

8 June 2022

Dear Chair,

Commitments – Work of the Home Office HASC session

Thank you for the HASC session on the work of the Home Office on 22 June and for your letter of 29 June requesting some clarifications and asking some additional questions. This letter seeks to reply to all of your questions, in good time before your deadline of 20 July, with apologies that we did not answer the red questions before 5 July.

Windrush

You asked how compensation for the impact on lives is calculated under the Windrush Compensation Scheme.

The impact on life category can include, but is not limited to, inconvenience, injury to feelings, deterioration of physical and/or mental health and its impact on being able to work, family separation, inability to attend significant family occasions and an inability to return to the United Kingdom. We guide our caseworkers on compensation payments up to £100,000. Our guidance also acknowledges that some impacts can be so severe that compensation over £100,000 may be justified.

Full details of the consideration of impact on life claims are set out in our comprehensive caseworker guidance on the Windrush Compensation Scheme at

<https://www.gov.uk/government/publications/windrush-compensation-scheme-casework-guidance>

You wrote on 21 June 2022 to the Minister for Safe and Legal Migration following your visit to the Windrush Compensation Scheme on 14 June 2022, asking several questions, including about claims that are in progress.

Minister Foster responded on 7 July 2022 providing a detailed response about the claims in progress.

You asked when the documents Wendy Williams mentioned in her progress report, relating to the evaluation of the compliant environment, will be published.

Our initial analysis has been completed and is subject to internal quality assurance and other checks. As I noted at the Committee, I am not currently able to provide a publication date.

Migration and Economic Development Partnership (MEDP) with Rwanda

You have asked for the terms of reference and the budget of the Monitoring Committee set up as part of the Rwanda scheme and the names of the members of the Monitoring Committee and Joint Committee.

The first Joint Committee took place in Rwanda on 31 May. There will be further details on this Joint Committee in due course, including its membership.

The Memorandum of Understanding includes provisions for an independent Monitoring Committee, which will report on the treatment and support of relocated individuals at all times whilst they remain in Rwanda.

The Monitoring Committee is due to become operational in the coming months. More details on its membership and Terms of Reference will be set out in due course.

You have asked for an update regarding vulnerable refugees due to come to the UK as part of the MEDP.

As you will be aware, Rwanda is leading in supporting the UNHCR and neighbouring regions with those in need of resettlement. Through the MEDP, the UK will support this effort by resettling a small number of the most vulnerable refugees residing in Rwanda (it is important the Committee notes these are vulnerable refugees currently residing in Rwanda, not Rwandan refugees).

The number will likely be in the tens, rather than the hundreds, and further details will be set out in due course.

You have asked for further detail regarding the selection process for people relocated under the MEDP.

As set out in our published inadmissibility guidance, an asylum claimant may be eligible for relocation to Rwanda if their claim is inadmissible under this policy and (a) that claimant's journey to the UK can be described as having been dangerous and (b) was made on or after 1 January 2022. A dangerous journey is one able or likely to cause harm or injury. For example, this would include those that travel via small boat, or clandestinely in lorries.

A case-by-case assessment will take place for every individual considered for relocation. No one will be relocated if it is unsafe or inappropriate for them.

You asked about access to legal advice for those we intend to relocate under the MEDP.

Everyone eligible for relocation under the MEDP is asked if they have representation and will have access to legal advice and the ability to make representations before a decision is made.

The Home Office facilitates legal surgeries in immigration removal centres where we provide information on the policy in briefings and information leaflets (these are currently translated into seven key languages¹).

¹ The seven languages selected were based upon current trends. They are Arabic, Kurdish (Sorani), Pashto, Farsi, Vietnamese, Albanian and Tigrinya.

The Home Office spoke with all individuals scheduled to be relocated on the 14 June, to ensure they understood the process and were given the appropriate support ahead of departure, including access to interpreters when appropriate.

Anyone under consideration for relocation under the MEDP will have this confirmed to them specifically in a Notice of Intent issued to them. Individuals in detention have seven calendar days from the date of that notice to submit reasons about why their protection claim should not be treated as inadmissible, or why they should not be required to leave the UK and be relocated to Rwanda. Those being removed by charter flights, like those scheduled to be relocated on the 14 June, are served Removal Directions which give individuals a minimum of five working days notice of removal to seek legal advice

You asked that I write to the Committee if there is a formal update on my assessment of value for money of the MEDP

I will be happy to write to the Committee with any formal updates.

You asked us to investigate the specifics of a case scheduled for relocation on 14 June raised by Stuart McDonald, involving Medical Justice.

We are in touch with Medical Justice about this case and we will write to you separately.

