

Home Affairs Committee

Oral evidence: [Home Office delivery of Brexit: immigration](#), HC 421

Wednesday 29 November 2017

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[Watch the meeting](#)

Members present: Yvette Cooper (Chair); Mr Christopher Chope; Stephen Doughty; Preet Kaur Gill; Tim Loughton; Stuart C. McDonald; Will Quince; Naz Shah.

Questions 247–364

Witnesses

I: David Bolt, Independent Chief Inspector of Borders and Immigration.

II: Lucy Moreton, General Secretary, Immigration Services Union, and Adrian Berry, Chair, Immigration Law Practitioners Association.

III: Helen Kenny, National Officer, FDA, and Mike Jones, Group Secretary, Home Office group, Public and Commercial Services Union.

Written evidence from witnesses:

- [Immigration Law Practitioners Association](#)
- [Public and Commercial Services Union](#)



Examination of witness

Witness: David Bolt.

Q247 **Chair:** Welcome, everybody, to our Home Affairs evidence session this morning. Mr Bolt, I welcome you to come and give evidence before us. We appreciate your time this morning. We are looking particularly at some of the issues of immigration delivery and how it is affected by the Brexit process, but we are grateful to have you with us and we would also like to cover a much broader range of issues that your work covers, if that is okay with you.

In all the areas that you have looked at, which area do you currently feel most confident about its working and which area do you feel most worried about?

David Bolt: That is a good question. As you say, I have a very wide area of the Home Office's work to cover and over the last two and a half years I have published 40 reports and made over 250 recommendations, most of which have been accepted. It is difficult to pin down one particular function or area of the business that I feel most concerned or most satisfied about. There are themes that cut across all of them and I think the themes are more significant.

For example, the difficulty of dealing with large volumes, whether it is visa applications or arrivals of ports, and matching resource to those very large volumes is a big challenge that the Department faces and sometimes struggles to get right. Getting decisions right, particularly visa decisions, and having the right sort of assurance processes in place to make sure that those decisions have been made correctly is challenging because of the volumes, often because there are staffing gaps or there are staff in post who have not had the training they require or have not had the assurance processes behind them to give the support and feedback that they might need.

As I say, I do not really view it as confidence or concerns in one part versus another part but more as the themes that run across.

Q248 **Chair:** If you are taking a thematic approach, are there particular themes where you have some confidence in the way in which Home Office operations or Border operations work or are there themes where you have the most anxiety at the moment that more work needs to be done?

David Bolt: The area that gives me most anxiety at the moment—and I have discussed this in detail with the Department and with Ministers—is having, as the Department aims to do, the right staff with the right skills and the right training in the right places at the right time. There is quite a struggle to get resources into position to deal with the various challenges that the Department has. As you will have seen from the report that was published yesterday, retaining staff—recruitment is an issue but then there is training and retaining—is a problem that runs across all of the functions.



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Q249 **Chair:** I was struck, in your report from yesterday, by two things on staffing that were quite startling. One was you described a reduction from just over 300 staff down to closer to 200 staff in the space of a year and then the attempts to recruit and backfill. The other was that you said in the Croydon casework centre that none of the decision-makers had been in post for longer than a year. Both of those things seem quite shocking. Is that unusual?

David Bolt: Newness in post is not unusual. Like all Government Departments, there is a continuous recruitment process and so there are new staff coming through all the time, but there is also a churn. The way in which staff elect to move to other posts, to apply for promotions and other sorts of moves, does create a churn factor, which means that quite a lot of people are new in post at any one time. It is unusual to see areas where you have people with two years-plus in a particular role.

Q250 **Chair:** Do you think the retention levels are normal for this kind of job or particularly low and, if so, why?

David Bolt: I think the terminology is wastage. I do not have an overall wastage figure for the Department so I cannot answer the question directly. Some of what I was saying in yesterday's report has been slightly misreported. I do not think that necessarily it is staff who have left the Department. Quite a lot of the staff who were decision-makers in asylum casework moved on promotion or into other roles. It was not necessarily a wastage of staff out of the Home Office but just movement from the work into other work. It creates the same effect, of course, of newness with demand on training and all the other consequences.

Q251 **Chair:** In previous reports you have raised staffing concerns at Croydon and Gatwick and we have heard evidence about difficulties in recruiting at Sheffield. Do you think that the Home Office has a wider problem in recruiting to these sorts of posts?

David Bolt: You will have seen in yesterday's report that a new office has been established in Bootle specifically to deal with asylum casework and non-straightforward cases. We looked at that in the middle of this year, in about July, at which point there were supposed to be 250 staff in that office and there was only one at the time that we inspected.

Chair: Quite a big gap.

David Bolt: Quite a big gap. When we challenged the Department on that, the response was that there were delays in the recruitment process and particularly in the vetting of staff. One of the concerns I have is the whole manpower planning, recruitment, training, retention piece, and my intention—I have signalled this to the Home Office—is to look more deeply at this in next year's programme. This underpins so much of the delivery and I need to look at that rather than looking specifically at some of the functions, although I will do some of that as well.

Q252 **Chair:** Applying your experience of staffing to the Brexit processes that



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the Government have to follow, the Government want to be ready to start registering EU citizens who live here at the moment by the autumn next year. When would you say they needed to start the recruitment for that process?

David Bolt: I heard what the Minister had to say when he spoke last week or the week before. There is a plan that there would be 700 new staff to deal with this process and that 500 are already in the pipeline for recruitment. The really important thing is to ensure that the staff are in post and also have had sufficient training before the process is due to start. My understanding is that there is an intention to allow those who have been in the country for five years-plus at that point to begin to seek settlement in the summer of 2018. I would expect that the staff would need to be in place at least a month, probably two months, prior to that in order to receive sufficient training to be ready to start. But thereafter there is going to be a need for proper assurance and supervision. One of the things that I would want to do once that process is running, early in the summer, is, in my terms, a relatively quick and dirty inspection of how that is working in the first few months so that there is some feedback to the Department and if changes are needed they can be implemented.

Q253 **Chair:** One or two months for training but also, on the point you raised about the Bootle recruitment, does there need to be time for security checks to take place?

David Bolt: That would need to precede the training. If you go backwards in time, however long that process takes will need to be built in. I think the Minister was saying that they are already well on the way with some of those recruitments and they clearly need to proceed with some haste to get people signed up very early in the new year so that the vetting and all of the other processes that are necessary prior to taking people into the Department are completed.

Q254 **Chair:** The figures that we have been given, although I may be misinterpreting because we still need to clarify, is that they have recruited about 700 staff in the process already, which I think includes 300 Border Force staff. Is that your understanding or do you have a different understanding?

David Bolt: No, that was not what I understood.

Chair: Tell us what you understand to be the case. I am regurgitating from notes of things that Ministers have said in different letters and I may be misinterpreting.

David Bolt: I should caveat this with the fact that I have not inspected this so I am just repeating what I believe I have been told. My understanding is that the figure for the UKVI staff who will be processing the applications or the registrations is 700. I think the Border Force 300 that you referred to is in addition to that. I believe that there is a further



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figure of a few hundred—I am not sure of the exact number—for Immigration Enforcement.

Q255 **Chair:** You have not done any inspections so far to see how much of the 700 staff is underway?

David Bolt: No. I have a fairly limited capacity and I need to inspect things that are real rather than plans. There is lots of oversight and scrutiny of the plans within the Department, cross-departmentally and at ministerial level, so I did not think I could add much value to that. But I do want to be in a position, as I said before, to be able to inspect as soon as things are real and that may be in advance of the start of the resettlement process. Once the staff are in post, I could look at the training then, I suppose.

Q256 **Chair:** We have had some suggestions made to us that out of that 700, some are going to be needed to plug gaps in other parts of the service. What is your sense of the scale of the gaps? I know you said in your report yesterday that staffing the asylum casework needs to be resolved.

David Bolt: The asylum casework staffing levels have gone back up to the 350 figure, or thereabouts, as I understand it, after dropping to the 200-and-something figure during 2016-17. I am not sure that there is an acute staffing need in that particular area. One of the issues that I have pointed to in the past is that I have some evidence that the Home Office is quite good at manoeuvring staff from one area to another where there are particular pressures and responding to crises. It is what is left behind. I think there is a question of the quantum, the overall number of staff for dealing with all of the processes and functions. I don't have a way of addressing how big that gap is.

Q257 **Chair:** The workload that the Home Office is currently expecting to have is 3 million people registered in the space of two years, two and a half years, and a further 250,000 a year additional. What would be your expectation of the level of staffing needed to deliver that, given the staffing ratios that you have already?

David Bolt: Well, of course, it depends on the nature of the regime that is going to be in place. I heard what the Minister had to say and I have had some briefings about how it is essentially going to be a different sort of regime to any that exist at the moment and one where the onus is on the Department to grant settlement in all but those cases where there are particular reasons for not doing so. On that basis, it is a lighter touch regime than some that I have inspected. That said, if you do the maths, which I tried to do the other day, it comes out at something like 100 decisions a day per person. I may have got those maths wrong but that is a lot of decisions even with a relatively light touch process.

Q258 **Chair:** Realistically, from the staff you talk to when you are doing the inspections, how many do you think will be looking forward to the prospect of taking 100 decisions a day?



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David Bolt: Of course these are new staff so they will not know any different, but I think that anyone who faces that level of casework is going to feel the pressure.

Q259 **Chair:** Given the Bootle case that you described, where the Home Office clearly had aspirations to get a system in place in time but then in practice was delayed by several months because of the recruitment process, do you think the Home Office tends to be over-optimistic in its recruitment timetables?

David Bolt: I think there is an optimism bias in quite a lot of the ways in which the Department approaches things, yes.

Q260 **Stephen Doughty:** Chief Inspector, overall, do you think that the Department is ready for the work that is required for the Brexit process? Do you think that it is prepared? Given the pressures that exist already in the system, do you think it is in a fit state to cope with the pressures?

David Bolt: I have had a briefing particularly on the immigration aspect. There are eight strands to the Home Office's work on this and I know rather less about some of the others. I think a lot of work is going into it and a lot of thinking has gone into it. There is a certain amount of having to wait to see what ultimately is decided and, therefore, the state of readiness is dependent on negotiations. It is difficult to judge whether it could do more. As I say, I have not inspected in that sort of detail but there is an awful lot of scrutiny being put to what the Home Office is doing, within the Department right up to the board level with non-executives also scrutinising the plans, a lot of boards looking at this cross-department, and at ministerial level. I do not think I have a separate view from all of that sort of oversight.

