



House of Commons
Home Affairs Committee

The work of the UK Border Agency

Fourth Report of Session 2010–11

Volume I

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

*Ordered by the House of Commons
to be printed 21 December 2010*

The Home Affairs Committee

The Home Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Home Office and its associated public bodies.

Current membership

Rt Hon Keith Vaz MP (*Labour, Leicester East*) (Chair)
Nicola Blackwood MP (*Conservative, Oxford West and Abington*)
Mr Aidan Burley MP (*Conservative, Cannock Chase*)
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Bridget Phillipson MP (*Labour, Houghton and Sunderland South*)
Mark Reckless MP (*Conservative, Rochester and Strood*)
Mr David Winnick MP (*Labour, Walsall North*)

The following member was also a member of the committee during the parliament.

Mary Macleod MP (*Conservative, Brentford and Isleworth*)

Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the Internet via www.parliament.uk.

Publication

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at www.parliament.uk/homeaffairscom.

Committee staff

The current staff of the Committee are Elizabeth Flood (Clerk), Joanna Dodd (Second Clerk), Sarah Petit (Committee Specialist), Eleanor Scarnell (Inquiry Manager), Darren Hackett (Senior Committee Assistant), Sheryl Dinsdale (Committee Assistant), Victoria Butt (Committee Assistant) and Alex Paterson (Select Committee Media Officer).

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Background

1. Since 2006, we and our predecessor committee have received regular updates from the UK Border Agency (in the form of letters and subsequent evidence sessions) on the deportation of foreign national prisoners, the backlog in asylum cases, and other issues as they have arisen. We publish with this report the latest quarterly letter (dated 1 November 2010) and oral evidence from the Chief Executive of the UK Border Agency, Ms Lin Homer, and a supplementary letter sent by Ms Homer after the evidence session, together with a paper prepared for us by the House of Commons Library showing the statistics given in the letter in the form of graphs and pie charts.

Foreign National Prisoners

2. The latest information about the 1013 cases of Foreign National Prisoners released before 2005 without being considered for deportation is that 70 of them still have not been located.¹ Since July 2010, three others have been located and five have been deported.² Most of those not yet located had been released after serving sentences for lesser offences, but a handful had been found guilty of serious offences.³ The UK Border Agency assumes that many of them will have left the country voluntarily, but there is no way of knowing how many or which of them have left—or whether they include those with a record of serious offences. While the UK Border Agency has not given up work on these cases, progress has inevitably slowed almost to a halt. **The difficulty in tracing and then deporting released prisoners highlights the need to ensure that all eligible foreign nationals currently serving sentences are removed from the UK expeditiously and, wherever possible, are not held for long periods in prison at the taxpayers' expense when they could be deported.**

Asylum cases

UKBA's legacy cases

3. It emerged in 2006 that the Home Office had built up a backlog of between 400,000 and 450,000 unresolved asylum cases, some dating back more than a decade. The UK Border Agency's target for clearing this backlog is the summer of 2011. Both our predecessor committee and the Independent Chief Inspector of the UK Border Agency, Mr John Vine, expressed concerns that the Agency would be unable to complete its programme of clearing the backlog by the summer of 2011,⁴ despite the fact that new processes had been put in place to help clear the backlog, including employing contract staff to perform basic administrative tasks in relation to the applications, thus freeing the Agency's own caseworkers to concentrate on the substance of decision-making.

1 Ev 16 (UKBA letter dated 1 November 2010), paras 7–11

2 Q 39

3 Ev 16, (1 November letter), para 9

4 Home Affairs Committee, *UK Border Agency: Follow up on Asylum cases and e-Borders programme*, Twelfth Report of Session 2009–10 (HC 406), paras 4–6

4. Now, however, it appears that the UK Border Agency may be able to meet that target, as the clearance process has accelerated considerably: 15,500 cases being dealt with between October 2009 and January 2010, 41,500 cases between January and July 2010, and 57,500 cases between July and the end of September 2010. As reported on 1 November 2010, the situation with the backlog was as follows:

	Total number concluded	Of which, main applicants	Of which, dependents
Removals	35,000 (11%)	32,500	2,500
Grants	139,000 (42%)	91,500	47,500
Others	160,500 (48%)	141,000	19,500
Total	334,500	265,000	69,500

Conclusions by main applicant and dependents (rounded to nearest 500.)

This compares with the situation as of 19 July 2010:⁵

	Total number concluded	Of which, main applicants	Of which, dependents
Removals	34,000 (12%)	32,000	2,500
Grants	106,000 (38%)	65,000	41,000
Others	137,000 (just under 50%)	119,500	17,500
Total	277,000	215,500	61,000

Conclusions by main applicant and dependents (rounded to nearest 500.)

The question therefore arises how the increase in speed has been achieved.

5. Lin Homer told us that the programme of contracting out administrative tasks had finally started to produce positive results, and the caseworkers were working extremely hard, with a 68% increase in their productivity over the summer months.⁶ However, in his February 2010 thematic report on how the UK Border Agency handled asylum cases, Mr Vine noted that Ministers had approved revised guidance allowing caseworkers to consider granting permission to stay to applicants who had been in the UK for 6–8 years, rather than the 10–12 years that applied at the start of the backlog-clearing process.⁷ This decision significantly increased the number of cases which officials might conclude quickly, by grant of settlement, rather than contesting. In this context it is interesting that while 9,000 of the cases dealt with between October 2009 and January 2010 resulted in grants, this rose to 23,000 cases between January and July 2010, and 33,000 cases between July and the end of September 2010. Moreover, the proportion of *all* concluded cases resulting in grants went up from 34% of cases as reported in October 2009, to 35% in January 2010, to 38% in July and 42% in the most recent report—so over time an increasing proportion of the 400–450,000 cases originally identified ended in permission to settle in the UK. At the same time, the proportion of concluded cases resulting in removals decreased from 10% of all cases concluded between October 2009 and January 2010, to 6% between January and July, to 2% between July and September.

5 Letter from Ms Homer to Home Affairs Committee, dated 19 July 2010 (hereafter 19 July 2010 letter)

6 Q 19

7 *Asylum: Getting the balance right? A Thematic Inspection: July–November 2009*, para 1.35

6. Lin Homer has stated that the longer a case is left uncompleted, the more likely it is that the applicant's circumstances will have altered, such as marriage or the birth of children, leading to a greater probability that settlement will be allowed for family reasons.⁸ We understand this, but we are concerned that in the rush to clear the backlog—not least as the clear-up rate initially was fairly slow—principle may be being sacrificed to the timetable, and grants of settlement may be made that would not be allowed in other circumstances. In cases where severe delays in decision-making have been the fault of the government and not the applicant, and where the passage of time has made evidence harder to find or has led to the applicant's being better integrated into British society, there is an argument in favour of granting the applicant leave to remain.

7. The second aspect which causes us concern relates to the number of cases being 'concluded' because the applicants cannot be found. Lin Homer provided the following figures showing a breakdown of the 'others' category:⁹

Closure type	Total up to July 2010 (all applicants)	Total up to October 2010 (all applicants)
Duplicates	5,000	7,000
Errors	102,000	112,500
EU nationals	13,500	15,000
Controlled Archive	9,000	18,000

While most of these categories are self-explanatory, the 'Controlled Archive' contains cases in which, despite its best endeavours, UK Border Agency has been unable to trace the applicant. These cases are checked against watchlists for a period of six months before they are considered to have been 'concluded'. This is now the fastest growing category of concluded cases.¹⁰ Lin Homer explained to us that a large number of cases—43,000—had reached or would shortly reach the six months deadline and would be reported as having been concluded. Judging by experience so far, she thought very few would "come alive again" because new information about the applicant was discovered.¹¹ Assuming that most of the 43,000 cases will eventually be placed in the controlled archive, even if no other similar cases are found over the next seven months that would mean **a minimum of 61,000 of the 400–450,000 cases—about one in seven—will eventually be concluded on the basis that the UK Border Agency has been completely unable to trace what has happened to the applicant.**

8. While we agree that the UK Border Agency should not spend unlimited time trying to track down missing applicants, we are concerned about the high proportion of cases which will be left, in effect, in limbo. Again, this points to the vital need to deal with cases as expeditiously as possible and not to let backlogs grow.

8 Qq 13–14

9 Ev 18 (UKBA 1 November letter), Table 3.1 and 19 July 2010 letter, Table 3.1

10 Ev 17 (1 November letter), para 16

11 Qq 19–21

New asylum cases

9. In this context, we note that the Independent Chief Inspector of the UK Border Agency was of the view that the UKBA would not, and could not, meet the target for completing 90% of asylum cases within six months, the deadline for which was December 2011.¹² The rate rose from 50% in September 2009 to a peak of 59% in January 2010.¹³ There is therefore a real danger that cases that cannot be completed within six months will accumulate and form a new backlog as officials struggling to meet the target abandon these for the new cases constantly coming in. Lin Homer assured us that the Agency was not simply chasing the target but was taking into account the costs involved in failing to conclude cases in prioritising work. She also noted that there were reasons outside the Agency's control why some cases could not be concluded within a set time period, for example if it was unsafe to return a failed applicant to his/her home country.¹⁴

10. **We agree that quality should not be sacrificed to speed when it comes to decision-making. From the cases we see as constituency members, much of the delay in concluding asylum and other immigration cases stems from poor quality decision-making when the application is initially considered. We recognise the progress made over the last few years in relation to new procedures and approaches, but we consider that the UK Border Agency still has room for improvement. More consistent and rigorous scrutiny of applications would lead to fewer delays, fewer appeals, less uncertainty for the applicant, less pressure on the officials themselves, and probably lower costs for the UK taxpayer. This may well require greater investment in staff training. It is also likely to require more consistent and considered direction from those setting policy for the Agency than has sometimes been the case.**

Other issues

Enforced removals from the UK

11. We take the opportunity to raise here our concerns about the evidence we have received about shortcomings in the application of the rules governing enforced removals from the UK. We took oral evidence on this subject from Lin Homer on 9 November¹⁵ and earlier from G4S, whose contract with the Government in respect of such removals has not been renewed.¹⁶ We may revert to this subject at a later date, but **we are not at all convinced that the UK Border Agency is being effective in making sure that its contractors provide adequate training and supervision of their employees in respect of the use of force. This is a fundamental responsibility of the Agency and is not simply a matter of clauses in contracts or formal procedural requirements.**

12. **We also note that the risk assessment which has to accompany the person being removed (a copy of which was provided to the Committee) is concerned principally**

12 *Asylum: Getting the balance right? A Thematic Inspection: July–November 2009*, para 1.40–1.41

13 Ev 15 (1 November letter), para 2

14 Q 22

15 Qq 42–58 and 64–68

16 *Rules governing enforced removal from the UK*, Oral evidence of 2 November 2010

with the possible risks of the deportee absconding or offering violence to the accompanying officials, rather than risks of harm to the deportee him/herself. It is not clear whether the very short section on the deportee's medical condition, which has to be filled in by a qualified medical practitioner, would be completed in such a way as to be understood by a layman, such as an escorting officer: would it, for example, be obvious that the deportee's underlying heart condition or other complaint might make some types of physical restraint potentially lethal? We look forward to the Government's responses to our concerns.

