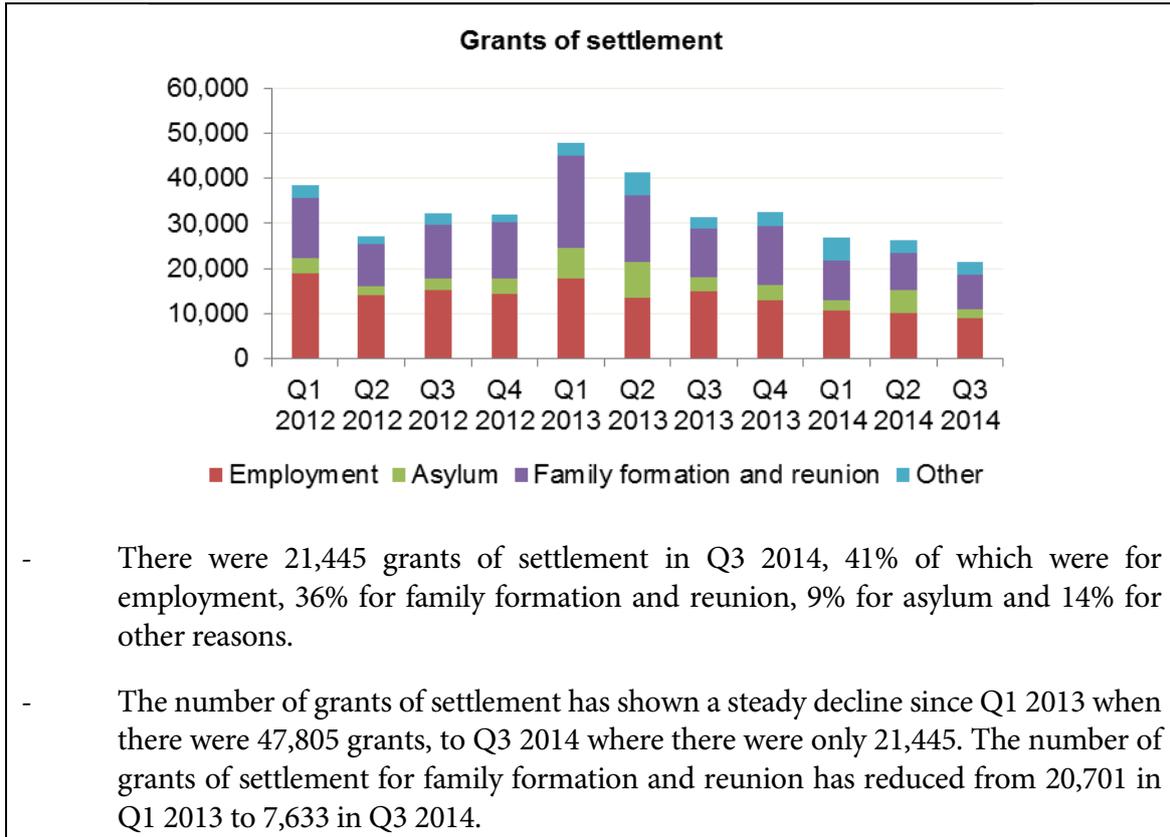
The chart below shows the number of legacy immigration applications concluded since Q2 2012.



- 5,934 legacy immigration applications were concluded in Q3 2014, up from 5,243 in the previous quarter.
- At the end of Q3 2014, 42% of all legacy immigration applications concluded had been granted leave to remain and 20% of applications were removed. 37% were found to be duplicates.

Grants of Settlement

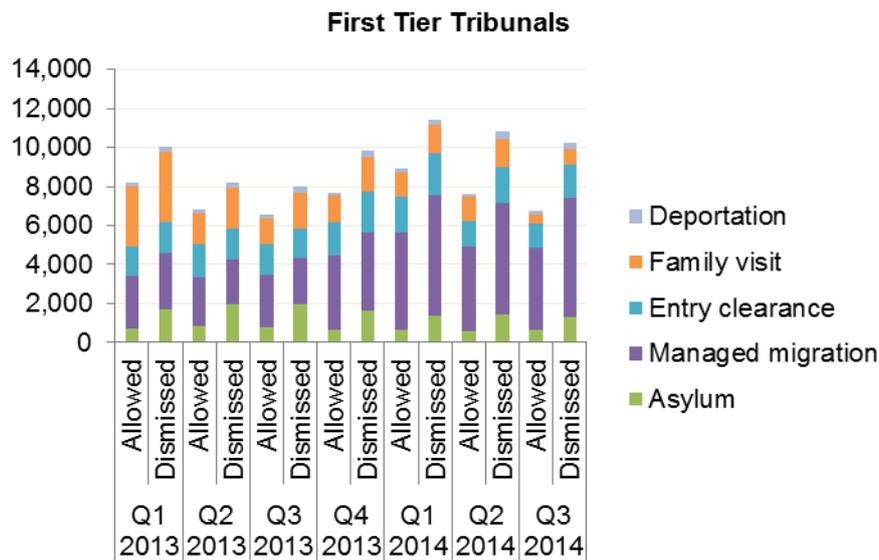
The chart below shows grants of settlement by category.