Q261 **Stephen Doughty:** The Home Secretary told us that £50 million has already been spent this year on preparation for Brexit contingencies. What is your understanding of what that £50 million has been spent on? Has it been spent on some of that training, those recruitment processes, for example? Have you seen reprioritisation of resources going on and at what scale?

David Bolt: I have not looked at that so I could not really comment. I would assume that quite a lot of it has been spent on the recruitment processes and in putting some of the training provision in place, but I have not looked at it so I do not think I should comment.

Q262 **Stephen Doughty:** We have looked at the issues in the Border Force, particularly the customs aspects and the additional pressures that are going to be placed there. We have had some quite worrying information that has been given by HMRC, for example, in other Committee sessions about the additional pressures that are going to be placed there and the cost of those. What is your understanding of some of the risks that might exist from additional pressures coming on Border Force with the customs processes aside from the immigration?



David Bolt: You will have seen that there is a theme running through the reports that I have produced, and my predecessor produced as well, about whether or not enough effort has been placed on the customs functions of Border Force because of the pressures on the immigration side, particularly if you look at major airports. Every time I look at a major airport, some of the staff raise concerns about whether enough resource is in the customs channels to deal with the customs threat. I have had discussions with Border Force on that and they are quite comfortable that the allocation of resource to immigration and customs matches the threats as they see them.

There is a different concern when you look at freight. You may have seen the report that I produced on east coast ports. The ability at sea ports for customs to search the freight, given the scale of the freight that is arriving now, is very limited, so it has to be intelligence-led and there has to be great reliance on whatever information is provided in advance about what the freight contains. Obviously, there is an additional pressure if there is more information coming through that requires checking. There are still only limited resources at the ports to do anything on the ground to deal with that.

Q263 **Stephen Doughty:** Is it your understanding that there is going to be additional prioritising of resources to deal with that or not?

David Bolt: As we have discussed just now, my understanding is that there are going to be 300 additional Border Force staff but I do not know what the intention is for their deployment.

Q264 **Naz Shah:** Mr Bolt, the number of visa applications received in the last year has increased for all types of visas. Your report on the decision-making centre in Croydon highlights a number of very poor decisions. Why are poor decisions being made and how widespread is the problem? I am not sure they are coping with things, from what you say.

David Bolt: I think the problems are some of those that I have already identified. There is the question of the experience of the staff who are making the decisions and whether they have received appropriate training. In particular, the point I have stressed in a number of reports, and certainly stressed to the Department, is the issue of first-line supervision, the first-line manager whose role is to provide assurance, some level of checking, but also to coach and provide feedback to individual staff in order to improve overall decision-making. I think there has been a lot of pressure on those first-line managers to get through the volumes and so there is less capacity to provide that support, challenge, assurance function that is needed. That is an area where I have repeatedly said that more needs to be done.

Q265 **Naz Shah:** What is your assessment of how well UKVI is coping with the additional workload of the increased applications for visas?

David Bolt: Well, it is patchy. I think that is the fairest way to describe it. I do not think there is criticism—and I hope I am not critical—of



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individual staff or the individual units of the amount of effort that is being put in to try to deal with this. But for the reasons that I have set out, I think the results are rather patchy.

Q266 Naz Shah: A few months ago there was a report in *The Guardian* about application fees and there was an example of a man who paid £1,500 for a visa application; his spouse was already here. On the website it did not say that she could not apply, despite the fact that he had put in her status and so on. There is a feeling that the Home Office makes money on applications. The cost is about £423 but the charges go up to £3,250 in the case of vulnerable adults for indefinite entry to the country. What are your thoughts on that?

David Bolt: One of the first things that I reported on was the premium service centre in Solihull. That was back in 2015. In that particular case there was a family who had applied for the premium service and had paid—I can't remember the exact figure—something like £6,000 for their application. They had applied a week before they were entitled to make the application and they did not qualify. The Home Office took the application and retained the money but refused the application. I was quite grumpy about that and I thought that was not a premium service, or indeed any sort of customer service. I challenged on that point and asked how many times it had happened and it was something like two dozen. I have since then challenged on similar points where there have been fee-paid services where it does not look as though the customer is getting quite what they paid for.

The question that you raise about the scale of the fees is an important one. I know from my discussions with the Director General of UKVI that he is very focused on this and is concerned to ensure for the free, gratis, applications where there is an alternative to pay a fee for a premium service, that the basic service is one that someone feels does deliver a proper service and they are not forced into paying the fee. But I think there is some way to go to achieve that.

Q267 Chair: You said you had challenged on a dozen or so cases. Is that still happening?

David Bolt: I have not looked at it again in detail. In a different context occasionally someone will write to me and identify a problem with their case. Although I do not pursue individual cases, if it raises an issue then I will take it up with the Department. I did get something like that earlier in the year where an individual had raised a concern that they had slightly infringed the rules by a couple of days and as a consequence had made a payment and lost the payment. The point that I made to the Department is that it seemed to me that these days it ought to be possible, if you are making an online submission, for the computer to tell you, "Your dates are wrong. You can't apply because it is too early" and for that to be automated so you do not get into those sorts of situation. As we know, Home Office IT is not necessarily what it needs to be.



Q268 Naz Shah: In your inspection report of Croydon you found that over a third of applications were inappropriately marked as “complex”, which set them outside of the service standard that required them to be processed in specific timescales. Do you think this is deliberate or is it simply poor decision-making? I say this because in my constituency we have a high number of immigration issues and matters. I have dealt with cases where people have used exactly the same criteria for the last four years—if anything their income has increased—the people who have come into the country on visitor applications have returned, they are professionals working in the NHS and so on, and they have now been marked as “complex”. When you go back to it, they lose the fee, they have to repay the fee, and actually there was no complexity. What do you think is going on?

David Bolt: The internal rules for the Home Office are that they are not entitled to mark something as complex or not straightforward, depending on which area you are looking at, if the reason for the potential delay is within the Department. If the Department is the cause of there being a possible delay and an inability to meet the service standard, that is not a reason for marking it as complex. I found that when we have looked at a number of different functions there have been times when things have been marked as complex when in fact it is within the gift of the Home Office to sort it out. That is something that I have pointed to and needs to stop.

The other thing that can happen, and we have identified, is where you have a service standard of six months and where the volumes are such that decisions are being made on those cases very close to the line. They are getting up to the six-month point and there is a temptation, if you look at a case and there is only a week go to to your six months and there is a complexity to it, to push that into the complex or non-straightforward pile, whereas if you had looked at it in month 1 rather than in month 6 maybe there would have been time to sort it out. It is a question of the timing at which things are being considered.

Q269 Naz Shah: Should we be concerned that more than 30,000 complex cases are over six months old?

David Bolt: It is important that when cases go into the complex or non-straightforward category there is a still a process in place to ensure that those decisions are made as quickly as possible. I have had only seven recommendations rejected in the time that I have been doing this and two of them have been in relation to service standards. What I have tried to press the Department on is that there should be a service standard, or at least some sort of standard, that applies once something goes beyond the published service standard and into the complex category. There has been general resistance to doing that.

Q270 Naz Shah: What steps should the Home Office be taking to improve the efficiency of these application processes?



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David Bolt: If I can give the example of the asylum report from yesterday, what I was proposing there is that if you have a six-month standard for straightforward asylum applications and for those that go beyond the six months because they are non-straightforward there should be another standard—and I suggested 12 months. Then there is not a temptation just to put them to one side because you still have the great pressure of dealing with the volume of the straightforward ones that are going to be measured by the service standard. You would have two published standards to keep the pressure on dealing with the ones that have gone into the complex pile. That one was not rejected but it was only partially accepted.

Q271 **Stuart C. McDonald:** Mr Bolt, can I start by asking you about the report that was published yesterday? The Chair has already spoken about the high turnover of staff in the inspection team. Is that what you would say is the cause of what appears to be a growing backlog in asylum cases during the time that you have been inspector?

David Bolt: I think so. If you are looking for the single biggest cause of it, that was the main cause that we were able to identify.

Q272 **Stuart C. McDonald:** Do you think that the expectations of staff doing asylum casework are realistic? You spoke of 225 events for an individual member of staff, which seems pretty challenging.

David Bolt: You will have seen in the report that we talk to staff across the process, from the initial interview through to the decision. The staff in different parts of the process all feel under significant pressure. The decisions-makers, who you were referring to, with their 225 events certainly feel under significant pressure. I think the word “relentless” was used about the pressures to deal with decisions. But equally, the dedicated staff who are doing the initial interview stage also feel under significant pressure to get through the volumes of interviews.

Q273 **Stuart C. McDonald:** One of the most alarming things was that 25% of decisions are below satisfactory. What exactly do you mean by that?

David Bolt: That is the Home Office’s own statistic. They have their own term, either satisfactory or below satisfactory, for the quality of the interview, in that case. I do not have the detail to hand. I can write to you with the detail of what that means. The point that I was making there was that here the Department had identified for itself that there was a problem but the scale of that problem did not seem to be being addressed. My concern was that if you did a comparison between where we were when we looked at it on this occasion and where we were two years ago, there did not seem to be much movement. In fact, some part of that process of internal assurance had ceased to be monitored, the bit of the interviewing that was not done by UKVI but was done by Border Force or Immigration Enforcement. As I think I said in the report, that seemed to me to be a backward step in internal assurance.

Q274 **Stuart C. McDonald:** When we are talking about below satisfactory, is



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that problems with the decisions that could have led to a different outcome if they had—

David Bolt: Yes, I am sure.

Q275 **Stuart C. McDonald:** Obviously, we are talking about asylum and dealing with serious issues. Another issue that has been touched upon in relation to decision-making generally is pressures with deadlines. You spoke about the 182-day target and the fact that as that deadline approaches quality standards tend to reduce as it becomes imminent and it is just that a decision has to be good enough not—

David Bolt: Yes. You will have seen that the Department challenged my evidence on that. One of the issues that I have raised in a number of reports is internal communication, whether the communication from managers to staff is clear. Certainly the staff felt that they were under pressure to get that decision out by day 182 and that that might affect the quality of the decision. When that was put to managers, there was some dispute about whether that was actually the case. I stand by the evidence; that is what we were told. We discussed it with lots of members of staff. The response that we got from managers on the business of being good enough was that there had previously been what they were describing as a gold standard for decision-making and that maybe that was not necessary, that what was needed was a decision that was good enough. I am not entirely sure that I understand what they were describing.

Q276 **Stuart C. McDonald:** Arising from all that, in particular the tendency to mark cases inappropriately as not straightforward, in some senses probably to avoid that pressure, you recommended that the criteria for a case that is not straightforward should be entirely outside Home Office control. How would be that implemented, if not by the Home Office? Who would set that criteria? Does that not beg a broader question about whether or not asylum decision-making altogether should perhaps be taken outside Home Office control and moved to an independent body?