Child detention

13. Reporting on the detention of children in the immigration system, our predecessor committee commented that "it must be remembered that Yarl's Wood remains essentially a prison. There is a limit to how family-friendly such a facility can be; and while we accept that conditions have improved, we still regret that such a facility is needed in the first place".¹⁷ We welcome the announcement by the Government that the detention of children for immigration purposes is to end as of 11 May 2011,¹⁸ and that the Yarl's Wood family unit has now closed. We hope not to have to return to this issue in the future.

Treatment of detainees with special medical needs

14. We also questioned Ms Homer about rule 35 of the Detention Centre Rules, concerning victims of torture and others with special illnesses and conditions. We noted that, following the concerns raised by medical NGOs and others, the UK Border Agency had agreed to conduct an audit of implementation of rule 35. Release of the resulting report had already been delayed for five months when we took evidence from Ms Homer, and the NGOs were not convinced by the assurance that it would be released by the end of the year. **We requested a copy of the audit.¹⁹ We are disappointed that, as of the last sitting date in 2010, this has not been forthcoming.**

Members' correspondence

15. We again raised with Lin Homer the issue of both the level and the quality of the UK Border Agency's responses to Members' correspondence on behalf of their constituents.²⁰ We understand that Ms Homer will shortly move to a new job leaving this unsatisfactory situation unresolved. We trust that her successor will take our concerns seriously. When Members write to Ministers it is expected that the reply will at least be signed by the Minister. It is therefore unacceptable that the head of an agency should delegate this task to more junior officials.

17 *The detention of children in the immigration system*, Home Affairs Committee, First Report of Session 2009–10, HC 73, para 11

18 Home Office Press Release of 16 December 2010, 'New compassionate approach to family returns'

19 Q 61

20 Qq 6–8

Salaries

16. We also again questioned Ms Homer about the appropriateness of the salaries and bonuses of senior UK Border Agency officials. We note Sir David Normington's remarks about the need to pay a high salary to attract a suitable candidate for the difficult job of Chief Executive of the Agency.²¹ **We consider that in the current situation of wage constraints and reductions in posts in the public sector, it would be appropriate to offer a significantly lower level of salary than the £208,000 currently paid—the appointee should be paid no more than the Permanent Secretary of the Home Office. In addition, we think that no bonuses should be paid to senior staff in the current financial climate.**

Bogus colleges

17. Our predecessors reported on the problem of 'bogus colleges', set up with the primary intention of helping would-be economic migrants to enter the UK in the guise of legitimate students.²² We understand that the UK Border Agency has no direct role in the registration of colleges as bona fide educational institutions, but it still has responsibility for ensuring that immigration loopholes are closed. **We therefore request the Government to implement our predecessor committee's recommendations in full, and specifically those regarding the need for unannounced inspection visits to educational establishments, a statutory restriction on the use of the term 'college' limiting it to accredited institutions, and an account of how the relevant authorities ensure that they investigate the intelligence provided by legitimate colleges and others about potential bogus institutions.**

Immigration statistics

18. Finally, our recent inquiries into the proposed immigration cap and the evidence sessions with both Ms Homer and the Immigration Minister have pointed up the multitude of statistics relating to migration, the different bases on which they are compiled, and the lack of comparability between sets of statistics and over time. This makes any discussion of the area very difficult as there is no agreed starting point and opponents choose whichever set of figures supports their argument best. We acknowledge that the conflicting sets of figures are compiled for different purposes and by a variety of bodies, but **we consider that it would help both those engaged in the formation of immigration policy and the general public seeking to understand it if the Government—and indeed others—were to adopt a clear set of criteria for the measurement of inflows to and outflows from the UK (whether, for example, they include UK citizens, whether they relate to those settling in the UK and, if so, for how long, and so on) and to use only figures that meet these criteria when discussing migration, asylum and related policies.**

19. We also note that unless and until the UK has records of all those entering the country and leaving the country, many of the uncertainties highlighted in this Report will continue into the future.

21 *Impact of the Comprehensive Spending Review on the Home Office*, Oral evidence of 23 November 2010, Qq 63–66

22 Eleventh Report of the Home Affairs Committee, Session 2008–09, *Bogus Colleges*, HC 595

Formal Minutes

Tuesday 21 December 2010

Members present:

Rt Hon Keith Vaz, in the Chair

Mr James Clappison
Dr Julian Huppert

Bridget Phillipson
Mr David Winnick

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

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

Paragraphs 1 to 6 read and agreed to.

Paragraph 7 read:

Amendment proposed, at end of paragraph insert “In cases where severe delays in decision-making have been the fault of the government and not the applicant, and where the passage of time has made evidence harder to find or has led to the applicant’s being better integrated into British society, there is an argument in favour of granting the applicant leave to remain.”—(*Dr Julian Huppert*)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 3
Dr Julian Huppert
Bridget Phillipson
Mr David Winnick

Noes, 1
Mr James Clappison

Paragraph, as amended, agreed to.

Paragraphs 7 to 19 read and agreed to.

Papers were appended to the Report.

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

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

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

[Adjourned till Tuesday 11 January at 10.30 am

Witnesses

Tuesday 9 November 2010

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Ms Lin Homer, Chief Executive, UK Border Agency

Ev 1

List of printed written evidence

1	UKBA	Ev 11
2	Statistics from House of Commons Library	Ev 12
3	Letter from the UK Border Agency dated 1 November 2010	Ev 15

List of Reports from the Committee during the current Parliament

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

Session 2010–11

First Report	Immigration Cap	HC 361
Second Report	Policing: Police and Crime Commissioners	HC 511
Third Report	Firearms Control	HC 447

Oral evidence

Taken before the Home Affairs Committee

on Tuesday 9 November 2010

Members present:

Keith Vaz (Chair)

Nicola Blackwood
Mr Aidan Burley
Mr James Clappison
Dr Julian Huppert
Steve McCabe

Alun Michael
Bridget Phillipson
Mark Reckless
Mr David Winnick

Examination of Witness

Witness: **Ms Lin Homer**, Chief Executive, UK Border Agency, gave evidence.

Q1 Chair: This is a one-off session with the chief executive of the UK Border Agency to look at the work of the UK Border Agency. May I refer all those present to the Register of Members' Interests and may I, in particular, declare my interest? My wife is a part-time judge and a full-time solicitor.

Mr Winnick: At one time I worked, many years ago, for the Immigrants Advisory Service.

Q2 Chair: Ms Homer, thank you very much for giving evidence. We thought what we would do, because your evidence is always so valuable to this Committee, is to ensure that your letter was circulated in advance of the Committee hearing, and thank you for sending it to us last week. When you last appeared I raised some concerns about the letter that you sent us. I felt it contained very useful information but it was not particularly digestible because it consisted of lots of numbers and issues of that kind, so we couldn't do a comparison.

What the Committee has done—and for your convenience I have a copy for you—is ask the House of Commons Library to take your letter and to analyse it and to perhaps present it in a more digestible form. As you see, it allows us and the public to fully understand all the good work that is being done by the UK Border Agency so we can question you more closely on the progress that has been made. I hope that you could use that as the format for the next letter because, as you know, this is now published in the Library of the House by the Minister and reference is always made by the Minister for Immigration to the work that is being done and the relationship between ourselves and yourself.

If you look at this rather splendid bar chart that has been prepared, it appears that the number of foreign national prisoners has not declined in respect of the last four months. Is it the case that you are deporting a similar number of foreign national prisoners or fewer foreign national prisoners?

Ms Homer: Chairman, thank you for that. I will certainly seek to incorporate as much of that as I can into my future letters if that helps you both compare and interpret. With regard to foreign national prisoners, we are approximately in the same place that we are usually in at this time of the year. There are a

couple of things that occur towards the end of the year. One is that we cleanse and check all our data going backwards. So some information we did not have to hand as each month went by is accumulated as the year goes on. As you know, we also check, and effectively check out, foreign national prisoners who might have been administratively removed rather than removed straight from prison, which is one of the reasons why the bar chart looks marginally behind for the point of the year. But we are confident we are within a couple of per cent of where we've been each time of the year.

Q3 Chair: Are you disappointed that you're not doing better at removing foreign national prisoners? I think that is a priority for this Government, as it was for the last. Shouldn't we be exceeding our targets on removal, bearing in mind that in your letter you were very clear that the taxpayer should not fund people to stay in prison if they can be removed?

Ms Homer: Yes. There are a number of aspects to our removals. First of all, over the period since I first began reporting to this Committee, we've removed about 19,000 prisoners, so in overall terms this is a much better position for the agency than we were in when this issue first came to the attention of the Select Committee. We are also removing a significant number of prisoners much earlier in our process and, indeed, over a third are now being removed straight from prison and at quite an early point after they can first be released.

Q4 Chair: But we're still below target. We've not reached the target, have we?

Ms Homer: The other thing I was going to say is we are moving away, partly at your encouragement and certainly at the Government's, to single simple targets and the question for us is are we yet at a point where we are deporting people—

Q5 Chair: No, I understand all that, but we have not reached the target that was set for the removal of foreign national prisoners. I understand all the good work you're doing in cleansing and getting things ready but the fact is we've not reached our target for removals.

9 November 2010 Ms Lin Homer

Ms Homer: The target for this year was to keep improving on last year, and I'm not unhopeful about that, but the target is also to remove as many as are going through the system. What I was going on to say is that we do still find some challenges in removing prisoners to particular countries and in circumstances where we can't establish their identity at all or to the satisfaction of the country we believe they belong to. So that's the area we're going to continue to focus on.

Q6 Alun Michael: Yes, it's about simplicity and clarity, and I applaud this presentation, Chairman, because it does make sense of what otherwise is a bit like trying to walk through a swamp. Can I ask, in terms of accountability for correspondence, do you understand the principle that when responsibility for answering MPs' correspondence was delegated by Ministers to agencies, it was expected that the chief executive would take the equivalent responsibility that Ministers had previously, and not that it would be passed down the line successively within an agency? Could you give us an undertaking that you will take personal responsibility for MPs' correspondence in future?

Ms Homer: Chairman, through you, I do take the responsibility very seriously. I tried to explain to this Committee previously that we are seeking to improve our performance, and indeed I think for 2009 we have made another sustained improvement.

Q7 Alun Michael: Yes. Sorry, I was dealing with the principle, because the past has certainly been that the level of delegation has gone down and down and down and the quality of response went down. Efforts to improve it are one thing. I'm asking whether you will take the sort of personal responsibility that Ministers did in the past, because that was what was delegated to chief executives?

Ms Homer: I do take a significant personal responsibility. If you're asking me whether I will personally sign every letter from an MP, the reality is if I did that the service we gave would go down. The volume we get is such that that is not practical and feasible. However, we are—

Q8 Alun Michael: I can't imagine that it's worse than for Immigration Ministers. It's a question of the responsibility and responsibility for maintaining high standards as well as speed of response and not just letting it filter down through the Department.

Ms Homer: Yes, and I do accept that.

Q9 Chair: Now, let's move on to your next set of figures, which is the clearing of the backlog and in particular the granting of indefinite leave. You seem to have granted quite a lot of people indefinite leave in the last four months. Do you know what that figure is? It's up from 38% in July to 42%. How many more people have been given indefinite leave by the Government?

Ms Homer: Chairman, the figures for the proportion of grant we think have remained pretty stable throughout. You mentioned it was 38% last time but in fact it has varied around about the top 30s, early 40s.