Appeals and tribunals performance

First Tier Tribunal (immigration and asylum chamber)

The chart below shows First Tier Tribunal disposals that were determined.



- 16,998 First Tier Tribunal disposals were determined in Q3 2014. 40% of appeals were allowed, compared with 41% in the previous quarter.

- The proportion of successful asylum appeals at First Tier Tribunal was 32%, up from 30% in the previous quarter.

Bundling performance - improved performance

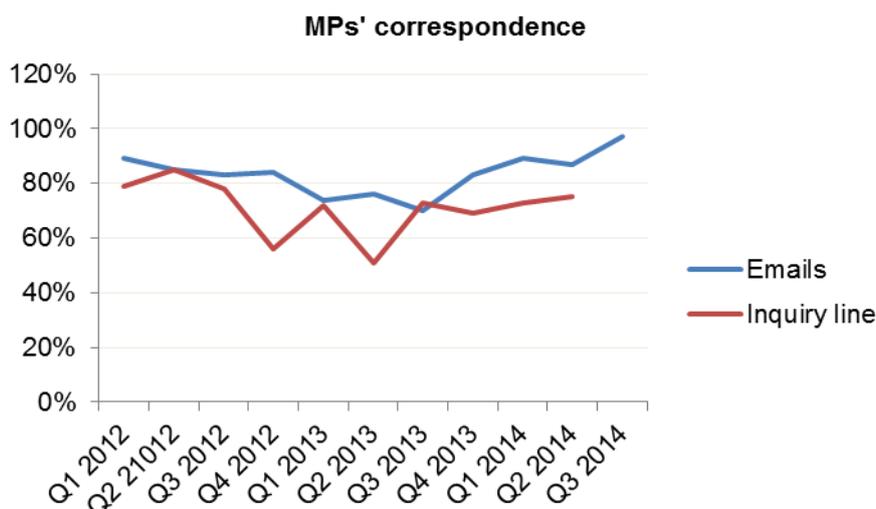
- In Q3 2014, 80% of bundles got to court five days in advance of the appeal hearing, up from 73% in the previous quarter.

Representation rates

- In Q3 2014 the Home Office achieved a 99% representation rate at First Tier Tribunal, the same rate as in the previous quarter.

MPs' correspondence

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



Response to emails - improved performance

The Home Office aims to respond to 95% of emails within 20 days.

- 97% of emails were responded to within 20 working days in Q3 2014, an increase from 87% in the previous quarter.

Response to MPs' inquiry line - improved performance

The Home Office aims to resolve 90% of queries via the MPs' inquiry line within 10 working days.

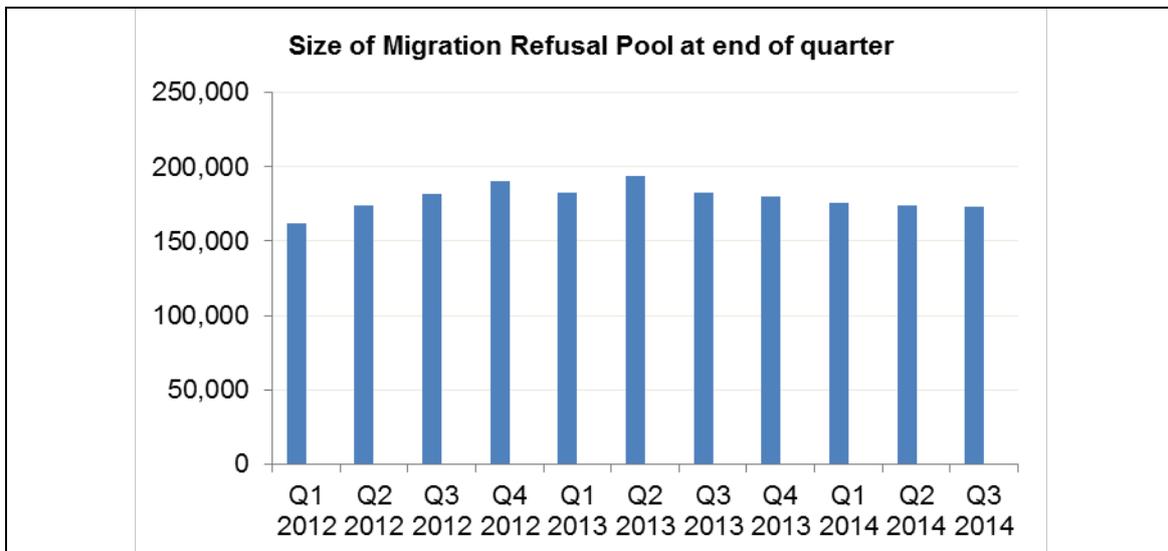
- In Q3 2014, 61% of queries were resolved in 10 working days, down from 75% in the previous quarter. In Q4 it had risen to 81%.

6 Immigration Enforcement

The Migration Refusal Pool

60. The Migration Refusal Pool is a count of records of refusal of leave where the Agency lacks evidence that the individual concerned has departed from the UK or obtained a separate grant of leave. Records enter the Migration Refusal Pool as applications are refused or leave expires, and leave the pool as people leave the UK, either forcibly or voluntarily, are granted leave, or lodge an appeal or a new application.