Clarification on payments under the MEDP

Finally, on a point of clarification, Ms Abbott said the Home Office would be paying the Rwandan government £12,000 for every person relocated under the MEDP. This figure is incorrect. Funding will be provided by the UK Government to support the delivery of asylum operations, on-going accommodation, welfare and integration support in Rwanda for up to 5 years. This funding will be similar to the costs incurred in the UK for these similar services and types of support. However, each person's needs will be different and the total funding provided under the partnership will be based on a number of factors including the number of people relocated, the outcomes of individual cases and the support required.

What we have said is that we believe that the amount paid to Rwanda to process the asylum claim for each person relocated there would be broadly similar to that which we are spending on processing claims in the UK which, according to the last published statistics in August 2021, was just under £12,000.

As set out in that statistical release, that figure is subject to a number of variables. The costs of an asylum case will vary considerably dependent on the type of case as well as barriers to documentation, legal challenges and logistical and practical challenges.

As I set out in the session, costs associated with the scheme will be set out in the Home Office Annual Report and Accounts each year in the usual manner.

Ukraine and Afghanistan

You asked whether we had considered allowing UK residents offering homes to families we have evacuated from Afghanistan.

Each safe and legal route is tailored to the unique situation arising in each crisis and, as the Committee will be aware, our response to the crisis in Afghanistan and the war in Ukraine is different.

In response to the Afghanistan crisis, this Government helped over 15,000 people to safety in the largest and fastest emergency evacuation in recent history. We have also continued to bring people to the UK, with over 3,000 people helped to enter since the evacuation.

While those coming from Ukraine are being issued leave to remain for three years, those on the Afghanistan Citizens Resettlement Scheme (ACRS) and Afghanistan Relocations and Assistance Policy (ARAP) will receive fee free Indefinite Leave to Remain (ILR) with many of this cohort having now been granted ILR under both schemes.

Having been granted indefinite leave to remain, we are working at pace to place find suitable, permanent accommodation for those in bridging accommodation with over 350 local authorities across the country.

Our Community Sponsorship Scheme does, however, provide the opportunity for friends and neighbours, charities and faith groups to play a direct role in supporting families resettled to the UK as they restart their lives here. Sponsors are able to welcome and support families through the ACRS. Further details on the Community Sponsorship Scheme can be found at:

<https://www.gov.uk/government/publications/apply-for-full-community-sponsorship>

I agree that there is much to learn from our Community Sponsorship and Homes for Ukraine Schemes about the role of civil society in supporting refugees - and our teams in the Home Office and Department for Levelling Up, Housing and Communities will continue to explore how we can ensure those we resettle are best supported.

You also asked us to look at the specific cases of a delegation of Ukrainian MPs who recently visited the UK.

We have reviewed the cases and will write separately about them.

Safe and Legal Routes

You asked about safe and legal routes for those caught in conflicts in east Africa and Yemen.

The UK welcomes refugees and people in need of protection through its existing resettlement schemes. These include the UK Resettlement Scheme, Community Sponsorship, the Mandate Resettlement Scheme, the Afghanistan Citizens Resettlement Scheme and the Afghanistan Relocations and Assistance Policy.

Individuals from the listed countries may be eligible for resettlement through these existing schemes.

Our approach is to resettle refugees in line with the global need identified by UNHCR who will refer individuals in accordance with their standard resettlement categories and policies, based on an assessment of protection needs and vulnerabilities.

In the 12 months to 31 March 2022, we have resettled just over 1,650 people through our Resettlement Scheme including nationals of Eritrea, Ethiopia, Somalia, Sudan and Yemen.

EU Settlement Scheme

You asked about publication of statistics relating to the EU Settlement Scheme (EUSS), specifically on processing times for EUSS and EUSS family permit applications.

Consistent with the vast majority of immigration statistics, there are no plans to include data on processing times for EUSS and EUSS family permit applications in the quarterly or monthly EUSS statistics (nor has this information been included in any previous publications). However, information on processing times is published on GOV.UK.

EU Settlement Scheme applications

Estimated processing times for EUSS applications can be found at:

<https://www.gov.uk/government/publications/eu-settlement-scheme-application-processing-times/eu-settlement-scheme-pilot-current-expected-processing-times-for-applications>

While the [webpage was last updated on 22 May 2020](#). It remains accurate. [Complete, online applications usually take around five working days to process but can take up to a month. Unfortunately, we are receiving an increasing number of incomplete applications which means fewer cases can be concluded within five working days.](#)

[The webpage also sets out circumstances in which an application is likely to take longer than a month to process, such as where the individual needs to provide further information for their application, where they have a relevant criminal record or where they submit a paper application.](#)

EU Settlement Scheme family permit applications

Processing times for EUSS family permits can be found at:

<https://www.gov.uk/guidance/visa-decision-waiting-times-applications-outside-the-uk#join-family-in-the-uk>

The page will be updated to remove a reference to applying for an EEA family permit, which has not been possible since 30 June 2021.