David Bolt: I am not sure whether I would be off the hook because I still have the responsibility for inspecting asylum. I do not have a view on that second point. The sort of things that the provisions to make something complex or non-straightforward are supposed to deal with are where, for example, the claimant has been asked to provide further information and there is a delay in providing that information. In that sense, it is outside the Home Office's control. They are reliant on another party providing them with something that they need in order to make the decision. That seems to me to be a reasonable reason for a delay, provided it has been asked for in good time or it is clear what is being asked for. Obviously there are issues like that.

It is when one part of the Home Office is dependent on another part of the Home Office for something and there is a time delay in that happening. It is a different function but for example, when we looked at



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family reunion applications, one of the things that was a problem at the time was that the application was being received in post—for example, we looked at Amman and Istanbul—and the decision-maker there was having to apply to the Home Office in the UK for a copy of the original interview report, which was then being sent in hard copy to post, creating a three-week or longer delay, which is obviously daft. Those sorts of things seem to me to be completely outside what should be allowed to make something complex or to create delays.

Q277 **Chair:** On the non-straightforward cases, is it correct that some women are having their cases categorised as non-straightforward simply for being pregnant?

David Bolt: Yes. One of the criteria in the guidance that allows a case that is an asylum claim to be categorised as non-straightforward is pregnancy.

Q278 **Chair:** For the completely normal biological process of being pregnant, women are having their asylum claims being described as non-straightforward?

David Bolt: Yes.

Q279 **Chair:** Do you find that shocking, because I certainly do?

David Bolt: What I reported on and what I found of concern was that having put those cases into the non-straightforward category—the numbers were not very large but nonetheless there is a point of principle clearly—there was in some instances a further year or even two years before they were decided. It was the further delay that I was trying to identify in the report.

Q280 **Chair:** Can you think of anything that would make those cases non-straightforward simply by the fact of somebody being pregnant?

David Bolt: No, not really.

Q281 **Stuart C. McDonald:** I think you are now doing an inspection in relation to vulnerable adults.

David Bolt: Yes.

Stuart C. McDonald: Will that work include the Home Office adult at risk policy in relation to detention, including, for example, the recent court judgment about torture and also concerns we have heard Freedom from Torture about the use of medical evidence?

David Bolt: As you and the Committee knows, Stephen Shaw is looking at it too. Stephen and I have spoken about how we ensure that what we are doing is complementary and we are in constant discussion about that. I think Stephen will look most particularly at the adults at risk in detention and I am interested in it as well. I am looking thematically at vulnerability in general. I am looking at how children are treated and particularly looking at best interest and how that is determined. I have



just come back from Jordan. We are looking at the vulnerable persons resettlement scheme to see how that is working and we are also looking at vulnerable adults who are not in detention. Those three pieces together are trying to look at how vulnerability is understood within the Home Office, how it plays out in policies and practices.

Q282 Stuart C. McDonald: This Committee has taken an interest recently, as you will know, in asylum accommodation contracts and the Home Office has just come back on a new tendering process and you are now going to do a report on that. How does fit in relation to the timescale for the tendering process? One specific concern that we had was the possibility that the savings in the contracts were really just costs that were being shunted on to other organisations like local authorities. Will that be part of what you look at?

David Bolt: I am conscious that at the beginning of this year, or maybe it was the end of last year, the Committee proposed that I should do a piece of work that tries to co-ordinate locally-based assurance that asylum accommodation meets appropriate standards. That was my first interest, to see there is something in place that is checking that asylum accommodation meets appropriate standards and to have an overview of that. We have not started the asylum accommodation work yet. That is part of my next set of inspections. That will start in January and we will be looking to determine the scope over the next few weeks. I will be going out to stakeholders—and if the Committee has views of course I will take those into account as well—about what particular things we should look at.

On your point about the timing of that with the current of reletting of contracts, the timing of the work that I do is always very difficult. There are always things moving and in this particular instance I hope that we will report by April, that sort of time. I hope that what I report will still be relevant to whatever new contracts are negotiated.

Q283 Stuart C. McDonald: We have heard evidence recently about the “Panorama” programme on Brook House. How has that influenced your thoughts on how you go about inspecting detention centres? The Committee has had the experience of visiting there. We have had evidence that staff are brought in because they know that you are coming along to do an inspection and they want to make sure that staffing levels look okay. I suspect that is disputed.

David Bolt: The smell of fresh paint everywhere you go.

Stuart C. McDonald: How does that influence how you go about your work?

David Bolt: I don’t inspect immigration removal centres—Peter Clarke does that—but I do have a memorandum of understanding with the Prisons Inspectorate that where the Prisons Inspectorate is conducting an inspection looking at the conditions for detainees and their treatment, I will make resource available to look at the immigration casework for



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individual cases. We have an understanding that I can do that, but I am led by Peter's programme on it.

Q284 Stuart C. McDonald: I have a question arising out of a couple of things that Mr Doughty was asking you about. In one of your other inspections you reported that Border Force operations at Gatwick were under considerable strain. Do you have any indication of whether that is the case at other airports and how does that affect your view about whether 300 extra Border Force staff are going to be sufficient to deal with the pressure?

David Bolt: We are just completing and about to write up an inspection of Stansted Airport. I do one or two airports a year and, broadly speaking, the picture is the same at all of them. I think there is tremendous pressure on Border Force to resource the immigration control point, the desks, and their great priority is to do both the security checks on individuals arriving and to keep the queues moving to facilitate entry. They are under a lot of pressure to do that and you may have heard, and I am sure you will know, that the airports authorities are not happy with the way in which Border Force copes with queues, particularly in the peak periods.

The point that I was making in the Gatwick report—and without breaching any sort of confidences, it is true at Stansted and I think elsewhere—is that there is a heavy reliance on what I have called seasonal staff to provide the basic level of immigration checking. At Gatwick that was supplemented by what are called mobile brigade staff who are bussed in from elsewhere. The question is whether the numbers of core staff, the fully trained permanent Border Force staff, are sufficient to run the airport. The reliance on the seasonal staff, who have limited training and, therefore, there is a limit to the flexibility with which those staff can be deployed, caused me some concern.

The other part of the piece is the e-gates and the extent to which technology and e-gates can ease the burden on staff. There the issue for me is whether the e-gates are dealing sufficiently with more vulnerable arrivals, particularly the safeguarding aspects for children and victims of modern slavery, who might be going through those gates and whether the level of coverage of the gates is sufficient to give assurance that those risks are being properly managed.

Q285 Will Quince: Mr Bolt, two of the most common immigration cases that come across an MP's desk will be either delayed applications, where people do not have access to their passports so can't travel and that sort of thing, or the number of appeals where the original decision is overturned. I am keen to drill down into decision-making and potentially the accusation that some of those decisions are poor at the Home Office. They often say that the reason behind the number of appeals that are upheld is because of late evidence submitted by the applicant. Do you think that is the case or do you think there is poor decision-making at the initial stage at the Home Office?



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David Bolt: The sort of appeals where there are late submissions tend to be those appeals that are against removal. You will have seen recently that the Home Office believes, and I think the evidence is there, that there is an ability to frustrate removal by making a very late appeal. In that particular instance, late appeals is an issue and a concern.

When you talk about more general decision-making about visa applications or other things, quite a lot of the ability to appeal has been removed. The 2014 Immigration Act removed I think it was 13 of 17 routes to appeal and replaced them with an administrative review process for most of those. I looked at that after 12 months of it being in place. It was not working at all well at that point and I recommended some changes that have been made.

There is a report that is with the Home Secretary that looks specifically at the way in which the Home Office deals with litigation and the whole process from the preapplication protocol letters, judicial review, through to the appeal process. I cannot really speak in detail about that but it is a very large business and the Home Office has lots of people involved in it; it is very costly. The issue that I was looking at was whether there was sufficient learning coming out of that to try to bear down on costs and seeing the same issues being appealed again and again. Without wishing to breach anything, I have some concerns that there is not enough learning in that area.

Q286 **Will Quince:** I am conscious you have a forthcoming litigation inspection, which you have referenced there. You mentioned late appeals, which are arguably potentially designed to frustrate the process and delay. Do you think that is leading to a Home Office approach of deport first, appeal later? That has received some criticism from tribunal judges.

David Bolt: There is what is a very ugly term, non-suspensive appeals. It is the situation where someone is deported and then they are entitled to make an appeal from outside the country. That is a process that the Home Office applies where it can. I was really talking about those instances where someone is being an enforced removal, is being removed from the country, but up to and including the point where they are climbing the steps to the aircraft they are still able to make an appeal to say that there is new evidence or there is a reason why it cannot be effected. It is that issue that is causing considerable difficulty, as I think I covered to some extent in the foreign national offenders report that came out a couple of months ago.

Q287 **Will Quince:** You have mentioned a number of mistakes and questions about whether learnings are being shared around. What is your view on performance management within this area of the Home Office? Are mistakes being recognised and the learning then spread across the organisation to try to prevent that from happening in the future?

David Bolt: I think a lot more needs to be done to provide effective feedback to staff at all levels about their decisions and the consequences



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of those decisions. No, I don't think that the learning is sufficient. There is effort going into it but a lot more needs to be done.

Q288 **Chair:** In your litigation report, have you looked at the costs to the Home Office of getting decisions wrong, in other words how much they would save if they got the decisions right in the first place and did not have to go through an extensive appeal procedure?

David Bolt: I do not really have the evidence to be able to make that sort of judgment. I have looked at the overall cost of the process and where those costs fall, how those costs are divided up. I think it would quite hard to do what you are describing and I would need to probably look at individual cases as examples to be able to get some sense of that. That is not what we tried to do in this particular report. We were looking at the mechanisms that are in place for the feedback from litigation going back as far as the decision-makers to ensure that the same issues are not coming up again and again.

Q289 **Chair:** I think that might be an interesting issue, if it were possible in future. If the Home Office is making decisions that are completely wrong and are leading to an expensive follow-on process, knowing what the total costs of that are would be useful, if it is possible to assess it.

Q290 **Mr Christopher Chope:** Mr Bolt, following up on a question that Mr Quince asked you, you referred to a report that you have submitted to the Home Office on the appeals process and late appeals and things like that. When did you submit it and when do you expect to see it published?

David Bolt: It is called "Learning from litigation" and it was sent to the Home Secretary last week. The arrangement is that the Department has eight weeks and within eight weeks the report is supposed to be laid in Parliament with the Department's response. Fast forward, that takes us into January.

Mr Christopher Chope: It will be a present for the new year for us all.

David Bolt: Yes.