61. In Q1 2012, the Migration Refusal Pool stood at 161,538. Capita were contracted to address the backlog in MRP in 2012. The Independent Chief Inspector of Immigration and Borders report on Overstayers said that “The overall number of post-2008 records in the MRP had fallen by only 3.6% between April 2013 and April 2014, and there was no evidence that Capita’s work had increased the number of enforced removals that the Home Office had been able to achieve.”⁸⁰ By Q3 2014 the Migration Refusal Pool stood at 173,562.

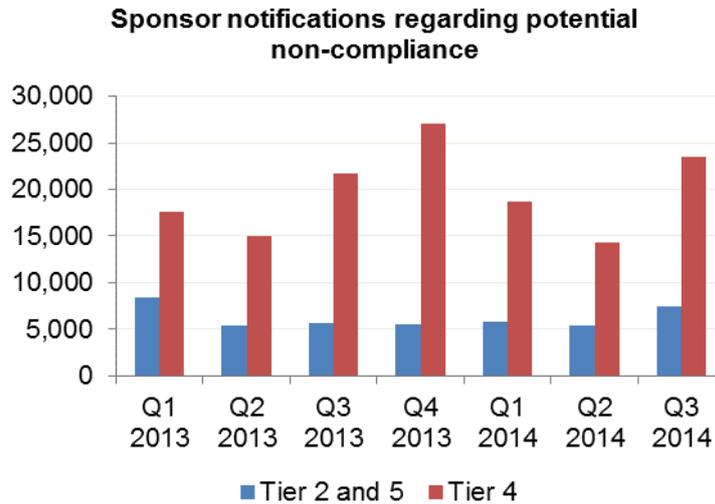


- At the end of Q3 2014, there were 173,514 cases in the Migration Refusal Pool (MRP) down from 173,562 in the previous quarter.
- By the end of Q3 2014, Capita has assessed 313,400 cases. Of these 65,300 (21%) cases were confirmed as departed.
- 167,400 (53%) cases were assessed as having a barrier to removal and were passed back to the Home Office. 68,000 (22%) cases had the confirmed outcome that no contact can be made. 12,700 (4%) are being worked upon by Capita.

Suspension

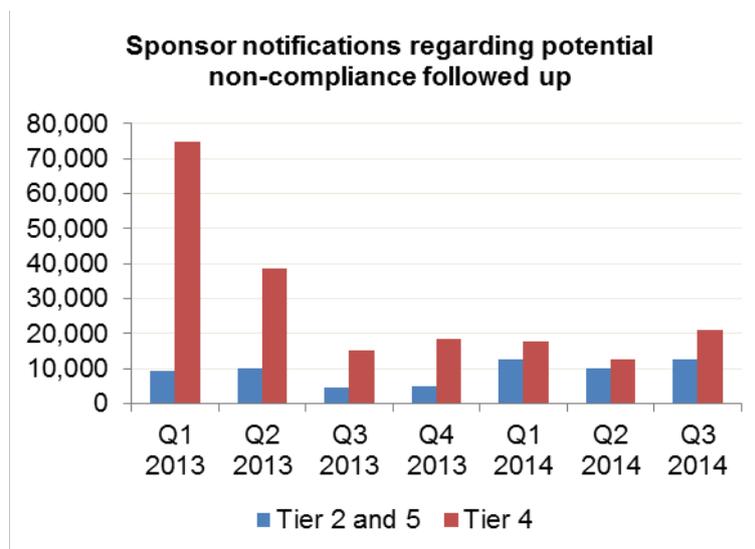
Non-compliance notifications

The chart below shows the number of notifications of potential sponsor non-compliance received.



- 23,450 notifications of potential non-compliance were received in Q3 2014 for Tier 4, up from 14,332 in the previous quarter.
- 7,453 notifications were received in Q3 2014 for Tiers 2 and 5, up from 5,316 in the previous quarter.

Non-compliance notifications followed up



- A total of 33,553 notifications of potential non-compliance were followed up in Q3 2014, up from 22,865 in the previous quarter.
- 160 Tier 2 sponsors had their licenses revoked in Q3 2014 and 161 Tier 2 sponsors had their licenses suspended.

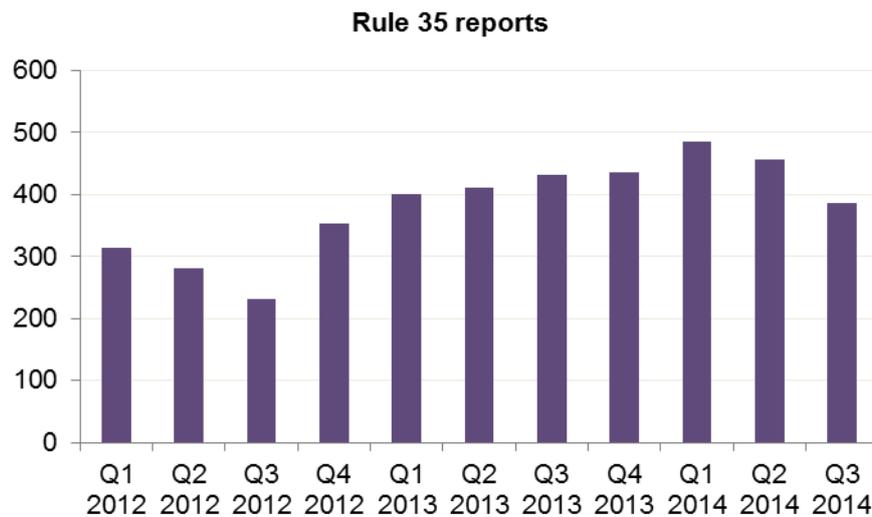
- 36 Tier 4 sponsors had their licenses revoked in Q3 2014 and 49 Tier 4 sponsors had their licenses suspended.
- 7 Tier 5 sponsors had their licenses revoked in Q3 2014 and 7 Tier 5 sponsors had their licenses suspended.