The page states that individuals applying for an EUSS family permit will get a decision as soon as possible after proving their identity and providing their documents. This remains accurate, although from 9 March to 23 May 2022 a number of staff were deployed to the Ukraine schemes, due to the clear urgency of progressing applications on those routes. The Home Office remains committed to processing EUSS family permit applications as soon as possible.

As of 31 March 2022, there have been 174,047 applications for an EUSS family permit, of which 154,411 (89%) had been concluded. There were 19,636 cases in progress, down 27% from 31 December 2021.

Right to work and right to rent

You asked why there was no awareness campaign around the change requiring employers or landlords to use an online portal to check whether an individual has the right to work in the UK or rent a property in England.

Since 1997, all employers have had a responsibility to prevent illegal working. Right to work checks are completed before employing someone to make sure the individual is not disqualified from carrying out the work in question by reason of their immigration status, including British citizens.

In addition, since 2016, landlords and letting agents are required to ensure only those lawfully present in the UK can access the private rented sector in England. Right to rent checks are straightforward and apply equally to everyone seeking accommodation in the private rented sector, including British citizens.

Employers and landlords must do one of the following before the employee or tenant commences employment or tenancy:

1. A manual right to work/rent check, using a document from the Lists of Acceptable Documents;

2. A right to work/rent check using Identity Document Validation Technology (IDVT) via the services of an Identity Service Provider (IDSP); or
3. A Home Office online check.

The changes introduced on 6 April this year mean that employers and landlords are able now to work with IDSPs to carry out digital identity checks for British and Irish citizens.

To support this we laid immigration regulations² to remove physical biometric cards (Biometric Residence Card (BRC), Biometric Residence Permit (BRP) and Frontier Worker Permit (FWP)) from the lists of acceptable documents used to demonstrate a right to work or right to rent. As a result, since 6 April, those who hold a BRC, BRP or FWP are required to rely solely on the Home Office online checking services to evidence their right to work or right to rent.

These changes support long-term post-pandemic working practices, accelerate the recruitment and onboarding process, improve employee mobility, simplify eligibility checks based on immigration status and enhance the security and integrity of the checks.

They also support the Home Office's work to develop a border and immigration system which will be digital by default. The ambition is to phase out physical documents before the end of 2024 as we move towards a system of online evidence of immigration status (eVisas). Employers supported action to simplify right to work checks and the system of right to rent checks took account of views raised by landlords, charities and representative groups.

We remain committed to ensuring employers and landlords understand their duties in conducting right to work and right to rent checks in line with recent legislative changes, and individuals understand how to evidence their status.

It is incorrect to say there was no awareness campaign. We have used a range of channels to ensure employers and landlords understand their obligations. These included: collaboration with other government departments and stakeholders; webinars and engagement events; and a campaign targeting employers, with a core call to action to check employees' right to work using the online checking service where possible.

This work continues as we develop our digital products and services for use by all, including vulnerable users.

Asylum and immigration

You asked how many staff are currently working on the Ukraine schemes and how we expect this number to change in the coming weeks?

We have approximately 450 staff working on these schemes from across our operations and from other departments including DWP and HM Revenue and Customs. Our output is now matching our intake and we are keeping this number under review.

You asked whether the Ukraine crisis has impacted our asylum decision makers.

², The Immigration (Restrictions on Employment and Residential Accommodation) (Prescribed Requirements and Codes of Practice) and Licensing Act 2003 (Personal and Premises Licences) (Forms), Etc, Regulations 2022

We have not moved asylum decision makers to work on the Ukraine Schemes and continue to recruit more asylum caseworkers.

You asked how we are prioritising asylum cases in the system

In recent years we have been concentrating on older, complex asylum decisions ensuring children and those most vulnerable are considered. The introduction of a new Legacy and Flow model on 28 June enables new asylum cases to be processed efficiently in line with the Nationality and Borders Act (NABA).

All new asylum claims after 28 June will be considered and processed under the new legislation and all existing claims will be worked through under the previous asylum policy. Asylum Operations has undergone a restructure to enable focus on each of these cohorts of work

You asked whether we were still spending £4.7 million a day on accommodation for asylum seekers and how we are looking to reduce those costs.

In May 2022 we spent an average of £4.9m per day on hotels for asylum accommodation. In order to reduce this cost, we have been working closely with our accommodation providers to increase the amount of Dispersed Accommodation available to us. The Home Secretary will discuss the figure in more depth at the next HASC session taking place on 13 July.

The full asylum dispersal model, announced on 13 April 2022, will gradually end the use of hotels by allowing the Home Office to procure dispersal properties within the private rental sector in all Local Authority areas across England, Scotland and Wales, rather than the minority of Local Authorities which currently participate. This approach will reduce pressures on those Local Authorities.

