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Chair, Home Affairs Select Committee
Room 156
7 Millbank
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14 June 2007

REFORMING THE DEPORTATION SYSTEM AND THE BORDER AND IMMIGRATION AGENCY'S WIDER PROGRAMME OF REFORM

I last wrote to you on 19 February this year regarding the progress being made in both establishing a new deportation system and dealing with the 1013 foreign national prisoners released without deportation consideration.

2. I thought it would be helpful at this stage to provide an overview of the major transformation which has taken place in our performance on deportation from the unacceptable position we found ourselves in last April.
3. I would also like to take this opportunity to update more broadly on the very significant changes to the organisation which have taken place over the past year leading to the creation of the shadow Border and Immigration Agency. I believe these far-reaching reforms will help ensure that we do not have a repeat of a similar failure in the deportation system. They will also help to drive significant improvements in performance across all of the different areas of the Border & Immigration Agency so that we can deliver a much improved service.

Key deportation achievements

4. One of the major problems in the deportation system which led to the failure to properly consider deportation for foreign national prisoners was that cases were not looked at consistently and early enough before release. Since last April we have addressed this by establishing a robust system with our colleagues from the Ministry of Justice which has ensured that foreign national prisoners are not released without full consideration of their deportation having taken place.
5. The Criminal Casework Directorate (CCD) is now considering most new deportation cases 8 months before the earliest date of release. This has ensured that we have met the objective which the Home Secretary set out to Parliament last October that deportation

consideration should take place 6 months before the expiry of sentence. I expect us to continue to build on this and CCD have a challenging new target of considering cases 12 months before release date, where sentence length allows for this, by November of this year.

6. We have also removed or deported a record volume of foreign national prisoners- 2784 left the United Kingdom in the financial year 2006-07, compared to 1500 in previous years. If we continue at the current rate, we expect over 4000 foreign national prisoners will have left in 2007.

7. These notable successes in improving the rigour of consideration and increasing removals have been achieved through a number of mechanisms. This has included: reviews of policy, guidance, and workflow processes; improvements to data quality and information management; changes to management structures; and a very significant injection of resource from elsewhere in the organisation. The provisions in the UK Borders Bill which are currently being debated by Parliament will also help us build on our reform of the system once they are enacted.

1013 cases released without deportation consideration

8. Whilst we have been implementing new procedures for new deportation cases, we have also sought to conclude the 1013 cases we failed to consider for deportation before release. The information I am providing to you on this group is subject to further revision for all the same reasons I have set out to you in my previous letters regarding data quality.

9. 543 individuals from this group have had their cases concluded with 214 having been deported or removed from the country and 329 having been judged to have the right to stay in the United Kingdom. In a further 58 cases the individual is still in prison or on remand so we cannot proceed with deportation action until later in their sentence.

Deportations in process

10. A further 263 cases are currently going through the deportation system and many have reached their latter stages such as final legal appeals or the re-documentation process. There are currently 92 individuals who are detained within either the prison or the immigration detention estate from within this cohort. An additional 133 individuals have also currently been released on bail which has been granted by the courts. In 38 cases the Border and Immigration Agency has granted temporary release to the individual concerned and placed them on reporting conditions as detention is not possible due to legal or other practical considerations. The remaining 149 cases have not been located. To our knowledge they have not committed further offences, and given what we know about this group it is possible that many of those individuals have left the country of their own volition.

Progress in dealing with “most” and “more serious” cases

11. When I last wrote to you in February, I outlined that there was only one outstanding offender classified within the 43 in the “most” serious category who we had not located. This remains the case currently.

12. In respect of the 146 more serious cases, 33 individuals from this group have now been deported or removed from the UK. 33 are detained or are on reporting conditions while they await deportation action. 19 have been granted bail by the Asylum and Immigration Tribunal pending a final decision by the courts on their deportation and in 10 cases the courts have not upheld our decision to pursue deportation. We are not pursuing deportation action against 37 individuals from with this group. There are 14 individuals from this group who have not been located.

13. I would also like to update you on the status of those individuals within the most and more serious group who have been previously detained but who have currently been granted bail by the Asylum and Immigration Tribunal. In all of these cases we robustly opposed bail.

14. Of the 6 individuals currently granted bail from the most serious group, one has not complied with the bail conditions imposed by the court and is not reporting to the immigration authorities. Of the 19 individuals from the more serious group who have currently been granted bail by the Asylum and Immigration Tribunal, 3 of these individuals are no longer complying with their conditions of release and are not reporting to the immigration authorities where they have been instructed to do so.

15. We are working closely with the police and other services to locate and detain all of these individuals who have failed to comply with the bail conditions imposed by the courts. We will also instigate further proceedings before the courts in these cases when we locate the individual concerned and ask the courts for bail to be revoked and for the individual to be re-detained.

Review of the failure to consider some foreign national prisoners for deportation

16. When I wrote to you last October I explained that I had commissioned a review into the reasons why the 1013 group of foreign national prisoners were released without consideration of deportation. I am now in a position to share with the Committee the report that was undertaken by Stuart Hyde, Assistant Chief Constable in the West Midlands Police, and former Senior Director for Enforcement in the Border and Immigration Agency.