Immigration detention

Rule 35 report

Rule 35 of the detention Centre Rules states that medical practitioners are required to report to the Home Office any detainee whose health is likely to be injuriously affected by detention or any condition of detention and any detainee they are concerned may be a victim of torture

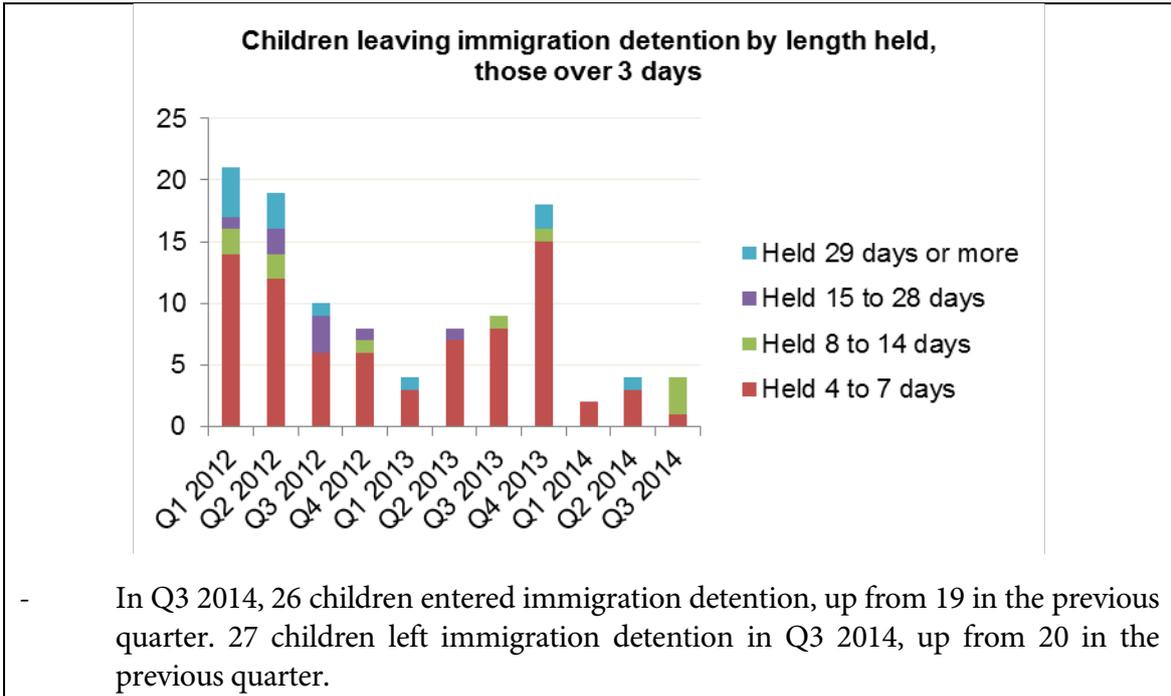
The chart below shows the number of Rule 35 Reports made to the Department since the beginning of 2012.



- 387 reports under Rule 35 were made in Q3 2014, a decrease from 457 in the previous quarter. 14% of reports under Rule 35 resulted in the individual being released.

Children in immigration detention

The chart below shows the number of children leaving immigration detention when they had been held for more than 3 days.



Foreign national offenders and ex-foreign national offenders (FNOs)

Foreign National Offenders released from prison and transferred to immigration detention

- In Q3 2014, 1,454 FNOs were released from prison and transferred to immigration detention, up from 1,072 in the previous quarter.
- In Q3 2014, 3 FNOs were released without consideration for deportation.

Foreign National Offenders released into the community - worse performance

- 385 ex-FNOs eligible for deportation were released into the community in Q3 2014, 97% of their cases were outstanding, i.e. the Home Office would still like to deport them.