Q291 **Mr Christopher Chope:** Can I ask one or two points about this issue of enforcement? We received evidence at our Committee from David Wood, the former director general, saying that in his view there were more than 1 million foreigners in this country illegally. Do you agree with his estimate?

David Bolt: I have no basis on which to reach a number, I am afraid. I don't know, sorry.

Q292 **Mr Christopher Chope:** So you are just as much in the dark as the Home Secretary said that she was?

David Bolt: I am afraid so, yes. I would have to rely on the Home Office to give me a number.

Q293 **Mr Christopher Chope:** Do you think it is satisfactory that nobody



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seems to have a clue as to how many illegals there are?

David Bolt: The issue divides into various cohorts, I think is the favourite Home Office word. There are those that are known to have arrived and then there is the question about whether you know that they have subsequently left. There is the difference between those numbers and one would hope that the Home Office would be able to get very close to an understanding of what that number is because they have evidence of the intention to arrive and arrival and they ought, through the exit check process, to have some evidence of departure. Then there are those who arrive clandestinely, of which they have no knowledge unless there is some encounter with those individuals. That number is much harder to get a grip on. Yes, I think there ought to be a better idea, an estimate of what that number is. The Home Office should have some sort of better estimate but it would be extremely difficult to be precise about it, for the reasons I have just described.

Q294 **Mr Christopher Chope:** The main role of the Immigration Enforcement Directorate is to pursue offenders and increase compliance. It has a budget of about £450 million a year and employs some 5,000 staff. In the light of recent statistics that the number of enforced removals, for example, has fallen by 25% since 2011, do you think that the taxpayer is getting good value for money from the Immigration Enforcement Directorate?

David Bolt: I am not sure I can answer the question directly, but I think what needs to be recognised—and this is not me being an apologist for the Home Office here but just to set out the Home Office's position on enforcement—is that in addition to the enforced removals that Immigration Enforcement is involved with, there is also the intention to increase the number of voluntary returns. Were you to have Mr Wood's successor sitting here, rather than me, I think he would make an argument that they have put a lot of their effort into trying to encourage more voluntary returns rather than trying to enforce all of the removals. I think there is a recognition that the capacity to enforce simply will not deal with the numbers. Unless there is something else that is happening that is encouraging people to leave of their own accord, or through the now compliant environment, as it is described, I do not think Immigration Enforcement itself could achieve the sort of numbers that you are—

Q295 **Mr Christopher Chope:** Does it disappoint you that in 2016 there was a drop in the number of voluntary removals compared with 2015, for both non-asylum and asylum seekers? How is that consistent with getting good value for money?

David Bolt: There is a problem with voluntary returns and also, in my view, there is a problem with what was originally called hostile environment and is now the compliant environment, which is that the Home Office does not have in place measurements in order to evaluate the effectiveness of those provisions. Of the 40 reports that I have produced since I have been doing this, the one that has caused me the



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most irritation was the report into the hostile environment and the response that I got from the Department, where I believe they do need to do more to understand the effects of the provisions that have been brought in through the 2014 and 2016 Immigration Acts and to be able to give an account of the effectiveness of those measures, or not.

Q296 Mr Christopher Chope: On the hostile environment point, do you think it would be helpful if instead of just going out and trying to fine landlords and employers we started fining the illegal migrants themselves?

David Bolt: I do not think I have a view on that. I think the Home Office position is to try to stop the enablers, the employers, people providing accommodation. It seems to me that that is certainly the right place to start.

Q297 Mr Christopher Chope: Can I ask you about the monitoring of illegal migrants because you are very hot and critical of that in your report from the beginning of this month?

David Bolt: Yes.

Q298 Mr Christopher Chope: You say that the failure to effectively monitor foreign national offenders who are on release is a threat to national security. Basically, that is what you were saying.

David Bolt: Public safety.

Mr Christopher Chope: Or public safety. In the light of that, what do you think should or could be done? We have very large numbers, I think 60,000 declared absconders. We do not know where they are. What do you think can be done about that?

David Bolt: One of the things that I have recommended is a fundamental review of the absconder process. What we found was that people who were required to report were not reporting but the failure to report was not then being pursued, and in some instances not being pursued after multiple non-reporting events. The Department has accepted that it needs to do something fundamentally to review the process for identifying when someone has failed to report and acting on that.

The sorts of things that it could be doing are clearly, if we are talking about action on the ground, Immigration Enforcement can go to last-known addresses or follow things up where it believes that it can identify where someone might be. That is costly and not necessarily particularly efficient. There is also the question of data sharing with other Government Departments who might have some knowledge of the whereabouts of individuals through their data. There are a variety of ways in which trying to establish the whereabouts of someone can be gone about.

One of the concerns that I had in relation to hostile environment, if we go right back to my report on that in 2016, was that some of that knowledge



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of whereabouts was coming through particularly in the work that was being done around bank accounts and building society accounts and driving licences, but it was not clear that there was any follow-up. There was a concern there about creating or acquiring data but not doing anything with it.

Q299 **Mr Christopher Chope:** Your latest report does not seem to give any confidence that your concerns about lack of follow-up have been resolved.

David Bolt: No.

Q300 **Chair:** Just on hostile environment, is your concern that they are just not managing and measuring the process right or is your concern that as a result of flaws in the system they are going to make some wrong decisions and end up with people having their bank accounts frozen when they are here perfectly legally or whatever?

David Bolt: Well, both. If we go back to the beginning, the statements in 2013 prior to the 2014 legislation and then the follow-up legislation, the tightening of the legislation in 2016, what I have been saying consistently is that there was an awful lot that was said about what effect these measures would have. The measures drew a lot of other Government Departments or other agencies or, in the case of the right to rent, private landlords into effectively a monitoring process and a compliance process. What I would have expected to see by now is some evidence that that is working so that there is some justification for the two pieces of legislation and for all of this effort that is being put into this by a whole variety of people.

On the errors point, my report, which looked particularly at the building society and bank accounts, identified that there was an error rate of around 10%—what we do is not statistically significant, but nonetheless in the sample that we looked at around 10%—of the identities that were being passed through Cifas so that the banks could make checks. My concern was that that information needed to be right at the point of delivery to Cifas and, therefore, the Home Office needed to check its data before it sent it. That was rejected as a recommendation, but I am aware that in the latest implementation, which is going through over the next couple of months, the intention is to have the Home Office respond to a bank or a building society that has identified an individual who is on the disqualified persons list who already holds a bank account or building society account to have a secondary check with the Home Office to make sure before closing that account that that is indeed the right person. It still does not quite deal with the fact that the base data might be wrong, but it is at least comparable to what is happening with driving licences.

Q301 **Chair:** You could still have, though, people having their entire bank accounts frozen, all of their assets frozen, even though they are here illegally, while they appeal or raise concerns?



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David Bolt: Yes, exactly how it is intended to work. It could be because it has not happened yet. I am not sure.

Q302 **Chair:** I have two quick follow-up questions. Mr Chope raised concerns about the drop in the number of voluntary removals. If you look over the last few years, you have a significant drop in the number of voluntary removals, a significant drop in the number of enforced removals if you look at asylum and non-asylum together, a halving in 12 months in the number of illegal working penalties issued, near halving of the value of penalties issued. This looks like a very substantial deterioration in illegal immigration enforcement. Does that sound accurate to you and, if so, why is that happening? Surely that is a really big concern.

David Bolt: As I said, there was a conscious shift towards encouraging compliance rather than enforcing.

Q303 **Chair:** That clearly is not working.

David Bolt: Well, yes. The figures suggest that, yes.

Q304 **Chair:** On the illegal working penalties, the halving in the number of those, is that a shift in policy or is that a problem of staffing and just not being able to identify these employers who are illegally employing people?

David Bolt: The whole business of fines and other penalties is something that I am intending to look at because what I have seen in a number of areas is that the take-up of those sorts of penalties seems to be very low. Then the follow through where those penalties might lead to more severe actions, more criminal actions, also seems to be very low. I do want to look at that whole area of penalties. The question of how effective the penalty itself is if properly applied is also something I think is interesting.

Q305 **Chair:** One final question: at the beginning you talked about there needing to be 100 decisions a day per person under their full—

David Bolt: That was my cog math.

Q306 **Chair:** If that were to be the case, you would have to have somebody taking a decision every three to four minutes. Do you think that is remotely realistic on any kind of casework system you have ever seen?

David Bolt: I think the point to be made is that it is not intended to be like any casework system that any of us has seen. That is what the Minister was saying.

Q307 **Chair:** Do you think it is conceivable?

David Bolt: I would not want to be doing it myself.

Q308 **Chair:** Do you think it is possible to design a casework system in which the details of an individual case are looked at by a person who then takes a decision within three minutes?



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David Bolt: As I say, I think it would be extremely difficult to design something that would deal with that. My concern would be that if the intention is that in all but a tiny proportion of cases the onus is on the Department to grant, so effectively it is automated as far as possible and the decision is presented to you as a grant, I guess you could do it, just click the button and do it. As soon as you have one that is more complex, that obviously is going to throw things out. I am not quite sure how those then get dealt with.

Q309 **Chair:** Mr Bolt, thank you very much for your evidence and your time today. We really appreciate it. Can I also ask you to have a further look and get back to us at some point at what your timetable might be for inspections around Brexit preparedness?

David Bolt: Yes.

Chair: Clearly, it would be helpful from our point of view to be reassured that there were inspections taking place early enough to look at preparations, to make sure that changes and adaptations can be made in time rather than after the fact and after things have gone wrong or become bumpy or difficult along the way.

David Bolt: I will do that.

Chair: Thank you very much for your time.

Examination of witnesses

Witnesses: Lucy Moreton and Adrian Berry.

Q310 **Chair:** I welcome our next panel before us. Could you introduce yourselves and the organisations that you are from?

Lucy Moreton: I am Lucy Moreton. I am the General Secretary of the ISU, which is the trade union representing borders, immigration and customs staff.

Adrian Berry: I am Adrian Berry. I am the Chair of the Immigration Law Practitioners' Association.

Q311 **Chair:** Can I begin by asking you the same question that I asked Mr Bolt? What in the system do you feel most confident about at the moment and what do you feel most worried about, Mr Berry?

Adrian Berry: It would be easier to start with what I feel most worried about, I suppose, not because confidence is a difficult thing. It depends on what you are looking at. What I feel most worried about is the lack of preparation for any transitional arrangements both in the period down to the date of Brexit and any transitional period thereafter and the planning for what system might be in place after it in terms of capacity, what substantive control would look like, and resources.