Staffing / admin issues

You asked what proportion of Home Office staff are working from home and what impact is this having on productivity.

Many of our posts are not suitable for any homeworking, but where business needs can be delivered effectively via homeworking, employees may adopt a hybrid working approach.

Individual hybrid working arrangements are agreed via line management and will depend on business requirements. However, employees who have adopted hybrid working are expected to work a minimum of their contracted hours (40%) in a designated workplace, to ensure that the wider benefits of in-person attendance are retained. We do not hold a central record of the number or type of hybrid working arrangements in place across the organisation.

The different workplace attendance rules which apply across all parts of the Home Office are intended to maximise productivity so that we can offer the best possible service to our customers.

You have asked what plans we have to reduce the Home Office estate?

We are reviewing all lease breaks to see what further opportunities there may be to rationalise the estate in the light of increased hybrid working and workforce changes in London as a consequence of Places for Growth. This follows on from 17 lease disposals that took place in 20/21.

Reducing the estate further is subject to confirmation of future workforce numbers (Civil Service 2025) and regional staffing requirements balanced with the need to ensure sufficient public caller facilities and operational accommodation space.

You asked what proportion of our current Directors General have been in post for longer than a year?

40% (4/10) of our current Directors General have been in post for longer than a year, a further 30% (3/10) - whilst recently appointed to the role of Director General - have extensive Home Office experience in other roles.

You asked what failures in the assessment of employment status led to the significant level of IR35 liabilities in the Home Office

In some areas we were not rigorous in our application of IR35 legislation in relation to Contingent Labour (CL) resources, this dates back to policy inception in 2016/17.

As a result, there were cases of CL resources being treated as outside IR35 due to a myriad of factors including confusion over the change and speed of policy implementation, training and role responsibilities for hiring managers assessing IR35 status determination for the first time and implications to the CL resource and their position within the Home Office if classed as inside IR35.

Over the last 18 months significant steps have been taken internally to increase compliance and understanding across all our employees which the Government Internal Audit Agency (GIAA) recognised in a recent audit.

You asked what controls are in place to prevent similar fines following HMRC imposing a £4m penalty for the application of IR35

All CL resources are now treated as inside IR35, apart from some legitimate exceptional cases determined by the Tax Centre of Excellence.

Extensive IR35 training has been delivered to over 1,000 hiring managers, clear centralised policy has been published on our intranet site and our Professional Services team issue regular compliance updates across the Department to avoid ambiguity and ensure that all GIAA CL recommendations have been met.

Furthermore, a proactive wider review of Managed Services contracts is underway to ensure compliance and highlight any liabilities due to failures. This will conclude in August 2022 and a declaration will be made to HMRC accordingly. HMRC have recognised the effort we have made and we are in dialogue with them to share our improvements.

HM Passport Office

You asked what changes we have brought in to better anticipate future demand?

Prior to the pandemic, HM Passport Office routinely processed approximately 7 million passports each year. However, due to COVID-19 and the necessary restrictions upon international travel, only 4 million people applied for a British passport in 2020, and 5 million in 2021.

In anticipation of the return of unrestricted international travel we adjusted our published processing time and, last autumn, forecasted that 9.5 million British passport applications would be made in 2022.

Application intake continues to track closely to our forecast, at approximately 3 per cent less than the forecasted volumes for the year-to-date. We are confident that our forecasts properly take account of future demand.

You asked how many of the new passport office staff have been moved across to from elsewhere in the Home Office and how many are genuinely new recruits?

HM Passport Office routinely uses flexible resource from HMRC to support with peaks in passport demand, with over 80 full-time equivalents from HMRC supporting passport services in May.

We have established our own flexible resource team and this is expected to contribute over 60 more staff in support of passport operations.

These redeployed civil servants are not included when HM Passport Office reports on the increases to its workforce since 2021, that currently stands at 850 additional staff, with a further 350 staff to be added during the summer.

You asked many of the additional 500 staff promised by mid-June for Teleperformance have been recruited and trained?

HM Passport Office has worked constructively with Teleperformance to support the efforts to significantly improve the service offered through the Passport Adviceline. Since mid-April, Teleperformance have added over 1,000 trained staff to support the Adviceline and related services.

You asked whether HM Passport Office staff redeployed during the pandemic, given the collapse in demand for passports, and if so, how?

While the demand for passports was suppressed, HM Passport Office staff were redeployed to priority areas within the Home Office, including work to process applications to the EU Settlement Scheme.

Its staff also contributed to the Home Office's efforts to support priority work across government, notably with support given to the Department of Work & Pensions to help ensure that the most vulnerable in society could continue to access public services as quickly as possible.

Yours sincerely,



Matthew Rycroft
Permanent Secretary, Home Office