Removing Foreign National Offenders

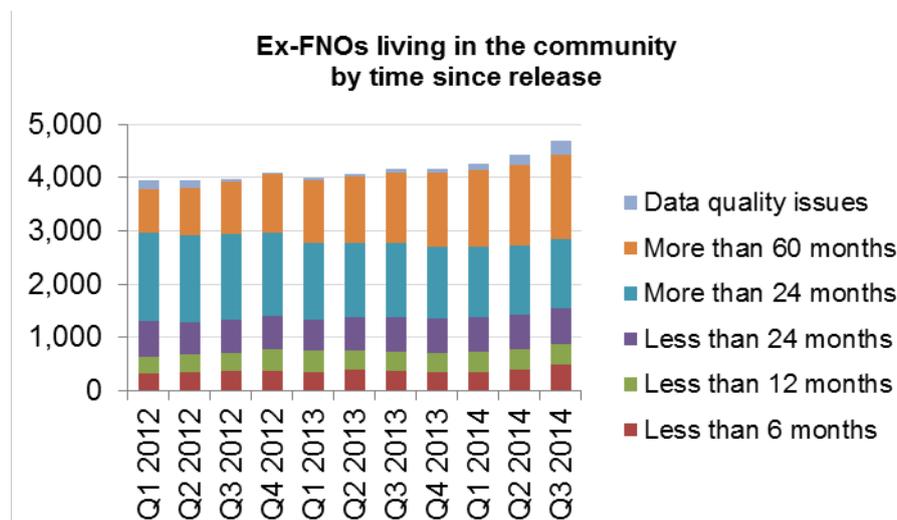
- In Q3 2014, there were 342 failed removal attempts.
- 38% of removals were carried out during the Early Release Scheme in Q3 2014. 20% of removals were carried out under the Facilitated Returns Scheme.

Removing Foreign National Offenders – improved performance

- In Q3 2014, it took an average of 111 days to deport an ex FNO, down from 133 days in the previous quarter.

Ex foreign national offenders living in the community – worse performance

- In Q3 2014 there were 4,702 ex FNOs living in the community, compared with 4,428 in the previous quarter.
- 62% had been living in the community for over 24 months.



62. Issues remain around the Home Office's work on foreign national offenders (FNOs). The Home Office still have challenges in identifying FNOs, detaining, deporting, or releasing them into the community and keeping track of them. For example, in Q1 2012, there were 3,900 Foreign National Offenders living in the community,⁸¹ in Q3 2014 there were 4,702 ex FNOs living in the community, compared with 4,428 in the previous quarter. 62% had been living in the community for over 24 months.⁸²

63. There are 760 foreign offenders somewhere in the United Kingdom, including those guilty of crimes such as murder, rape, and kidnapping. The absconder tracing team, set up to locate these individuals, started with a caseload of over 600 in 2009. Since then, the unit has received 1,280 referrals and closed 1,148 cases.⁸³ The result is the 760 still in the community, some of which may still be from the original 600 who absconded before 2009—so will have been free for over five years. Mandie Campbell told us that the Government continues to do more to locate these individuals, such as data matching the details of individuals with that held by other government departments.

64. We have made numerous recommendations relating to how Immigration Enforcement address the issues of Foreign National Offenders. Immigration Enforcement have put resources into addressing the problem, but there improvements that could still be made, particularly around securing agreements with other countries, and implementing those agreements, to remove FNOs. We recommend that our successor Committee in the new Parliament continue to scrutinise the subject of Foreign National Offenders.

81 Home Affairs Committee, Fifth Report of Session 2012-13, [The work of the UK Border Agency \(December 2011-March 2012\)](#), HC 71

82 [Immigration Enforcement data](#), FNO_13

83 [Letter from Mandie Campbell to Keith Vaz](#), 26 November 2014

7 Border Agency Backlogs

	No. of cases Q1 2012 ⁸⁴	No. of cases Q3 2013	No. of cases Q4 2013	No. of cases Q1 2014	No. of cases Q2 2014	No. of cases Q3 2014	Difference from a year ago	% change
Live asylum cohort	21,000	29,986	28,391	25,876	23,974	21,363	-8,623	-29%
Live immigration cases		6,824	6,450	6,437	5,808	4,930	-1,894	-28%
FNOs living in the community	3,900	4,169	4,153	4,247	4,428	4,702	533	13%
Migration refusal pool	150,000	182,251	179,932	175,839	173,562	173,514	-8,737	-5%
No of cases still to be loaded on CID		9,490	24,845	2,928	3,255	6,456	-3,034	-32%
Temporary and permanent migration pool		131,515	88,398	85,436	93,195	140,655	9,140	7%
Total		364,235	332,169	300,763	304,222	351,620	-12,615	-3%

65. The backlog total remains over 351,000. The biggest contributor to the total backlog remains the Migration Refusal Pool currently at 174,000. In early 2012, when we started publishing a table of outstanding cases, the Migration Refusal Pool was at 150,000. Three years and a £4 million contract to Capita later, the Migration Refusal Pool has increased in size. We repeat our previous recommendations that these backlogs must be cleared as a priority.

66. Over this Parliament, the Committee has monitored the performance of three chief officers for immigration and visas. We welcome the abolition of the UKBA. However, the structural change must go hand in hand with the change of personnel in such cases. We commend the work of the current head of UKVI, Sarah Rapson. Under her leadership, the directorate has responded well to the challenges posed by the Committee. We have seen improvements to customer service, in particular the key role of the MPs account manager. What MPs and their constituents want is simple answers to straightforward questions such as “Where is my case in the system?” “How long will it take?” and “When will it be determined?” We are, at last, seeing an improvement in this system. The good work of the international section headed by Simon Hayes should also be acknowledged. However, this work may well be compromised if the number of ECOs is reduced and the overseas operations curtailed. Not everything can be done in Sheffield. We hope that our successor Committee will continue to produce regular scrutiny of the immigration service so that the gains made over the last five years will not be dissipated.