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When you ask the question what do you have confidence in, hopefully human endeavour and application, but I do not mean to suggest I have no confidence in any aspect of the immigration system. It is just simply that when you look at a system you tend to look at what is not working if you are looking at it from our point of view. If it is working well and if there is something that is good, of course, that is great. We are dealing with such an expansion of control potentially in terms of the number of people crossing borders from the rest of the European region into the UK. Where at the moment people have the right of admission, the system of control would have to be magnified by several degrees in order to cope. We are not seeing any planning at the moment that is adequate to that scale.

Lucy Moreton: What I have the greatest confidence in, as Mr Berry alluded to, is the staff and their dedication and commitment to try to deliver against the priorities that are set for them. That is also what I have the least confidence in, not the individuals themselves but the numbers, the resources, being able to recruit an adequate number and also being able to retain. Across the piece retention has become a serious problem. These are expensive staff to train, whether you are looking at the borders, at the enforcement stage, at UK Visas and Immigration and case working. We need to retain that expertise and that really is becoming a struggle.

Q312 **Chair:** Can I ask you a bit more about the staffing then, Ms Moreton? In terms of the current staffing situation before we get to Brexit recruitment, what is your understanding of current shortfalls in staffing and recruitment across the board? I know you have raised concern specifically about enforcement recruitment that is in the papers today.

Lucy Moreton: It becomes a little bit of a boring answer from a trade unionist because we will always say that you need more staff. Borders are recruiting at the moment. I think the current recruitment campaign is for a further 300 substantive officers. As Mr Bolt alluded to, Borders is very reliant, over-reliant, on seasonal, casual staff, surge staff brought in from HMRC and from other Government Departments. They are significantly short.

Enforcement is, I understand, about to start a small-scale recruitment, but there are other issues, as you were discussing with Mr Bolt only a few minutes ago, around how effective that enforcement provision is and what more could be done to make that a more cost-effective system. UK Visas and Immigration, I understand from their data, do not have a particular problem with recruitment and they are at head count. Their problem is with retention. They lose staff very quickly for a range of reasons that they are seeking to address, but it is nonetheless a problem for them.

Q313 **Chair:** When you talk about the surge staff it will have been reliant on from HMRC, if HMRC needs to post-Brexit do more customs work and, therefore, has less staff availability for surge and Border Force has to



cope with the surge on its own, what additional staffing would you estimate would be needed to cope with the surge?

Lucy Moreton: It would have to mirror at least the provision that was in place this summer, but I would have to say almost certainly exceed it. What we do not know is what Brexit is going to mean for the immigration control. Are we going to still have a level of freedom of movement? Can we still use the EU gate system, which is much faster to get through? Are we going to be able to use the e-gates in the same way as we do now? At the moment, with all of that unknown, it is incredibly difficult to put a figure on needing X more resourcing, staff, funding, IT, because we do not know what target we are trying to hit at the moment.

Q314 **Chair:** The 300 additional staff that the Border Force is recruiting at the moment, do you understand that that is entirely additional to meet Brexit preparations or will some of that be backfilling for existing staffing gaps?

Lucy Moreton: My understanding is that is entirely backfill.

Chair: That is entirely backfill?

Lucy Moreton: Entirely backfill. That is only intended to bring Borders up to where it should already be.

Q315 **Chair:** That is not any additional numbers for any Brexit operations at the border?

Lucy Moreton: That is my understanding that this is only backfill posts.

Q316 **Chair:** If there are changes to border checks, either on immigration or on customs, with simply that number of people in post, what would you anticipate being the consequences at the border?

Lucy Moreton: Very long queues not only of people but also, and possibly more significantly, of freight. There simply is not the physical space in seaports anymore to enable us to check freight if we had to do so. At the moment, I understand the figures are roughly 1% of arriving freight is not European Union freight at a seaport; different for airports but they have always been set up for that. It takes about 40 minutes to check a non-contentious freight load. If we had to move to freight checking on day one, Dover, for example, would grind to a halt. We would not be able to bring the lorries off the ferry fast enough. There is not enough physical space in that port. Dover is a particular example because, of course, it is bound on one side by cliffs. You cannot expand it an awful lot further. A lot of its space has also simply been given up as we moved our controls over to northern France.

The eastern seaboard ports have the same sorts of challenges. If we cannot bring the lorry off the ferry, the ferry cannot turn round fast enough. They turn round in 20 to 40 minutes at the fastest ports. If you cannot get them through the port, they are then going to backlog on to the roads. Lorries that would have joined the ferry to go out cannot board



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it because the ferry is busy trying to offload. We will end up clogging up across the south-east.

Q317 **Chair:** The Home Office information is that they are recruiting 300 extra border staff by September 2018. They have already recruited an additional 700 staff to deal with European casework and are in the process of recruiting another 500 by next April to deal with the registrations. Is that your understanding of the figures or do you have a different understanding of the figures?

Lucy Moreton: Those are UKVI figures for in-country case-working. I have no reason to dispute them.

Q318 **Chair:** Mr Berry, any views on those staffing numbers or pressures?

Adrian Berry: Simply in terms of immigration control rather than customs, because obviously customs is not my area. The real question is what sort of controls. At the moment we have the right of admission for EU citizens and for their family members who are accompanying them of any nationality. Once you have this idea of needing preclearance on some basis, even if it is through an electronic visa waiver scheme, or if you have the idea of people coming for certain purposes requiring prior authorisation typically via a visa, you have to have different systems at immigration control. At the moment, when you go through the same channel as a British citizen, it is basically checking the passport or biometric and going through automatically. If people are coming in for different purposes, how do you then disaggregate that population of EU citizens and their family members? What controls are done?

What you have, of course, with the EU is migration in a more circulatory way in our region. There are a lot of journeys back and forth. People are not just migrating in one direction, staying, bringing family members or coming for short visits. They are just in and out as part of their ordinary life. If you are going to do anything other than having the right of admission, where people simply show their passports, there will be increasing delays. It is not just the number of people, it is the number of journeys that they are doing. Because we are dealing with our region, the number of journeys is much more intense. It is more akin to a circulatory system because of the nature of free movement than what you might call a migration system with primary and secondary migration. We are switching from a circulatory system to potentially, if we do not maintain the aspects of free movement that make it work and function, a primary and secondary migration system.

The problem with that in terms of control at the borders, which was the question, is looking at those different things, the different purposes for which people are coming as one issue and, secondly, looking at maybe some people will have the documents that are required for in-country residence permits and they might have a faster way through and others will not, but they might be coming for the same purpose. You are not simply looking at the purpose that people are coming for, but now we are



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having to look at the different sorts of documents that they hold. How is that going to work? You cannot recruit for it and plan for it adequately until you know how that is going to work.

Q319 Chair: Given what the Home Office has said so far, at least about their transition arrangements, would you expect that to require additional checks at the border?

Adrian Berry: If the transitional arrangements are simply free movement, then, no, in the transition period. We are talking about the period after Brexit, potentially a two-year period, maybe a bit longer. The question will be for third country national family members of EU citizens what documentation is required for them and which channel are they going through. If the family is travelling together with the principal EU citizen in the family, maybe there will be additional burdens because from what I understand, either from documents that were leaked to *The Guardian* in September or other Home Office blue skies thinking or other planning documents, there are going to be additional checks potentially on third country national family members, even in the transitional period, or there may be. The purpose for which people are coming may become more salient in that context. Much depends on the scope of what is embraced in the withdrawal agreement about the terms on which the transition is going to operate.

Q320 Chair: In terms of the casework issues and the process for registering EU citizens who are existing residents and then also registering new EU citizens arriving after March 2019, you I think will have heard the evidence that we took from Mr Bolt about the scale of the caseload and the 3 million-plus cases to be registered over the next two years and the proposed 700 staff to deal with EU casework with potentially a further 500. What is your sense of, first, the scale of that staffing in proportion to the task?

Adrian Berry: My concern is that there are a huge variety of ways in which EU citizens and their family members may be lawfully resident. The easiest case for registering is if someone has five years of employment and you can see five years of P60s or national insurance contributions as an employee. What if you are aggregating periods of time where people have done different things occasionally as employed, self-employed, self-sufficient, as the family member of someone else who has been employed or self-employed? The task of trying to aggregate those things to make a five-year block, a kind of cut and shut of rights of residency if you like, requires a lot more time and effort to do that.

When you are looking at staffing resources, it is probably not such a great thing just to look at the employed and the self-employed because that is the low-hanging fruit of decision-making. The more complex case is where someone is the primary EU migrant themselves in terms of exercising rights of residence and slips into being a family member, slips back into a different kind of right of residence, may have a period of absence that can be counted towards a period of presence, may have a



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period of in-country inactivity that may or may not be counted, and suddenly you have this much more complex picture. In terms of staff numbers and the amount of budget for that and then the staff time that you allocate for that, I have not seen any thinking along those lines that will accommodate that at the moment.

Q321 Chair: Do you think that it is remotely realistic to suggest you could do 100 cases a day for an individual decision-maker?

Adrian Berry: If an individual decision-maker has 100 cases where he or she has five years of P60s for each of those applicants and they are simply just saying, "Five P60s, one for each year, tick, fine", maybe, but there is no scenario where that is likely. I think it is completely unrealistic that a decision-maker, bringing their mind to bear on a person's future in this country, looking at it with the care and skill one would expect of an immigration officer looking at that person's evidence, in all but the most straightforward cases would be able to do something like that. I think it is just for the birds.

Q322 Will Quince: I want to drill down very quickly on the whole resource point. I have a particular constituency case and I do worry about how much time officers are spending on each one. I had a chap recently. He is retired. He has been retired for many years. He originally came from Greece on an original paper document, a real difficult case. The point is he just received a letter last week saying, "Please provide your pay slips between 1982 and 1987". It is ridiculous. Who on earth is going to have kept documents from that period of time? Anyone who read that letter would have said, "Do you know what, what we are requesting here is ridiculous". Was it a computer that just generated that and someone said, "Yes, that will do, send it out and we will wait for him to come back and complain"?

Adrian Berry: It may well have been a template on a computer, but the point, of course, is that there is not sufficient flexibility. EU law does not prescribe the forms of evidence necessary to prove a right of residence. The Home Office quite rightly looks for certain things to make life easier if you can make a quick decision on some forms of evidence, but the categories are not closed. In a case like that, you might be going back and looking at the pattern of national insurance contributions in the relevant period, something that the DWP or HMRC might be able to help with. Or you might be looking at testimony. A person's testimony is a form of evidence if there is no reason to doubt their credibility. That is not something that intrudes into the process. If you are looking at a person who has had a settled life here since the 1980s, the testimony of that person or respectable third parties who have known him would be evidence of credit.

Q323 Will Quince: Can I, therefore, ask why Government Departments are not talking to each other? Why can't, for example, UKVI go straight to HMRC and say, "What are the tax details of this individual?"