Q10 Chair: Yes, I understand that but we need to get this clear. You have given us the figures and you have told us in February this year it was 35%, in July it was 38% and now in your last letter to us—we're questioning you on this letter—it's now 42%. That's an increase of some 30,000. Now, they may be right or wrong, we're not here to look at individual cases, but as a matter of fact, because we want to deal with facts on this Committee, you have granted additional indefinite leaves. It has gone up by 4%. That's several thousand people, isn't it?

Ms Homer: Yes.

Q11 Chair: Yes. What is the total of the grants in the last four months, since your last letter? Not since statistics began but just since your last letter in July.

Ms Homer: In both August and September we granted about 8,000 grants, in each of those months.

Chair: But since your last letter to us?

Ms Homer: Yes. So that's August and September.

Chair: It has gone up 4%?

Ms Homer: Yes.

Q12 Chair: Now, how does that square with the Government's intention to keep migration down and the Home Secretary's speech last week that she wanted to make sure settlement was being curtailed for people? On the one hand, the Government wants to reduce immigration by tens of thousands. On the other hand, the UK Border Agency seems to be granting indefinite leave to even more numbers of people.

Ms Homer: You know from the regular conversations I have with this Committee that the cases that had not been dealt with speedily required concluding and it is the nature of delay in these cases that additional rights accrue through the passing of time. We are confident that, with regard to the new asylum model, we are now deciding cases both more quickly and more efficiently. But we have to respect that, in a case that may be as much as 10 years old, a circumstance where, if we had acted more speedily originally, we could have refused a case, may subsequently lead to rights that have to be respected.

Q13 Mark Reckless: Looking at this reduction in the asylum legacy, you've clearly made spectacular progress in reducing it, but then there is the proportion of what is happening to these people—334,500 cases in all and only 10% of those have been removed. It's not just this Government but the previous Government on a cross-party basis have asked you to clear this backlog of asylum cases and I'm concerned, on behalf of this Committee, that that's leading to, other things being equal, people simply being allowed to stay.

Ms Homer: It isn't in any way just an approach where we've said everybody can stay. Each case is looked at individually. If you bear in mind that all these cases were at least four years old, some of them were 13 or 14 years old, we inevitably have to recognise the rights that have accrued. I am expected to comply with the law. Inevitably, if you don't decide cases quickly and efficiently, further rights are established. It's one of the reasons why both previous Ministers were determined, and Damian Green as my current

9 November 2010 Ms Lin Homer

Minister is determined, to improve the asylum system. The best and most efficient way to deal with cases is quickly and well and to conclude them when they're fresh. Once a case is 13 years old, an individual may have married, they may have children, they may now have protection rights under the international protection laws that they didn't have earlier. We have to take into account all of those facts, which is why it's so important to decide the cases more quickly than was the case in the past.

Q14 Mark Reckless: I'm sorry but there's a contrast between you referring to particular types of circumstances, for instance someone getting married or someone having children or the international protection for their country having changed, and your reference to them inevitably acquiring rights through the passage of time.

Ms Homer: No.

Mark Reckless: Which is it?

Ms Homer: What I'm saying is that inevitably the passing of time causes circumstances to change. We have got a significant number of these older cases out. I've recently removed a young man who has been in the country for over seven years. Certainly in circumstances like that individuals will try to assert that the passing of time, in itself, gives rise to rights. We challenge that and we have argued very successfully in front of the courts that, in circumstances where time has elapsed because the individual has made it difficult to conclude his case, we should still be able to proceed. But in circumstances where we have partly caused the delay we have to recognise that.

Q15 Bridget Phillipson: The UK Border Agency is facing big cuts through the comprehensive spending review. Can you say what impact that's going to have on the service that you offer but also on making sure that the asylum backlog doesn't simply grow again as a result of staff cuts?

Ms Homer: Yes. The UK Border Agency is taking cuts of about 20%. We are approaching our spending target by looking, first of all, at reductions we can make in our support services. That's about 10% of our budget, so we are taking about a 35% reduction in that overhead cost. Then in relation to our frontline cuts, we are expecting to take about 20% out. We believe that's possible to do without a diminution in service across the entirety of our business by focusing on a number of areas.

First of all, we're continuing the programme we put in place to be more productive. That's sometimes about the way people work; it's sometimes about the way machinery works. Automatic gates at the borders allow a certain number of lower-risk passengers, such as returning British citizens, to go through gates. In the same way, our new integrated case working system allows people to apply online: 8,000 applied online on the first day we put it up. Those things take out work.

We also believe that it's right to transfer more of the cost on to the applicant, so we are counterbalancing how much the applicant pays versus the taxpayer. Now something like a third of our costs is placed on

the applicant when it was about one tenth when I first came into the business. Thirdly, we are also making sure that we spend less on asylum support. This is a point the Chairman has made numerous times: as that legacy workload comes down, the amount we're spending sustaining particularly families, while we don't decide their cases, is also reducing. So those are three of the big areas that we are making money reductions.

Q16 Bridget Phillipson: Do you anticipate job losses?

Ms Homer: Yes. We have made 1,700 reductions this year. We've been able to achieve that by a combination of natural wastage and voluntary redundancy and we anticipate making about another 5,000 reductions over the period of the spending review, which is, I think, probably a few less each year than we have had to make this year. Again, my hope and expectation will be that we can continue to do that in an orderly way. We've got quite skilled at redeploying our staff, so we'll use all of the jobs we get from natural wastage for the staff we've already got, we'll bear down on all our agency workers and we'll seek to use schemes such as voluntary redundancy again in the future.

Q17 Steve McCabe: I'm just astonished by the spectacular improvement in the asylum case clear up. Last year it just about made 15,000 in a four-month period; this year, between July and September, 57,500. Everyone wants to know what's your secret? What is it that you're doing now that you weren't doing before and who takes the credit for this?

Ms Homer: I feed them spinach. Truthfully, if you recall, I think it was probably two if not three appearances ago, I updated you on a proposition we were putting in place to ask a commercial provider, Serco, to stand alongside our legacy workforce and to prepare the cases, to do the administrative work on the cases, so that our more skilled case workers could focus on deciding those cases. When I first put that in place I reported to you a rather disappointing start to that programme; it was a slower shift than we had expected. But we did stick at that and a lot of the credit should go to the director that I have in charge of this group, Jackie Luetchford, who is a long-term member of staff of the agency, and to the nearly 800 staff that work in the CRD who, as that new front end has really started to work, they have just really motored and we saw a 68% improvement in their productivity over the summer months. This is all the more remarkable since this group of staff don't absolutely know what they'll have to do after they finish this work. All of common sense would say they might be slowing down and it's hugely to their credit that they're not.

Q18 Chair: Of course, you gave an undertaking to this Committee that you would not take your bonus for next year unless the legacy cases were all completed by summer.

Ms Homer: I very much doubt that that's going to be an issue this year in any event, but I promise you I haven't been whipping them because of the

commitment I gave to you about my bonus. I think they've done a great job.

Q19 Nicola Blackwood: I'd like to take you back to page 3 of the library note and look at this pie chart. We've had 334,500 cases dealt with up to the end of September. We've already discussed the discrepancy between grants at 139,000 and removals at 35,000. There's another big patch of errors, which we won't discuss now, but there's quite a large segment of "others": 48,000. I wonder if you could just discuss that segment a little and explain how many of the others you have not been able to contact and have been considered closed as a result of inability to contact the applicant?

Ms Homer: The controlled archive element, the 18,000, are those where, after fairly rigorous attempts, we have not been able to contact someone. Again, as I've described on earlier occasions, we do a range of checks, not only in our own databases but elsewhere. We then place those cases in what we call our controlled archive and we then check it regularly. We only place them into the concluded cases statistics once six months has passed without any further action. So, those 18,000 are the ones where we are concluding that they've either left or it was a second identity or it has been concluded but we've not married the names up.

There are a further 43,000, as I refer to in the letter, that have gone into the controlled archive that haven't yet finished their six months. That's another big tranche where that group of controlled archive will grow as those reach their six months. Over that period, we have seen only a handful of those controlled archive burst back into life, but we continue checking. Despite the fact they go into the controlled archive, we don't just close the door. We keep rolling them through our databases on a regular basis so that if they did pop back into the system, either actively by contacting us or by making another application or committing a crime, we would then be able to make the connection.

Q20 Nicola Blackwood: So the cases are closed but not closed because you still do checks on the cases that are in that archive?

Ms Homer: The cases are as concluded as we think they can be but we remain open-minded and able to reactivate them if something causes us to need to do so.

Q21 Chair: I think this is a new version of closed, that is what Nicola Blackwood is saying. Are they closed?

Ms Homer: They're concluded, Chairman. I've never used the word "closed" on them because and, again, apologies to new Members, I think if you look back at my comments about the—

Chair: Well, no—apologies to all of us because I don't understand the difference between closed and concluded.

Ms Homer: If you look back at my description of controlled archives, we were always clear that, after concluding the significant number of checks we do and after putting them into controlled archive and the

passing of time, we would regard them as concluded. That has proven to be appropriate so far. A very small number in a sense have come alive again. A great proportion of these, we suspect, have left the country of their own volition or have been concluded under a different name or a different reference without us completely being able to put the two together.

Q22 Dr Huppert: We had some discussion earlier about delays in resolving cases and I think I take a slightly different line from Mr Reckless in that to some extent, if we as a Government have failed to process people, we have a debt where we have messed up. But can I move on from the legacy cases to what's happening with current cases, because you state in your letter that intake of new asylum seekers remains at a historic low and you have a six-month deadline to try to deal with them. I believe you're very self-congratulatory about getting 59% of cases dealt with within six months, whereas I think there's a target of 90%. Indeed, I think we should be ensuring that all cases are dealt with within six months because it seems deeply inappropriate that we are keeping people hanging for an astonishingly long time while we decide what to do. Are we going to hit 90%? Will we hit 100%? What can you do to make sure we don't build up yet another backlog as soon as we've cleared the current one?

Ms Homer: I should just be clear with the Committee that our targets are about concluding cases, not deciding them. We already decide the vast majority of cases within 30 days and I think probably over 90% have a decision well within the six months. But we have set ourselves a target of finishing cases in as fast a period as we can. This goes back to the earlier comments that if you just take a decision on a case and you don't put it into effect, the passing of time alters the basis of the case. Now, yes, we have tasked ourselves to improve, year on year, on the number that we conclude within six months. Our new Minister is suggesting—and indeed this Committee and the PAC suggested also—that it would be perverse of us just to focus on six months and not to keep concluding cases beyond six months and indeed not to take into account cost and other circumstances.

What we are now seeking to do is to focus on a kind of basket of indicators and make sure that we are following through in as many of the cases as we can. But there will be circumstances, sometimes entirely beyond our control, that mean concluding by removing is not possible. It would have been the case with Zimbabwean cases until a very few weeks ago because we had no route back to Zimbabwe. It didn't mean every Zimbabwean was entitled to asylum and, therefore, we took those cases as far as we could and our internal rule is that cases that are difficult to conclude because of a country circumstance must be taken as far as they can be taken.

Q23 Dr Huppert: I think some of that is helpful. I'd be very interested if, in future, you could provide some information about the decision process because, from people in this situation I've spoken to, I hear of a number of cases where it is that initial decision that seems to take a long time and I'm involved too often

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with trying to chase that up. It would be very helpful to get a sense of what that is because I think we have a duty to make a decision rapidly and not to keep people hanging on. If there are people where it is taking us over six months, say, to make a decision, would you agree that we should go back to a system where they're allowed to work while we try to make a decision as to what to do?