84 Home Affairs Committee, Fifth Report of Session 2012-13, [The work of the UK Border Agency \(December 2011-March 2012\)](#), HC 71

Conclusions and recommendations

Migrants in Calais

1. We welcome the Joint Statement between the UK and French governments on Calais, and the £12 million investment over three years from the UK Government on security measures at Calais, taken in cooperation with the French. Juxtaposed border controls mean that we operate our border on French soil (as the French do at Folkestone), so issues around border integrity need to be shared. The joint statement between the UK and French Governments is a welcome acknowledgement of the two countries' shared responsibilities in this area. (Paragraph 8)
2. It is important that improvements in security at one site do not simply displace clandestine activity to another site. Much of the investment from the UK Government appears to have gone into improving security around the Port of Calais ferry terminal, rather than the Eurotunnel terminal at Coquelles. If the Government accepts there is a security problem at both sites, then it should contribute to security measures at both sites. (Paragraph 9)
3. It is apparent that extra security slows the traffic, creates queues and can increase the vulnerability of the lorries to infiltration by migrants. Improvements in security must be combined with improvements in managing the traffic flow. (Paragraph 10)
4. The people of Calais are presented with a difficult situation not of their own making. They have a large population of transient homeless people who show little desire to settle in Calais. The townspeople are bound by humanitarian instincts to look after the migrants near Calais, particularly the families and children, and they do not want a large number of people sleeping rough in Calais town. We understand of course why the day centre and the night shelter have been provided, and such support will only ever be temporary and cannot provide a long term answer to the problem. Such camps have the potential, like Sangatte, to make a bad situation worse. The UK Government has repeatedly stated that it is not providing funds for the day centre or night shelter. The Joint Statement between the UK and French Governments states that the Governments will take effective measures to protect vulnerable persons such as the victims of human trafficking, and that this will include "ensuring such victims receive appropriate support and assistance". The Government should explain what specific support it is providing, if it is not contributing towards the day centre or night shelter at Calais. (Paragraph 12)
5. The French and UK Governments should ensure that the migrants in Calais have access to advice on asylum, and understand that a successful claim is a legal path to secure rights in the EU. Every effort must be made to ensure someone who is fleeing war or persecution, who could apply for asylum either in France or the UK, does not decline the opportunity through a lack of information, or the provision of misinformation by fellow migrants, traffickers or others. Disrupting the criminal gangs and their influence over the migrants is an important part of achieving this objective. There needs to be a sustained campaign to inform migrants in Calais of the

reality of life in the UK and France, of their rights to claim asylum, and the safety that a successful claim can bring. (Paragraph 17)

6. It would be highly persuasive that the approach of the UK Government towards improved security at Calais was effective, if the UK Government could demonstrate the increase in asylum applications in Pas-de-Calais with published figures. (Paragraph 18)
7. Countering illegal migration creates a huge amount of work and absorbs a vast amount of resources. The number of interceptions by Border Force and PAF, the French Border Police, highlights the sheer scale of the problem. And yet we have seen no evidence that France or the UK is pursuing a policy of processing and deporting the individuals found at Calais. We find it bizarre that there are thousands of attempts to enter the UK illegally through Calais, at great cost and inconvenience to business and leisure travellers, transport companies, and hauliers, and yet the people who are caught are simply released back into the French countryside. Nothing in this process appears to serve as a disincentive to returning to Calais and trying again and again, and there is no evidence it has affected the number of migrants living in the Calais area. It appears to be an admission of stalemate and something must be done to break this cycle. (Paragraph 21)
8. We welcome the work of the Task Force to address human trafficking and look forward to further updates of its successful work. The joint statement between the UK and France on Calais said the measures to fight organised gang involvement in trafficking would be effective immediately, and we welcome the number of joint investigations between the UK and French authorities aimed specifically at criminal gangs involved in trafficking. The joint statement said it would commit the UK to set clear and ambitious targets to show the full impact in the fight against organised immigration crime. We recommend that the Government publish these targets and publish the performance against these targets. (Paragraph 23)
9. The situation in Calais needs to be dealt with as near to the source countries as possible. This is an international problem which can only be addressed by concerted efforts on the part of the international community. The UK Government, in cooperation with other nations, must continue to address the factors that force large numbers to migrate from their own country to Europe. (Paragraph 26)
10. Securing Europe's southern external border should be a high priority for the EU, and current arrangements are clearly not working. In particular, Operation Triton has failed in its central objective of reducing migration in the central Mediterranean. Heedless of the increased risks to the lives of migrants, the traffickers continue to load people onto overcrowded vessels that are not fit to reach Lampedusa, let alone the European mainland. (Paragraph 27)
11. The deaths of so many people in the Mediterranean is a cause for great concern. People traffickers seem to act with impunity. The UK and French governments, both who have historic links to North Africa, should take the lead in ensuring the EU makes a priority of stopping the flows of migrants at source and cutting off the funds that are obtained by criminal gangs who deal with people trafficking. (Paragraph 28)