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Adrian Berry: They do have a power under section 40 of the Borders Act to make that enquiry.

Q324 **Will Quince:** It is not happening. They are going back to the individual and saying, "Prove it", whereas they could prove it just with one quick phone call or e-mail to another Government Department.

Adrian Berry: There is a statutory power provided for them to make that enquiry. It is a matter for them to explain what resources they allocate to enabling those enquiries to take place, but I understand that they are rationed, effectively. Yes, absolutely, that has, in fact, been anticipated by Parliament in making that statutory power available. It is not done as a matter of routine and where that information exists within different Departments it stays and where the applicant consents to that, it would seem sensible for that to be done.

Q325 **Will Quince:** I have a very brief question about the 250,000 EU nationals that currently move to the UK every single year. At the moment, they are not subject to the same majority of immigration rules and enforcement processes that those outside the EU are. That is obviously likely to change when we leave the European Union post-Brexit. What challenges do you think that that presents and do you think they can be met within the existing resource?

Adrian Berry: At the moment, an EU citizen who is not exercising a right to reside or does not have permission under domestic law is liable to administrative removal, although in practice it rarely, if ever, happens. There has been a recent project to remove homeless EU citizens characterised as a misuse of rights by the Home Office, but that trend towards that is a developing thing.

It will present enormous challenges because the reality is that if you are admitted to the United Kingdom as an EU citizen and you are not claiming anything from the state, the Home Office have had an institutional indifference to what you are doing. The difference between, say, a French citizen and an Algerian citizen is the Algerian citizen might become an overstayer. That creates the commission of a criminal offence and creates an enforcement control. The French citizen will sit on a park bench in Kensington. If they are self-sufficient and they are not taking something from the state, the Home Office is indifferent to them. Suddenly, they are engaged with that cohort of people who have been able to circulate in and out of the UK without having to, unless they wished to have residence documents, prove the lawfulness of their presence in the United Kingdom. There will be hundreds, thousands, millions of people in that situation, whether or not they register.

There will be a number of people that will not be able to register. They will not get five years under the directive of having a right to reside, but they will have been here for 10, 15, 20, 25 years, long-time EU citizens, those that are married to British citizens where the British citizen is economically active. There will be a whole range of cases and it is difficult



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to contemplate the scale of what would be required if you were seriously wishing to remove those people as unlawfully present people and also the politics of it, putting people on the plane to France or Germany or the Netherlands.

Q326 Will Quince: Can I go off on a slight tangent? I also co-chair the ending homelessness all-party group. We know that about 60% of all rough sleepers are EU nationals. What is the answer in that case because that is going to be hugely complex proving five years of residency?

Adrian Berry: Yes. There is a problem with what you might call de facto rights to reside of EU citizens who are here without having actual rights to reside. They have simply been here for a long period of time and may have a family life and a private life. Some of those people may not be documented as well by their home state. The answer to help homeless people of any nationality is to provide them with temporary accommodation and to give them some support. They are people with very complex needs.

The question of immigration control at that point is a second-order question, even today. The homeless person may well be exercising EU right to reside. There are lots of people, in my own experience of casework, who may well have been working on a building site or in catering and insecure employment, been street homeless for periods of time because of their lack of funds, but actually be exercising an EU right to reside as a worker or a self-employed person. The mere homelessness is not the indication of a lack of exercising rights of residence, so it becomes much more complicated. What they need is accommodation.

Q327 Will Quince: There is lots of talk about, for example, bringing back the seasonal agricultural worker scheme and other short-term visas. What kind of pressure do you think that is going to put on the system and do you think they will be able to cope with it?

Adrian Berry: The seasonal agricultural worker scheme, before it was removed, operated in the shadow of effectively being an agricultural migration route from within the EU. We do not know the scale of what would be required. Initially with Greece, Portugal and Spain and latterly with Eastern European accession states, there have been a pool of people available for agricultural labour. The problem is almost responsiveness. For any short-term employment, short-term service provision and short-term contract fulfilling, how responsive is the Home Office in being able to fulfil that at short notice? Agriculture, of course, is tied to land but other services may go elsewhere; companies will do other things. I think it will be very difficult to do that.

Q328 Stephen Doughty: Lucy, some questions for you. What you said earlier on about the 300 just being backfill is obviously extremely worrying. The Home Secretary said that £50 million had been spent on Brexit contingency arrangements in the Home Office already this year. Have you any understanding of what that money has been spent on? Has any of it



been spent on borders and immigration staff?

Lucy Moreton: Not on staff, possibly on the early development of IT. I am speculating, I am afraid. There has been investment into e-gates, putting in more e-gates. I do not think there is any particular clarity about how those e-gates are going to be used post-Brexit because all that can do is verify identity for an existing right of entry. We do not know whether that is going to be extended as a matter of course. They are a valuable resource. There are plans to develop further systems depending on what emerges from the Brexit negotiations, whether we are going to need an electronic visa system. A preclearance system for freight so that you join up the varying customs declarations a little more seamlessly, some of it could have gone on that, but no, not on staff.

Q329 **Stephen Doughty:** To your knowledge, none of it has gone on staff?

Lucy Moreton: No.

Q330 **Stephen Doughty:** You spoke about the issues at Dover and the eastern ports. I wanted to ask you a little bit about the Irish Sea ports. What is your understanding of some of the challenges around Pembroke, Fishguard, Holyhead and so on? Do any of the proposals that have been given so far about the Northern Ireland-Republic of Ireland border make any sense to you?

Lucy Moreton: Taking that in reverse order, the issue of the border between Northern Ireland and Eire is largely a political one and it is not going to have a happy ending whichever way it goes, I suspect. We have managed for a very long time with the soft border there. It is very hard to see how any form of hard border could be effective given the nature of the communities that live along that border and the real degree of mobility. The pound is weak against the euro right now so they come north because they can get more cornflakes, but the fuel duty is different so you go south to get your fuel. With that type of mobility across the border, leaving aside all the political connotations of that, that would be very difficult to do.

The western seaboard ports have a very similar challenge in that the vessels that will have docked in Northern Ireland and are part of our common travel area do not require monitoring. Vessels that have come directly from Dublin, largely within the common travel area, again we do not monitor those. If we suddenly had to do so because southern Ireland is part of the EU and we have some hard border, you have exactly the same challenges there as you would see on the south coast or on the east.

Q331 **Stephen Doughty:** The issues around the physical space for checking of freight and so on?

Lucy Moreton: Yes. It is physical space. Right at the moment, if you can get off whatever your transport is, whether it is Eurostar at St Pancras or in Cheriton or a lorry or a car coming off a ferry, if you cannot physically



get off, get through the control and get out on to the motorway network, you are going to gridlock.

- Q332 **Stephen Doughty:** I was going to ask you specifically about St Pancras. I came through there the other day, and obviously this is before any change has happened, and there were clearly some additional checks going on, I do not know for what purpose, but there was a huge backlog of people coming in off three or four trains at the same time and trying to get down those stairs into the entry. Is there the physical space at somewhere like St Pancras to cope with any sort of significant increase in delay in checking or taking people for checks of luggage they are bringing with them or parts or whatever it might be?

Lucy Moreton: The treaties that allow the immigration control to reside in northern France and in Paris and in Brussels are not, as I understand it, inextricably linked to our membership of the EU. It is possible that those controls will remain and, therefore, there will not be any more impact than there is now. However, it is undeniable that is going to be a bargaining chip and there cannot be any certainty that that will remain.

If we had to return our immigration controls from Paris, Brussels, Lille and the Disney train—a very popular one to control—and bring all those back into St Pancras, there is the space on the second floor to put in an immigration arrivals section, but the sheer volume and the bunching—because obviously the train comes in and thousands of people get off that train right then, it is bigger than an airplane—will inevitably create a level of backlog. If we are having to do anything more of a check than, “You are the person that your document says you are”, what is currently an EU style of control, obviously that is going to be magnified by whatever degree of checks we then have to be doing.

- Q333 **Stephen Doughty:** Lastly, comparing the three scenarios of crashing out without a deal, staying in the customs union, transition of some sort, what are the different implications of the different scenarios just practically for you and your staff?

Lucy Moreton: The most challenging to meet would be the exit without a deal and going to world trade freight rules. Having to control every arriving passenger as we do at the moment as part of the operating mandate would be nigh on impossible. It is difficult to see how that would enable Britain/UK plc to function because we would simply jam up at every entry and exit point. The transitional period is probably the easiest of them because, in effect, day one is no change and we then have time to recruit, to train, to build the IT systems, to make hopefully intelligent decisions about what that is going to look like at the end of the transitional period.

Remaining in the customs union would be a significant assistance. One of the largest challenges that I understand Border Force sees is to the movement of freight rather than the movement of people, and that would



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be a halfway house that would be more easy to address. All of these are still very much undecided.

Q334 Tim Loughton: Clearly, there is no benefit to Belgian, French, Dutch freight carriers to be clogged up when they get to Dover or Harwich or whatever. What is the capacity, do you think, therefore, for effectively an extension of the Le Touquet arrangements where there will be more freight clearance on the continent or also the capacity, and does it happen now, for checks to happen in transit, particularly on the longer boat journeys, and for individuals travelling on Eurostar or whatever those checks being done on the train?

Lucy Moreton: We used to do the physical checks on the train and no longer do, but certainly that is perfectly possible. I understand it is not permissible for health and safety reasons to move about on the freight decks of a vessel at sea and that only registered crew are down there. Whether it would be possible to set up a system whereby we could examine freight while it is on the vessel, that is seafaring health and safety regulations and not something I am fully across.

Q335 Tim Loughton: Has that happened before, though, before health and safety came in?

Lucy Moreton: No, not that I am aware of. We have never checked freight on a vessel. We have checked people on the vessel. We used to take up residence in the purser's office and everybody had to come to us. That was quite common, but never freight.

There is a question as to whether that would achieve some of the aims of the outsourced juxtaposed controls. It would be a matter for negotiation. If you found a clandestine entrant out of a lorry on—I speculate—a Maltese-registered vessel that had left Holland and not yet reached UK waters, which country's job is it to deal with that individual? That would need to be resolved before we could put any types of checks in place.

Q336 Tim Loughton: That is feasible, you say, that if there were continental checks in place, if they were agreeable to that, that does certainly take the pressure off a large stacking system of lorries when they arrive at Dover or whichever port it is?