17. I received the final report on 16 May. It identifies a number of factors which contributed to the failure. These include very rapid growth of criminal casework; related under-resourcing and a failure to understand in this context the difference between a queue and a production line; failures in processes and systems (including data quality, workflow management, case-tracking and prioritisation); inappropriate performance targets; and inadequate risk management procedures.

18. One of its most striking findings is that in 2002/03 the Criminal Casework Team consisted of 22 staff led by an HEO on temporary promotion. It is now over 20 times larger and led by a Director. It also points out that a major strategic reappraisal of the organisation's objectives would have been needed to deliver such a change in resource profile, but that this never occurred before these crises.

19. The report identifies these systemic deficiencies rather than individual errors as the primary reasons for the failure. It also makes clear that the Permanent Secretary and Ministers

were not informed of the true nature of the problem until March 2006 – at which point they immediately made it public.

20. I believe that the findings of the review align very closely to your Committee's, and our own, diagnosis of the situation, and as a result many actions have already been taken which directly address the problems identified. I am attaching the full report and our Action Plan in response to it, aligned to your Committee's recommendations, as an Annex to this letter. It is crucial to the future of the organisation that we learn the lessons from this. I believe that performance in the area of criminal casework and deportations in recent months shows that we are starting to do this. The process is not yet perfect, but I believe that we are getting back on track. I am very grateful to all of the staff involved, and our partner organisations, including the Prison Service, for the efforts which have been put in and the progress that has been made.

Wider programme of reform

21. At the same time as addressing the urgent need for reform of our criminal casework function, we have also embarked upon a much wider programme of reform of the organisation as a whole.

22. Our intentions were set out in "Fair, effective, transparent and trusted: rebuilding confidence in our immigration system", which was published in July 2006, following the review of the Home Office published earlier that month. This set out an ambitious agenda to refocus and sharpen the strategic objectives and focus of the organisation, while at the same time making some fundamental changes to process and practices in order to uplift capability across the board. I believe we have made a serious start on this, and I am pleased to be able to report some important recent achievements. In terms of performance against our key targets:

- We are **rapidly putting in place our offshore borders**. Pre-arrival data on over 20 million passenger movements are now screened; biometric visas are now issued in 63 countries; new legislation with additional powers for immigration officers introduced; and uniforms introduced for Border Control staff, together with new signage at ports, to promote public confidence.
- We are **fast tracking asylum cases**, and are already close to achieving our December 2007 target of concluding 40% of cases within 6 months, all new asylum claimants tagged or monitored, and more failed asylum seekers removed than unfounded claims made in 2006 (the "tipping the balance" target) – the first time that has ever been achieved.
- We are **ensuring and enforcing compliance with our immigration laws**, with new cross-Government partnerships, backed by £100m of extra resource, additional police officer support, and an illegal working campaign to crack down on rogue employers. From January to May this year we have carried out over 6,000 enforcement visits, resulting in over 4,000 arrests. A new removal centre for immigration detainees will also be established at Gatwick in 2008 and will have 426 spaces.
- We are **boosting Britain's economy**, by continuing to develop an Australian-style points-based system, establishing an independent Migration Advisory Committee, and with over 70,000 people enrolled in trusted traveller schemes.

23. We have delivered this performance whilst simultaneously putting in place some significant structural reforms which will drive future effectiveness:

- The Border & Immigration Agency was established on 2 April, in shadow form for one year, moving to full Agency status within a year, to improve transparency, delivery and accountability
- We have put in place a new regional structure for the Agency, to promote better partnership working and local accountability
- We have introduced provisions to Parliament for a new Independent Inspectorate, to provide more rigorous scrutiny of our operation and drive up performance
- We have begun major programmes of process reform across our biggest business operations, backed by a new commissioning model and greater use of contestability, and a new programme designed to simplify and strengthen the legal framework

24. At the same time Ministers have published three policy documents which have reconfigured the Government's approach in the areas of borders and visas, identity management and enforcement. Over the next six months we have further action planned in a range of areas, with a particular focus on five key themes:

- Border security and the creation of an integrated Border Security Network
- Continuing to ensure that we improve performance on deportations of FNPs and other removals
- Re-engineering of key processes in managed migration and enforcement
- A review of policy on citizenship and settlement
- Delivery of a joint venture to embed our identity management strategy with the Identity and Passport Service to provide an employer verification service.

25. This adds up to an extremely broad and challenging agenda, but one which I believe, if successfully implemented, can enable us to make the step change in performance which was clearly identified as a crucial requirement in the Committee session of 23 May 2006. I am today publishing a Business Plan for our year as a new shadow agency, which sets out our key performance objectives and provides more detail of how we intend to take this agenda forward, in order to continue to reassure Parliament and the public that we are managing the immigration system fairly, effectively, and in the best interests of the country.

26. I hope the Committee finds this update helpful. I look forward to being able to report on the progress of the Border and Immigration Agency in line with any further enquiries that Committee may in due course embark upon.



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June 2007