Ms Homer: I don't personally believe, from an operational perspective, that asylum seekers should be allowed to work. Many people who make a claim for asylum that is not well founded are predominantly coming here to seek to work. My belief—

Dr Huppert: But this is people where we've taken six months to decide whether they should be allowed asylum or not. We are delaying them.

Ms Homer: There are very few in that category and what I would encourage MPs to do is to write to me and, going back to Mr Michael's point, we ought to be actioning cases. As I say, 60% are now being decided within 30 days. So we are absolutely on the case with early decisions and I think if you permit people to work as a result of delay, the risk is it will encourage people to seek delay. That is not good for them and it's not good for the country.

Dr Huppert: It would be helpful to have the figures on when decisions are made then.

Q24 Mr Burley: I am interested in this six-month target and, as Dr Huppert said, whether that's stretching enough and how that compares internationally. I've done a bit of research and it would seem that the decision time in New Zealand is 84 days compared with 180 here, Australia 60 days, Czech Republic 30 days and America 60 days. Is our target internationally challenging?

Ms Homer: Our target is the most challenging in the world. All those figures you quoted are for decisions and our target is for conclusions. We don't know of another country that sets itself a conclusion target. Our target for deciding is to get the vast majority decided within 30 days, which is better than any of those that you quoted. We've had visits from most of the countries you've mentioned to look at our system and to see whether they can move towards adopting it.

Q25 Bridget Phillipson: I'm sure we all want cases to be dealt with as quickly as possible, not simply so that the public are clear that there's transparency and a fair process but so that the asylum seekers themselves receive a swift decision. However, my question is probably the reverse of Julian's: how do we make sure that the push to get a decision quickly doesn't mean that cases aren't properly considered? Some of the cases I've seen as a constituency MP have been the reverse in that there have been quick decisions but arguably too quick and I'm not confident that the case has been given due consideration. How do we strike that balance between a quick process but a process that doesn't disadvantage people who have a good case, arguably?

Ms Homer: Yes, I think you are absolutely right to challenge us, that this is a very important decision. It needs to be high quality as well as speedy. We have undertaken a quality initiative with the UNHCR. We

funded them to work alongside us to ensure that the front end of our asylum system had good quality decision making in it as a matter of course. They looked with us at recruitment, at training, at our processes and they helped us improve that system. Again, I have to say, Mr Guterres visited Damian Green about a month ago and he told us that he thought our system was best practice and they are now selling that quality system for the front end of asylum as a standard for Europe to follow. It doesn't mean we will give up, we're still working with UNHCR to look at that, but we have really tried to improve the front end of our system.

Q26 Alun Michael: Seeking after clarity on another area that's not always easy, last autumn you said that you'd found about 40,000 immigration files—immigration rather than asylum, just to be absolutely clear—where you have no formal record that the applicant has left the country and you've closed 2,450 of those, I think was the figure you gave.

Ms Homer: Yes.

Alun Michael: The vast majority relate to people already granted leave to remain but whose electronic records haven't been updated. That leaves another 37,000. Can you tell us what the picture is with them?

Ms Homer: I can't give you a full breakdown on those because we've made a judgment on these cases that it's more efficient for our resources to pick the cases up and work them than to go through and triage them and sort them and then work them. In both the bigger asylum backlog and this backlog we did an initial check for criminality and then for the rest, we sort them as we go. But if you look at that first 2,500, we think that that probably is a reasonably good picture of what we're going to find. So, a great majority of those relate, we think, either to short-term applications that are effectively finished. Those might be a working holidaymaker, somebody here on a visit who has sought to extend, those kinds of things, spouse applications that have been resolved.

Q27 Alun Michael: Understanding that then, can you tell us what the implication of that is for the immigration figures for previous years? So, will the Office for National Statistics have to rewrite its historic records or are these people already being counted as immigrants to the UK? Where do they appear in the figures? Do you see what I mean?

Ms Homer: ONS is a survey-based statistic; they don't count everything, so no, it doesn't alter the ONS statistics at all and, yes, all of these people will have been in the system and in the statistics. Many of them won't have added to net migration. They will have come and gone. But we were determined, we made a commitment to you and to Parliament, to ensure that our recordkeeping was tidy.

Alun Michael: So they have no effect on the figures that we're using in terms of—

Ms Homer: They won't change net migration for the past, no.

Q28 Mark Reckless: You say MPs should contact you if there's a delay but I would much prefer the applicant to be able to deal with UKBA. I find that in

my surgeries very often people will come to me because you've written a letter to the applicant saying that they're not to contact you and they're concerned that if they break that that somehow it might negatively affect how their case is considered. So they come to the MP and I'm having to take up a case that could very easily be dealt with between UKBA and the applicant except for your practice of writing these letters saying, "Don't contact us".

Ms Homer: I don't think we should be writing saying, "Don't contact us". I think what we do often say to applicants is that we have very clear timescales for determining issues and that, for new cases, we are keeping to those timescales. So it makes us more productive if people, in a sense, wait the period of time that we do say. If our standard is four weeks, then we will try to say to people, "Please don't write every day", because then more time goes into answering letters than deciding cases. But I would not expect my staff to be saying just as a *carte blanche*, "Don't write to us", and we are increasingly trying to be prompt in our replies to applicants and to their solicitors.

Q29 Mark Reckless: Well, your practice certainly doesn't make me more productive and I've seen several letters where there is no reference to a particular timescale and there's just an indefinite instruction not to contact. Can you please give us an undertaking that those letters will no longer be sent out?

Ms Homer: I will give you an undertaking I will action them. There's a lot of staff in the agency and, as I say, my reason for suggesting you send me letters of that sort is because I wouldn't expect them to and I will follow up if you give me the examples.

Mark Reckless: Thank you.

Chair: I will write to you with copies of the letters that have been sent to Mr Reckless so that you can see them for yourselves.

Q30 Mr Winnick: Every time you've appeared before us has been like today with questions about the backlog and so forth. Now, UKBA's budget is to be cut by 20% by 2014. That's correct?

Ms Homer: Yes.

Mr Winnick: How will that affect the work of the organisation?

Ms Homer: We anticipate that we will have to become more productive. It's helpful to me that these spending reductions are coming after a period when we have begun to get our historic work into shape. It is very useful for me that the legacy work will be finished before we enter into this period of restraint and it is very useful to me that we've begun to implement new systems in asylum, in managed migration and at the border that allows us to automate and to be more productive. The examples I gave earlier I would repeat: we expect many more applications to be dealt with online and we expect our electronic case working system to make it much easier for case workers to be able to focus their particular and expensive skills on the decision-making part, not on the administrative part. At the border where, despite the recession, passenger numbers are still

going up, we would hope and expect that a significant number of trusted and pre-checked passengers can use automatic gates, allowing our very skilled immigration and customs officers to focus on those places where human intervention is still required.

Q31 Mr Winnick: Going by that reply, there's no reason why you shouldn't have a 20% cut, because you've indicated that it's going to be a pretty painless exercise, a more productive way of doing matters, although I don't know why it wasn't done previously. So there's no need for this Committee to worry about your cut in the budget?

Ms Homer: I don't think I used the word "painless". I think it will be very challenging.

Mr Winnick: Almost painless?

Ms Homer: No, I think it will be very challenging but I think it's possible. As to why we haven't done it before, we have been on a course of improvement. The UK Border Agency, in relation to the part of that that was previously IND, costs the taxpayer less now than it did in 2006, in cash terms. This year we have made savings of almost £200 million, so we haven't waited for the spending review. We've been making progressive savings, but it does take time to get an organisation fit and you can't necessarily make wise savings if you make them all in one go or in a rush. We've been moving progressively towards efficiency. The next four years will challenge us to do that faster than we would otherwise but I think the organisation is in good shape to face that challenge.

Q32 Mr Winnick: So can we work on the assumption that when you appear before us in the future when these cuts start to take place it will not be said that "The work has accumulated once again, the problems are not easy to resolve swiftly because we have less of a budget arising from the comprehensive spending review"? We can work on that assumption, can we?

Ms Homer: Yes, I think you can. We have done more with less over the last four years. We believe we can do more with less in the next four years.

Mr Winnick: We'll see what happens, won't we?

Q33 Steve McCabe: Is it true that part of your savings are premised on using more IT and automation and less people at border posts?

Ms Homer: Yes, and in case working.

Q34 Steve McCabe: Did you see that report in the *Telegraph* on 28 October that claimed there had been a number of failures with your automated systems?

Ms Homer: Yes.

Steve McCabe: Yes. Was it accurate?

Ms Homer: We've got—

Mr Winnick: If it appeared in the *Telegraph* it must be.

Ms Homer: I wasn't going to say that.

Steve McCabe: Was it accurate?

Ms Homer: We have had two circumstances where individuals have used our e-gates when the gates should not have let them through and did and on both those occasions that has led us to make some changes to the system. That's during a period when 1.7 million

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people have used those gates and it is still in its evaluation phase. Neither machine nor, by the way, immigration officer is completely infallible but we believe that the e-gates are very safe, not the least because an immigration officer sits and observes them and, therefore, can always intervene if the decision the gate reaches is not to their professional standard.

Q35 Steve McCabe: When you say you've had two circumstances, did those include a man coming in using his sister's passport, and someone on the banned list entering the country and someone on the terrorist watch list entering the country? Is that true?

Ms Homer: The last one is not true but, yes, certainly we have had two examples where the machine did not recognise a face and one where the machine did not pick up a Watchlist hit. We're not sure on that one whether it was the machine or the entry that was wrong. So we've investigated both.

Q36 Steve McCabe: As you replace people with machines, what steps are you going to take to make sure that the number of these failures don't rise?

Ms Homer: We are still evaluating and changing these gates. They are a new creation. They have only been in use for a couple of years and we are constantly testing and checking them to make sure that the level of security they give us is high enough. As I say, in terms of the relative failure rate, those two were both reviewed and we think the machines are now more secure because of that evaluation. We absolutely expect, as with all technology, for these kind of reviews and evaluations to lead to improved systems in the future.

Q37 Mr Burley: One of the easiest ways to cut costs is to cut salaries. You've already stated this morning you don't expect to receive your bonus next year but you revealed at our last session, very memorably for us, that your annual salary is £208,000 a year. Do you think it's morally right in an age of austerity that you are paid £66,000 more a year than the Prime Minister?

Ms Homer: You have to make judgements about the relevant salaries for jobs relative to their difficulty and the skills you need people to undertake to do them.

Q38 Mr Burley: So your job is more difficult than the job of the Prime Minister?

Ms Homer: No, but I think you have to put people in jobs that can do them. The civil service will, no doubt, take decisions about the pay of senior civil servants and I am quite content to be a party to those decisions. I don't think it makes an enormous amount of sense for those decisions to be taken individually and bilaterally. I'm content that the new Government will make some judgments about senior salary and that that may well affect me.

Q39 Chair: Can I take you back to foreign national prisoners and the prisoners who escaped before being deported that led to the resignation of a previous Home Secretary? How many more have we located? According to the pie chart on page 1 of the Library note analysis of your letter, it seems that 73 have still not been located.

Ms Homer: I think it's 70 that haven't been located. We've located three more since I last spoke to you and we've removed five more.