Lucy Moreton: It puts the stacking system somewhere else, but yes, hopefully it is something that is more easy to contain. The ferries would still be able to move, and presumably freight and passenger traffic would in time learn to deal with any associated backlogs at ports. At the moment, occasionally the traffic on to the Eurotunnel will backlog on to the A16 in Calais. Like queues getting to the airport, if you are a regular traveller you learn to leave a little bit earlier so you can deal with that. If the countries are willing to have those checks there, that would make a huge difference. I do not know what the benefit to those countries would be, though.

Q337 Tim Loughton: There is also presumably some system, and I presume it



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happens in parts of the world now, where with containers a sealed container could be checked by the relevant authorities before it is effectively sealed?

Lucy Moreton: Yes.

Tim Loughton: If it then arrived in the UK sealed, no further checks would be required?

Lucy Moreton: We would hope so. There is a lot of money in people migration, and like any crime where there is a large amount of money to be made, there will be folk who find other ways around it. Unfortunately, there have been instances over the years of individuals concealed in containers that are not suitable for human life. The theory is good, yes. If it could be inspected, if it was adequately secured, if the seals were intact and irreplaceable so you could not open it and put a fresh seal on, the theory is good but, with regret, there would probably be somebody who would manage to circumvent that.

Q338 **Naz Shah:** I have a couple of questions for Mr Berry regarding visa applications. You were present during the previous evidence session. In your opinion, do you think UKVI is coping with its current visa workload?

Adrian Berry: In a sense it does. Most visas will be visit visas for people coming from outside the EU, so the things that we are coping with at the moment would be around that. Inbound migration for entry clearance purposes under the immigration rules for coming for work or study forms a small portion of it. At the moment they appear to process visit visas predominantly well, but I am not sure. When you say do I think it can cope with its current load, the answer is, yes, it is doing its current load. Whether it is doing it well or whether it has enough resources to do it, I am not sure, if that is what you are asking.

Q339 **Naz Shah:** Let me put it like this. At the moment, the Home Office has extended the timing for visa applications.

Adrian Berry: Right, I see.

Naz Shah: Given that, and they said there is a backlog, due to the snap election earlier this year, would you agree with what I would think, that they are not coping?

Adrian Berry: Yes. There are substantial delays in processing the applications. If we divide that, delays are most acute in economic migration, study routes and family reunion. When we talk about visas, we are talking about any kind of pretravel authorisation and for visa national countries, of course, even a visit will require a visa. That may be frustrating but the real problem is about families being kept apart when they are coming for family reunion purposes, or the delays are in processing a work permit to a general application, that sort of thing. There are delays there and that can have consequences for family life or for the individual or the company that seeks to recruit somebody.



Q340 **Naz Shah:** What steps could the Home Office take to improve the efficiency and effectiveness of visa application processes?

Adrian Berry: The complexity of the immigration rules makes it difficult for both the person applying for the visa and the person making the decision. It is not simply the complexity in the sense that there are number of bits and pieces that have to be sorted out, but the way in which they are communicated, the way in which they are elaborated and written is just extraordinary. That has been the subject of judicial comment, as well as comment from users, about how fiendishly complicated they are. That is the jumping-off point before you even get to resources, staff training, and having service targets that are related to the nature of the application in question.

If somebody is coming for a six-month period of study and it takes four months to process their entry clearance application, that is clearly problematic. If an adult dependent relative seeks to come, because they need the care of the in-country family member—there is a route for that—and it takes a year to process, six months to process and then a further year to appeal the decision, that is a question of resource in the context of the purpose for which the person is coming.

Q341 **Naz Shah:** In that case, Mr Berry, do you recognise the chief inspector's report, "Staff levels at Croydon were well below headcount, particularly at the management grade, and as a result the performance management regime had largely fallen into abeyance". Do you recognise these concerns and are these issues limited to Croydon?

Adrian Berry: I recognise the concerns. From my own experience of casework and from that of most of the members ILPA, there is common concern, both regarding in-country decision-making and decision-making at entry clearance posts overseas. There are delays in the system.

Q342 **Naz Shah:** Do you think it is wider than Croydon?

Adrian Berry: Yes.

Q343 **Mr Christopher Chope:** One question for Mr Berry. We have heard that there is a lot of frustration about the number of late appeals against removals. Do you have a remedy for that or an explanation as to why there are so many late appeals? Are people playing the system, with the help of people who belong to the Immigration Law Practitioners Association, or what is happening?

Adrian Berry: At the moment appeals are limited to human rights, refugee grounds and EEA appeals. The old rights to appeal against a refusal under the immigration rules, or when a decision is not in accordance with the law, have been abolished, so you are dealing with a narrow class, largely based around family life or protection-based claims. Those appeals are often made when a person has access to legal advice for the first time and it may be that the question of the immigration decision being served on them promotes them to try to seek legal



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advice in the context where there is no legal aid for human rights advice in immigration law. There is legal aid for asylum but not for advice on Article 8 issues under the European Convention on Human Rights; a person may have to pay for it privately or find a pro bono.

Late access to legal advice, because of a lack of an ability to seek it, may be one question. That person may well have a perfectly good case on human rights grounds for leave to remain, but they may not be able to cohere the necessary resources or legal advice to be able to crystallise it until that point. The appeal then may take a long time to be listed. One of things about late appeals is how long they take to be listed and heard. If you have a listing that is a year or 10 months after you have lodged your appeal papers, most of the delay is in the lack of tribunal provision. There need to be adequate resources devoted to the tribunal service. There is no reason why an appeal cannot be brought, marshalled and then determined, in a relatively expeditious timeframe, allowing access to justice, proper legal advice, and so on, but there is this resource issue.

Chair: Thank you both very much for your time. We appreciate it.

Examination of witnesses

Witnesses: Helen Kenny and Mike Jones.

Q344 **Chair:** Can I ask you to introduce yourselves?

Helen Kenny: I am Helen Kenny. I am the National Officer for the FDA, which is the union for senior professionals and managers in public service.

Mike Jones: I am Mike Jones, the Home Office Group Secretary for the Public and Commercial Services Union.

Q345 **Chair:** Thank you very much. Welcome and thank you for giving evidence to us today. Can I go straight to the staffing issues? What is your understanding of where the greatest staffing pressures are under the existing workload, before you get to the Brexit additional workload?

Mike Jones: Since 2010 we have seen over 1,000 staff lost from across the Home Office. That is causing significant pressure in all areas of the Home Office now. If I go through some of the figures on each of the areas where we have seen losses over a number of years, and even over recent terms, we have seen around 400 lost in the Border Force in the last two years. In April 2015 the Border Force was 8,198 full-time equivalent staff and it is now 7,798 staff. In Immigration Enforcement, we have lost 400 in the last two years. In April 2015 there were 5,400 full-time equivalent staff and it is now just over 5,503 at April 2017.

Q346 **Chair:** It would be really helpful to have those figures confirmed in writing in terms of what the trajectory has been. I am particularly interested in what the shortfall might be in vacancies or unfilled positions now—in addition to posts having been reduced.



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Mike Jones: If you look at Border Force, what we have now is six-day working for every single port, so obviously there are not enough staff to cover the shifts and people are having to do extra days on top of their basic hours. As has already been reported, we have a massive amount of seasonal workforce coming in but they were only meant to be for peak periods over the summer. Now we are seeing them pretty much permanently throughout the year. There is obviously a major staffing gap within the Border Force.

In UK Visas and Immigration, we have seen a massive amount of overtime needing to be undertaken. If we just look at one building within UK Visas and Immigration, since 2015 we have seen 24,000 days of overtime used within that time. That is the equivalent of over 100 staff that we could have had full time, but people are having to do that at an expensive rate for the Home Office because they are having to pay overtime rates to the existing staff. It is also causing burnout for those existing staff to try to cover the work that is necessary. There are massive gaps.

We are also seeing staff having to take second jobs because the pay has been so cut over a number of years. We have seen around 10% in real-terms cut in members' wages since 2010.

These are the massive pressures we are seeing right across the Home Office.

Helen Kenny: In response to our working hours survey, 75% of FDA members report that they are overworked. Over 50% say that they have worked while on sick leave or annual leave and most of them feel that that is not going to change, that nothing is being done about the workload. The issue is not necessarily about vacancies. It is, having cut the workforce, the amount of additional pressure on people who have remained. It is that gap that our members report.

Q347 **Chair:** When the Home Office talks about recruiting an extra 300 Border Force staff and an additional 700 casework staff, is it your understanding that those numbers are additional or that those numbers are backfilling for existing work?

Mike Jones: The impression that the Committee has been given in the past was that it was 700 recruited already, in addition to what the workforce was, and we are expecting another 500 to be recruited in European casework, but that is not true, if you look at the exact way of working things. What has happened in European casework is that there has been a recent recruitment of 240 staff and we are expecting further recruitment of 500 staff by April 2018. If we look at the year-end for—

Q348 **Chair:** Just to clarify, that is a recent recruitment of 240 additional staff on European casework; that is not filling gaps, that is additional posts of 240?

Mike Jones: Yes.



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Q349 **Chair:** And you are expecting 500. Is that 500 on top of the 240?

Mike Jones: Yes.

Q350 **Chair:** So that is an additional 500 on top of that 240 by 2018?

Mike Jones: Yes. Now there are around 780 staff, including agency workers, within European casework. By April 2018 we expect there to be 1,200, but that is well short of what the Committee has been told that we are expecting on top of the 640 that we had. They were talking about an additional 1,200, which is clearly not true.

Q351 **Chair:** By 2018, so in less than six months' time, you are expecting how many? Then by March 2019, how many are you expecting?

Mike Jones: The Department has only looked to fill an extra 500 staff to take us to 1,200 in April 2018. There is no further clarification on what numbers will go up to. I know they are looking at it but we have not had any confirmation. However, if you look at that, there is an attrition rate of 5% to 10%, so obviously if staff leave between now and 2019 they need to be recruited to backfill.

Q352 **Chair:** Sorry, I may just be being slow about this. When you talk about 1,200, is that a total figure for total existing and new staff, or is that 1,200 additional staff?

Mike Jones: No, that is 1,200 in total.

Chair: I see; 1,200 existing and new staff together.

Mike Jones: The Committee was told that 700 have been recruited and there will be another 500. That would have taken us to over 1,800 staff in European casework. However, the reality is there will only be 1,200 by April 2018 instead of the 1,800 that the Committee probably thought we were getting.

Q353 **Chair:** Do you have any further understanding about the 300 proposed additional Border Force staff?

Mike Jones: The figure that we have been given is not 300. It is actually 252, so we are already below that 300, and it is only backfilling. We understand that around 60 staff will be divvied out to each region, so it is not even necessarily targeted at particular pinch-points of airports and ports. As I have said previously, they already have a massive quantity of shifts not being covered adequately, so people are having to do additional hours already, there is six-day working, and also the use of seasonal workforce, surge staff, so this is not going to solve the problem in any way. We need far more staff as it is, never mind what may well come as a result of leaving the European Union.