12. The Schengen Agreement was designed to enable travel without border checks between Member States. The citizens of those countries enjoy free movement without the inconvenience of passport or identity checks. Unfortunately, it also makes it easier for individuals who have illegally entered the EU to move between countries. Migrants heading to the UK become stuck at Calais only because the UK did not sign up to Schengen and the border controls remain. The countries of Schengen need to acknowledge that as far as migrant issues are concerned, the Agreement is not working as it was intended. (Paragraph 30)
13. The free movement of migrants within the Schengen area has implications for each country and their own approaches to immigration and to asylum. The countries of southern Europe, in particular Greece, Italy and Spain, need assistance in managing the immigration flows, but they also need other countries within the Schengen area to take their share of the burden. Otherwise trust breaks down and mechanisms like the Dublin Convention do not work. (Paragraph 31)

Exit checks

14. The Government must provide this Committee, no later than 27 March 2015, an exhaustive list of those categories of travel which will be including within the scope of 100% exit checks and of those which will not. The Government should also provide an estimate of the percentage of all travellers who will and will not fall within the scope of the programme. (Paragraph 34)
15. The Coalition Agreement said “We support E-borders and will reintroduce exit checks.” We have been told several times by the Government that it will deliver 100% exit checks for all passengers leaving the UK by the end of March 2015. However, as of February 2015, a number of significant exclusions have crept into this pledge, excluding those travelling within the common travel area with the Republic of Ireland, and under-16s travelling by coach. (Paragraph 42)
16. It is becoming obvious that the Home Office cannot guarantee exit checks will be in place on 8 April 2015. Logistical problems remain around how to inspect passports for fifty individuals in a coach, who cannot be seen from the check-in booth. This has been known from the start. It is not clear if the systems that collect the passport data will be compatible with the ferry companies’ existing systems. The Home Office is faced with a decision whether to push the date back further and allow for effective preparation, admit there are problems in some transport, such as coaches, which could involve introducing exit checks gradually, or assert that nothing is wrong and carry on as normal. (Paragraph 43)
17. We would not be surprised if further forms of travel or categories of passenger were declared out-of-scope to allow for exit checks to be declared a success. We recommend that the Government publish a single, definitive document listing what is in scope and what is out of scope of the exit checks scheme. (Paragraph 44)
18. In our previous report on the work of the Immigration Directorates we warned that, if implemented wrongly, there was a chance that exit checks could introduce delays and queues, that these will be highly visible and could have a serious impact on UK

business, trade and tourism. There has been plenty of time to discuss how exit checks would be implemented. The responsibility for making sure that exit checks are introduced without any problems lies with the Home Office. (Paragraph 45)

Criminal record checks

19. The Home Office, the police and Border Force are clearly reliant on access to timely information to enable them to intervene when criminals attempt to enter the UK. The murder of Alice Gross and the violence inflicted on Professor Paul Kohler show that such reliance is inadequate. Other agencies in Europe need to make relevant data available via the criminal records system and the Schengen Information System. The Home Office needs to have the IT system in place that can manage the volume of information and disseminate it to the relevant bodies in the UK. E-borders has been terminated. The Warnings Index is over fifteen years old, and considerably overdue to be renewed. While API coverage is good for those entering by air, it is poor for people entering by rail or boat. We support the Government's efforts to improve the data it receives from other countries on people with criminal records who the UK may consider undesirable. However, we are unconvinced that the Home Office's IT systems are fit for purpose given the ever increasing volume of data. (Paragraph 51)

UK Visas and Immigration

20. The number of asylum applications receiving an initial decision within six months has increased steadily since the beginning of 2012. Only in the final quarter of 2014 has the number decreased, to 11,629. This does represent progress, particularly in light of the increasing number of applications, but the number waiting is still too high. We welcome the acceptance in UKVI that this is an issue and the new resources dedicated to address the problem. The fact that the additional resource has been added is an admittance that the restructure in 2012 that led to a reduction in the number of staff making decisions was a mistake. Performance is improving, but we cannot see how all applications will receive an initial decision within 6 months by the end of March 2015. (Paragraph 58)
21. In Q4 2014, there were 20,473 cases remaining in the OLCU. Over 10,000 cases have been removed since Q4 2012. We welcome the continued reduction in asylum cases in the Older Live Cases Unit since Q4 2012. (Paragraph 59)

Immigration Enforcement

22. We have made numerous recommendations relating to how Immigration Enforcement address the issues of Foreign National Offenders. Immigration Enforcement have put resources into addressing the problem, but there improvements that could still be made, particularly around securing agreements with other countries, and implementing those agreements, to remove FNOs. We recommend that our successor Committee in the new Parliament continue to scrutinise the subject of Foreign National Offenders. (Paragraph 64)

Border Agency Backlogs

23. The backlog total remains over 351,000. The biggest contributor to the total backlog remains the Migration Refusal Pool currently at 174,000. In early 2012, when we started publishing a table of outstanding cases, the Migration Refusal Pool was at 150,000. Three years and a £4 million contract to Capita later, the Migration Refusal Pool has increased in size. We repeat our previous recommendations that these backlogs must be cleared as a priority. (Paragraph 65)
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Formal Minutes

Tuesday 17 March 2015

Keith Vaz, in the Chair

Nicola Blackwood
Michael Ellis
Paul Flynn
Dr Julian Huppert

Tim Loughton
Yasmin Qureshi
Mr David Winnick

Draft Report (*The work of the Immigration Directorates: Calais*), proposed by the Chair, brought up and read.