Q40 Chair: Right. So, 70 since the last letter. Five more have been found.

Ms Homer: No, five more have been removed. We already knew where they were. We were in the process of removing them.

Chair: Right. But we're still looking for another 70?

Ms Homer: Yes.

Q41 Chair: What kind of assistance are you getting to try and locate these missing 70?

Ms Homer: We continue to have markers on all of these 70, both within our own systems and within the police system. We are confident now, I think, that if they emerge in any part of the system we will make matches. Obviously one of the issues for us is whether or not they're in the country. If they applied for a visa, in country or out, if they entered the criminal justice system, then we're confident we would pick them up, and indeed that's the way that we are finding the individuals that we're locating.

Q42 Chair: Can I now move on to enforced removals? Of course the Committee understands we can't ask you to clear a backlog and then ask you not to remove people from this country, that people have to be deported. The concern of the Committee following the Jimmy Mubenga case was the way in which matters progressed to get him removed. I don't want to talk about the circumstances of that case, because that's the subject of a criminal investigation, but can you just tell the Committee, as a matter of fact, when were you informed that he had died during this removal?

Ms Homer: Overnight.

Chair: Overnight. And then you informed the relevant Minister, did you?

Ms Homer: Yes.

Q43 Chair: I'm going to pass you a photograph or drawing of a restraint technique that has been used. Are you familiar with this technique? It's called nose distraction. You are?

Ms Homer: I'm not personally and technically familiar but, yes, I'm familiar with the concept.

Chair: You've not seen it being used?

Ms Homer: No.

Q44 Chair: When you give out contracts to people who are charged with the responsibility of removing people, what kind of guidance exists as to the way in which this should be done in the most humane manner?

Ms Homer: Do you mean restraint generally or this particular—

Chair: Yes.

Ms Homer: We have requirements within our contracts that contractors train their employees appropriately, that they follow the guidelines for force and, as the smaller user of detention and movement of prisoners, the agency has always followed the rules that the Ministry of Justice sets out. We always seek

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to perform to the standard that NOMS and MoJ set out and we expect our contractors to do the same.

Q45 Chair: G4S has just lost the contract for providing these services. Have the circumstances of this death or any other information that you may have received contributed to that loss of contract?

Ms Homer: No, this was a routine retendering of a major contract. We've had good commercial interest in it and a number of competitive bids and this contract was awarded on the basis of value for money and delivery. G4S remains a major provider for us in other parts of our business.

Q46 Chair: You awarded the contract to Reliance. Are you aware of the complaints about the way in which Reliance deals with people in custody? Were you aware of that when you awarded them the contract?

Ms Homer: We look at the quality of all the major providers as one of the aspects of award, and indeed we would expect them all to have a complaints system and to be able to show us that that's accessible and operated fully and fairly.

Q47 Chair: Yes. I think you misunderstand my question. Were you aware of the complaints made against Reliance, in particular the case of Gary Reynolds, the subject of—

Ms Homer: I'm not personally aware but I'm sure that the people who will have evaluated the contract will have looked at the quality standards of each of the providers.

Q48 Chair: But are you concerned that this company has been severely criticised by the Independent Police Complaints Commission over the way in which they have dealt with people in custody?

Ms Homer: We will look at all the providers because—

Q49 Chair: So you were aware of that before the contract was issued?

Ms Homer: Yes.

Q50 Chair: You knew about the record of Reliance before the contract was issued?

Ms Homer: Yes, and the point I was trying to make about complaints is that I think—

Q51 Chair: It is hardly a complaint if it's a judgment of the Independent Police Complaints Commission, is it? It's not someone complaining about them; it's a judgment.

Ms Homer: The point I was trying to make is that we would expect people who are in the process of restricting people's liberty, either in a detention centre or in movement, to be the subject of complaints. One of the issues that we will look at is not an absolutely blank record because, to be realistic, that may suggest there's not a good enough system for checking. You know we ourselves have undertaken a major review by Dame Nuala O'Loan into the treatment. So we will always look at these issues. The question is—

Q52 Chair: You're satisfied that G4S performed satisfactorily and that there's no problem with the Reliance Security Group?

Ms Homer: I'm satisfied in relation to G4S that where there were complaints, and a very small number were upheld against us over this period collectively, that action is taken and improvements are put in place.

Q53 Chair: And you have received no complaints from any employees of G4S about their concerns about these matters?

Ms Homer: Personally, no.

Q54 Mr Winnick: There have been complaints, have there not, about the removal of detainees prior to this tragic case?

Ms Homer: There have been many complaints and that was why I referred to Dame Nuala O'Loan's investigation, which the previous Home Secretary, Jacqui Smith, put in place because many of these complaints were made very generically and often in the media and we struggle to get enough detail to investigate. We did investigate very thoroughly when we were able to.

Q55 Mr Winnick: In July 2008 Birnberg Peirce & Partners, Medical Justice and the National Coalition of Anti-Deportation Campaigns—and I accept obviously they have a strong viewpoint—published a report and that said, "We have found an alarming and unacceptable number of injuries have been sustained by those subject to forced removals. In all cases in our dossier what may have started off as reasonable force turned into what we consider to be excessive force." Do you remember that report?

Ms Homer: I do remember the report.

Mr Winnick: It was called "Outsourcing Abuse", wasn't it?

Ms Homer: It was the report that led Jacqui Smith to ask Dame Nuala O'Loan to conduct her own investigation and I have to say that the original allegations in respect of both number and type of abuse proved very difficult to find any evidence of. Dame Nuala's report was received by us. It contained some very important recommendations, which we have been following through and putting in place, but it did not find the depth of evidence that was suggested in the report that you're referring to.

Q56 Mr Winnick: So what was written in the report you feel was not justified?

Ms Homer: I think much of it was not capable of being evidenced by Medical Justice or by Birnbergs, despite a very lengthy period being provided to them to provide evidence to support that. Dame Nuala's report, which I assume is still available in the House, details in very significant detail both the efforts she made to find evidence and her conclusions on that evidence and I believe that she gave us some sound recommendations that we have followed through on. So I think we learned lessons but, no, I don't think the original report was correct in the scale of its description.

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Q57 Mr Winnick: Do you accept that your organisation has overall responsibility for what occurs?

Ms Homer: Absolutely.

Q58 Dr Huppert: You commented that you follow Ministry of Justice advice but presumably you accept that there are particular categories of people who you deal with with the use of force. How do you keep track of what is happening on what best practice is in a whole range of services, particularly with vulnerable people such as children—and I'll come on, if I may, Chair, to ask some more questions on that—and people who are detained for an extremely long time?

Ms Homer: Yes. We utilise the forums that the Ministry of Justice creates as our best practice network and we follow the advice they already have but we also utilise that environment to seek advice. So we proactively ask for advice in circumstances where they might be more unique to the agency. For instance, the use of restraint on aircraft is something we rather than others do. We tend to still go back into the Ministry of Justice expertise so that they will then do specific work for us and that includes advice on medical approaches and training and review and evaluation. We also, because of the vulnerable nature of some of our clients, ensure that CCTV is used in many circumstances. We do our best to create an environment in which best practice can be followed and the standards can be evidenced.

Q59 Dr Huppert: You will presumably be aware of the evidence of psychological problems children get as a result of being detained for any period of time and you'll know that the Government made it very clear that child detention would be ended to deal with that. There's a story in the *Guardian* today suggesting that that is being delayed and, reading between the lines in the comments here and elsewhere, that UKBA don't seem to be able to come up with alternatives to child detention and, as a result, are not doing what the Government has said. What is happening about that?

Ms Homer: The coalition Government made a very strong commitment to end child detention. The Minister put in place a review to undertake that work very quickly after taking office. We've undertaken that review with a large number of groups from the voluntary and other sectors, so other Ministries of Government and many organisations, Citizens, and so forth, the Diana Trust. I think we've had a very productive working arrangement so far and we've been identifying improvements and changes we can make at every step of the way. We have improved the interaction with families at the beginning of the process; we've improved the mentoring and community support they get; we've worked with NGOs to look at the way we offer voluntary return and counselling. I think we've already made enormous changes and strides. There is an ongoing debate about the end. So, what do you do with a family who've gone all the way through the system many times, the courts have said they don't have a right to protection, we've offered them voluntary return, we've offered them self-check-in numerous

times? That is very difficult and so that is the bit that we are still working on with those groups.

Q60 Dr Huppert: As I understand the relationship, Ministers set the policy and then you deliver that policy. So when will I be able to ask the question, "Have we ended child detention?" and get the answer from you or the Minister, "Yes"?

Ms Homer: I think the question has been put to my Minister on the Floor of the House already and he has already seriously altered the amount of detention, the length of time we're keeping children, so that there's far smaller use already than there was. The question about when we—Yarl's Wood has no children in it at the moment, has had very few in. So I think it would be wrong to suggest it's just as it was until a point when a switch is thrown, but I think what Ministers have also said across the Government is that this has to be a system that's sustainable and that achieves the results that Government and the courts have said need to happen. So that's why, I think, there is a difficulty of what do you do when a family, in a sense, just say no, where they don't have a right to protection. We are looking to find ways to make it easier for those families to accept the weight of Government decision-making and to go under their own steam.

Q61 Nicola Blackwood: The Medical Foundation for the Care of Victims of Torture have raised with me some concerns about the poor implementation of rule 35 of the Detention Centre Rules. These concern victims of torture and others with special illnesses and conditions. They tell me that on 12 October, UKBA agreed to conduct an audit of the implementation of rule 35 and the processes associated with that. They told me that this was going to be released on 12 June. The release was then delayed to 9 July, then to the end of August and it now stands at before the end of 2010. They're understandably frustrated, as an FOI request to see the results of this audit was refused on the basis that it will be available, but since we've had now five months of delay, and potentially six months of delay, they are concerned that they may still not have this by next year. I wonder if you could provide for the Committee a copy of the audit, including the scope and terms of reference, the methodology and the interim and final results that you have reached.

Ms Homer: I'll check what the delay is on the FOI and certainly if we're going to put an FOI out it's important that we make sure the Committee sees that detail.

Q62 Steve McCabe: I just wanted to go back to the issue of children in detention. I can't imagine any of us are excited at the prospect of children being detained but I wonder if you could give us some idea of the numbers we're talking about and if you could say anything about the problem of people who claim to be children who turn out to be older than they are and the problem of children who are under the control of organised criminal gangs and what you would recommend might be an alternative way of dealing with that?

Ms Homer: Gosh, there's quite a lot in there.

9 November 2010 Ms Lin Homer

Steve McCabe: Would it be possible to write to us about it? I'm trying to understand why this is a problem and what other elements of it might exist. So, if it would be easier to write—

Ms Homer: Just very briefly, there are two forms of children that the agency looks after. One is the unaccompanied asylum-seeking children, and we do find a proportion of young men claiming to be 16 or 17 who we believe are older. We use a social worked assessment on age-disputed cases. We have a number of those and we have had circumstances where subsequently courts have decreed that a young man is an adult when he has claimed to be under 18. We are continuing to look for ways to safely determine a youngster's age when it might be something between 16 and 24. That's largely young men. They're all unaccompanied.

