

E.R

Thursday, 14 June 2007

HOME OFFICE

Reform of the Border and Immigration Agency

The Minister for Immigration, citizenship and Nationality (Mr. Liam Byrne):

I am today placing in the library copies of the report "*A review of the failure of the Immigration and Nationality Directorate to consider some foreign national prisoners for deportation*", conducted by Stuart Hyde, former Senior Director for Enforcement and Compliance, now Assistant Chief Constable in the West Midlands Police, together with the first annual business plan of the Border and Immigration Agency.

In addition, the Chief Executive of the Border and Immigration Agency, Lin Homer, has today written to the Home Affairs Select Committee providing them with a breakdown of the most accurate and robust information currently available to the Department of progress in considering the 1013 foreign national prisoners released without deportation consideration.

The annual business plan, together with the Action Plan on the Hyde Report sets out the progress the Border and Immigration Agency has made over the last twelve months and the further reforms required by Ministers for the year ahead.

I am grateful to the staff of the Border and Immigration Agency for their work over the last year and their ambition for further progress.

I can also update the House today on progress made in response to the Home Secretary's eight priority areas set out on 23rd May 2006.

First, the Home Secretary identified the issue that there was no unique personal identifier for individuals who come in to contact with the criminal justice, immigration and asylum systems and asked officials to explain how this could change. Second, he identified that there was no legal obligation on people who are suspected, charged or convicted to declare their nationality. To address this, the Chief Executive of the Border and Immigration Agency has, in collaboration with the Metropolitan Police, designed new ways of working which are now being tested. Nationality is verified at the point of charge and from that point, the Police National Computer number is used as a unique number identifying the individual as they pass through the criminal justice system. We continue to assess this as the pilot progresses.

Third, the Home Secretary said that all future instructions should be given to all agencies of the criminal justice system and be consistent and fully implemented. I can confirm to the House that new instructions have been issued to all agencies. Guidance is continually reviewed and the Border and Immigration Agency now

continues to work in partnership with criminal justice agencies to ensure consistency.

Action point four identified that the criteria under which individuals should be considered for deportation were not clear. Policy officials were ordered to *audit trail all policy criteria and the process by which they ensure that guidance is both clear and consistently applied. I can confirm to the House that this has been undertaken.*

Fifth, the Home Secretary asked that deportation decisions be made according to the most robust interpretation of the requirements of our international obligations. The UK Borders Bill now proposes a new link between criminality and deportation in the way that we want and the public would expect. That legislation is currently being steered through Parliament.

Managers were instructed under action point six to work with colleagues in Scotland and Northern Ireland to audit the numbers of foreign national prisoners released in Scotland and Northern Ireland. The Home Secretary asked that clear procedures for dealing with prisoners held in Scotland and Northern Ireland were written and followed. I can confirm that this has been undertaken, and officials assure me it is operating well. They have further assured me that no foreign prisoner is released from prison in Scotland and Northern Ireland without their deportation case being considered. The Border and Immigration Agency continues to work closely with our Scottish and Northern Irish colleagues to ensure this is kept under review.

Seventh, the Home Secretary explained that historically there have never been systematic arrangements in place for collecting information on mentally disordered offenders. He also explained in May last year that this is a hugely difficult group to deal with. Taking in to consideration the very specific circumstances of these individuals, officials have assured me that no Mentally Disordered Offender is removed from restriction without being considered for deportation. There is now a dedicated case working team in place in the Border and Immigration Agency's Criminal Casework Directorate to assess this particular group.

Finally, the Home Secretary asked that arrangements were enhanced to facilitate the return of prisoners earlier in their sentence, including prisoner transfer agreements. The Border and Immigration Agency has launched a scheme, which I announced on October 9 2006, the Facilitated Returns Scheme, to incentivise prisoners to go home sooner, whether time-served, under the Early Removal Scheme, or under a Prisoner Transfer Agreement. The scheme has been very successful in returning more foreign national prisoners home and continues to do so.