Q354 **Chair:** Ms Kenny, anything to add on those points?



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Helen Kenny: I do not have direct knowledge about UK Border Force. Our members do express frustration with the length of time it takes to fill vacancies, particularly in terms of security clearance.

Q355 **Chair:** If you need additional staff in place for the summer of this year, to start the registration process, and for March of the following year, to deal with any border changes and also new registrations coming in, what lead time would you expect on the recruitment process? When does the recruitment process need to start, given the way it tends to work in practice?

Helen Kenny: Nine months, I would say. Some time for having the job adverts and getting applications and CVs in, and so on; then the interview process; and then you have a six-month delay, effectively, for security-clearance purposes. That is then just bodies in the door and there is an attrition rate while that process is going on. People who are looking for work are not necessarily going to want to wait six months if they get another job offer. You get that kind of attrition. There are real difficulties in filling vacancies. Then you have to have time to train people up, develop them, make sure they are up to speed and so on.

Mike Jones: We support that. We know the period to start the recruitment process and to get the security clearance does take a good six months. If you are going to train people properly, you put them through a month's training and mentoring should also be taking place, but there are gaps within that as well because of the pressures that people are under.

Q356 **Stuart C. McDonald:** When we heard from the chief inspector earlier, he painted a picture of strain, heavy workloads and low morale at Gatwick. He also mentioned that his report on Stansted painted a similar picture. If he was to inspect other ports and airports, would there be a similar picture?

Mike Jones: Absolutely. Heathrow has a problem at the moment, with staff leaving and not being able to replace them. Manchester is another; they are experiencing problems with covering shifts. It is across the piece. We are seeing at the ports that they are massively understaffed as well and the contingencies that are being put in are minimal. It is not within their ability to do the proper checks.

Q357 **Stuart C. McDonald:** Hypothetically speaking, if we ended up with a no-deal Brexit, what would the implications be for Home Office operations, both at the border and in processing and decision-making centres?

Mike Jones: The Dover Harbour Board has called it Armageddon, which is what it could possibly be. Kent will be a carpark. At the moment there are around 4 million units of freight coming through Dover and the Channel Tunnel. Only 1% of that is non-EU. They go off to Weston docks to be checked over. It usually takes two to three hours per lorry. If you are looking at around 40,000 being checked now, but then you would



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need to do 4 million, you can see the scale of the problem. It is just going to be impossible to deal with.

There has been absolutely no guidance from the Government to support the Home Office in what they should be looking at for the contingencies of this. If you think of the infrastructure that you would need to deal with that, it is massive, and we are 16 months away from leaving the European Union. I criticise the managers in the Home Office quite often, but on this I think they have been completely left in the lurch by a Government that have no clue about the way forward. They have got themselves into real difficulties and it is an absolute shambles at the moment because no one in the Home Office is being told what they need to do to prepare for Brexit. When you think that the Prime Minister was the Home Secretary while we were going through the referendum process, there was absolutely no preparation done within the Home Office for a Leave vote at the time. That was a complete dereliction of duty by the Home Secretary at the time, now the Prime Minister.

Helen Kenny: I would echo that the biggest concern, the biggest problem, is the lack of clarity, not knowing what things will look like the day after we leave the European Union. The closer we get to that date, the more likely it is that Home Office staff will not have the time, the resources or the ability to put the relevant processes in place. There is real concern that the Government will expect the impossible. Unrealistic expectations of how quickly a system can be put in place are causing stress and concern for our members.

Q358 Stuart C. McDonald: Can I ask a quick question about PCS's written evidence to the inquiry? There is a reference in there to customs operations having already been treated almost as a secondary consideration, playing second fiddle to immigration controls, and you talk about a summer drop-off. Why is that? Is it just because of priorities that have been set by the Home Office that customs is less important?

Mike Jones: Yes. It is a lack of staff, basically. It all comes down to the staffing being reduced and not being able to cope with the demands coming in. The directorate that is coming through to the staff in Border Force is that you have to do 100% passport checks and the focus has to be on getting queues down as quickly as possible as people come off planes. What that means is that virtually all the resources now are focused on primary control, stamping passports, trying to get people through quickly, because we have already seen planes being left on runways at Stansted for hours on end, people having to stay on the plane, because the queues within the airport are so long. What that means is that our staff, our members, who are customs trained, do not get to do that work as well.

You will know from your own experiences of going through airports that people are virtually waved through now; there are no customs checks. You walk past the customs area and there are no staff on and hardly any of that work goes on, so we are missing things through that. The PCS



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view is that those customs checks should be taking place and the resources should be put in to make sure that staff are there to do that work as well, not just work on the primary controls.

Q359 Stuart C. McDonald: I do not know if either of you has seen the chief inspector's report about asylum casework, which was published yesterday—again, it is growing backlogs and reference to tough targets for staff. Is this another issue of resources or do other changes have to be made to try to improve the situation and get to decision-making?

Mike Jones: A lot of it is down to resources, but also we have seen problems recently because they regraded decision-making staff. It used to be a higher executive officer who made those decisions on casework. They have reduced that to executive officers, who are expected to make the case decisions now. That can mean £10,000 less being paid, but those people do not necessarily have the experience or the support to actually make the right decisions. It is not the fault of the members of staff; it is the resources to make those decisions that they are not getting.

Earlier in the session, you mentioned the targets of around 225 units that people are expected to undertake or events people are meant to take each year. Every case is different and has to be treated in a professional way. When people are given targets like that they feel forced to make a decision or to push things through. Also there is pressure that people should feel suspicious of applicants rather than looking at the case on its merits and making a decision on that basis. The events that they are meant to make decisions on are only classed as when they have signed off on the case or they have had an interview with individuals.

When you are looking at an asylum case, for example, the caseworker might well see some issues that are flagged up about protection of the children who are involved. They would phone up social services at local councils to look for support of what is in there and all that is discounted against their production targets and so on. If people are not hitting these 225-unit figures, they are pressured to say why they are not meeting those targets, when all they want to do is make a proper decision and do a good job. Then they go through the performance management process and can be put on a performance improvement plan because they are not making enough decisions. It is not about the decisions; our members want to make the right decisions. These types of pressures are put on people on a daily basis.

Q360 Stuart C. McDonald: Any further thoughts on that, Helen Kenny?

Helen Kenny: The only thing I would add is that where there is a lack of resources and there is pressure on people, stressed people make poor decisions; that is scientifically evidenced.

Q361 Mr Christopher Chope: Can I put on record—and I am sure everybody on the Committee agrees with this—our appreciation for the work that



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your members do? It is a very important and valuable job for our country.

I have a question about the process in the immigration and enforcement territory, not about the staffing. It sounds from what the border inspector was talking about that there are issues about not getting the best value out of the work their staff do because of process problems. Do you have any insights in relation to the process that would help the Committee?

Helen Kenny: I do not personally.

Mike Jones: You cannot discount the staffing issues within Immigration Enforcement when we are talking about these types of things. We have to put on record that there are 400 fewer staff in Immigration Enforcement who can do that job. We need more staff in Immigration Enforcement to act on the intelligence that they get and act on it in a reasonable time. With the lack of resources for making decisions in other areas of UK Visas and Immigration, sometimes time has elapsed by the time Immigration Enforcement gets that information and people have moved on. If they go and knock on someone's door, the person is not necessarily there because the intelligence that they had is not as up to date as it should have been. Again, it is a resource issue. If you do not pay for adequate staff you are always going to have this problem.

Q362 **Mr Christopher Chope:** I think we can accept that that is part of it, but you do not really have anything else to give us as insight into how the processes could be improved to get better value out of the staff we have.

Mike Jones: Are asking me a question there?

Mr Christopher Chope: It is a question, but you obviously do not have to answer any questions.

Mike Jones: Okay.

Q363 **Chair:** To follow up on enforcement, is it your sense that enforcement has deteriorated over the last two years?

Mike Jones: In what ways deteriorated?

Chair: We have seen a reduction in the number of removals, both voluntary and enforced, and a reduction in the number of penalties for illegal working. It looks, numerically, as though enforcement has got worse over the last couple of years. I was just asking whether that was your experience.

Mike Jones: You will add pressures, having 400 fewer staff. That equates to why you may well see some more problems coming into the system.

Q364 **Chair:** A final question on the processes to be introduced for Brexit, going back to the Brexit thing. The Minister described the new system, the online system that he wanted to have introduced by September. Ms Kenny, you talked about the length of time it might take to introduce new



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processes. If you or your members were wanting to introduce a new process by September of next year, what would be, in your experience, the normal length of time that would take, to make sure people were properly trained on a new system, properly tested and implemented?

Helen Kenny: That would take time. I am advised by members that that is in process, is actually underway. The system cannot be finalised until what the scheme looks like is confirmed, because obviously that is still subject to negotiation. The work on designing the IT system, the IT process, is undoubtedly well advanced and is expected to be tested next year. Until there is clarity on the what, it is very difficult to train people up to do the how.

Mike Jones: We have not been told what this new system is going to be; we do not know who it is being tendered out to, whether it is an in-house new system or not. What we do know is that the new HMRC system that they are trying to bring in is already seven years behind the time of introduction and we only expect it to come in two months before we are supposed to leave the European Union. We have had countless IT problems within the Home Office, so the Home Office track record is not good. The Committee can go back and look at those introductions of new IT systems. The Disclosure and Barring Service at the moment is moving from a system called R0 to R1. There has been a catalogue of errors and delays in the introduction of that. There is only a tiny part of that system—for barring—being used at the moment, and there are major problems in it. We have written to the Minister to flag those problems. I have a bit of a lack of confidence in this area, when we do not even know what people will be expected to put online. Also what about people who cannot do the processes online? Are there the staff to help them?

Chair: Thank you very much. Unfortunately, we have to draw this session to a close because we have the Prime Minister's Questions about to start. Thank you very much for your time and for your evidence. It is very much appreciated.

May I also ask you, just to make sure I have not misinterpreted, for any further confirmation that you can give us in writing, especially of the figures that we were referring to: anything about current shortfalls in staffing against the posts that are supposed to be filled and what in practice units may be operating at relative to what they should be operating at, and, secondly, what progress you think is being made against the recruitment profile that the Home Office has set out for how many staff are expected in post and when they are expected to be in post? I know you have given us very detailed evidence and it is very much appreciated, but any confirmation in writing would be really helpful so there is no misunderstanding about the precise figures.

Thank you very much for your time. We really appreciate it and we confirm Mr Chope's thank you to all your members for the work they are doing.