The number of families with children removed from UK from detention has dropped steadily over the period where we have been trying to find more humane and voluntary means of removing them. So we were removing about 30 units a month in November 2009. It's down in single figures now and this is one of the challenges that we face, that it's very difficult to incentivise a family to go if they believe that there are not consequences of saying no. So we are struggling to remove families. Nonetheless, we have continued to remove a number and in the period June to October this year we removed 22 families. That is only about 20% of the same number as we removed last year.

Q63 Chair: Could you write to us on the points that Mr McCabe has raised?

Ms Homer: Yes.

Q64 Bridget Phillipson: G4S told us that UKBA are responsible for conducting a comprehensive health review prior to handing people over for removal.

Ms Homer: Yes.

Bridget Phillipson: Can we see a copy of the form that is used?

Ms Homer: Yes. I have brought one with me and I would be happy to electronically send that to the Committee as well if you would like.

Q65 Chair: So that means before people are removed their health conditions are checked?

Ms Homer: It's quite a full form. The easiest thing is for me to let the Committee look at it. If there are further questions once you've looked at it, we'd obviously be very interested to hear from you but I can undertake to do that.

Q66 Dr Huppert: In 2006, Her Majesty's Chief Inspector of Prisons recommended that responsibility for healthcare in immigration detention centres be transferred from the Home Office to the Department of Health, as happened for prison healthcare, and I'm sure you'd accept that the Department of Health knows a bit more about healthcare than the Home

Office. What progress has happened with that? How are we ensuring that there is proper healthcare available?

Ms Homer: Anne Owers' advice on healthcare was taken very seriously and we've entered into arrangements where we've at least sought to get Department of Health oversight of all our healthcare arrangements, even if we were still paying for them through private providers. We have brought in the Department of Health in that capacity. Obviously the Department of Health is keen that the agency continues to shoulder its responsibilities for funding healthcare and so it's not quite that we've just lifted and moved our responsibilities but they're now much more significantly involved, as are social care, because we accept in the same way that we're not social care experts and should not be taking those decisions unaided by the professionals.

Q67 Chair: In respect of that form that you very kindly have brought to the Committee today, who looks at this form?

Ms Homer: This is a form that has to be filled in before—

Chair: By whom?

Ms Homer: By both our own staff who are detaining and the people that they're handing over. So, it becomes part of the record.

Chair: They fill in the form?

Ms Homer: The people who have been responsible for detention fill in the form and its aim is to ensure that there is a full understanding of the individual as they are transferred.

Q68 Chair: Then who looks at the form and assesses, because obviously it's quite technical? It talks about what kinds of medical risks there are, health risk. Is it looked at by a doctor?

Ms Homer: The medical parts of it are filled in by medical experts and—

Chair: Sorry, medical experts? By a doctor?

Ms Homer: Well, those would be doctors, nurses, it could be dentistry. So, you know that in our detention centres there is access to healthcare, and indeed on our charters we more often than not have medical escorts as part of the charter removal.

Q69 Chair: So in Mr Mubenga's case there would be a copy of this somewhere in the file?

Ms Homer: Yes.

Q70 Chair: Excellent. Ms Homer, as usual, it has been a long session but we're always very grateful to you for the information you provide. I wonder if you could take away the template that we have produced for you.

Ms Homer: I will.

Chair: And if your next letter could follow that template we'd be most grateful.

Ms Homer: Happy to do so.

Chair: Thank you very much for coming.

Written evidence

Memorandum submitted by UKBA

I am writing to follow up a number of issues raised by your Committee at my evidence session on 9 November.

Asylum Decision Making Process

The Committee requested information about the asylum decision process. Making decisions on asylum applications is a complex and difficult job and it is one that the UK Border Agency and its case owners take very seriously. The claims of asylum seekers are considered very carefully and on their individual merits.

The agency's Foundation Training course, developed with input from the UNHCR, trains case owners to investigate all aspects of a claim taking into account oral evidence and written evidence from the applicant as well as objective country evidence.

The case owner who conducts the asylum interview is expected to research the issues raised in a claim and to ask relevant questions about the applicant's experiences in the country of origin and, where relevant, since arrival in the UK. Applications are then assessed against detailed background information and guidance available on the situation in the applicant's country of nationality.

Operational Guidance Notes (OGNs) provide an evaluation of the relevant country information and apply that together with general asylum policy and caselaw to provide case owners with clear guidance on how to deal with the main categories of asylum and human rights claims received from applicants from the country concerned. OGNs are informed by the country information provided by the Home Office Country of Origin Information Service, which closely monitors the human rights situation in all the countries that generate asylum seekers to the UK. It provides accurate, objective, sourced and up-to-date information on asylum seekers' countries of origin, for use by UK Border Agency officials involved in the asylum determination process.

Case owners within the UK Border Agency take decisions following caselaw. We accept that this can change constantly but that ultimately, the courts are the final arbiter of the decision to grant or refuse leave.

Regarding the quality of our decision making, UNHCR have praised our quality assurance system in respect of decision making as one of the best there is. With European Commission and UNHCR support, we are engaged in a UNHCR-led project (with Germany and Austria) to export these assurance mechanisms to 14 EU states.

The agency recognises that more needs to be done to speed up the process. We have set up the Asylum Improvement Project to increase productivity and speed up the processing of applications. Furthermore, we have designed a new performance framework, to move from an exclusive focus on the six month conclusion rate target to a broader focus which will show the health of the overall asylum system. One of the indicators is the percentage of adult initial decisions taken within 30 days. We are committed to raising this performance and have seen performance rise from 25% in the August 2008 cohort to 72% for the August 2010 cohort. But, we know that speed is not everything which is why we will also have a stretching quality indicator to ensure that we have good quality speedy decisions. These indicators will form part of the agency business plan.

I hope you can see from the above that the agency takes its responsibilities very seriously and takes all decisions only after careful consideration of the facts. The agency is well aware of its obligations under the 1951 Convention and the ECHR and is proud to provide protection under both. However, we are equally determined that those applicants who both the agency and the courts are satisfied do not need our protection and refuse to leave voluntarily are removed in a timely fashion.

Children in Detention

The Committee also requested information about the numbers of children in detention, those who claim to be children and alternative ways for dealing with children who are under the control of organised crime gangs.

The Committee will be aware that the Coalition Government is committed to ending the detention of children for immigration purposes and we have been working with our partners to find suitable alternatives.

We have already made considerable progress. Two pilots are being conducted (one in the North West and one in London) to test out new ways of affecting family returns. Both pilots are following broadly the same process of working with the family in the community, and seeking to give them every opportunity to return by making their own preparations for departure. We need to be sure that the process we adopt will work in practice.

Where we have had to detain as a very last resort we have been doing so in much smaller numbers and for a shorter length of time (the average now being less than four days compared to around 13 days last year).

As I said to the Committee when I gave evidence, this does however present challenges and we are now working to find alternatives which in fact do not create a perverse incentive and lead to poorer outcomes for children. In particular, we are alert to the increased risk of trafficking and will continue to monitor this.

The Committee also asked about the number of asylum applicants whose claim to be a child is disputed by the UK Border Agency and while that has reduced significantly over the last year—270 age disputes were recorded for the first six months of 2010, which is 62% lower than the same period in 2009 (705)—we continue to monitor this closely.

Rule 35 of the Detention Centre Rules

The Committee requested further information about the publication of the audit of the implementation of Rule 35 of the Detention Centre Rules 2001. Rule 35 relates to special illnesses and conditions, and the circumstances in which the medical practitioner at an immigration removal centre must report and handle those special illnesses and conditions. I can confirm that an evaluation into Rule 35 is presently being conducted. The main areas of focus (response compliance and timescales) were suggested by the Medical Foundation and other NGOs. Following internal discussion in September, it was decided to publish the report later than planned to allow for further valuable analysis to be undertaken. We have given a commitment to advise Ministers of our findings on this issue by the end of November prior to publishing the report before the end of 2010. I will ensure that the Committee receives a copy once the report is published.

Cost of the Facilitated Return Scheme

I informed the Committee in my letter of 4 February 2010 that we expected the cost of the Facilitated Return Scheme (FRS) in 2009–10 to be approximately £6.3 million. Actual expenditure for the year was £7.1 million (inclusive of £2.3 million of EU funding). The higher spend was due to higher than expected numbers of foreign nationals taking up the scheme FRS had accounted for around 30% of the 5,530 foreign national prisoner removals in 2009, but that proportion increased to around 50% in the first two quarters of 2010 (against total removals of 2425).

The cost of running the scheme in 2010–11 is currently estimated at £9.7 million (including up to £2.7 million of EU funding). It is anticipated that the lower package values awarded from 1 October 2010 will mean an overall reduction in expenditure on the scheme in future. The financial impact may not be immediate though, as those approved for FRS prior to 1 October 2010 and removed by March 2011 will have six months from the date of their return to claim the assistance, and will still be entitled to claim the higher values offered under the previous terms of the scheme. I remain of the view that FRS is a practical solution which saves the taxpayer money in the long-run, and means foreign criminals can be removed as soon as possible denying them the opportunity to re-offend or prolong the process with frivolous judicial challenges.

Mr Jimmy Mubenga

Finally, I need to clarify that the Person Escort Record (PER), a copy of which I gave to the Committee, is currently used by the police and the Prison Service and is now being piloted by the agency. Mr Mubenga's information was not recorded on this particular form but on a collection of forms throughout the time he was with us. I can assure the Committee that he had a full risk assessment which considered his conduct and known medical records as provided by a qualified medical practitioner, and the information was made available to the escorts. I enclose a blank copy of the actual form used in his case.¹

One of the reasons we are piloting the PER is to ensure that risk assessment is conducted in a uniform manner and is recorded in a common format. I trust this letter assures you that we nonetheless take risk assessment very seriously.

I will write to you again in March 2011 with my next update letter.

November 2010

Statistics from House of Commons Library

Deportation of Foreign National Prisoners (FNPs)

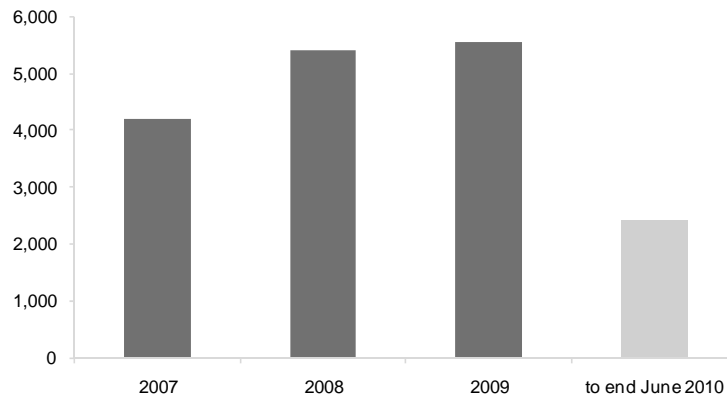
Up to the end of June 2010, the UKBA has removed/deported 2,425 FNPs.

A total of 5,355 foreign national prisoners were removed in the financial year 2009–10. This was below the UK Border Agency target which was to remove 6,000 foreign national prisoners in 2009–10.

Information for Q3 2010 is due to be published on 25 November 2010—*Control of Immigration Statistics, Quarterly Statistical Summary*, Home Office

¹ Not printed.