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

Paragraphs 1 to 66 read and agreed to.

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

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

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

[Adjourned to a day and time to be fixed by the Chair.]

Witnesses

[Tuesday 10 February 2015](#)

James Brokenshire MP, Minister for Security and Immigration, **Mandie Campbell**, Director General, Immigration Enforcement Directorate, and **Sarah Rapson**, Director General, UK Visas and Immigration Directorate

Q 1-89

Published written evidence

- 1 Sir James Dyson ([ID30001](#))
- 2 James Brokenshire MP, Minister for Security and Immigration ([ID30002](#))
- 3 Tim Reardon, Policy Director (Taxation, Ferry and Cruise), UK Chamber of Shipping ([ID30003](#))
- 4 John Keefe, Director of Public Affairs, Eurotunnel ([ID30004](#))
- 5 Doctors of the World ([ID30005](#))

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the Committee's website at <http://www.parliament.uk/business/committees/committees-a-z/commons-select/home-affairs-committee/publications/>

Session 2014–15

First Report	Tobacco smuggling	HC 200
Second Report	Female genital mutilation: the case for a national action plan	HC 201
Third Report	The work of the Immigration Directorates (Oct–Dec 2013)	HC 237
Fourth Report	Her Majesty's Passport Office: delays in processing applications	HC 238
Fifth Report	Police, the media, and high-profile criminal investigations	HC 629
Sixth Report	Child sexual exploitation and the response to localised grooming: follow-up	HC 203
Seventh Report	Effectiveness of the Committee in 2012-13	HC 825
Eighth Report	Regulation of Investigatory Powers Act 2000	HC 711
Ninth Report	The work of the Immigration Directorates (January-June 2014)	HC 712
Tenth Report	Evaluating the new architecture of policing: the College of Policing and the National Crime Agency	HC 800
Eleventh Report	Policing and mental health	HC 202
Twelfth Report	Appointment of the Chair of the Independent Inquiry into Child Sexual Abuse	HC 710
Thirteenth Report	Gangs and youth crime	HC 199
Fourteenth Report	Out-of-Court Disposals	HC 799
Fifteenth Report	Police Information Notices	HC 901
Sixteenth Report	Female genital mutilation: follow-up	HC 961
Seventeenth Report	Police bail	HC 962

Session 2013–14

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Second Report	Child sexual exploitation and the response to localised grooming	HC 68
Third Report	Leadership and standards in the police	HC 67
Fourth Report	The work of the UK Border Agency (Oct–Dec 2012)	HC 486
Fifth Report	E-crime	HC 70
Sixth Report	Police and Crime Commissioners: power to remove Chief Constables	HC 487
Seventh Report	Asylum	HC 71
Eighth Report	The work of the UK Border Agency (Jan–March 2013)	HC 616

Ninth Report	Pre-Lisbon Treaty EU police and criminal justice measures: the UK's opt-in decision	HC 615
Tenth Report	Leadership and Standards in the Police: follow-up	HC 756
Eleventh Report	Khat	HC 869
Twelfth Report	Drugs: new psychoactive substances and prescription drugs	HC 819
Thirteenth Report	The work of the Permanent Secretary	HC 233
Fourteenth Report	The Government's Response to the Committees' Reports on the 2014 block opt-out decision	HC 1177
Fifteenth Report	The work of the Immigration Directorates (April–Sep 2013)	HC 820
Sixteenth Report	Police and Crime Commissioners: Progress to date	HC 757
Seventeenth Report	Counter-terrorism	HC 231
Eighteenth Report	Reform of the Police Federation	HC 1163

Session 2012–13

First Report	Effectiveness of the Committee in 2010–12	HC 144
Second Report	Work of the Permanent Secretary (April–Dec 2011)	HC 145
Third Report	Pre-appointment Hearing for Her Majesty's Chief Inspector of Constabulary	HC 183
Fourth Report	Private Investigators	HC 100
Fifth Report	The work of the UK Border Agency (Dec 2011–Mar 2012)	HC 71
Sixth Report	The work of the Border Force	HC 523
Seventh Report	Olympics Security	HC 531
Eighth Report	The work of the UK Border Agency (April–June 2012)	HC 603
Ninth Report	Drugs: Breaking the Cycle	HC 184-I
Tenth Report	Powers to investigate the Hillsborough disaster: interim Report on the Independent Police Complaints Commission	HC 793
Eleventh Report	Independent Police Complaints Commission	HC 494
Twelfth Report	The draft Anti-social Behaviour Bill: pre-legislative scrutiny	HC 836
Thirteenth Report	Undercover Policing: Interim Report	HC 837
Fourteenth Report	The work of the UK Border Agency (July–Sept 2012)	HC 792

Session 2010–12

First Report	Immigration Cap	HC 361
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Third Report	Firearms Control	HC 447
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Eighth Report	Forced marriage	HC 880
Ninth Report	The work of the UK Border Agency (Nov 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-Dec 2011)	HC 1722