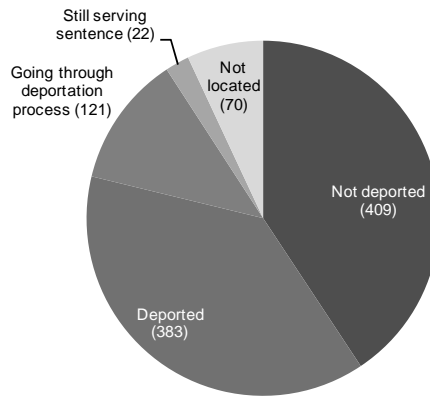
Fig 1: Foreign national prisoners removed/deported by calendar year



The 1,013 Cases of FNPs Released Without Consideration for Deportation

Excluding the eight duplicate records identified, there are 1,005 unique cases of FNPs released without consideration for deportation. The progress and outcome of these cases, as at 22 October 2010, is summarised in Figure 2.

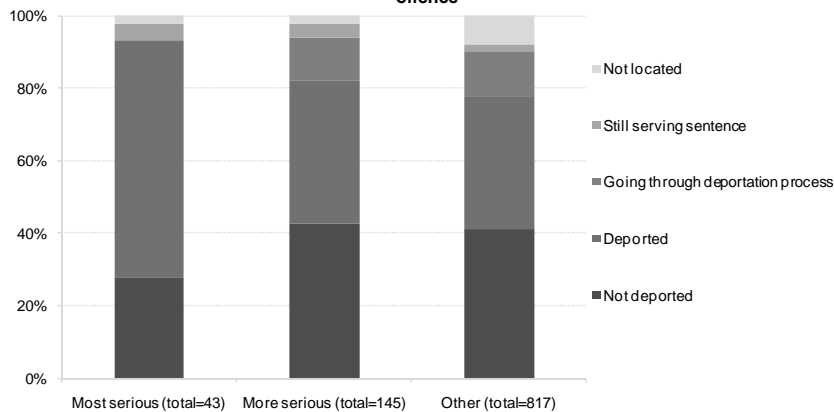
Fig 2: FNPs released without consideration for deportation



The outcomes broken down by seriousness of offence are illustrated in Figure 3. It shows, for instance, that of the 43 most serious cases deportation was the outcome in two-thirds of cases. Among the “more serious” and “other” category of offenders non-deportations were higher than deportations.

A higher proportion of the “most serious” cases have been concluded (93%) than the “more serious” (82%) and “other” (77%).

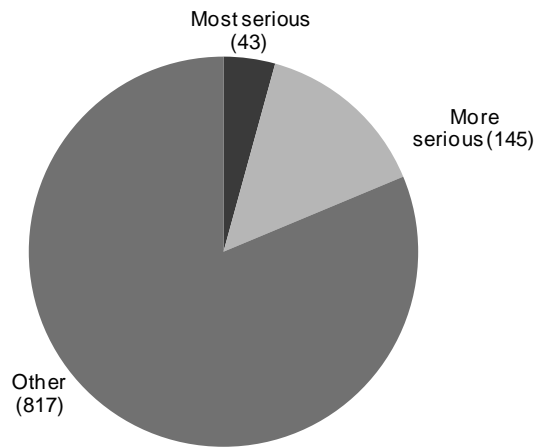
Fig. 3: FNPs released without consideration for deportation by seriousness of offence



In total 70 released FNPs have not been located of which one served a sentence for “most serious” offence and three for a “more serious” offence.

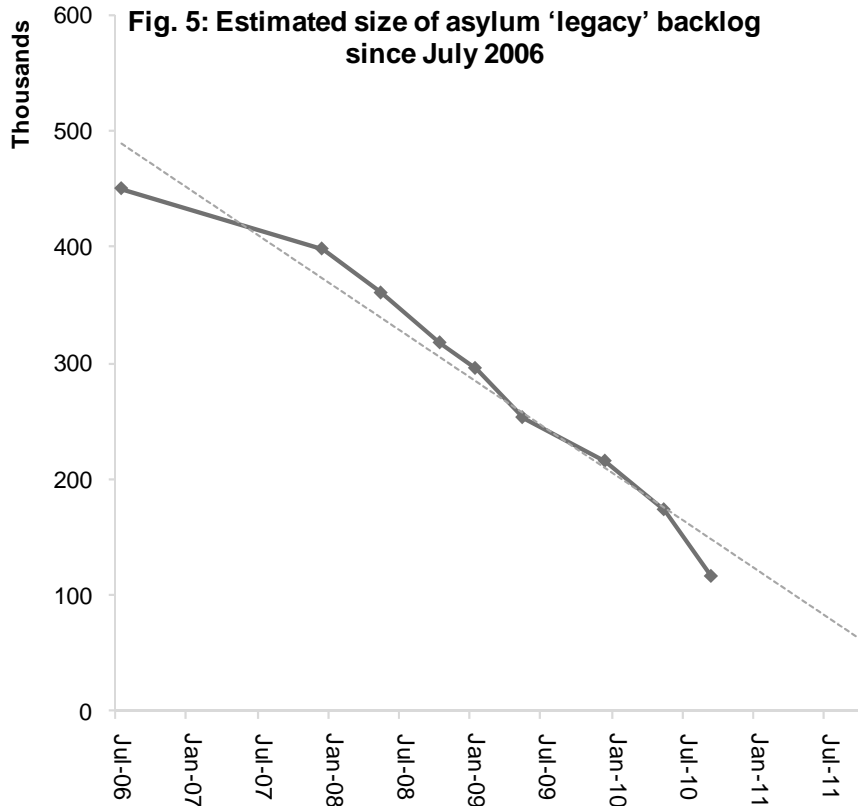
The pie chart below simply shows the 1,005 cases by seriousness of offence:

Fig. 4: FNPs released without consideration for deportation – seriousness of offences

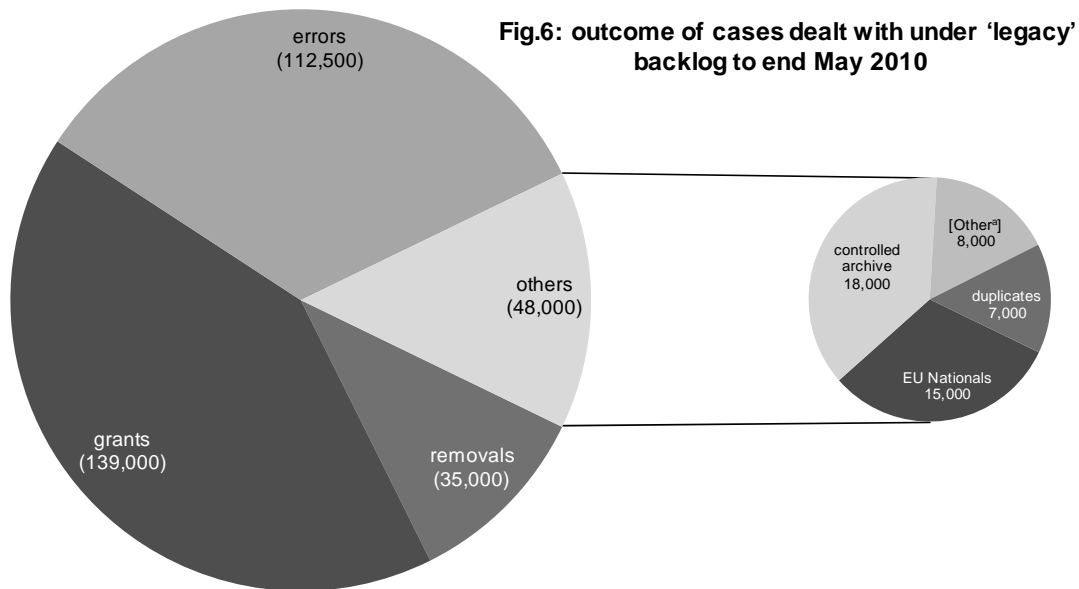


Asylum Cases—The “Legacy” Backlog

The chart below shows the number of cases remaining in the legacy backlog between July 2006 and September 2010, based on previous letters from the UKBA/BIA to the Select Committee. Also shown is a simple projection of the size of the backlog to summer 2011 (dotted grey line), based purely on the rate of clearance since July 2006.



Finally, the pie chart shows the outcomes of the 334,500 cases dealt with in the legacy backlog to the end of September 2010. The “others” category has been further broken down in the smaller pie. Note that subtracting all the individual conclusion categories provided in the letter (removals, grants, duplicates, errors, EU nationals, controlled archive) from 334,500 still leaves 8,000 cases not accounted for. These have been assigned to the [Other] category in the smaller pie.



Note A: the [Other] category is the remainder of cases after all other outcomes listed in the UKBA letter of 19 July had been subtracted from the 277,000 total.

Letter from the UK Border Agency dated 1 November 2010

I am writing to provide the Committee with information on our progress with deporting foreign criminals and our conclusion of the caseload of historic asylum cases (legacy cases) since my previous letter of 19 July 2010.

As with my letters to the previous Committee, the information provided here is subject to revisions for the same reasons I have set out to the Committee before regarding data quality.

Introduction

1. We have consulted on a limit on non-EU economic migration to the UK and I know that the Committee will be producing a report. The Home Secretary expects to make an announcement by the end of the year. We are working with our corporate partners on ending the detention of children for immigration purposes and exploring new ways to improve the current asylum system to speed up the processing of applications.

2. In general, the position on new asylum cases remains promising. Intake remains at a historic low, in contrast to significant rises in intake experienced across the EU, including in France and Germany. Since the start of the financial year, we have seen a gradual and sustained increase in case conclusion performance from 50% in September 2009 to 55% in February 2010. The January cohort closed on 59%, the best non-June cohort since the New Asylum Model (NAM) began. At the same time, NAM removals have been on an upward trend since 2008. We are far from complacent and recognise that much more needs to be done. We have set up the Asylum improvement Project to increase productivity and speed up the processing of applications. I do, however, believe that we have a solid base of performance to build on.

3. This summer also saw an intensified period of nationwide enforcement action by the UK Border Agency working with the Serious Organised Crime Agency and police forces across the country to crack down on a range of immigration offences including illegal working, sham marriages, bogus colleges and organised crime. Over 400 operations between July and September have resulted in over 800 arrests with at least £500,000 cash seized under the Proceeds of Crime Act (POCA). Many of these investigations are ongoing.

Foreign National Prisoners (FNPS)

Focusing on high harm removals

4. Published information shows that in the first two quarters of 2010, we removed or deported 2,425² foreign criminals from the UK. The total number of removals, deportations or voluntary departures from the UK in the same period was approximately 29,1702.³

5. The criminals removed during this period included 33 individuals found guilty of murder, attempted murder or causing death, over 160 sex offenders and over 800 drug offenders. Of the drug offenders removed,

² January to March 1,225; April to June 1,200. Source: Control of Immigration: Quarterly Statistical Summary, United Kingdom—first and second quarters 2010. This compares to 2,720 over the same period in 2009 (after data cleansing).

³ January to March 15,040; April to June 14,130. Source as above.

almost 500 were convicted of the production or supply of drugs, over 100 were convicted of possession with intent to supply, and almost 200 were convicted of the importation of drugs⁴.

6. We are reviewing our current performance framework in relation to how we manage our delivery of foreign national prisoner removals. This will include moving to reporting performance by financial year rather than calendar year. My quarterly updates to the Committee in the future will be aligned with this revised framework.

Foreign national prisoners released without consideration for deportation

7. I am providing the Committee with the following update on the progress we are making on the cases of the 1,013 foreign prisoners who in 2006 were found to have been released without consideration for deportation. These figures are accurate as at 22 October 2010.

<i>No of cases concluded Of whom x have been deported or removed</i>	<i>Cases still going through the deportation process</i>	<i>Number of individuals serving a custodial sentence</i>	<i>Not located</i>	<i>Total</i>
800 383 have been deported or removed	121	22	70	1,013

8. We continue to make steady progress with these cases despite their age and complexity and we have removed a further five cases since my last letter in July, including one drug offender who had served a five year sentence. You will also note that three more individuals have been located since I last reported, including two drug offenders.

9. I have set out a detailed update on these cases in the table below, broken down by seriousness of offence.

	<i>Cases concluded</i>	<i>(of which removals/deportations)</i>	<i>Cases going through deportation process</i>	<i>Nos. Still serving custodial sentence</i>	<i>Not located</i>	<i>Total</i>
Most serious	40	(28)	0	2	1	43
More serious	119	(57)	17	6	3	145
Other	633	(298)	104	14	66	817
Duplicates	8					8
Total	800	(383)	121	22	70	1,013

10. Details of the 417 concluded cases that did not result in removal or deportation are as follows:

	<i>Most serious</i>	<i>More serious</i>	<i>Other</i>	<i>Duplicates</i>	<i>Total</i>
Appeal allowed	2	24	66		92
British citizen	2	21	58		81
Irish citizen		2	8		10
Exempt	4	2	16		22
Deport criteria not met	2	8	107		117
Other reasons	2	5	80		87
Duplicates				8	8
Total	12	62	335	8	417

11. You will note that the further two cases which have been concluded but not removed are in the 'other' category of offence. One of these individuals was allowed to stay following an allowed appeal and in another case, deportation was not pursued in view of strong grounds under Article 8 Human Rights.

Facilitated Return Scheme—Changes from 1 October

12. In my letter of 4 February to the Committee, I provided details of the Early Removal (ERS) and Facilitated Return Schemes (FRS). Due to the current economic situation it has been decided to reduce the amount of assistance given to those who leave the country under the Facilitated Return Scheme. The Facilitated Return Scheme is a practical solution that not only saves the taxpayer money in the long run, but also means foreign criminals are removed as soon as possible denying them the opportunity to re-offend or drag out the removal process with frivolous judicial challenges. Every day that a foreign national is held in prison costs the

⁴ The figures relating to offence types are based on internal management information and should therefore be treated as provisional and subject to change.

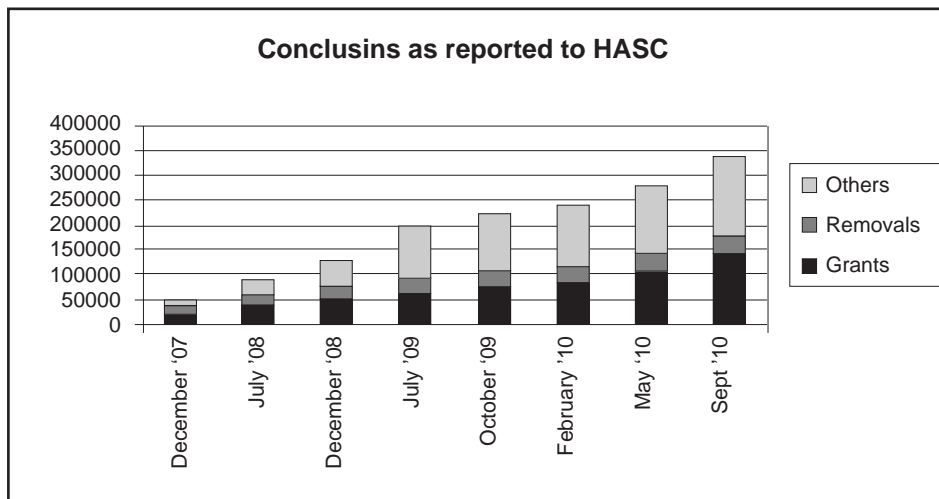
tax payer money—that is why they should be removed from the UK at the earliest opportunity. As of 1 October 2010, those who apply for and are accepted for the scheme will receive a payment of between £750 and £1,500 to help them build a new life on return to their home country. Individuals continue to receive £500 on a pre paid card when they leave the UK. In order to obtain the balance, they are required to contact the International Organization for Migration within a month of return to their home country with evidence of how they intend to use the money (for example, accommodation, starting a business or medical expenses).

13. We are removing more foreign national prisoners each year during the ERS period and/or through FRS. It is estimated that in 2010 approximately a third of all foreign national prisoner removals will occur before the end of sentence. Although the impact of the changes to FRS is unknown at this time, it is anticipated that the scheme will continue to deliver significant foreign national prisoner removals in 2010.

Resolution of Older Cases

14. The UK Border Agency continues to make good progress in clearing the asylum backlog and had cleared 334,500 cases at the end of September 2010, which is an increase of 57,500 cases since I updated you in July. Of the 334,500 cases, 42% were grants, 11% were removals, and 48% were “other” conclusions. These rates continue to remain relatively stable.

CONCLUSIONS AS REPORTED TO HASC



15. We are determined that those who should not be in receipt of support are taken off it and we have now concluded a further 8,100 supported people’s cases (supported in the life of the Programme).

Controlled Archive

16. There are now 18,000 cases in the concluded controlled archive, in my previous letter I explained that there were around 20,000 cases that had been in the controlled archive for less than six months. Some of these cases have now matured. We expect this number to rise with 43,000 controlled archive cases reaching the six month stage within the next reporting period and so a significant amount of case work that has yet to be reported will be reflected in my next update.

Transitional Costs Fund

17. The agency has written to all Local Authorities with details of the final reimbursement scheme that will be made available to them to claim back additional costs that they have incurred as a result of clearing the backlog.

Outstanding Migration Cases

18. The estimated 40,000 outstanding migration cases continue to be managed by a small team in Manchester and they have now cleared 2,450 cases, which breaks down as 350 grants and 2,100 other conclusions.⁵ The majority of the other conclusions were cases where the person had already been granted leave and the electronic record needed updating. In addition, some of these cases had duplicated records which have now been deleted. As work to clear the asylum backlog draws to a close, the agency will devote more resource to clear the non-asylum backlog by summer 2011.

⁵ These figures are from local management information records which are subject to change and are not national statistics.

Writing Out to Applicants

19. All remaining legacy cases will have passed through the cleansing “front-end” process by mid-December. This means that the agency will have written out to the majority of the remaining applicants by this time. This will confirm to applicants that they are part of the backlog and also offer them the opportunity to provide further information about their cases. All applicants should therefore be very clear about the status of their case at this point. I am confident that we remain on track to complete the programme by summer 2011.

Annex A

CLEARING THE BACKLOG OF OLDER CASES—PROGRESS TO DATE (AS OF 30 SEPTEMBER 2010)

Table 1.1

CONCLUSIONS⁶ BY MAIN APPLICANT AND DEPENDANTS

	<i>Total number concluded</i>	<i>Of which, main applicants</i>	<i>Of which dependants</i>
Removals ⁷	35,000	32,500	2,500
Grants ⁸	139,000	91,500	47,500
Others ⁹	160,500	141,000*	19,500
Total	334,500	265,000	69,500

*NB. Rounded to nearest 500. Figures may not sum due to independent rounding. *Includes 8,000 concluded cases in live locations also counted in this category*

Table 1.2

CONCLUSIONS ON SUPPORTED¹⁰ CASES

Main	35,500
Dependants	36,350
Total	71,700 ¹¹

Rounded to nearest 50. Figures may not sum due to independent rounding

Removals and Voluntary Departures

Table 2.1

REMOVALS AND VOLUNTARY DEPARTURES, BY AGE OF CASE

<i>Nationality</i>	<i>Total</i>
Turkey	3,000
Afghanistan	3,000
Iraq	2,700
China	2,400
Pakistan	1,950
India	1,850
Kosovo	1,550
Iran (Islamic Republic of)	1,550
Nigeria	1,400
Sri Lanka	1,300

Rounded to nearest 50, count of People

⁶ Case conclusions: Cases are taken to a logical conclusion, including removal, grant of a period of stay within the UK and closure of the cases through updating of CID records where actions hadn't previously been recorded.

⁷ Removals: Deportations, Extradition, Enforced Removals and Voluntary Departures, assisted and unassisted—Commissioned by Case Resolution Directorate. Count of People.

⁸ Case conclusions Cases are taken to a logical conclusion including removal, grant of a period of stay within the UK and closure of Grants: Cases granted some form of leave, be it limited or indefinite commissioned by Case Resolution Directorate. Count of Case ID.

⁹ Others: In these cases Case Resolution Directorate has determined that an action has occurred that led to a grant of some form of leave, or removal that wasn't recorded on the Case Information Database. This also includes duplicate cases that have been deleted from Case Information Database. In all circumstances Case Resolution Directorates actions have been to update or delete the Case Information Database with the appropriate information: Count of Case ID, count of Person ID.

¹⁰ Cases that were on support between 5 March 2007 and to date of the report.

General: Conclusion data is sourced from the Case Information database. Supported data is sourced from ASYS (Asylum Seeker Support System)

¹¹ In my previous letter I reported that the agency had taken 77,500 people off support. This has since been found to be incorrect and the figure should have been 63,600 (29,750 main and 33,850 dependants). This error was due to a failure of an internal processing function inbuilt within excel. which led to an over count This issue has since been resolved and this over count will not occur again.

Table 2.2

REMOVALS AND VOLUNTARY DEPARTURES, BY AGE OF CASE

<i>Time to conclusion</i>	<i>Percentage</i>
Under 3 years	23%
3–7 years	47%
7 years +	30%

Rounded to nearest %. Figures may not sum due to independent rounding

Conclusions for Another Reason

Table 3.1CONCLUSIONS FOR ANOTHER REASON^{12, 13}

<i>Type:</i>	<i>Total number concluded</i>	<i>Of which, main applicants</i>	<i>Of which, dependants</i>
Duplicates	7,000	4,500	2,500
Errors	112,500	101,500	11,500
EU Nationals	15,000	10,500	4,500
Controlled Archive	18,000	16,500	1,500

NB. Rounded to nearest 500. Figures may not sum due to independent rounding

Leave to Remain in the UK

Table 4.1

GRANTS, BY NATIONALITY (TOP 10 COUNTRIES)

<i>Nationality</i>	<i>Total</i>
Zimbabwe	10,600
Iran (Islamic Republic of)	9,800
Pakistan	9,300
Sri Lanka	9,200
China	8,850
Iraq	8,200
Somalia	7,550
Afghanistan	5,950
Nigeria	5,200
Turkey	4,950

Rounded to nearest 50, count of Case ID

¹² Others: In these cases Case Resolution Directorate has determined that an action has occurred that led to a grant of some form of leave, or removal that wasn't recorded on the Case Information Database. This also includes duplicate cases that have been deleted from Case Information Database. In all circumstances Case Resolution Directorates actions have been to update or delete the Case Information Database with the appropriate information: Count of Case ID, count of Person ID.

¹³ In my previous letter I reported that the agency had taken 77,500 people off support. This has since been found to be incorrect and the figure should have been 63,600 (29,750 main and 33,850 dependants). This error was due to a failure of an internal processing function inbuilt within excel, which led to an over count. This issue has since been resolved and this over count will not occur again.